

FORCE FILED

No. S245121
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF ELEVATION GOLD MINING CORPORATION, ECLIPSE GOLD MINING CORPORATION and GOLDEN VERTEX (IDAHO) CORP.

PETITIONERS

NOTICE OF APPLICATION

Name of Applicants: KSV Restructuring Inc. ("**KSV**" or the "**Monitor**") on behalf of Elevation Gold Mining Corporation, Eclipse Gold Mining Corporation and Golden Vertex (Idaho) Corp. (collectively, the "**Petitioners**").

To: Those parties set out in **Schedule "A"** attached hereto.

TAKE NOTICE that an application will be made by the Monitor to the Honourable Justice Walker at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Monday, June 23, 2025 at 10:00 a.m. for the orders set out in Part 1 below.

The Monitor estimates that the application will take 10 minutes.

This matter is not within the jurisdiction of an Associate Judge. The Honourable Madam Justice Fitzpatrick is seized of this matter but has granted leave for this application to be heard by the Honourable Justice Walker. This hearing has been set by Supreme Court Scheduling.

Part 1: ORDERS SOUGHT

1. The Monitor seeks an order, substantially in the form of draft order attached hereto as **Schedule "B"**, among other things:

   (a) abridging the time for service of this Notice of Application such that it is properly returnable on June 23, 2025; and

   (b) extending the Stay Period, as defined in the Amended and Restated Initial Order made herein on August 12, 2024 (the "**ARIO**"), from June 27, 2025 to December 15, 2025.

Part 2: FACTUAL BASIS

2. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Sixth Report of the Monitor dated June 19, 2025 (the "**Sixth Report**").

BACKGROUND

3. Pursuant to the Initial Order issued by the Supreme Court of British Columbia (the "**BC Court**") on August 1, 2024, Elevation Gold Mining Corporation ("**Elevation**") and its subsidiaries, Golden Vertex Corp. ("**GVC**"), GVC (Idaho) Corp. ("**GVC Idaho**"), Eclipse Gold Mining Corporation ("**Eclipse**"), Alcmene Mining Inc. ("**Alcmene**"), and Hercules Gold USA, LLC ("**Hercules**", and together with each of the above entities, the "**Original Petitioners**") were granted protection under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), and KSV was appointed as Monitor and as the foreign representative for the purpose of commencing proceedings in the United States (the "**US Proceeding**") ancillary to the CCAA proceeding (the "**Canadian Proceeding**") in the United States Bankruptcy Court for the District of Arizona (the "**US Court**") pursuant to chapter 15 of title 11 of the *United States Code*, 11 U.S.C.§§ 101-1532.

4. On August 12, 2024, the BC Court granted the ARIO amending and restating the Initial Order.

5. On September 16, 2024, the US Court entered an order, among other things, recognizing Canada as the Original Petitioners' centre of main interest (COMI), recognizing the

Canadian Proceeding as a foreign main proceeding under Chapter 15 of the US Bankruptcy Code, affirming the Monitor as the duly appointed foreign representative of the Canadian Proceeding and giving full force and effect to the Initial Order and the ARIO in the United States.

6. On September 26, 2024, the BC Court granted an order, among other things, removing Alcmene and Hercules as petitioners in the Canadian Proceeding due to a sale of Hercules' business and assets completed earlier in the proceeding.

7. On December 17, 2024, the BC Court granted, among others, the following orders:

   (a) an order (the "**Sale Approval Order**"), among other things, approving a transaction (the "**Transaction**") in respect of the sale of the shares of GVC owned by Elevation;

   (b) an order (the "**Enhanced Powers Order**") empowering the Monitor to exercise any powers which may properly be exercised by the Petitioners' board of directors; and

   (c) an order permitting the Monitor to distribute the net proceeds of the Transaction (the "**Sale Proceeds**") after a 30-day hold period, subject to the Monitor's receipt of written notices from creditors submitting a claim ranking in priority to Maverix Metals Inc. the Petitioners' senior secured lender.

8. On December 30, 2024, the US Court entered an order enforcing the Sale Approval Order in the United States.

9. The Transaction includes a purchase price adjustment if: (i) an order was made by the US Court, on or before June 30, 2025, deciding in favour of the Petitioners in respect of the Determination Motions (each as defined herein); or (ii) an agreement, in form and substance satisfactory to the purchaser, was reached with each of Nomad Royalty Company Limited ("**Nomad**") and Patriot Gold Corporation ("**Patriot**").

10. In or around March 2025, it became apparent to the Monitor and the purchaser that the US Court would be unlikely to hear the Determination Motions and render its decision before

June 30, 2025 and, accordingly, the parties executed an amending agreement to agreement of purchase and sale dated March 17, 2025, among other things, extending the outside date from June 30, 2025 to December 31, 2025, with the expectation that the US Court will have rendered its decision before that date.

11. Pursuant to the Sale Approval Order, upon delivery of the Monitor's Certificate to the Purchaser, which took place on December 31, 2024, GVC was removed as a petitioner in the Canadian Proceeding, such that the only remaining petitioners in the Canadian Proceeding are Elevation, GVC Idaho and Eclipse.

12. On January 31, 2025, the BC Court granted an order extending the Stay Period to June 27, 2025.

13. On March 5, 2025, the BC Court granted an order confirming that the Greenwood Claimants (as defined therein) have no interest in the Sale Proceeds.

THE US PROCEEDING

14. On October 14, 2024, the Petitioners filed the following in the US Proceeding:

    (a) motions seeking a determination (collectively, the "**Determination Motions**") as to whether the respective agreements of Nomad and Patriot create interests in real property owned by GVC that cannot be vested off title; and

    (b) a motion to expedite the hearing of the Determination Motions so that they could be determined before the application for approval of the Transaction was heard by the BC Court.

15. A detailed summary of the ongoing litigation in the US Court is provided for in the Fifth Report of the Monitor dated January 27, 2025.

16. The parties are currently conducting written discovery and plan to take depositions in the next month with a resolution of the matter planned by motion or trial within the calendar year.

EXTENSION OF THE STAY

17. The current Stay Period expires on June 27, 2025, a date that was selected by the Monitor as it was anticipated the Determination Motions would be decided by the US Court before that time.

18. The US Court has yet to hear or decide the Determination Motions and, accordingly, the Monitor seeks to extend up to and including December 15, 2025, in anticipation that within that time the Determination Motions will have been decided by the US Court.

Part 3 LEGAL BASIS

19. The Petitioners plead and rely on:

    (a) The CCAA;

    (b) The *Supreme Court Civil Rules*, B.C. Reg. 168/2009 (the "**Rules**");

    (a) The inherent and equitable jurisdiction of this Honourable Court; and

    (b) Such further and other legal basis as counsel may advise and this Honourable Court may allow.

EXTENSION OF THE STAY

20. The Monitor seeks to extend the Stay Period until 11:59 p.m. on December 15, 2025.

21. The Monitor relies on sections 11 and 11.02 of the CCAA and the inherent jurisdiction and statutory discretion of this Honourable Court.

22. Subsection 11.02(2) of the CCAA provides that a debtor company may apply for an extension of the stay of proceedings for a period that the court considers necessary on any terms that it may impose. Subsection 11.02(3) of the CCAA provides that the court shall not make an order extending the stay period unless it is satisfied that: (a) the circumstances exist that make the order appropriate; and (b) the debtor company has acted and is acting in good faith and with due diligence.

23. The Monitor recommends that this Court grant the extension being sought, including for the following reasons:

(a) the proposed extension will allow the Monitor to advance the Determination Motions and have them finally decided by the US Court;

(b) the Monitor does not believe that any stakeholder will be materially prejudiced if the stay is extended;

(c) as of the date of the Sixth Report, the Monitor is not aware of any party opposed to the extension being sought; and

(d) the Cash Flow Forecast reflects that the Petitioners are projected to have sufficient liquidity to fund the Canadian Proceeding and the US Proceeding during the proposed extension period.

24. Under the Enhanced Powers Order, the Monitor has similar powers and duties as that of a "super-monitor" in these proceedings and the Monitor believes that it has been and is currently discharging its duties and obligations in good faith and with due diligence to the benefit of all stakeholders. Accordingly, the Monitor submits that the proposed stay extension is warranted at this time.

Part 4: MATERIAL TO BE RELIED ON

1. Fifth Report of the Monitor dated January 27, 2025;
2. Sixth Report of the Monitor dated June 19, 2025; and
3. Such further and other materials as counsel may advise and this Honourable Court may allow.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application.

(a) file an Application Response in Form 33,

(b) file the original of every affidavit, and every other document, that

(i) you intend to refer to at the hearing of this application, and

(ii) has not already been filed in the proceeding, and

(c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

(i) a copy of the filed Application Response;

(ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

(iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated: 19-Jun-2025

Signature of Kibben Jackson
Lawyer for the Applicant

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this Notice of Application

☐ with the following variations and additional terms:

.....

.....

.....

Date:

.....

Signature of ☐ Judge ☐ Associate Judge

The Solicitors for the Applicant are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 550 Burrard Street, Suite 2900, Vancouver, BC V6C 0A3 Telephone: +1 604 631 3131 Facsimile: +1 604 631 3232 (Reference: Kibben Jackson/ 267908.00021)

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☒ none of the above

SCHEDULE "A"

SERVICE LIST

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IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

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(as of June 2, 2025)

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SCHEDULE "B"

DRAFT ORDER

No. S245121
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF ELEVATION GOLD MINING CORPORATION, ECLIPSE GOLD MINING CORPORATION, and GOLDEN VERTEX (IDAHO) CORP.

PETITIONERS

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE	)	
	)	June 23, 2025
JUSTICE WALKER	)	

ON THE APPLICATION of KSV Restructuring Inc. ("**KSV**"), in its capacity as monitor (in such capacity, the "**Monitor**") of the Petitioners, coming on for hearing at Vancouver, British Columbia on this day; AND ON HEARING Mishaal Gill, counsel for the Monitor, and those other counsel listed on Schedule "A" hereto; AND UPON READING the material filed, including the Sixth Report of the Monitor dated June 19, 2025; AND pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36, as amended (the "**CCAA**"), the British Columbia *Supreme Court Civil Rules*, and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

1. The time for service of the Notice of Application (the "**Application**") for this order and the supporting materials is hereby abridged and the Application is properly returnable today, and service upon any interested party other than those parties on the service list maintained in these proceedings is hereby dispensed with.

2. Capitalized terms used but not otherwise defined in this order shall have the meanings given to them in the Amended and Restated Initial Order granted in these proceedings on August 12, 2024 (the "**ARIO**").

3. The Stay Period granted in paragraph 16 of the ARIO is hereby extended up to and including December 15, 2025.

4. Endorsement of this Order by counsel appearing on this application other than counsel for the Petitioners is hereby dispensed with.

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.

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Signature of Mishaal Gill
Lawyer for the Monitor

BY THE COURT

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REGISTRAR

Schedule "A"

List of Counsel

Name of Counsel	Party Representing