

THE QUEEN'S BENCH
Winnipeg Centre

IN THE MATTER OF: THE APPOINTMENT OF A RECEIVER
PURSUANT TO SECTION 243 OF THE
BANKRUPTCY AND INSOLVENCY ACT,
R.S.C., C.B-3, AS AMENDED, AND SECTION 55
OF THE COURT OF QUEEN'S BENCH ACT,
C.C.S.M., C. C280, AS AMENDED

BETWEEN:

WHITE OAK COMMERCIAL FINANCE, LLC,

Applicant,

- and -

NYGARD HOLDINGS (USA) LIMITED, NYGARD INC., FASHION
VENTURES, INC., NYGARD NY RETAIL, LLC., NYGARD
ENTERPRISES LTD., NYGARD PROPERTIES LTD., 4093879
CANADA LTD., 4093887 CANADA LTD., and NYGARD
INTERNATIONAL PARTNERSHIP,

Respondents.

AFFIDAVIT OF GREG FENSKE

AFFIRMED this 24th day of June, 2020

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I, **GREG FENSKE**, of the City of Winnipeg, in the Province of Manitoba,

AFFIRM:

1. I was the Director of Systems for the Nygard Group of Companies (hereinafter "Nygard") and as such have personal knowledge of the facts and matters which are hereinafter deposed to be me except where same are stated to be based on information and belief, and which I believe to be true.

2. I am advised by Peter Nygard, and do verily believe, 1340 Notre Dame, Winnipeg, Manitoba has been a residence of Peter Nygard for in excess of forty years, while he was a non-resident of Canada and a permanent resident of The Bahamas.
3. I am advised by Peter Nygard, and do verily believe, Peter Nygard has been continuously residing at 1340 Notre Dame, Winnipeg, Manitoba, and has been a permanent resident of Canada for in excess of one and one-half years.
4. I am advised by Peter Nygard, and do verily believe, that Peter Nygard put in an offer to rent and/or buy the 2 separate buildings (that make up his residence and offices) that are attached to the 1340 warehouse. These offers remain outstanding.
5. I have personally seen Peter Nygard in this residence on numerous occasions over the course of the past year as I have frequently worked out of this location in my capacity as an employee of the Nygard Group of Companies.
6. Subsequent to the Receivership Order on March 18th, 2020, I am advised by Peter Nygard, and do verily believe, Peter Nygard advised the Receiver that 1340 Notre Dame was his residence and he asked

to have the Receiver confirm this tenancy. The Receiver ignored the request and failed to respond.

7. I am advised by Peter Nygard, and do verily believe, while he was out of his residence, at his summer lake residence, the Receiver changed the locks at 1340 Notre Dame Avenue and Peter Nygard could not gain re-entry.
8. I am advised by Peter Nygard, and do verily believe, it was always his intention to continue his residence at 1340 Notre Dame during the summer while he spent most of his time at his summer lake residence.
9. I am advised by Peter Nygard, and do verily believe, it never was his intention to discontinue his full time tenancy at 1340 to Notre Dame. It is his intention to have this tenancy confirmed by a lease.
10. I am advised by Peter Nygard and do verily believe that he was advised in writing by the Receiver that he had to be out of 1340 Notre Dame on or before June 5th, 2020.
11. I am advised by Peter Nygard, and do verily believe, Peter Nygard advised the Receiver in writing he did not accept the Receiver's position that he had to leave on June 5th, 2020.

12. I am advised by Peter Nygard, and do verily believe, Peter Nygard agreed to have someone attend on his behalf to pick up some of his belongings. It is Peter Nygard's position some of his belongings are still at 1340 Notre Dame.

13. I am advised by Peter Nygard, and do verily believe, that he is the rightful owner of his personal training equipment contained in his personal office areas and the Excalibur and the Hummer that were provided for his personal use as part of his remuneration package.

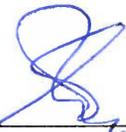
14. I make this Affidavit *bona fide* and in support of Mr. Nygard's position that 1340 Notre Dame, Winnipeg, Manitoba, remains his residence.

AFFIRMED before me at the)
City of Winnipeg, in the)
Province of Manitoba this 24th)
day of June, 2020)

)

A Commissioner of Oaths in
and For the Province of
Manitoba.

My commission expires March 6/2022



GREG FENSKE