



F. Quinn #1
September 1, 2004

No. S013235
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SUN PEAKS RESORT CORPORATION

PLAINTIFF

AND:

**JANICE BILLY, AMANDA SOPER, NICOLE MANUEL,
JOHN DOE, JANE DOE and other persons unknown to the
Plaintiff acting in concert with them**

DEFENDANTS

AFFIDAVIT

I, Frank Quinn, lawyer, of 301 – 186 Victoria Street, Kamloops, British Columbia, MAKE OATH AND SAY THAT:

1. I am the principal of 695827 B.C. Ltd. and 695826 B.C. Ltd. with control and conduct of their affairs as it relates to the subject matter of this Affidavit and as such I have personal knowledge of the facts and matters hereinafter deposed to save and except where the same are stated to be made upon information and belief and where so stated I verily believe them to be true
2. Both 695827 B.C. Ltd. and 695826 B.C. Ltd. are companies that act as trustees for joint ventures that have been formed by local Kamloops investors to develop real estate at Sun Peaks. With the exception of the Plaintiff Sun Peaks Resort Corporation, which has an interest in one of the projects, all of the investors are local investors, including local builders and professionals.
3. 695827 B.C. Ltd. is in the process of acquiring Parcel 59 in order to construct a 60,000 square foot, 60 unit condominium project. We have applied for a building permit and the

disclosure statement will be ready for filing in the next couple of days. 695827 B.C. Ltd. has an actual investment of more than \$150,000 and committed expenditures by contract of about two million dollars with Sun Peaks Land Corporation for the land purchase and in excess of ten million dollars for the construction project.

4. The anticipated sale launch for the project is now. The major selling season for recreational real estate in the beginning of September to the end of November. We intended to begin sales promotion this week-end.

5. The camp which was erected by Janice Billy and various other protestors on August 29, 2004 on the Sun Peaks Golf Course is directly opposite the site for this condominium project and in full view of the building site. If it is not removed in the very near future, it will almost certainly have a negative effect on sales of this project. Based on media statements I have heard Janice Billy make, I believe this was the intention of the protestors.

6. In addition to this project, 695826 B.C. Ltd. is planning a 65,000 square foot 48 unit townhouse project and is in the process of acquiring Parcel 31 in the same area for that purpose. 695826 B.C. Ltd. has incurred liabilities of more than \$100,000 in respect of this project. We have incurred a commitment to Sun Peaks of more than two million dollars for the purchase of the land. The disclosure statement is intended to be issued shortly so that we can commence marketing for a one day sale in November 2004.

7. The camp which has been put in place by the protestors is in direct view of the proposed building site for the townhouse project as well. Yesterday the protestors placed a large sign with the words "WHERE'S YOUR DEED?" in plain view of the development sites. Now produced and shown to me and marked Exhibit "A" to this my Affidavit is a copy of a photograph showing the sign.

8. I have been actively involved in development at Sun Peaks for the last eight years. In the time period during which the last injunctions were obtained in this action I had the opportunity to closely observe the conduct of the Defendants and the group of people that were involved in the protest at Sun peaks. It is my observation that this group consistently escalates their behaviour getting more and more aggressive until their conduct finally results in arrest. In



This is Exhibit "A" referred to in the
Affidavit of Frank Quinn
sworn before me at Vancouver, B.C.

This 1st day of September, 2004.

[Signature]
A Commissioner for taking Affidavits
for British Columbia