

1 Q. Please provide documentation of any legal actions such as lawsuits, between NL
2 Hydro and/or the Contractor of this project and any other parties.

3

4

5 A. Hydro is aware of two legal actions associated with the project, both of which have
6 been discharged.

7 1. Claim for Lien:

8 • Fasco Industries Company Ltd.

9 • Registered June 3, 2015

10 • Mechanics Lien Register Number: 17714

11 • Discharged June 4, 2015

12 2. Claim for Lien:

13 • Tristar Mechanical Ltd.

14 • Registered June 12, 2015

15 • Mechanics Lien Register Number: 17729

16 • Discharged July 3, 2015

17 Documentation associated with these lien discharges is attached as PR-DD-NLH-
18 011 Attachments 1 to 3.

IN THE MATTER OF the *Mechanics' Lien Act*, Chapter M-3 of the Revised Statutes of Newfoundland, 1990,

AND

IN THE MATTER OF a Claim for Lien of **Fasco Industries Company Ltd.**, a body corporate registered under the Laws of the Province of Newfoundland and Labrador against **ProEnergy Global Solutions Canada Ltd.** and **Nalcor Energy**

CERTIFICATE OF DISCHARGE
No. 17720
Registered 5 day of June
20 15 at 4:10 O'Clock Pm
This Discharge in Full ☒ Partial ☐
Mechanics Lien No. 17714
Fee Paid \$ 24.00 Receipt No. 800000R112
Tim Houtsma
Registrar of Deeds

RECEIPT AND DISCHARGE OF LIEN

Fasco Industries Company Ltd., a body corporate registered under the laws of Newfoundland and Labrador, hereby acknowledges receipt of good and valuable consideration in full discharge of its Claim for Lien registered on June 3, 2015, as Document Number 17714 against the lands of Nalcor Energy known as the Holyrood Thermal Generating Station, Duffs Road, Holyrood, Newfoundland and Labrador.

DATED at Windsor Junction, Nova Scotia, this 4th day of June, 2015.

FASCO INDUSTRIES COMPANY LTD.

Per: 

Name: Tim Houtsma

Title: President

IN THE MATTER OF the *Mechanics' Lien Act*, Chapter M-3 of the Revised Statutes of Newfoundland, 1990,

AND

IN THE MATTER OF a Claim for Lien of
Fasco Industries Company Ltd., a body
corporate registered under the Laws of the
Province of Newfoundland and Labrador
against **ProEnergy Global Solutions:**
Canada Ltd. and Nalcor Energy

AFFIDAVIT OF VERIFICATION

I, **Tim Houtsma**, of Bedford, Nova Scotia, MAKE OATH AND SAY AS FOLLOWS:

1. I am the President of Fasco Industries Company Ltd.
2. The contents of the within Receipt and Discharge of Lien are true and correct.

SWORN TO at Windsor Junction,)
Nova Scotia, this 4th day of June,)
2015, before me,)

Barbara Weatherdon


Tim Houtsma

BARBARA E. WEATHERDON
A Commissioner of the
Supreme Court of Nova Scotia

IN THE MATTER OF the *Mechanics Lien Act*, Chapter M-3 of the Revised Statutes of Newfoundland and Labrador, 1990;

AND IN THE MATTER OF a claim by Tristar Mechanical Limited, against ProEnergy Global Solutions Limited.

DISCHARGE OF LIEN

Tristar Mechanical Limited pursuant to the provisions of the *Mechanic's Lien Act*, for value received hereby releases ProEnergy Global Solutions Limited and its bonding company, ACE INA Insurance from the lien registered in the Registry of Mechanics Liens as Number 17729 on the 12th day of June, 2015 **AND FURTHER** releases the land and premises described therein from the said Lien being the estate of Newfoundland & Labrador Hydro, a subsidiary of Nalcor Energy, a Crown corporation better described as Holyrood Thermal Generating Station located at Duff's Road, Holyrood, NL, A0A 2R0 with coordinates 47.4528° N, 53.0955° W.

IN WITNESS WHEREOF the Releasor has executed this Discharge of Lien on this 3rd day of July, 2015.

SIGNED, SEALED AND DELIVERED by John Drover, solicitor and agent of the Releasor in the presence of:

Melanie L.
ProEnergy Global Solutions, NL

John Drover
JOHN DROVER

IN THE MATTER OF the *Mechanics Lien Act*, Chapter M-3 of the Revised Statutes of Newfoundland and Labrador, 1990;

AND IN THE MATTER OF a claim by Tristar Mechanical Limited, against ProEnergy Global Solutions Limited.

AFFIDAVIT

I, John Drover, solicitor of the City of St. John's, in the Province of Newfoundland and Labrador, make oath and say **THAT**:

1. I am a the solicitor and agent for Tristar Mechanical Limited, the Lien Claimant herein, and as such have personal knowledge of the facts herein deposed except as otherwise stated.
2. I have read and executed the said Discharge of Lien and the contents are true to the best of my knowledge, information and belief.

SWORN TO at St. John's, in the)
Province of Newfoundland and Labrador)
this 3rd day of July, 2015,)
before me:)

Michael

Barrister & Solicitor, NL



JOHN DROVER

2015 01G No. 3179

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (General)**

BETWEEN:

TRISTAR MECHANICAL LIMITED

PLAINTIFF

AND:

**PROENERGY GLOBAL SOLUTIONS
CANADA LIMITED**

FIRST DEFENDANT

AND:

**ACE INA INSURANCE/
ASSURANCE ACE INA**

SECOND DEFENDANT

NOTICE OF DISCONTINUANCE

TAKE NOTICE that the Plaintiff herein hereby wholly discontinues the within action against the Defendants with no Order as to costs.

DATED at the City of St. John's in the Province of Newfoundland & Labrador, this 3
day of July, 2015.



Roebathan McKay Marshall
Solicitors for the Plaintiff
34 Harvey Road
5th Floor, Paramount Building
St. John's, NL
A1C 5W1

Per: John Drover

**TO: The First Defendant
ProEnergy Global Solutions Canada Limited**
c/o Stewart McKelvey
Suite 1100, Cabot Place
100 New Gower Street
St. John's, NL
A1C 6K3
Attn: Stephen H. Winter

TO: The Second Defendant
ACE INA Insurance/
Assurance ACE INA
c/o Cox & Palmer
Scotia Centre, Suite 1000
235 Water Street
St. John's, NL
A1C 1B6
Attn: Stephen J. May