COURT FILE NUMBER	2401-05179
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
	IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ALPHABOW ENERGY LTD.
APPLICANT	KIKINO METIS SETTLEMENT
DOCUMENT	**APPLICATION** **(Lift Stay of Proceedings)**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	MLT Aikins LLP 2200, 10235 – 101 Street Edmonton, AB T5J 3G1 Phone: 780.969.3500 Fax: 780.969.3549 Attention: Dana Nowak / Carly Toronchuk Email: dnowak@mltaikins.com / ctoronchuk@mltaikins.com File: 57623.14

JUDICIAL CENTRE OF CALGARY
FILED DIGITALLY
2401 05179
Nov 3, 2025
2:44 PM
CLERK OF THE COURT

NOTICE TO THE RESPONDENTS (Service List, attached hereto as Schedule "A"):

This application is made against you. You are the respondents.

You have the right to state your side of this matter before the judge.

To do so, you must be in court when the application is heard as shown below:

Date:	November 14, 2025
Time:	10:00 a.m.
Where:	Edmonton Law Courts
Before Whom:	Virtually, before the Honourable Justice M. H. Bourque (Booked on the Commercial List)

Go to the end of this document to see what you can do and when you must do it.

Remedy Claimed or Sought:

1. The Applicant, Kikino Metis Settlement ("**Kikino**"), seeks from this Honourable Court an Order substantially in the form attached hereto as **Schedule "B"**, for the following relief:

    a. abridging the time and deeming service of this notice of Application and materials in support thereof good, valid, timely and sufficient;

    b. lifting the stay of proceedings in this Action ("**CCAA Proceedings**") for the purpose of authorizing and permitting Kikino to advance and litigate the MSAT Proceedings, as defined below;

    c. deeming that any debt claim due and owing to the Crown in the Right of Alberta by operation of s. 121 of the *Metis Settlements Act*, RSA 2000, c M-14 ("**MSA**") is a subrogation of Kikino's claim for the Lease Arrears, as defined below, within the CCAA Proceedings; and

    d. granting such further and other relief as the circumstances may require and as this Honourable Court deems just and appropriate.

Grounds for Making this Application:

Background on MSAT and CCAA Proceedings

2. On December 11, 2020, pursuant to s. 121 of the MSA, Kikino commenced proceedings before the Metis Settlement Appeal Tribunal ("**MSAT**") for the purpose of obtaining a compensation award for the Lease Arrears, as defined below ("**MSAT Proceedings**").

3. Within the MSAT Proceedings, Kikino alleges that AlphaBow Energy Ltd. ("**AlphaBow**") owes Kikino an amount totaling $1,514,325.48 in respect of unpaid surface lease obligations ("**Lease Arrears**") regarding 112 surface leases located on Kikino's lands ("**Surface Leases**") for the period starting on April 1, 2017 and ending on March 31, 2024.

4. On April 26, 2024, this Court in this Action granted an initial order ("**Initial Order**") and an amended and restated order in favour of AlphaBow.

5. A corresponding stay of proceedings is in place regarding AlphaBow as a result of the CCAA Proceedings ("**Stay**").

6. On July 5, 2024, at a hearing before the MSAT in the MSAT Proceedings, the MSAT determined that as a result of the CCAA Proceedings and the Stay, the MSAT Proceedings could not continue without leave of this Court.

7. As a result, the MSAT has been holding the MSAT Proceedings in abeyance subject to the outcome of this Application.

8. AlphaBow failed to pay the Lease Arrears which were due and owing prior to the granting of the Initial Order.

9. Pursuant to the Order (Claims Process) granted by this Court on September 20, 2024, Kikino has proven its claim regarding the Lease Arrears within the CCAA Proceedings ("**Proven Claim**").

10. On January 2, 2025, the Court granted a reverse vesting order in the CCAA Proceedings ("**RVO**") which approved a subscription agreement ("**Subscription Agreement**") in favour of 2628071 AB Ltd. ("**071 AB Ltd.**") whereby the following (among other things) will occur regarding AlphaBow:

    a. the transfer of the rights and obligations of the Surface Leases out of AlphaBow into the Creditor Trust, as defined in the RVO, pursuant to the Surface Leases falling within the definition of a Transferred Contract under the Subscription Agreement;

    b. AlphaBow will reorganize its articles of incorporation for the purpose of 071 AB Ltd acquiring the share capital of AlphaBow; and

    c. 071 AB Ltd. will acquire the share capital in AlphaBow free and clear of the rights and obligations set out in the Surface Leases.

11. The result of the foregoing is that Kikino's Proven Claim will vest out of AlphaBow into the Creditor Trust.

12. To the best of Kikino's knowledge, the Subscription Agreement has not closed and is subject to certain outstanding conditions precedent.

Statutory Relief pursuant to the MSA

13. Section 121 of the MSA prescribes a statutory recovery mechanism for compensation for the Lease Arrears from the Government of Alberta ("**GOA**") in the event that AlphaBow fails to pay the Lease Arrears ("**MSAT Payment**") owing under the Surface Leases within 30 days of the date that the Lease Arrears are due ("**MSAT Relief**").

14. Specifically, the MSAT Relief: (i) authorizes the MSAT to direct the GOA to pay a mineral lease holder for unpaid surface lease arrears and (ii) such payment constitutes a debt owing to the GOA by the operator ("**GOA Claim**").

15. In the event that Kikino is successful in seeking the MSAT Relief and the GOA pays the Lease Arrears, it is Kikino's position that the GOA Claim is a subrogation of Kikino's Provable Claim.

16. In the event this Court agrees with Kikino's position that the GOA Claim is a subrogation of Kikino's Proven Claim, then Kikino submits there is no material prejudice to the stakeholders of AlphaBow in lifting the stay to permit Kikino to avail itself of the MSAT Relief. The effect is simply that the GOA is subrogated into the current position of Kikino and its Proven Claim within the CCAA Proceedings.

17. If this Court disagrees with Kikino's position on the subrogated claim issue above, then in consideration of the applicable factors to lift the Stay, Kikino submits that this Court ought to find that it is appropriate and in the interest of justice to lift the Stay in any event, given the following:

    a. the Stay materially prejudices Kikino because it prevents Kikino from availing itself of its statutorily prescribed recovery rights under the MSA;

    b. the MSA: (i) codifies Kikino's recovery rights of the Lease Arrears as against the GOA and (ii) shifts the burden of recovery of the Lease Arrears to the GOA while simultaneously facilitating the GOA's ability to do so.

18. Given the purpose of the MSA as pertains to the Lease Arrears, it is reasonable to lift the Stay so that the MSAT Proceedings can proceed.

19. Kikino submits that given the foregoing, it is in the interest of justice and equitable to lift the Stay in order for Kikino to enforce its rights under the MSA and advance the MSAT Proceeding.

Material or evidence to be relied on:

20. This notice of Application, filed;

21. The Affidavit of Ameena Quazi sworn on November 3, 2025, to be filed;

22. Seventh Affidavit of Ben Li (President and CEO of AlphaBow) dated December 9, 2024 and filed within this Action;

23. The Affidavit of Service, to be filed;

24. Bench Brief of Kikino, to be filed; and

25. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

26. Alberta *Rules of Court*, AR 124/2010, Part 6, Division 1; and

27. Such further and other Rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and Regulations:

28. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended, and specifically s. 11;

29. *Metis Settlements Act*, RSA 2000, c M-14, and specifically s. 121; and

30. Such further and other legislation as counsel may advise and this Honourable Court may permit.

How the application is proposed to be heard or considered:

31. Virtually, before the Honourable Justice M. H. Bourque in Chambers (booked on the Commercial List).

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

SCHEDULE "A"

Service List

COURT FILE NUMBER	2401-05179
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PROCEEDING	IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT,* R.S.C. 1985, c. C-36, as amended AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ALPHABOW ENERGY LTD.

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FACSIMILE LIST

Workers' Compensation Board/Collection Unit 9912 107 Street Edmonton, AB T5K 1G5 Fax: 1-780-427-5863	**Crown in the Right of Alberta** **Alberta Justice Legal Services Division** 1710-639 5 Avenue SW Calgary, Alberta T2P 0M9 Fax: 403-662-3824 **Attention: Director of Civil Litigation**

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SCHEDULE "B"

Proposed Form of Order

COURT FILE NUMBER	2401-05179
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
	IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ALPHABOW ENERGY LTD.
APPLICANT	KIKINO METIS SETTLEMENT
DOCUMENT	**ORDER (LIFT STAY OF PROCEEDINGS)**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	MLT Aikins LLP 2200, 10235 – 101 Street Edmonton, AB T5J 3G1 Phone: 780.969.3500 Fax: 780.969.3549 Attention: Dana Nowak / Carly Toronchuk Email: dnowak@mltaikins.com / ctoronchuk@mltaikins.com File: 57623.14

DATE ON WHICH ORDER WAS PRONOUNCED:	**NOVEMBER 14, 2025**
LOCATION WHERE ORDER WAS PRONOUNCED:	**CALGARY, ALBERTA**
NAME OF JUSTICE WHO MADE THIS ORDER:	**M. H. BOURQUE**

UPON the Application by the Applicant, Kikino Metis Settlement ("**Kikino**") for an Order declaring that the stay of proceedings ("**Stay**") in the *Companies' Creditors Arrangement Act*, R.S.C., 1985, c. C-36 proceedings ("**CCAA Proceedings**") of AlphaBow Energy Ltd. ("**AlphaBow**") is no longer operational in respect of Kikino's proceedings for unpaid surface lease arrears ("**Lease Arrears**") by AlphaBow before the Metis Settlement Appeal Tribunal ("**MSAT Proceedings**"); **AND UPON** having read the Affidavit of Ameena Quazi sworn November 3,

2025, and the Affidavit of Service of Ameena Quazi sworn on November 3, 2025; **AND UPON** hearing from counsel for Kikino and all other interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of notice of the Application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of the Application, and time for service of the Application is abridged to that actually given.

2. The Stay is hereby lifted in respect of Kikino for the purpose of permitting Kikino to advance the MSAT Proceedings.

3. Any debt claim due and owing to the Crown in the Right of Alberta by operation of section 121 of the *Metis Settlements Act*, RSA 2000, c M-14 is hereby deemed to be a subrogation of Kikino's claim for the Lease Arrears within the CCAA Proceedings.

_____

JUSTICE OF THE COURT OF KING'S BENCH