



This is the 1st Affidavit of Marshall MacLeod
in this case and was made on January 30, 2024

NO. S-238586
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

1038573 B.C. LTD.

PLAINTIFF

AND:

THE OWNERS, STRATA PLAN NW289, JENNY DONNA DICKISON, FERNANDO MARCELINO DUTRA DE SOUSA, 1276331 B.C. LTD., CARMELIA MARIA DA SILVA, HON-CHING RUDOLPH CHENG, 1161359 B.C. LTD., RICKY HEE MENG LAI, PIA FACCIIO, 1184416 B.C. LTD., MARK WILLIAM LOUTTIT and SARAH KINUKO LOUTTIT, BARRY DOUGLAS WATSON, AS ADMINISTRATOR OF THE ESTATE OF KENNETH JOHN WATSON, LI PING DUAN, NORMAN VICTOR LEECH, ROLANDO VINAS DIZON and NARCISA DIZON, NICHOLAS GEORGE KARAMOUZOS and MARIA KARAMOUZOS, CUI MING CHEN, YANKUI WANG and XIN TIAN, MARIA DA NATIVIDADE ALMEIDA, 1237765 B.C. LTD., JU-SHAN CHIANG and FLORA FU, 1184414 B.C. LTD., AMARSINGH BHATIA and NARANJAN KAUR BHATIA, PHUNG KIM VUONG and TUONG LAM, MONICA PAOLA ALIAGA, MARCELINO LOPES DE SOUSA and OLGA MARIA DUTRA DE SOUSA, 1184413 B.C. LTD., LUALHATI ONGKEKO CRISOSTOMO, RICHARD RAYMOND RAVENSBERGEN and DAWN MARIE RAVENSBERGEN, YUK FAR CHEUNG and YIN ON CHEUNG, GARY LUCIEN DREES, THOMAS PATRICK FLEMING, 1352962 B.C. LTD., WAN CHEN and HONG YANG, SU JUAN SITU, VAN DAO NGUYEN and THI BICH HANG NGUYEN, JULIAN BOZSIK, CHRISTIAN HERBERT JOSON-LIM and IRIS JUNE CALIBUGAN ADIONG, ANGELA JOY EYKELBOSH, NGUYEN THANH VUONG and TUYET NGOC DU, OM PARKASH LOOMBA and MERRAN LOOMBA, SUZANNE JUANITA KUDELSKI, YAN QIONG LU, PING HE, EDWARD LAWRENCE THUE, RICHARD CHARLES PATRICK SPENCER and DIANE MARIE SPENCER, ARTHUR SUMMERS WILLIAMSON, GARY DALE CHARTER and CRISTINA RIMANDO GAPAL, JU TAI ZHOU and YU QING-LI, ZHI HAO YANG, DAISY CUETO EVANGELISTA and MARIA CHERRY EVANGELISTA, MEGAN MARY BURGHALL, NASIM BHALOO, HUI LIN DONG and LI WANG, MANSOUR MESHKI, HSIANG CHIAO HUANG, GORDON WILLIAM PATERSON, YVONNE JO-ANNE ENGLAND, GRACE JOANNA LEVSEN, PING CHOR CHAN, SO FAN LEE and TAK TAI LUI

DEFENDANTS

AND:

1038573 B.C. LTD.

DEFENDANT BY WAY OF COUNTERCLAIM

AFFIDAVIT

I, Marshall MacLeod, real estate agent, of 1560 Eaglecliff Road, Bowen Island, in the Province of British Columbia, SWEAR THAT:

1. I am a licensed commercial real estate agent engaged by the The Owners, Strata Plan NW289 (“**Cameray Gardens**”), as represented by the liquidator, Crowe MacKay & Company Ltd. (the “**Liquidator**”) herein. As such, I have personal knowledge of the facts hereinafter deposed to save and except where such facts are stated to be made upon information and belief and where so stated I verily believe them to be true.

2. I am the Associate Vice President of NAI Commercial, and have been working in the commercial real estate industry since 1995. By way of a listing agreement with the Liquidator, NAI Commercial was appointed as a listing broker of Cameray Gardens to negotiate a sale of Cameray Gardens, and I was appointed as a designated agent (through my personal real estate corporation).

3. In or around August 2022, Bellmont Pacific Group Ltd. (“**Bellmont**”), through its representative Kush Bhatia, made an offer to purchase Cameray Gardens. That offer was initially accepted, but ultimately collapsed. Subsequently, in or around December 2022, Mr. Bhatia presented a new offer on behalf of the plaintiff/defendant by counterclaim 1038573 B.C. Ltd. (the “**Purchaser**”). Based on my various discussions with Mr. Bhatia, I understand the Purchaser to be affiliated with or related to Bellmont. These negotiations culminated in a conditional purchase and sale agreement dated December 7, 2022 (the “**PSA**”) between the Purchaser and the Liquidator.

4. I communicated with Mr. Bhatia in the months and weeks leading up to the PSA’s completion date (December 15, 2023), including by text message. Attached hereto and marked as **Exhibit “A”** is a true copy of screenshots of my text messages with Mr. Bhatia between October 5 and December 19, 2023.

5. On November 10, 2023, I texted Mr. Bhatia to check in on the status of the closing documents, and he advised me that he would be meeting with the Purchaser's counsel the following week.

6. On November 22, 2023, I participated in a telephone call with Mr. Bhatia. In the course of our discussion, Mr. Bhatia relayed to me financing concerns in relation to the Purchaser's acquisition of Cameray Gardens. I asked Mr. Bhatia if he would like me to introduce him to a lender (Kulwant Chauhan) who may be able to assist him, and Mr. Bhatia said he would appreciate that introduction. Incidentally, Mr. Chauhan owns several strata lots at Cameray Gardens.

7. On November 29, 2023, I met Mr. Bhatia and Mr. Chauhan at a White Spot restaurant in Kerrisdale to discuss the potential financing of the Purchaser's acquisition of Cameray Gardens. Among other things, we discussed how much funding Mr. Bhatia would require to fund the purchase and what security he would be able to provide. Mr. Bhatia mentioned that he had significant equity in some development projects in Vancouver's Cambie area and in Surrey, which he could use as security to obtain financing for the Purchaser. Mr. Chauhan suggested that KingSett Capital might be interested in this opportunity, and agreed to reach out to them.

8. On December 5, 2022, Mr. Bhatia confirmed to me (via text message) that Mr. Chauhan had put him in touch with Sam Perera, a mortgage broker at Abacus North who could assist in facilitating a financing opportunity with KingSett Capital.

9. I texted Mr. Bhatia on December 7 and 8, 2023 to hear how his meeting with Mr. Perera went. Mr. Bhatia told me that the "meeting went well" and that he would be sending more information that day.

10. I participated in a call with Mr. Bhatia on December 14, 2023. In the course of our discussion, Mr. Bhatia told me that the Purchaser would require an extension to March 15, 2024 in order to complete the PSA. I informed Mr. Bhatia that Cameray Gardens was not willing to accommodate an extension until mid-March, but might be able to provide a shorter extension (such as to the end of February). Mr. Bhatia specifically advised me that KingSett

This is Exhibit "A" referred to in the affidavit of Marshall MacLeod made before me at Vancouver, B.C. on January 30, 2024.

A handwritten signature in black ink, appearing to be 'S. H.', written over a horizontal line.

A Commissioner for taking Affidavits
within British Columbia.

