

<b><i>SUMMARY OF CURRENT DOCUMENT</i></b>	
<b>Name of Issuing Party or Person:</b>	<b>John Deere Limited and John Deere Credit Inc.</b>
<b>Date of Document:</b>	<b>6 February 2003</b>
<b>Summary of Order/Relief Sought or Statement of Purpose in Filing:</b>	<p><b>Reply Memorandum of Fact and Law of John Deere Limited and John Deere Credit Inc., to the appeal by Canadian Imperial Bank of Commerce of the Final Determination of the Trustee dated 3 December 2002</b></p> <p><b>AND</b></p> <p><b>Memorandum of Fact and Law of John Deere Limited and John Deere Credit Inc., in respect of the Interlocutory Application for an Order that the hearing of the appeal of the Final Determination by Canadian Imperial Bank of Commerce be expanded to include a hearing on the Transition Issue.</b></p>
<b>Court Sub-File Number:</b>	<b>7:28 (A) and 7:36</b>

**2002 01 T 0352**

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**

**IN THE MATTER OF**

A Court ordered Receivership  
of Hickman Equipment (1985) Limited  
("Hickman Equipment") pursuant to Rule 25  
of the *Rules of the Supreme Court, 1986*  
under the *Judicature Act*, RSNL 1990,  
c. J-4, as amended

**AND IN THE MATTER OF**

the *Bankruptcy and Insolvency Act*,  
RSC 1985, c. B-3, as amended.

**AFFIDAVIT OF GAIL Y. MURRIN**

I, **Gail Y. Murrin**, of the City of St. John's, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. That I am Registry Searcher with the law firm Stewart McKelvey Stirling Scales, and as such have personal knowledge of the matters herein deposed.

2. That I have been a Registry Searcher for 8 years.
3. That I make this Affidavit in support of a Memorandum of Fact and Law filed in the Supreme Court of Newfoundland and Labrador on behalf of John Deere Credit Inc. ("JDCI") and John Deere Limited ("JDL") (collectively "Deere") on February 7, 2003 (the "Memorandum") in reply to the appeal by Canadian Imperial Bank of Commerce ("CIBC") of the Final Determination of the Receiver dated December 3, 2002; and also filed in respect of the Interlocutory Application (Inter Partes) for an Order that the hearing of the appeal of the Final Determination by CIBC be expanded to include a hearing on the Transition Issue.
4. That to the best of my knowledge, the only way a person searching the public land registries could discover the existence of a supplemental debenture which relates back to an original debenture would be to conduct a search against the debtor or to conduct a vide search against the original debenture at the Registry of Deeds for Newfoundland and Labrador to which the searcher has been directed.

**SWORN** to at St. John's, in the  
Province of Newfoundland and Labrador  
this 7<sup>th</sup> day of February, 2003 before  
me:

Yvonne Walsh  
A Barrister (Newfoundland and Labrador)

Gail Y. Murrin  
GAIL Y. MURRIN