



This is the 2nd affidavit of Victor Fong in this case and was made on April 5, 2024.

No. S-237897
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, AS AMENDED

-AND-

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF TEBO MILL INSTALLATIONS INC., TEBO MILL CONSTRUCTION INC., ALGON HOLDINGS INC., FRASERVIEW FABRICATION AND MACHINING INC., PTOLEMYTECH CONSULTANTS INC.

PETITIONERS

AFFIDAVIT

I, Victor Fong, legal assistant, of Bennett Jones LLP, 2500 Park Place, 666 Burrard Street, Vancouver, British Columbia, AFFIRM THAT:

1. I am a legal assistant at Bennett Jones LLP, counsel to the Petitioners, and as such have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based on information and belief, and whereso stated, I verily believe them to be true.
2. Attached and marked as **Exhibit "A"** is a chain email correspondence from David Gruber and Mia Laity, counsel for the Petitioners, to Jordan Schutlz, counsel for Royal Bank of Canada, along with the enclosures, dated between April 2, 2024 and April 5, 2024.

AFFIRMED BEFORE ME at Vancouver,)
British Columbia, on April 5, 2024.)

A Commissioner for taking affidavits for)
British Columbia)

VICTOR FONG

VANESSA MARIE COUPAR
A Commissioner for Taking
Affidavits for British Columbia
My Commission Expires June 30, 2025

This is Exhibit "A" to the Affidavit of Victor Fong, affirmed before me at Vancouver, British Columbia, this 5th day of April 2024.



A Commissioner for Taking Affidavits in and
for the Province of British Columbia

VANESSA MARIE COUPAR
A Commissioner for Taking
Affidavits for British Columbia
My Commission Expires June 30, 2025

Victor Fong

From: Mia Laity <LaityM@bennettjones.com>
Sent: Friday, April 5, 2024 4:47 AM
To: Schultz, Jordan
Cc: David Gruber
Subject: RE: TEBO [BJ-WSLegal.FID6163039]
Attachments: TRACER_DELIVERY_CONFIRMATION_REPORT_GBS_578097623678987DEUT456796534568DEUTDEFF_ROYCCAT2_4M_199_PR.pdf

Hi Jordan,

Our client has provided us with the attached full tracer delivery report with more detailed codes. We ask that RBC check this on their end using this file.

Best,

Mia Laity (she/her)
 Associate, Bennett Jones LLP
 2500 Park Place, 666 Burrard Street, Vancouver, B.C., V6C 2X8
 T. 604 891 5344 | F. 604 891 5100
 BennettJones.com



From: Schultz, Jordan <jordan.schultz@dentons.com>
Sent: Thursday, April 4, 2024 3:43 PM
To: David Gruber <GruberD@bennettjones.com>
Cc: Mia Laity <LaityM@bennettjones.com>
Subject: RE: TEBO

Hi David,

I've received the following back from the Bank on this:

The attached does not appear to be legitimate document... One example, below BIC doesn't even belong to ING Bank:

| | | |
|----------|----------------|---|
| DEUTDEFF | DEUTDEFF | DEUTSCHE BANK AG |
| | ***STATUS DONE | TAUNUSANLAGE 12.60325 FRANKFURT AM MAIN, GERMANY |
| DEUTDEFF | SWHQBEBB | ING BRUSSELS, BELGIUM |
| | ***STATUS DONE | 1050 BRUSSELS, BELGIUM |
| DEUTDEFF | ROYCCAT2 | ROYAL BANK OF CANADA |
| | ***STATUS DONE | 1055 W GEORGIA ST. 6TH FLOOR, VANCOUVER, BC, V6E3S5 |
| | | ***AUTHENTICATION TRANSFER STATUS - SENT |
| | | ***VERIFICATION - CONFIRMED |
| | | ***CONFIRMATION - PENDING |

It belongs to SWIFT HQ and SWIFT would not be involved in these sorts of communication.

I will let you know if I receive anything further before the hearing tomorrow.

Thanks,

Jordan

Jordan Schultz
Partner

My pronouns are: He/Him/His

+1 604 691 6452 | +1 778 238 8339

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From: David Gruber <GruberD@bennettjones.com>

Sent: Thursday, April 4, 2024 8:46 AM

To: Schultz, Jordan <jordan.schultz@dentons.com>

Cc: Mia Laity <LaityM@bennettjones.com>

Subject: RE: TEBO

[WARNING: EXTERNAL SENDER]

Jordan,

Our client has provided us with the attached SWIFT tracer report for the MT199 message. Can you please make inquiries of RBC to determine whether this assists in determining whether it was processed correctly?

Best,

David Gruber, *Partner and Department Co-Head, Litigation*, Bennett Jones LLP
T. 604 891 5150 | F. 604 891 5100

From: Schultz, Jordan <jordan.schultz@dentons.com>

Sent: Wednesday, April 3, 2024 10:51 AM

To: David Gruber <GruberD@bennettjones.com>

Cc: Mia Laity <LaityM@bennettjones.com>

Subject: RE: TEBO

Hi David,

I am advised that RBC did not receive the MT199 via SWIFT, so there is nothing to respond to. It would obviously not be the Bank's practice to respond to a purported copy of a SWIFT communication.

I know the Bank has previously advised Alan that he should just initiate the transfer, RBC and DB transfer funds back and forth all the time so it is highly unusual that some form of confirmation is required. Is there a reason he hasn't done that? Or did you get an update on the option of transferring funds to a TD account?

As for the document itself, I note the document you attached was purportedly initiated by and signed by the Chief Financial Officer for Deutsche Bank. It seems unlikely to me that someone that high up in an organization as big as Deutsche Bank would be verifying a document like an MT199, particularly for a €5,000,000 transaction. The MT199 also includes some very unusual language, such as "We further certify that the funds for transfer are freely transferable, legally earned, and are clean, cleared funds on non-criminal origin..." – that does not seem like the sort of thing a Bank would typically certify. Just on its face it is difficult to believe this is legitimate, particularly as no funds have actually moved.

Thanks,
Jordan

Jordan Schultz
Partner

My pronouns are: He/Him/His

+1 604 691 6452 | +1 778 238 8339

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From: David Gruber <GruberD@bennettjones.com>
Sent: Tuesday, April 2, 2024 9:53 AM
To: Schultz, Jordan <jordan.schultz@dentons.com>
Cc: Mia Laity <LaityM@bennettjones.com>
Subject: TEBO

[WARNING: EXTERNAL SENDER]

Hi Jordan,

I'm instructed the attached SWIFT MT199 message was sent by DB and received by RBC today. Can you please confirm? Can you please let us know if RBC will be replying to DB?

Thanks,

David Gruber

Partner and Department Co-Head, Litigation, Bennett Jones LLP
2500 Park Place, 666 Burrard Street, Vancouver, B.C., V6C 2X8
T. 604 891 5150 | F. 604 891 5100

BennettJones.com



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SWIFT MESSAGE



578097623678987DEUT456796534568

Report time zone : +0100 (GMT)
Delivery date : 02-APRIL-2024
Message reference : 984424721T

TRANSMISSION : ATTESTATION FORMAT MT199 CONFIRMATION
RCVD++DATE : INPUT TIME = 12:38:05 PM
RCVD++SENDER : DEUTDEFFXXX
RCVD++SENDER'S BANK : DEUTSCHE BANK AG
RCVD++SENDER'S BANK ADDRESS : TAUNUSANLAGE 12,60325 FRANKFURT AM MAIN, GERMANY
RCVD++SENDER'S ACCOUNT NAME : DALOCORP PTE LTD
RCVD++SENDER'S IBAN NUMBER : DE51660700240097750400
RCVD++SENDER'S ACCOUNT NUMBER : 0097750400
RCVD++SENDER'S SWIFT CODE : DEUTDEFFXXX
RCVD++SENDER'S COMMON ACCOUNT NUMBER : 947259564
RCVD++SENDER'S AMOUNT : € 4,997,955.00 (FOUR MILLION NINE NINETY-SEVEN THOUSAND NINE FIFTY-FIVE EURO)
RCVD++SENDER'S BANK OFFICER NAME : MR. JAMES VON MOLTKE (PIN: 54082)
RCVD++BANK UNIQUE TRN REF (UTR) : DEUT968760326745

Handwritten circular stamp with 'SHE' and 'KFR' text.

RCVD++ Instant type and transmission
RCVD++NOTIFICATION (TRANSMISSION) OF ORIGINAL SENT
SECURITY CONFIRMATION CODE : 930937346W
RCVD++NETWORK DELIVERY STATUS : NETWORK
RCVD++BRANCH NETWORK : ROYCCAT2XXX
RCVD++MESSAGE INPUT REFERENCE : 07543855320DEUTDEDBFRA16112020728

RCVD++ Message Trailer
RCVD++SWIFT MESSAGE TYPE : MT199 FREE DELIVERY
RCVD++FORMAT MESSAGE : MT 199 ATTESTATION FORMAT
RCVD++RECEIVER'S BANK : ROYAL BANK OF CANADA
RCVD++RECEIVER'S BANK ADDRESS : 1055 W GEORGIA ST, 6TH FLOOR, VANCOUVER, BC, V6E3S5
RCVD++RECEIVER'S SWIFT CODE : ROYCCAT2XXX
RCVD++RECEIVER'S ACCOUNT NAME : TEBO MILL CONSTRUCTION INC.
RCVD++RECEIVER'S ACCOUNT NUMBER : 079408728917
RCVD++RECEIVER'S BANK OFFICER NAME : MR. MICHAEL WELLS

RCVD++MESSAGE OUTPUT REFERENCE : 52229440217627ROYCCAT216112020682
SESSION 2024
RVCD+DATE : 02.04.2024

RCVD++ACK: SWIFT AUTHENTICATION CORRECT TRN21.
RCVD++00: EMBEDDED MESSAGE INITIALIZED
**F20* TRANSACTION REFERENCE NUMBER: 578097623678987DEUT456796534568
**F21* RELATED REFERENCE CODE: 100005152772367940023267543V44
**F23* TRANSACTION ID: 300005565787231547666453V02

***F79 NARRATIVE:

WE, DEUTSCHE BANK AG, HEADQUARTERED AT TAUNUSANLAGE 12, 60325 FRANKFURT AM MAIN, GERMANY, CONFIRM WITH FULL CORPORATE AND FINANCIAL RESPONSIBILITY, ON BEHALF OF OUR CLIENT DALOCORP PTE LTD, HOLDING IBAN DE51660700240097750400, AND ACCOUNT NUMBER 0097750400, THAT WE ARE READY, WILLING, AND ABLE TO EXECUTE A SWIFT MT103 STP CASH TRANSFER IN MANUAL PROCESSING MODE TO THE BENEFIT OF YOUR CLIENT TEBO MILL CONSTRUCTION INC, HOLDING ACCOUNT NUMBER 079408728917 FOR THE AMOUNT OF EUR 4,997,955.00 (FOUR MILLION NINE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED FIFTY-FIVE EUROS AND ZERO CENTS). THIS IS CONTINGENT UPON YOUR CONFIRMATION OF READINESS, WILLINGNESS, AND ABILITY TO PROCEED.

WE FURTHER CERTIFY THAT THE FUNDS FOR TRANSFER ARE FREELY TRANSFERABLE, LEGALLY EARNED, AND ARE CLEAN, CLEARED FUNDS OF NON-CRIMINAL ORIGIN, WITHOUT ANY LIENS, LEVIES, OR ENCUMBRANCES, MANAGED UNDER THE SUPERVISION OF MR. DANIAL ASLAM SIDDIQUI.

WE ADVISE THAT YOU SHOULD PLEASE CONFIRM YOUR READINESS TO PROCEED WITH THIS TRANSACTION.

THIS PRE-ADVISE SERVES AS AN OPERATIVE INSTRUMENT, AND NO FURTHER WRITTEN CONFIRMATION WILL FOLLOW. ALL CHARGES ARE TO BE BORNE BY THE APPLICANT.

WE HEREBY CONFIRM THAT CUSTOMARY REMUNERATION NORMALLY ASSOCIATED WITH SUCH STANDARD, FINANCIAL TRANSACTIONS OF THIS NATURE IS PAYABLE IN CASH TO THE BENEFICIARY IMMEDIATELY, UPON SUCCESSFUL DELIVERY OF THE RECEIPT TO THE BENEFICIARY BANK, WITHOUT THE PRESENTATION TO US.

WE RECONFIRM THAT OUR CLIENT'S ACCOUNT IS IN GOOD STANDING WITH OUR BANK AND THESE FUNDS WERE LEGITIMATELY ERNED, GOOD, CLEAN AND CLEARED OF NON-CRIMINAL BUSINESS ACTIVITIES, FREE OF LIENS AND ENCUMBRANCES.

Handwritten circular stamp with 'SHE' and 'KFR' text.

FOR AND ON BEHALF OF DEUTSCHE BANK AG, LOCATED AT TAUNUSANLAGE 12 60325 FRANKFURT AM MAIN, GERMANY

JAMES VON MOLTKE
CHIEF FINANCIAL OFFICER
PIN: 54082

OLIVIER VIGNERON
CHIEF RISK OFFICER
PIN: 522897



Handwritten signature of James Von Moltke and Chief financial Officer DB PIN CODE: 54032



SWIFT MESSAGE



578097823678987DEUT456796534568

RECORD INFORMATION TELEX/SWIFT ORDER IS MAC (PAC) PEC ENC (CUC (INT) PED) (MAC)

*****AUTHENTICATED MESSAGE*****

CHK: 42261427GY

PKI SIGNATURE: MAC-EQUIVALENT

TRACK CODE: 94823964



INTERVENTIONS

CATEGORY : NETWORK REPORT
 CREATION TIME : 12:38:05 PM
 RECEIVED TIME : 13:51:53 PM
 APPLICATION : SWIFT INTERFACE
 OPERATION : SYSTEM
 TEXT FI:DECA943560626983DEUTDEDBFRA39750847825420/05985745600998ROYCCAT2768964049587658945776878580498566544467

PRT TPZH ANSWER BACK AND ACKNOWLEDGMENT MESSAGE AUTOMATED FILE TRANSFER(AFT) GATEWAY
 RESPONSE VALIDATION SERVICE PROVIDER LOG/APPLICATION GENERATED REPORT ACKNOWLEDGMENT &
 AUTHENTICATION ACK NAG DELIVERY FTA/FTI CONFIRMATION STATEMENT PASS/FAIL STATUS

- 0050 CNT, -----Valid
- 0060 RFF-DTM, -----Valid
- 0070 RFF, -----Valid
- 0080 DTM, -----Valid
- 0090 NAD-CTA-COM -----Valid
- 0100 NAD, -----Valid
- 0110 CTA, -----Valid
- 0120 COM, -----Valid
- 0130 ERC-FTX-5G4, -----Valid
- 0140 ERC, -----Valid
- 0150 FTX, -----Valid
- 0160 RFF-FTX, -----Valid
- 0170 REF, -----Valid
- 0180 FTX, -----Valid
- 0190 UNT, -----Valid

{XMT DELIVERY REPORT}
 MESSAGE TYPE AND FORMAT: MT199 FREE DELIVERY / FREE FORMAT MESSAGE
 PRIORITY: URGENT
 RECEIVED: ROYCCAT2KXX
 MIR: 07543855320DEUTDEDBFRA16112020728
 MOR: 52229440217627ROYCCAT216112020682
 SENDER'S REFERENCE: DEUT968760326745
 ANSWER: CA678940985706093812
 ANSWER: CA483437346468474665
 APPROVAL: 0384795414396
 INPUT OUTPUT ACK NAK DUP AUTH
 TIME: 12:38:05 PM
 DATE: 02.04.2024



James Von Molke
 Chief financial Officer
 DB PIN CODE: 54032