

SUMMARY OF CURRENT DOCUMENT	
Name of Issuing Party	General Motors Acceptance Corporation of Canada, Limited ("GMAC")
Date of Document	7 February 2003
Summary of Order/Relief Sought or Statement of Purpose of Filing	Reply of GMAC to an Interlocutory Application ( <i>Inter Partes</i> ) by Royal Bank of Canada ("RBC") for (i) a determination of its priority and entitlement, <i>vis-a-vis</i> other claimants, to the proceeds from the sale of the assets of Hickman Equipment as enumerated in the said Application, and (ii) an order that the Receiver pay the proceeds from the sale of the said assets of Hickman Equipment to RBC
Court Sub-File Number	7:43

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.

A handwritten signature in black ink, appearing to read "Thomas R. Kendell", is written over a horizontal line.

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 Smith  
Curtis, Dawe  
The Fortis Building  
139 Water Street  
St. John's, NL  
Solicitors for the Applicant, Royal Bank of Canada

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

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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")

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. KENDALL, Q.C.**

  
\_\_\_\_\_  
BARRISTER