



This is the 1st affidavit
of Cristina Misceo in this case
and was made on August 26, 2026

No. S-260086
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MCAP FINANCIAL CORPORATION

PETITIONER

AND:

MASKEEN 177 PROJECTS LTD., 0676086 B.C. LTD., MASKEEN DEVELOPMENT LTD.,
MASKEEN HOMES LTD., 1302095 B.C. LTD., 0943151 B.C. LTD., 0816984 B.C. LTD.,
PRO RIDGE HOMES LTD., PRORIDGE VENTURES INC., JAGDIP SINGH SIVIA,
AMARJIT KAUR SIVIA, JATINDERPAL SINGH GILL, HARBANS KAUR GILL, PRABHDEV
SINGH KHERA, FIRST WEST CREDIT UNION, TOKIO MARINE CANADA LTD., VANCOUVER
CITY SAVINGS CREDIT UNION, BMW CANADA INC., FRONT STREET LEASING LP O/A
DILAWRI LEASING, OPENROAD LEASING, TD AUTO FINANCE (CANADA) INC., COUNTRY
GREEN EXCAVATING LIMITED, 1299615 B.C. LTD., NEXGEN ENVIRONMENTAL SERVICES
LTD., INTEGRITY SHORING & CIVIL LTD. WITH ASSUMED NAME: ISC SHORING & CIVIL
LTD., MADNESS FORMING & CONSTRUCTION SERVICES INC., and
PDQ CONSTRUCTION LTD.

RESPONDENTS

AFFIDAVIT

I, Cristina Misceo, of 1055 Dunsmuir Street, Suite 3000, Vancouver, British Columbia, Legal Assistant, AFFIRM THAT:

1. I am a legal assistant with the law firm of Osler, Hoskin & Harcourt LLP ("**Osler**"), counsel to the court-appointed receiver in this case, AlixPartners Restructuring, Inc. (formerly KSV Restructuring Inc.) (the "**Receiver**"), and as such have personal knowledge of the matters to which I now depose except where stated to be based on information and belief and where so stated I state the source of my information and believe them to be true.
2. Attached to this affidavit as **Exhibit "A"** is an email from Emma Newbery, counsel for the Receiver, to Dan Moseley, counsel for Maskeen 177 Projects Ltd., 0676086 B.C. Ltd., Maskeen Development Ltd., Maskeen Homes Ltd., 1302095 B.C. Ltd. and 0943151 B.C. Ltd. (the "**Debtors**"), dated June 19, 2026.

3. Attached to this affidavit as **Exhibit "B"** is an email chain between Ms. Newbery and Mr. Moseley dated July 14-15, 2026.
4. Attached to this affidavit as **Exhibit "C"** is an email from Ms. Newbery to Mr. Moseley dated July 23, 2026.
5. Attached to this affidavit as **Exhibit "D"** is an email from Eric Vandergriendt, counsel for the Debtors, to Ms. Newbery dated August 13, 2026.
6. Attached to this affidavit as **Exhibit "E"** is an email from Mr. Moseley to Ms. Newbery dated August 21, 2026.
7. Attached to this affidavit as **Exhibit "F"** is an email chain between Mr. Moseley and Ms. Newbery dated August 21-22, 2026.
8. Attached to this affidavit as **Exhibit "G"** is an email chain between Mr. Moseley and Ms. Newbery dated August 25, 2026.

AFFIRMED BEFORE ME
at Vancouver, British Columbia, on
August 26, 2026



A Commissioner for taking affidavits for
British Columbia



Cristina Misceo

MAYA CHURILOV
BARRISTER & SOLICITOR
Osler, Hoskin & Harcourt LLP
Suite 3000, Bentall Four
1055 Dunsmuir Street
Vancouver, BC V7X 1K0
TELEPHONE: 604.692.2751

This is Exhibit "A" referred to in the
Affidavit #1 of Cristina Misceo sworn
before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Newbery, Emma
Sent: Friday, June 19, 2026 12:55 PM
To: dmoseley@mcquarrie.com
Cc: Buttery, Mary; Churilov, Maya
Subject: Alix/Maskeen - Sale Approval

Hi Dan,

The Receiver has an offer it intends to seek sale approval for on the Maskeen matter. We are looking at the week of July 13 to get into Court. Could you please let us know your availability for a 1.5 hour hearing that week? We'll be seeking sale approval and a distribution order and I understand MCAP will seek a judgement order at the same time.

Thanks,
Emma

OSLER

Emma Newbery
Associate
604-692-2726 | enewbery@osler.com
Osler, Hoskin & Harcourt LLP | [osler.com](https://www.osler.com)

This is Exhibit "**B**" referred to in the
Affidavit #1 of Cristina Misceo sworn
before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Dan Moseley <dmosley@mcquarrie.com>
Sent: Wednesday, July 15, 2026 7:27 AM
To: Churilov, Maya
Cc: Newbery, Emma; Buttery, Mary
Subject: RE: Alix/Maskeen - Sale Approval
Attachments: COMMITMENT LETTER - Maskeen Development - 13758 Bentley Road, Surrey, BC - 3 - Jun262026.docx (1).pdf

Good morning,

Attached is the Commitment Letter for discussion later today.

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Churilov, Maya <mchurilov@osler.com>
Sent: Tuesday, July 14, 2026 6:36 PM
To: Dan Moseley <dmosley@mcquarrie.com>
Cc: Newbery, Emma <enewbery@osler.com>; Buttery, Mary <mbuttery@osler.com>
Subject: RE: Alix/Maskeen - Sale Approval

Hi Dan,

That is great news. Can you please send us the commitment letter if it is available? Can you please also advise who the lender's counsel is?

We are available to meet tomorrow during the following windows: 10:30-11:30 am, 1:30-2 pm, or 2:30-3 pm. Please let us know if one of these times works for you.

Thank you,
Maya

OSLER

Maya Churilov

Associate

604-692-2751 | mchurilov@osler.com

Osler, Hoskin & Harcourt LLP | osler.com

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Tuesday, July 14, 2026 5:30 PM
To: Churilov, Maya <mchurilov@osler.com>
Cc: Newbery, Emma <enewbery@osler.com>
Subject: RE: Alix/Maskeen - Sale Approval
Importance: High

Good evening Maya and Emma,

Maskeen has secured lending to refinance this, and we're working on speeding up the funding date.

It's looking like funding can be advanced on the 24th, which is obviously after the court date. Can we please have a discussion with respect to adjourning the matter for a week to allow for funding to take place?

Please let me know when you might be available for a call tomorrow and also what you may need in terms of information to consider this. I can certainly put you in touch with counsel for the lender, who is looking to speed up the funding.

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022

McQuarrie

This is Exhibit "C" referred to in the
Affidavit #1 of Cristina Misceo sworn
before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Newbery, Emma
Sent: Thursday, July 23, 2026 12:12 PM
To: Dan Moseley
Cc: Buttery, Mary; Churilov, Maya
Subject: Alix/Maskeen - Court Date

Hi Dan, we have a signed offer with deposits in hand that we are going to move forward to seek court approval of for the Maskeen project. Could you please let me know your availability for mid-August? We are going to request a full day.

Thanks,
Emma

OSLER

Emma Newbery
Associate
604-692-2726 | enewbery@osler.com
Osler, Hoskin & Harcourt LLP | [osler.com](https://www.osler.com)

This is Exhibit “D” referred to in the
Affidavit #1 of Cristina Misceo sworn
before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Eric Vandergriendt <evandergriendt@mcquarrie.com>
Sent: Thursday, August 13, 2026 9:24 AM
To: Newbery, Emma
Cc: Dan Moseley; Churilov, Maya; Brittany Kania
Subject: FW: Alix/Maskeen - Sale Approval
Attachments: 21-7296-V41,V42,V43,V91 Discharge Statement (Bentley) eff July 17 2026.pdf

Importance: High
Sensitivity: Private

Good morning Emma,

The borrower is anticipating paying out this loan on Monday August 17 or sometime early next week.

Are we able to get an update on the payout statement and receiver fees?

Regards,

Eric Vandergriendt*
Partner
D 604.580.7028
evandergriendt@mcquarrie.com

* Denotes law corporation

McQuarrie
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This is Exhibit “E” referred to in the
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before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Friday, August 21, 2026 8:46 AM
To: Newbery, Emma
Cc: Churilov, Maya; Buttery, Mary
Subject: RE: Maskeen

Good morning,

Just a brief update on this – we're hoping to fund Monday and we will be filing and serving our Notice of Application and an Application Response that essentially mirrors it today.

Once we have the funds, we expect to provide an affidavit confirming same, likely on Tuesday.

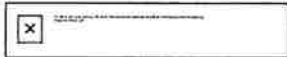
Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



This is Exhibit "F" referred to in the
Affidavit #1 of Cristina Misceo sworn
before me at Vancouver, BC,
this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Saturday, August 22, 2026 7:58 AM
To: Newbery, Emma
Subject: Re: Receivership of Maskeen 177 Projects Ltd., et al. - BCSC Vancouver Registry No. S-260086

Good morning,

My plan was to have an affidavit confirming monies are in trust and ready to fund. It's now looking like that will be Tuesday.

Thanks,
Dan

Get [Outlook for iOS](#)

From: Newbery, Emma <enewbery@osler.com>
Sent: Saturday, 22 August 2026 07:09:05
To: Dan Moseley <dmoseley@mcquarrie.com>
Subject: Re: Receivership of Maskeen 177 Projects Ltd., et al. - BCSC Vancouver Registry No. S-260086

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Hi Dan, thanks for the materials. Could you let me know when you think you'll circulate your affidavit in support? And if you anticipate you'll have funds in trust with a lawyer or otherwise ready to fund in advance of the hearing?

Thanks,
Emma

On Aug 21, 2026, at 4:35 PM, Sharon Martin <smartin@mcquarrie.com> wrote:

Please find attached the following:

1. Application Response; and
2. Notice of Application returnable August 27, 2026.

Sharon

Sharon Martin
Paralegal to Dan Moseley



D 604.580.7073



McQuarrie Hunter LLP | Barristers & Solicitors
Suite 1500, 13450 102nd Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001
www.mcquarrie.com

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This is Exhibit "G" referred to in the
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this 26th day of August 2026



A Commissioner/Notary Public for the
Province of British Columbia

Newbery, Emma

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Tuesday, August 25, 2026 1:26 PM
To: Newbery, Emma
Cc: Churilov, Maya; Buttery, Mary; Wong, Jordan; Rogul, Sydney; Goldstein, Noah; Sharon Martin
Subject: RE: Alix/Maskeen - Thursday Applications

We're pushing on counsel for the lender to confirm when he will have funds – I expect to hear back later this afternoon and will keep everyone in the loop.

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Newbery, Emma <enewbery@osler.com>
Sent: Tuesday, August 25, 2026 12:47 PM
To: Dan Moseley <dmoseley@mcquarrie.com>
Cc: Churilov, Maya <mchurilov@osler.com>; Buttery, Mary <mbuttery@osler.com>; Wong, Jordan <jordan.wong@alixpartners.com>; Rogul, Sydney <sydney.rogul@alixpartners.com>; Goldstein, Noah <noah.goldstein@alixpartners.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Alix/Maskeen - Thursday Applications

Hi Dan, given that the affidavit is not expected today, can you please confirm what your expectations are in terms of funding? Do you expect to have funds in trust in advance of the hearing, or will you require more time to redeem?

We have received response materials from the builders' liens and other interested parties and need to communicate the Receiver's position on our application and yours and cannot do so without understanding the certainty of funding for the proposed redemption.

Please let us know if you would like to discuss over the Court break. Maya and I are available.

Thanks,
Emma

OSLER

Emma Newbery
Associate
604-692-2726 | enewbery@osler.com
Osler, Hoskin & Harcourt LLP | osler.com

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Tuesday, August 25, 2026 12:43 PM
To: Newbery, Emma <enewbery@osler.com>
Cc: Churilov, Maya <mchurilov@osler.com>; Buttery, Mary <mbuttery@osler.com>; Wong, Jordan <jordan.wong@alixpartners.com>; Rogul, Sydney <sydney.rogul@alixpartners.com>; Goldstein, Noah <noah.goldstein@alixpartners.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Alix/Maskeen - Thursday Applications

Good afternoon,

Attached is the filed Notice of Application and Application Response.

I'm just back in the office from court and will be meeting with the solicitor team with respect to evidence on lending/redemption.

Please leave a tab for the Affidavit of Amrinder Cheema, which will likely be forthcoming tomorrow, but won't be available today.

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022

McQuarrie

From: Newbery, Emma <enewbery@osler.com>
Sent: Tuesday, August 25, 2026 11:41 AM
To: Dan Moseley <dmoseley@mcquarrie.com>
Cc: Churilov, Maya <mchurilov@osler.com>; Buttery, Mary <mbuttery@osler.com>; Wong, Jordan <jordan.wong@alixpartners.com>; Rogul, Sydney <sydney.rogul@alixpartners.com>; Goldstein, Noah <noah.goldstein@alixpartners.com>
Subject: Alix/Maskeen - Thursday Applications

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Hi Dan, I've copied the Receiver in this email, in the interest of time.

Can you please let us know when we can expect your evidence in support of your application and if you expect to have funds in trust in advance of the hearing? We urgently need to assess the Receiver's position on the application.

Kind regards,
Emma



Emma Newbery

Associate

604-692-2726 | enewbery@osler.com

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