

Court File No. CV-20-00640265-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

**IN THE MATTER OF THE *COURTS OF JUSTICE ACT*,
R.S.O. 1990, C. C.43, AS AMENDED**

**AND IN THE MATTER OF THE ADMINISTRATION PROCEEDINGS
OF CARRIAGE HILLS VACATION OWNERS ASSOCIATION**

Applicant

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OF CARRIAGE RIDGE OWNERS ASSOCIATION**

Applicant

AFFIDAVIT OF MICHAEL DEEGAN

I, **MICHAEL DEEGAN**, of the Province of Ontario, **MAKE OATH AND SAY AS
FOLLOWS:**

1. I was an owner of an interval at the Carriage Hills time share resort and the Carriage Ridge time share resort (the "**Resorts**"), and as such, have knowledge of the matters to which I hereinafter depose.
2. Where the information in this affidavit is based upon information and belief, I have indicated the source of my information and belief, and do verily believe it to be true.

3. To the extent that any of the information set out in this affidavit is based on my review of documents, I verily believe the information in such documents to be true.

4. This affidavit is made in response to the motion filed by the Receiver, BDO Canada Limited (the “**Receiver**”).

5. I am an administrator of a Facebook group which is made up of approximately 3,900 former owners in the Resorts.

THE COMMUNICATION ISSUES

6. These former owners have submitted hundreds of posts in the last four months, and I will provide a summary and commentary with respect to those posts. Attached hereto and marked as **Exhibit “A”** is a summary of comments from members of the Facebook group. These former owners are angry, confused and worried. Their concern is about the length of time this process is taking and the costs that will be incurred that would reduce each member’s share of the distribution

7. Many of the former owners of the Resorts are seniors or retired. Their ability to deal with posts on the internet, emails, portals or any digital communication is extremely limited. In addition, very few of them have retained lawyers, as the costs are simply disproportionate to any recovery they may receive from the sale of the Resorts.

8. Accordingly, the 600-page motion record that has been posted on the BDO website has been inaccessible to many members, either because of their limited ability to use the website or because the motion material itself is voluminous, dense, confusing or simply not able to be understood because of the legalese used therein.

9. The introduction to Prime Clerk LLP to the former owners was done through mail and correspondence. Attached and marked as **Exhibit "B"** to this affidavit are copies of letters received from BDO and Prime Clerk LLP. Many former owners were confused and remain confused about the role of Prime Clerk LLP.

DELAY IN THE CLAIMS PROCESS AND THE INCREASING COSTS

10. At the outset, BDO was tasked with the obligation of putting together a list of owners for the purposes of conducting a survey to determine whether the owners at that time wished to remain or exit. It was successful in putting together, in their view and in the view of the court, a list sufficient to report to the court that the required majority wished to exit.

11. It was stated at the January 2021 court hearing that Thornton Grout Finnegan ("TGF") was to be kept on after the Associations were dissolved in January 2021 to aid with reviewing and rectifying information in the Land Registry Office against Owner information. TGF's costs to date for 2021 are in excess of \$400,000 up to November 30, 2021. This does not include the charges from BDO or Aird & Berlis to engage with TGF for this same activity of updating Owner information. BDO and Aird & Berlis both billed in 2021 for discussions and activity related to updating Owner information. It is most concerning that this Owner Outreach process appears to be repeating the same validation exercises that BDO and TGF have claimed they were progressing with since BDO was appointed Administrator.

12. On May 15, 2020, by the Order of Madam Justice Conway, BDO was ordered to make reasonable efforts to create an updated members' contact list and was to contact any third party service providers, including, but not limited to Equiant, Wyndham Worldwide Corporation and Carriage Hills Hospitality to obtain the recent available information for the members. In

carrying out this task, BDO employed the services of its counsel, Aird & Berlis, and sought and obtained the appointment of Thornton Grout Finnigan (“TGF”) as special counsel.

13. Based upon the Sixth Report recently filed, it appears as if BDO’s data collection was significantly incomplete and they had less than 50% of the correct identifiers of owners in their possession. Apparently, this occurred after BDO searched title to the various properties.

14. In this regard, BDO retained the services of yet another professional, Prime Clerk LLP, a private corporation whose headquarters are in the USA and is a division of Kroll.

15. Prime Clerk LLP was retained by way of private engagement letter in October 2021 for the purposes of managing the Owner Outreach program. They were also retained to build a claims portal to assist in the ownership claims process.

16. It was the view of many of the former owners that the intervention of Prime Clerk LLP was not an issue ever contemplated by the former owners or mentioned at any court proceedings. Their role remains vague and their sudden appearance requiring owners to provide identification and privacy information came out of the blue.

17. The former owners are also concerned as to the manner in which their confidential information will be treated by Prime Clerk LLP and how they will be managed or supervised by the court.

18. I can advise that after reviewing the posts that have been received on the Facebook group, there are many owners who do not understand the role of Prime Clerk, why Prime Clerk was appointed, why Prime Clerk’s duties and responsibilities were not ordered by the court and why the court has not and will not directly supervise the activities of Prime Clerk.

19. Attached here and marked as **Exhibit "C"** is a series of summarized posts addressing the Prime Clerk issue and the number of professionals involved in this matter.

REFERENCE TO OWNER MORTGAGES

20. As part of the claims process, BDO has sought to establish a procedure to identify the outstanding mortgages that need to be paid by each of the owners. The investigation of the amount due, the reconciliation and the collection of the mortgage funds are apparently part of the BDO mandate or the Prime Clerk LLP mandate for which costs have already been expended and continue to be expended at the expense of the former owners

21. It is my view that these are costs that should not be borne by the former owners, but rather by the mortgagee which, in most cases, is Wyndham who is receiving the benefit of these funds.

22. Attached hereto and marked as **Exhibit "D"** to this affidavit is a copy of a letter sent by Lou Brzezinski to counsel for BDO, Leanne Williams, on December 3, 2021.

23. Attached hereto and marked as **Exhibit "E"** is a copy of the response received from Leanne Williams on December 9, 2021.


SWORN by Michael Deegan of the Province of Ontario on December 14, 2021, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.


Commissioner for Taking Affidavits
FILOMENA HARMANTAS


MICHAEL DEEGAN

**Filomena Harmantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

**THIS IS EXHIBIT "A" REFERRED
TO IN THE AFFIDAVIT OF
MICHAEL DEGAN SWORN BEFORE
ME THIS 14TH DAY OF DECEMBER, 2021.**



A Commissioner of Oaths

**Filomena Hamantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

Comments from Owners via Facebook Group:

Pauline W. : That this whole "Prime Clerk" thing is a disastrous mess, a money grab by the powers that be, an infringement on our privacy, and totally unnecessary.

Ken T.: They have all this information already and why is this taking so long. This should all be cleared up by now.

Kendall R.: No excuse for the excessive delay in distributing funds. How is a voter's list of owners, which was used to bring about the closure of the resort, not also a sufficient list to payout owners?

Susan H: This Prime Clerk is ridiculous. They have our ownership info and contact already. [But] they didn't send us a letter. It makes us feel that they are building a line of hoops and if we miss one, we'll completely lose out. It's super super stressful.

Debbie C: I agree with the comments about Prime Clerk. Firstly it hasn't even been approved by the judge to hire this firm and secondly it is just a repeat of mostly what we have already supplied to BDO from the beginning, our updated names, addresses, contact info and ownership. Prime Clerk can only send out info to owners that BDO already had info for!!

Noreen A: Even though Prime Clerk had my previous address, Carriage always knew where to send the bill for maintenance fees!

Michael D: The integrity of the contact information was set when BDO sought and obtained permission from the court (her honour) to subject us to a legally binding financial obligation (exit vote). Therefore there is a precedence that the information is reasonably substantive enough to conduct the business required to carry out and complete this process.

If that is not the case then BDO was negligent in fulfilling one of its earliest orders of the court.

It's one or the other, cannot be both.

Marina M: BDO should not have unlimited autonomy to run up the bill. (Stop adding to the bill through incompetence immediately and finalize this thing already)

Jenny M: Not sure why all my maintenance fees statements came to my new address but BDO hasn't sent anything. Assuming they are using the one list that has my address from 7 years ago.

Sheila P: Why it took BDO so long to set this December 15 court date when Justice Conway clearly advised they set the date right after the last hearing. These delays cost money and the cost of this extra delay, if due to BDO negligence, should be absorbed by them and not added to our bill. There should be some recompense.

Natasha C: Why we aren't utilizing the list of the active equiant accounts. Yearly it was known who owed fees and where they lived. They would pursue collections based on this info if you didn't pay. Surely this same info would be appropriate for our payouts.

Nick M: What troubles me in this process is that the appointed Prime Clerk was not guided by the Receiver to use the previously verified owners contact list and then exercise the Outreach process for remaining unverified owners. This would eliminate the lion share of the owners, avoid additional cost overruns and be perceived by owners as far less distrustful.

Janice M: Did the Judge not request that BDO get an up to-date owners list several court appearances in the past? Why isn't the Judge following up to ensure that this task has been completed? Equiant must have had a fairly good owners list of information for us to receive maintenance fee (invoices) !!!!

Finally from Anita H. :

Yesterday I phoned Prime Clerk. I had received their emailed letters for myself and also for my husband who passed away in 2008. Yesterday I picked up the snail mail versions.

I phoned Prime Clerk immediately and was told I have to get my lawyer to fill out the documents for both myself and for my deceased husband.

I am really upset about this because the Request for Transfer of Ownership as outlined by Wyndham was executed by my lawyer back in late 2008. When I continued to get maintenance bills in both names, I had him do it again. The two names continued on the maintenance bills.

In addition I sent three emails about this problem to BDO. Later I received a phone call from Brad Newton at BDO explaining the problem of the paper documents at the Barrie Registry office.

Later still BDO asked me to email a copy of the original death certificate with the accompanying notarized statement by my lawyer who handled the estate at the time. I did this.

Now I am told to go to my lawyer a third time. I have not yet reached out to see if he is still practicing law. Why should I have to pay again for a lawyer? Why can't I send another notarized death certificate which I still have in my possession? I am 81 and disabled. Last night I could not sleep because of the worry over this.

**THIS IS EXHIBIT "B" REFERRED
TO IN THE AFFIDAVIT OF
MICHAEL DEGAN SWORN BEFORE
ME THIS 14TH DAY OF DECEMBER, 2021.**



A Commissioner of Oaths

**Filomena Harmantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

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***** ACTION REQUIRED ON OR BEFORE DECEMBER 30, 2021 *****

Account ID: PC003648

November 18, 2021

Dear Tom Smith

RE: In the matter of the Court appointed Receivership of Carriage Ridge Owners Association ("CROA" or the "Association")

As you are aware, on January 6, 2021, BDO Canada Limited was appointed as receiver (the "Receiver") over all the assets, properties and undertakings of CROA and all the lands and premises on which CROA operated the Carriage Ridge Resort (the "Ridge Resort") pursuant to an order (the "Appointment Order") issued by the Ontario Superior Court of Justice (Commercial List) (the "Court"). A copy of the Appointment Order and other information related to these proceedings can be found at <https://www.bdo.ca/en-ca/extranets/carriage/> (the "Case Website").

As detailed in the Receiver's reports to the Court, which are posted on the Case Website, the Receiver has identified a number of issues with the Association's records, including not having complete, current and accurate ownership records which includes the contact information for all Owners. Before any distributions to Owners from the sale of the Ridge Resort or other CROA assets can be made, the Receiver must run an ownership claims process (the "Ownership Claims Process") to determine the correct parties for distribution purposes. The Receiver will be seeking Court approval of the Ownership Claims Process at the upcoming Court hearing scheduled for December 15, 2021 at 10:00am (EST). The YouTube link to allow you to view the court hearing can be found on the following landing page: <https://sites-airdberlis.vulturevx.com/143/3555/landing-pages/livestream-link.asp>

To assist with the development and administration of the Ownership Claims Process, the Receiver has retained the services of Prime Clerk LLC ("Prime Clerk"). Since the ownership records are incomplete or potentially inaccurate, the Receiver, through Prime Clerk, will be conducting an outreach to Owners (the "Owner Outreach") in an attempt to obtain the contact information for Owners prior to the commencement of the Ownership Claims Process.

On the reverse side of this letter are instructions detailing the steps you will need to take to access the Owner Outreach online portal set up by Prime Clerk. Please follow the instructions to access this portal to confirm or update your contact information and provide the contact names and details for all joint Owners for which you share your interval(s). **If you do not follow the instructions on the reverse side of this letter on or before December 30, 2021, it may delay any distribution that you may be entitled to receive.** Thank you for your assistance and participation in this essential part of the Ownership Claims Process.

Yours very truly,

BDO Canada Limited
Court appointed Receiver of
Carriage Ridge Owners Association
and not in its personal or corporate capacity

Account ID:PC003648

Instructions

Prime Clerk has set up an Owner Outreach online portal for you to confirm or update your contact information and provide the contact information for all the joint-Owners for which you share your interval(s). The Receiver will use the information received in the Owner Outreach to contact Owners in the Ownership Claims Process. The Owner Outreach is the first step in the distribution process and impactful to having an efficient Ownership Claims Process. **Accurate completion and submission of the required information is a critical first step to the ensuring that you receive any distribution that may be owing to you. To the extent you have multiple Equiant accounts, you must submit a separate Outreach form for each Equiant account you have an interest in.**

You may access Prime Clerk's portal at www.carriageoutreach.com. Include your Account ID (located at the top of this page) when completing the online contact form ("Contact Form"). (Please note, you may also receive these instructions via email. You should confirm or update your contact information on the online portal only once.)

When completing the contact form, you must provide a copy of documentation to identify yourself and your address. This documentation will be used by the Receiver to verify your contact information to ensure any communications or claim distributions are being sent to the correct party and address. Appropriate proof of identification and proof of address include the following:

- Proof of Identification, one of the following:
 - Driver's License or non-Driver, government issued photo ID
 - Passport or NEXUS card
 - Student ID
- Proof of address, one of the following:
 - Utility bill
 - Credit Card Statement
 - Lease agreement
 - Mortgage Statement

Finally, to the extent your interval has any joint-Owners, we require that you provide their full legal name(s) and contact information on the Contact Form so that the Receiver may include them in the Ownership Claims Process.

If you have any questions regarding these instructions, please reach out to Prime Clerk at (844) 205-4338 (Toll Free in Canada and the United States) (312) 345-0605 (Outside Canada and the United States), or carriageinfo@primeclerk.com

**THIS IS EXHIBIT "C" REFERRED
TO IN THE AFFIDAVIT OF
MICHAEL DEGAN SWORN BEFORE
ME THIS 14TH DAY OF DECEMBER, 2021.**



A Commissioner of Oaths

**Filomena Harmantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

Owner Feedback:

Bloodsuckers!

We're lucky if we get back \$50 from the proceeds of this sale.

the way they've been blessed to waste our money is disgusting

What bothers me is that they have spent so much and still don't have our information up to date?

Don't be surprised if we all need to pay to get releases!! This is coming!!

I would not be surprised if BDO says there is a shortfall and Money is owed by owners. We had not yet been released from anything.

It states that we will be contacted via email OR regular mail depending on the contact information available. So, for all that there was an email for that didn't bounce why the redundancy? Mailing costs incurred doing both should be absorbed by BDO.

So is BDO refunding the money they billed for compiling a "98% correct" list that is useless?

OMG it's so terrible \$600K in fees? Is there anything left for us?

Just finished a work training session on Privacy Legislation. Seems like there is an issue with an American Company's ability to freely use and disclose personal information once collected. Specifically if one provides Drivers Licence, Passport, Credit Card, Utility Bill, or any of the other proof of life documents listed by Prime, they can use it and sell it as freely as they would like.

They (Prime Clerk) knew my email and where to send their letters, so they should know where to send my money when there is a payout. ...BDO gave me a receipt when i voted in their binding survey showing my name and what i owned. So they have obviously no excuse for not knowing my identity or address.

Interestingly we got mail at our current address and just received a message from the people that bought our house 8 years ago and they had mail from this company in the USA, why they would send to out two copies to two different addresses as well as my email address. We now have 6 copies.

For 20 + years I've been getting my maintenance fee bills delivered to the right address. Prime Clerk gets involved and now my neighbors are getting my mail.

Didn't get a letter here either. No idea why they needed to go to the US

Every time I think we are finished BDO comes up with another way to drag it out. This latest with Prime is exactly that. Someone is getting paid and it isn't us.

We have also not received a Prime Clerk letter via Snail Mail, even though we've lived in our new home for more than four years. SVC, Wyndham and Equiant were all notified of our change of address and our maintenance fees were billed and paid consistently before and after our move.

I got the email a few weeks ago too. I haven't done anything yet. Waiting for the letter to arrive and the Dec 15 court session for clarification as to what exactly we need to do and the simplest way to do it. I do

not want to waste any time more than necessary or give information that I do not need to give to entities that do not need to have information. This has become so convoluted!

No letter for me yet either. Sure hope the 15th sorts things out for clarity.

No letter as yet. Waiting to hear what happens on the 15th if December

BDO: We don't have the right contact info for people! Prime Contact: We require proof of identity, and your unit/week number. Me: Calls SVC Financial (no longer equiant), provides my personal information, then is given unit/week number. Good thing there's an owners information list out there, just too bad BDO never got it.

Equiant has/had records so why isn't that list put in a cva and uploaded to an excel spreadsheet? Using technology to help make this easy! Hiring an excel expert at an hourly rate or flat fee on contract would cost a whole lot less. They had no problems sending annual maintenance fee statements through mail and email. This is a joke what they are doing on "our behalf".

I would love to see BDO breakdown sheet to see how much of our money they wasted on locating people when SVC has a list that was available to BDO

I received my unit number and interval number from SVC (it was not in any of my documents as I was purchased early on a resale) and was very grateful for the tip to call them. However, I am a long standing owner who has never moved or changed email addresses and so my information would not have changed.

Any owner that voted in the survey to determine to sell these resorts were sent by email and mail what they owned and who had the right to vote along with their address so tell me how BDO doesn't already have your identity necessary for any payout?

I am not sending out personal information to someone/thing that has appeared out of nowhere. We have already sent in the necessary information when requested earlier in this mess. I choose to wait to hear from the courts before proceeding.

My concern is owners not knowing any better and giving not just their Driver license info but also their passport info/credit card info/Mortgage info as Prime Clerk asked for as items to prove your identity and address. especially when they BDO already has all info required and even gave a receipt for it when we voted in their BINDING survey.

Got my emails from Prime Clerk. They have my email address, my name and I voted. I am not giving a third party American company all this information. Wonder how much it is costing to send the letters via postal from the States? Much more if they used a Canadian company...and why does this need to be done anyways? Thought the list was complete. Sick of all this nonsense.

There is an entire other layer of how poorly this is being managed on our dollar. Prime Clerk is NOT using current info. We worked hard, as many others have to get information updated with BDO and we received 0 mail or email - like others. That is not ok. Every step that we pay for should not go to waste so BDO can begin again. How many people wont find out about this. Will BDO pay to take out another newspaper ad ? Its just so miss handled

If anyone is concerned, just wait to see what the court says on December 15th and make your decision accordingly. You have until the 30th to submit.

At least the judge could put a cap on spending and order BDO to use the information they already have. This whole thing is a stalling tactic in order to pad their bill.

Did I read the data from BDO correctly in that we are paying \$500,000 in total for Prime Clerk to do this work? Outrageous!

What a waste of time the Prime Clerk is. Even though Shell and BDO had my CORRECT CURRENT address, the Prime Clerk has a list with my 2012 address. That's where they sent my mail. It took days to find out why I didn't have my letter. That was why. So stupid.

Hello, I am in same position as many, I am widowed and late husband still listed on deed. Prime has confirmed to just complete form for myself and will provide details on how to handle claim process at a later date. If I need to get a lawyer involved I sure would like a proximate idea of payout as it may be less than cost of lawyer and I may just decide to walk away. Can we frame a question to the judge around payout per owner? Thank you.

Thank you Lori for posting about being a widow (sorry for your loss and other going through this). Found it strange that California time share excepted the death certificate but Canada timeshare needs lawyer to remove my late husbands name. I didn't do it. There was posted that some paid lawyers but the forms still came in husbands name so there is still more stress and sleepless nights. hope it's asked and clarified Dec 15. There is a lot of us in same boat and a few elderly people that don't have computer to do these forms.

My husband passed away in 2010 and is on the deed. I sent BDO a death certificate when they wanted our updated info sometime back. If I need a lawyer I'll walk away too. But yes, it would be nice to see ahead what if any we are getting to see if it's worth the while.

Can anyone tell me where one can find the form?

Does anyone know how to send "Proof of Identification" and "Proof of address" to the prime clerk. I do not see a link for this in the form provided on "Owner outreach online portal"

What do you do if you didn't receive anything from Prime

They told me they could not send me one. BDO would have to.

I don't have a scanner so what do I do?

Still have not received the email....but I continue to get BDO emails...

Yes, agree don't send info until hearing. If the info was correct to pay the maintenance fees I'm sure the info they have is accurate. No need to confirm or verify. Lol

My question is this ..

Of their records are so crappily kept where they don't know who owns deeds... how do they know who owes what ???

Sounds like their on the honor system for one and rolling the dice for other .

I called because we dint have specific units or time frames. He said to leave it blank

Did anyone else buy their unit as a re-sale? I'm having difficulty finding my Unit and Week number for completion of the Outreach Form. The only document, other than my Deed which doesn't contain that information, is an Adherence Agreement, which does not specify a Unit or Week. There is a Contract Number, but no Interval Identification Number. Any help would be greatly appreciated.

I have exactly the same issue. I sent an email to them earlier today about it because when I called the number given, it wasn't correct - a cannabis store answered.

I have not received this email everyone is mentioning. I have received all other communication in the past.

I think there should be a formal letter from BDO explaining this. I will wait and see what happens at court hearing and for something more formal and secure before I give away information that they already have.

Did not receive either sounds like a scam

Both my wife and I received the outreach email today (we are joint owners). Our email has an account number but not the Outreach ID. Does anyone know why some would receive the ID and others who have contacted BDO do not have this ID

After completing the form it would not let us "submit" giving us an error that we needed the Outreach ID even though we selected "no" for no Outreach ID. Seems like they didn't test this form properly, because it doesn't allow a No answer or a way to get an ID.

I had done this, but kept getting an error on the page stating to the effect that I had not answered the question. I had left a message yesterday with the Prime Clerk number and received a call back last night. It turns out that this form web page does not work with Chromebook devices or safari (MacBook). I then used my Chrome browser app on my MacBook and it WORKED ! I got a confirmation email shortly after I was finally able to submit. It will not work on Chromebook devices as they are not a "PC"

A couple questions - would really appreciate help. Is the Equiant no the 8 digit no also called the contract no? I purchased a floating week in white time - so dont a unit no or week. Do I leave those boxes blank? My ex is the first name on the purchase - I've uploaded his utility bill and driver's license. Can I e sign as joint owner to submit the form once its complete or must he send me his e signature?

Are BDO and Prime billing for everytime someone asks if these new letters are legit??..I feel like this is playing into them and padding their bill even further. I would like to suggest we hold off until after the December 15 court date and see what the judge says. There is lots of time after that to do the forms if the judge orders them.

I filled the form but didn't know how to send license and address proof..sent to.BDO.. they didn't want it.. so confused.. lol. Hardly worth the trouble ..

What is making me hesitant about this process is being asked to send a copy of my driver's license over the internet. I can understand the need for proof of identification, however, I want a statement from the

prime clerk or BDO or whoever that my information is secure and that it will be destroyed once not needed. The potential for identity theft and fraud is huge if you choose to just give out that info without assurances of adequate security measures.

In layman's terms, BDO didn't get it done so Owners are going to keep paying to have someone else try - after paying Shell, CHHI, Wyndham, BDO, their lawyers and TGF. But BDO has 98% as of August. Earlier comment on this rang true -- why are they validating everyone if they have the majority? Why put all owners through this process if only a small number are in dispute?

Why is the list given by BDO to this company in such a mess for so many of us when the judge ordered it done in spring 2020 and BDO said it had already established contacts for 98% of owners. At what point does BDO *have* to stop spending our money on unnecessary processes and pay us instead of themselves

We received two emails from Prime Clerk sent to my old email address which is no longer in use, and 4 letters in the mail (two for me and two for my husband) which were sent to our old address, when we have moved more than a year ago, and had our address updated with SVC

got the same stuff in both email and today snail mail...we called cuz the address was spelled wrong and had wrong postal code...(note even sure how we managed to get it to be honest...) we called to make corrections...fella said as long as we filled out the one online we were ok...

We received no emails but 5 letters from the Prime Clerk. Two for my husband, 2 for me and one to someone with our last name that we don't know. We only own I share every other year. What a waste of paper!!!

I also have received no mail from Prime Clerk or from BDO lately even though I also received emails from BDO previously.

I think we will wait until Dec 15 before doing anything more.

Just completed the email info to Prime Clerk for both our timeshares. Very time consuming and required info from either Equiant or our deed itself to complete fully. I agree totally that this is another redundant process to reduce the payouts to the owners and prolong this already too long process. This needs to be completed now. Especially for all those that have been paid up. If they still require to go after others or find others etc. then that process needs to come out of those individuals shares, the rest of us are tired of paying for the delinquent and evasive owners.

I received 2 identical emails from 'Prime Clerk' a US firm requesting very personal information which I do not feel comfortable providing. Identity theft is alive & well in this country & many others and i don't feel i need to supply them with info which they should already have!!

We have received a letter to our old address We moved and changed our address with them 8 yrs ago!!!!

We received two emails from Prime Clerk sent to my old email address which is no longer in use, and 4 letters in the mail (two for me and two for my husband) which were sent to our old address, when we have moved more than a year ago, and had our address updated with SVC

So is this what everyone's talking about? just received them today. is it legit to do? I want to give minimal ID because I'm always suspicious.

I just wonder then if their list was soooo bad how could the survey results even be valid ? If someone wanted to pursue this contradiction I wonder if they could?

I don't understand. We have been paying our maintenance fees for since we bought the units so they must have all the information they need. Why do we need to give them what they already have. Something smells wrong about this. I just don't understand. What is going on with this. So much money is being wasted.

I finally got my letter yesterday and I noticed that the listed of acceptable document is different in the letter than what's listed in the website. For example, drivers licence is listed as acceptable for form of address verification on the website but not in the letter. Passport is mentioned as a valid way to verify ID in the website and not in the letter. Assuming the judge will ok Prime Clerk collecting this info, this discrepancy needs to be sorted out so that people submit the proper documents. Just point this out as an issue to raise during the court hearing.

Prime Clerk mailed us all the Outreach letters to our old address that we changed with Carriage Ridge, Shell Vacation Club, Equiant and BDO 3 years ago. What a bunch to incompetent people and procedures!

Mine went to old address as well.

Mine too. We changed our address 7 years ago

They also mailed the letters of two different strangers to our address for whatever reason, so that's not even explained by using old lists.

The judge should be shown this on the 15th. I filled out the form did not send my drivers license though. Nope. BDO has my info and that is good enough. I gave them all other information and they can verify with BDO cross reference name and address. I hope the judge slams them on the 15th for expenses

Could the 3rd party be BDO or whomever writes the cheques? I'm so confused as to why we need to fill out information that was used to send us the request to fill out information....."I've sent you a letter in the mail so you can verify you are you and I can send you another letter (cheque) in the mail."

It is worse because it really is: Nov 2019 Equiant mailed Owners a bill, which they paid, and then BDO was asked to update the Owners list with that same data, and then Owners were asked to complete a binding survey with that same data, and then Owners got another set of emails and letters from BDO keeping us updated on everything we already knew .. and now Owners are getting letters to confirm that we got the letters and BDO can ONE DAY send a cheque .. but we might have to come into an office to prove we are who we say we are.

With such a large team, and this group with literally thousands of clients, how do they think that doing an amateur job is in anyway going to play out well for them? Starting from scratch is such an insult to us and makes them look so incompetent. Thousands of clients are watching.

**THIS IS EXHIBIT "D" REFERRED
TO IN THE AFFIDAVIT OF
MICHAEL DEGAN SWORN BEFORE
ME THIS 14TH DAY OF DECEMBER, 2021.**



A Commissioner of Oaths

**Filomena Harmantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

Lou Brzezinski
D: 416-593-2952 F: 416-594-5084
lbrzezinski@blaney.com

December 3, 2021

BY EMAIL

Leanne M. Williams
Thornton Grout Finnigan LLP
100 Wellington St. West, Suite 3200
TD West Tower, TD Centre
Toronto, ON M5K 1K7

**RE: In the Matter of The Administration Proceedings of
Carriage Ridge Owners Association
Court File No. CV-20-00640265CL and Court File No. CV-20-00640266CL**

By this letter, I am providing the comments of my clients with respect to the claims process order which you have circulated in draft. As the comments are entirely those of my clients, if you wish to discuss any of the comments I would ask that you permit me to have one or more of my clients present on the call or video conference.

New Owners Claims Process

- This was not approved by Justice Conway. Collecting Owner information was a requirement from the court in May 2020. BDO was asked to collect this information from all sources (Wyndham, Equiant, Boards). BDO was informed that Equiant was the best source as it would reflect those who were up to date with payments with their last known mailing address
- Validation of owner information was done in order for the survey to be released to us and was deemed binding. Was that decision by Justice Conway incorrect? How can that be binding then but this entire process needs to start over?
- Owners have paid repeatedly to two law firms and BDO for this work to be done.
- By BDO's own admission they had 98% of this sorted in August. Who are the 2%? Are they all delinquent? Costs related to getting to 100% are fruitless - these efforts appear to be to reach those who do not want to be found.
- Engagement of Prime Clerk was unnecessary, costly and has added more frustration to Owners. EBallots did this for \$8,000 - what will this mess cost us?
- Prime Clerk is collecting private information without respecting that they do not need it. Owners do not want to disclose information to this third party.

- BDO has valid information for owners paid up to the point of survey and has had regular communication with a majority of Owners since.
- This has generated a large increase in contacts to both BDO and Prime Clerk when this data was already available.
- BDO should bear these costs given Owners have been paying sums to keep TGF engaged on this for only this purpose of cleaning up records.

Delinquent account status

- There has been no useful update on the delinquent accounts since BDO became receiver. The data provided for the January 2021 court date did not indicate what amounts had been resolved since June 2020 when the survey / initial request for remedy was sent.
- We do not know what has been collected, what it cost us for BDO's billables, or what we spent with the "Claims Officer", nor if these delinquent accounts were addressed / negotiated / settled. While BDO put together a proposal regarding treatment of accounts to try to collect more funds, reporting is limited to some accounting on a spreadsheet, not a clear indication of the cost benefit analysis that was requested by Her Honour back in January 2021.
- We have no visibility to what has been spent or what has been collected.
- When does this costly work stop?

Q1 2021 Claims process

- Over 250 claims were filed in this process but there has been no report of what was cleared, what is proceeding to court etc. For example, we know that monies were spent between BDO, their lawyers to litigate the \$6K Bell Canada bill.
- There should be transparency with the party making the claim, the nature of the claim, the status of the claim and the value of the claim.
- Many Owners still think Wyndham is asking for monies to offset their take-back of intervals that had mortgages on them. This is a cost Wyndham must bear, not Owners. Please confirm that Wyndham is alone in bearing these costs.
- Owners who handed in their intervals to Wyndham with mortgage still due. Those mortgages are for Wyndham to deal with, not Owners. This should not be approved in the claims. BDO should not be agreeing to large claims without disclosing that to Owners.
- Owner is aware of at least 2 Owners who handed in their intervals with mortgage still due after Wyndham took over but before the sales office was closed. Owners should not be assuming that debt.
- BDO must provide financial updates on this process.

Financials

- Financial statements are not in full and far from the transparency we were promised. Balance sheets don't exist in any useful detail.

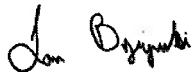
- What was the balance of funds provided to BDO when they took over as Receiver? (Cash on hand, investments etc.) - They create spreadsheets that are near impossible to interpret.
- What have they been paid through this court process? - No claim from BDO for their 'work' since the last court date but the billables and number of people assigned to the case get higher each court date.
- The statement in the recent FAQ that they cannot release 2020 because of claims shows they are not following IFRS (or even GAAP).
- How long is this going on? Do we have a 2022 budget?

It appears BDO has no firm plans to release Owners from this process anytime in Q1 2022 as they had predicted back in August 2021. The fact that they continue to grow the team of persons billing to this task, while delivering less and less towards the resolution is very concerning.

The fact that there is no claim for expenses from TGF, BDO or their lawyers is extremely concerning to my clients.

Yours very truly,

Blaney McMurtry LLP



LB/jb

cc. Sanjeev Mitra smitra@airdberlis.com

cc. Sam Babe sbabe@airdberlis.com

cc. Matthew Marchand mmarchand@bdo.ca

cc. cdiana@rogers.com

**THIS IS EXHIBIT “E” REFERRED
TO IN THE AFFIDAVIT OF
MICHAEL DEGAN SWORN BEFORE
ME THIS 14TH DAY OF DECEMBER, 2021.**



A Commissioner of Oaths

**Filomena Hamantas,
a Commissioner, etc., Province of Ontario,
while a Student-at-Law,
Expires October 19, 2024.**

From: Leanne Williams <LWilliams@tgf.ca>
Sent: Thursday, December 9, 2021 3:38 PM
To: Janis Balvers <jbalvers@blaney.com>
Cc: cdiana@rogers.com; Catuogno, David S. <David.Catuogno@klgates.com>; Sanjeev Mitra <smitra@airdberlis.com>; Sam Babe <sbabe@airdberlis.com>; Marchand, Matthew <mmarchand@bdo.ca>; Lou Brzezinski <lbrzezinski@blaney.com>
Subject: RE: Carriage Hills [IMAN-CLIENT.FID91466]

Lou,

Further to your letter and our email below, please advise if you would like to discuss the form of order in light of the comments in your letter. We believe that our materials address the points raised which include:

1. As set out in the Report, the Receiver still does not have correct information for half of the Owners. It is unfortunate that Owners have not provided their up-to-date information despite the Receiver's continued efforts to collect same.
2. The reconciliation process that was conducted allowed the Receiver to reconcile 98% of the information it had from Equiant with the review of title. That reconciliation process uncovered thousands of Owners that were not known from the Equiant list. Unfortunately, for the most part, it did not provide valid contact information for these Owners.
3. TGF and A&B have continued to be careful in not duplicating work. TGF took the lead on the claims process and A&B has taken the lead on the delinquent recovery process. We will continue to work effectively and efficiently in this process.
4. As you are aware, as a Court-appointed officer, the Receiver is required to make every reasonable effort to ensure that the parties entitled to a distribution receive a distribution. The Receiver cannot favour the Owners in Equiant over the Owners registered on title. Each of the Owners registered on title are legally entitled to share in any proceeds of sale of that interval. To favour only the Owners noted in Equiant would lead to their unjust enrichment over the interests of the other Owners.
5. The Receiver has detailed the delinquent collection process and its success in the Report.
6. The third party claims process is also detailed in the Report.
7. As experienced counsel, you know that a Receiver cannot pay out from the proceeds of the sale of real property without first satisfying the mortgages registered against those interests. We determined that the most efficient way for Owners to dispute any mortgage is through the claims process.
8. The status of the financials is set out in the Report.

Please let us know if you would like to discuss any of these or other points prior to the hearing.

Leanne



Thornton Grout Finnigan LLP
RESTRUCTURING + LITIGATION

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**IN THE MATTER OF THE COURTS OF JUSTICE ACT, and AND IN THE MATTER OF THE ADMINISTRATION PROCEEDINGS
R.S.O. 1990, C. C.43, AS AMENDED OF CARRIAGE HILLS VACATION OWNERS ASSOCIATION**

Applicant

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

AFFIDAVIT OF MICHAEL DEEGAN

BLANEY McMURTRY LLP
Barristers and Solicitors
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Lawyers for Lori Smith and Karen Levins