

CLASS ACTION REGARDING NORTHWYND RESORT PROPERTIES LTD., PAUL  
HAMILTON, KEN BATEMAN, JOHN ANDERSEN, RON FERBER, NORTHMONT  
LIMITED PARTNERSHIP, NORTHMONT RESORT PROPERTIES LTD., 2008164  
ALBERTA LTD., and KIRK WANKEL

**NOTICE OF CERTIFICATION**

**What is the Class Action about?**

A lawsuit has been certified as a Class Action against Northwynd Resort Properties Ltd., Paul Hamilton, Ken Bateman, John Andersen, Ron Ferber, Northmont Limited Partnership, Northmont Resort Properties Ltd., 2008164 Alberta Ltd. and Kirk Wankel (collectively the **Defendants**).

The Amended Amended Amended Statement of Claim (the **Claim**) alleges that the Defendants breached their obligations owed to the investors in the Northwynd Properties Real Estate Investment Trust (the **REIT**) in the disposal of the REIT's assets.

The Claim alleges that Class Members who held Series A and B Trust Units in the REIT between June 3, 2014 and January 16, 2017 suffered losses and damages or are otherwise entitled to relief.

The Claim seeks compensation for Class Members, plus other relief including costs and interest.

The Representative Plaintiff is Garfield Ganong. In this lawsuit, the Representative Plaintiff is seeking compensation on their own behalf and on behalf of other individuals who held Series A and B Trust Units in the REIT between June 3, 2014 and January 16, 2017.

**How do I know if I am a member of the Class?**

The Class has been defined by the Court as follows:

... all individuals who held Series A and B Trust Units in the REIT  
between June 3, 2014 and January 16, 2017.

The "Class Period" has been defined by the Court as being the period from and including June 3, 2014 to January 16, 2017.

If you held Series A and B Trust Units in the REIT between June 3, 2014 and January 16, 2017 you are a Class Member. If you are not sure whether or not you are a Class Member, you should speak to Class Counsel, whose address is set out below.

**What if I do not want to participate in this Class Action?**

Class Members who wish to participate in the Class Action do not need to do anything at this time. They are automatically included in the Class Action.

Any Class Member who wishes to opt out of the Class Action must do so by sending a written opt-out form, signed by the Class Member, stating that he or she opts out of the Class Action. The written opt-out form can be obtained from Class Counsel, and must be sent by pre-paid mail, courier or by e-mail to Class Counsel at the following address:

Andrew Sunter  
Burnet, Duckworth & Palmer LLP  
#2400, 525-8 Ave SW  
Calgary, Alberta T2P 1G1

The written opt-out form must be received by Class Counsel no later than **March 8, 2022**.

No Class Member will be permitted to opt out of the Class Action after **March 8, 2022**. If you opt out of the Class Action on or before that date, you will take full responsibility for initiating your own lawsuit against the Defendants and for taking all legal steps necessary to protect your claim, if you wish to proceed with a claim. Your interests will not be addressed or represented in the Class Action.

#### **What are the costs to me?**

Class Members will not be personally liable to pay any legal fees or disbursements to Class Counsel.

If the Class Action is successful in establishing that the Defendants are liable to pay money to the Class Members, the Court will then proceed to determine which Class Members may be entitled to that money, and how such amounts should be distributed to those Class Members.

The Representative Plaintiff has retained Class Counsel to represent him and the Class Members in this lawsuit. Class Counsel will only be paid legal fees if the lawsuit is successful, which will be deducted from the amounts recovered on behalf of the Class Members. If the lawsuit is successful, Class Counsel will request that legal fees be set by the Court. The Court must approve all legal costs.

#### **How do I find out more about this Class Action?**

Questions about the matters in this Notice must not be directed to the Court. The Certification Order and other information with respect to the Class Action can be obtained at the following website: [www.northwyndclassaction.com](http://www.northwyndclassaction.com).

In addition, questions for Class Counsel may be directed by e-mail or telephone to:

Andrew Sunter  
Burnet, Duckworth & Palmer LLP  
#2400, 525-8 Ave SW  
Calgary, Alberta T2P 1G1  
(403) 260-0283  
[asunter@bdplaw.com](mailto:asunter@bdplaw.com)

Robert Martz  
Burnet, Duckworth & Palmer LLP  
#2400, 525-8 Ave SW  
Calgary, Alberta T2P 1G1  
(403) 260-0393  
[rmartz@bdplaw.com](mailto:rmartz@bdplaw.com)

**OPT-OUT FORM**

**TO: Burnet, Duckworth & Palmer LLP (BDP)**

I, \_\_\_\_\_ (insert full name), have received notice of the Class Action claim commenced against Northwynd Resort Properties Ltd., Paul Hamilton, Ken Bateman, John Andersen, Ron Ferber, Northmont Limited Partnership, Northmont Resort Properties Ltd., 2008164 Alberta Ltd., and Kirk Wankel, (collectively the **Defendants**).

I believe that I am a Class Member as I held Series A and B Trust Units in the REIT between June 3, 2014 and January 16, 2017.

I understand that the Class Action relates to allegations that the Defendants breached their obligations owed to the investors in the Northwynd Properties Real Estate Investment Trust (the **REIT**) in connection with the disposal of the REIT's assets.

I do **NOT** wish to participate in the Class Action.

I understand that by opting out of this Class Action, I will not be eligible for any benefit that may be available to the Class Members on resolution of this matter.

I understand that, if I wish to pursue any remedy with respect to the REIT, I must do so on my own.

I further understand that my rights to pursue any remedy may be limited by statutory or common law limitation periods in my jurisdiction of residence.

Dated the \_\_\_\_ day of \_\_\_\_\_ 2022

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(witness)

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_