

SEAL
20-Jun-23

Nelson
REGISTRY



No. NEL-S-H-22450
NELSON REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

0752063 B.C. LTD.

PETITIONER

AND:

**LANDCO VENTURES INC.
DAVID MICHAEL BILINSKI
KAREN ESPERSEN
CANADIAN WESTERN TRUST COMPANY
DEREK HALL
HIS MAJESTY THE KING IN RIGHT OF CANADA**

RESPONDENTS

CONSENT ORDER NISI OF FORECLOSURE

BEFORE A MASTER OF THE COURT 20 JUNE 2023

ON THE APPLICATION of the Petitioner without a hearing and by consent of all Respondents who have filed a Response to Petition in this proceeding;

THIS COURT ORDERS that:

1. The mortgage and assignment of rents dated June 8, 2017, made between the Respondents, Landco Ventures Inc. as Mortgagor, David Michael Bilinski and Karen Esperson as Covenantors and the Petitioner as Mortgagee, and registered in the Kamloops Land Title Office on June 21, 2017 under numbers CA6082669 and CA6082670 (together the "**Mortgage**") constitutes a first mortgage charging the following lands and premises:
PID: 005-377-978
West ½ of the Southwest ¼ of Section 13 Township 69 Kootenay District Except
(1) Parcel A (DD 15913) (2) Plan 11920
(the "**Lands**") ranking in priority to the interests or claims in the Lands of the Respondents and their heirs, executors, administrators, successors and assigns and all persons claiming by, through, or under each of them.
2. There has been default under the Mortgage and the amount of money due and owing under the Mortgage and the amount of money required to redeem the Lands as at May 11, 2023 is the sum of \$244,232.90 together with interest calculated in accordance with the Mortgage at the rate of 9% per annum to accrue until the Lands are redeemed or sold, whether or not redemption or sale occurs before or after the last date set for redemption herein, together with the Petitioner's costs.
3. The last date for redemption is October 11, 2023.

4. The Respondents, Landco Ventures Inc., David Michael Bilinski and Karen Espersen, jointly and severally, pay to the Petitioner the sum of \$244,322.90, together with the Petitioner's costs of this proceeding.
5. The Petitioner is awarded its costs of and in connection with this proceeding at Scale A and such costs form a part of the amount of money due and owing to the Petitioner and the amount required to redeem, with a reservation for future costs.
6. Upon the Respondents or any of them, paying into court to the credit of this proceeding at the Nelson Court Registry, 320 Ward Street, Nelson, British Columbia or paying to the solicitor of record for the Petitioner or if no such solicitor exists then paying to the Petitioner, the amount required to redeem before pronouncement of either order absolute of foreclosure or an order confirming a sale, the Petitioner shall re-convey the Lands free and clear of all encumbrances in favour of it or any person claiming by, through, or under the Petitioner or on the request of the Respondent so paying, the Petitioner shall assign the security and this proceeding as such Respondent may direct.
7. If the Lands are not redeemed, the Petitioner may apply for an order absolute of foreclosure at any time after the last date for redemption.
8. The Petitioner may apply to this Court for a further accounting of any amounts that become due to the Petitioner for interest, taxes, arrears of taxes, insurance premiums, appraisals, inspection and maintenance fees and such other costs, charges and expenses reasonably incurred by the Petitioner to monitor, safeguard, preserve or protect the Petitioner's security in the Lands or other amounts recoverable under its security, before and after the date of pronouncement of this Order, which amounts may be proved by Affidavit.
9. All other relief claimed in the Petition to the Court herein is adjourned generally.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.



Signature of Sherryl A. Dubo
Lawyer for the Petitioner



Signature of David Michael Bilinski
In his capacity as Director of the Respondent
Landco Ventures Inc. and as a Respondent on his
own behalf



Signature of Karen Espersen
In her capacity as Director of the Respondent
Landco Ventures Inc. and as a Defendant on her own behalf

By the Court

Registrar

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File no. 3300-106

SAD/lt

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