

**2002 01T 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, R.S.NL. 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")

**Affidavit**

The Affidavit of James A. Kirby, C.A., CIRP, Senior Vice-President of PricewaterhouseCoopers Inc. of St. John's, in the Province of Newfoundland and Labrador says as follows:

1. The deponent has personal knowledge of the matters herein deposed or, where indicated, has had advice from various members of the staff, its offices, or its counsel. When relying upon the advice of others, I have determined and verily believe the advice used in compiling this affidavit is true.
  
2. In accordance with the provisions of the Claims Plan, and the mandate given to the Trustee thereunder, my offices and our counsel were presented with claims from creditors claiming security against assets of Hickman Equipment. I have issued 23 Final Determinations in accordance with the Claims Plan.

3. Among these 23 Final Determinations so issued, 19 have been allowed, either in whole or in part.
4. Attached hereto as Exhibits "A" through "N" to this my Affidavit are the Final Determinations for the following secured creditors of Hickman Equipment, allowing their claims in their entirety:
  - (a) ABN-AMRO Leasing/ABN-AMRO Bank Canada
  - (b) Bombardier Capital Leasing Limited
  - (c) Cedarapids Inc.
  - (d) Contract Funding Group Inc.
  - (e) Culease Financial Services
  - (f) Daimler Chrysler
  - (g) General Motors Acceptance Corporation of Canada (which also includes the Final Determination for GMAC Leaseco referenced below)
  - (h) Ingersoll Rand
  - (i) MTC Leasing Inc.
  - (j) National Leasing Group Inc.
  - (k) Orix Credit Alliance of Canada
  - (l) Royal Bank of Canada
  - (m) TD Asset Finance
  - (n) Tramac Equipment Limited

5. Attached hereto as Exhibit "O" through "S" to this my Affidavit are the Final Determinations for the following secured creditors of Hickman Equipment, allowing their claims in part:

- (o) CIBC
- (p) CIT Financial Ltd.
- (q) GMAC Leaseco (which also includes the Final Determination for General Motors Acceptance Corporation referenced above)
- (r) John Deere Credit Inc.
- (s) John Deere Limited

6. I have reviewed the Application for which this affidavit is sworn and the request for the Order sought and request that this Honourable Court consider and adjudicate on these matters at its earliest convenience.

SWORN TO at St. John's, in  
the Province of Newfoundland  
and Labrador, this \_\_\_\_ day  
of December, 2002, before me:

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JAMES A. KIRBY, C.A., CIRP