

<b>SUMMARY OF CURRENT DOCUMENT</b>	
<b>Name of Issuing Party</b>	<b>General Motors Acceptance Corporation of Canada, Limited ("GMAC")</b>
<b>Date of Document</b>	<b>7 February 2003</b>
<b>Summary of Order/Relief Sought or Statement of Purpose of Filing</b>	<b>Reply of GMAC to an Interlocutory Application of CIBC Equipment Finance Ltd. ("CEFL") for payment to CEFL of the proceeds from the sale by the Receiver of the equipment referenced in the Application</b>
<b>Court Sub-File Number</b>	<b>7:46</b>

**2002 01 T0352**

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

**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*, Chapter B-3 of the Revised Statutes of Canada, 1985, as amended (the "BIA")

**REPLY OF GMAC**

The Respondent GMAC says:

1. That GMAC has a first priority secured interest in the subject units by virtue of an agreement made between GMAC and Hickman Equipment on July 25<sup>th</sup> 2000 (the "Security Agreement (Leasing)") which agreement was perfected under the

PPSA pursuant to a financing statement registered on December 13<sup>th</sup> 1999 in the PPSA registry being number 1081.

2. That GMAC has not waived or subordinated its security interest in the subject units.

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



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Thomas R. Kendell, 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: Gregory W. Dickie  
White Ottenheimer & Baker  
6<sup>th</sup> Floor, Baine Johnston Centre  
Fort William Place  
St. John's, NL  
Solicitors for the Applicant, CIBC Equipment Finance Ltd.

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

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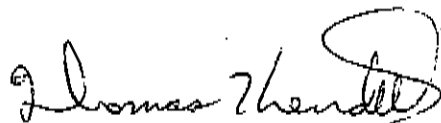
**AFFIDAVIT**

I, Thomas R. Kendell, 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.**

  
\_\_\_\_\_  
SARALSTEIN

(O:\tkendell\TK - 1041 - GMAC - Group Holdings\Pleadings\Reply - CIBC Equipment.wpd)