

SUMMARY OF CURRENT DOCUMENT	
Name of Issuing Party or Person	General Motors Acceptance Corporation of Canada, Limited ("GMAC")
Date of Document	7 February 2003
Summary of Order/Relief Sought or Statement of Purpose for Filing	Reply of GMAC to an application by Canadian Imperial Bank of Commerce appealing the Trustee's Final Determination with respect to Canadian Imperial Bank of Commerce dated December 3, 2002
Court Sub-File Number	7:28

2002 01 T0352

## 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*, R.S.N.L. 1990 c. J-4,  
 as amended

**AND IN THE MATTER OF** the *Bankruptcy and Insolvency Act*, c. B-3, as amended  
 (the "BIA")

REPLY OF GMAC

The Respondent, GMAC, states as follows:

1. That GMAC supports the Application of the Canadian Imperial Bank of Commerce ("CIBC") for the reasons stated in the within Application.

All of which is respectfully submitted, this 7<sup>th</sup> day of February, 2003.

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Thomas R. Kendall, Q.C.  
McInnes Cooper  
Solicitor for the Respondent, General  
Motors Acceptance Corporation of  
Canada Limited  
Whose address for service is:  
Suite 500, Baine Johnston Centre  
10 Fort William Place  
St. John's, NL

To: Geoffrey L. Spencer  
Benson Myles  
Suite 900, Atlantic Place  
215 Water Street  
St. John's, NL  
Solicitors for the Applicant, Canadian Imperial Bank of Commerce

To: The Registrar  
Supreme Court of Newfoundland and Labrador  
Duckworth Street  
St. John's, NL

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## AFFIDAVIT

I, Thomas R. Kendall, of the City of St. John's, in the Province of Newfoundland and Labrador, Canada, make oath and say as follows:

1. That I am a partner with the law firm McInnes Cooper, solicitor for General Motors Acceptance Corporation of Canada, Limited, and as such have a knowledge of the facts deposed to except where otherwise stated to be based on information and belief.
2. That I have read the foregoing Reply.

3. That the facts noted therein are true to the best of my knowledge, information and belief and that I make this Affidavit in support of the within Reply.

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

**THOMAS R. KENDELL, Q.C.**

(O:\tkendell\TK - 1041 - GMAC - Group Holdings\Pleadings\Reply - Commerce - Feb 7-03.wpd)