This is the 1st affidavit
of Anthony James Pappajohn in this case
and was made on 02/SEP/2026



No. S-258845
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002 C. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF 1061511 B.C. LTD., JAMESON BROADWAY & BIRCH GENERAL PARTNER LTD., AND JAMESON BROADWAY & BIRCH LIMITED PARTNERSHIP

PETITIONERS

AFFIDAVIT

I, **ANTHONY JAMES PAPPAJOHN**, of 20th Floor, 250 Howe Street, Vancouver, British Columbia, Developer, SWEAR THAT:

INTRODUCTION

1. I am a director of the petitioners: 1061511 B.C. Ltd. ("**106**") and Jameson Broadway & Birch General Partner Ltd. (the "**GP**"). The GP is the sole general partner of the petitioner Jameson Broadway & Birch Limited Partnership (the "**LP**" and together with 106 and the GP, the "**Petitioners**") and as such I have personal knowledge of the matters herein deposed to, except where such facts are stated to be based upon information and belief and where so stated I do verily believe the same to be true.

2. In addition, I am a director of James Holdings Ltd. ("**James Holdings**") and as such I have personal knowledge of the matters herein deposed to with respect to James Holdings, except where such facts are stated to be based upon information and belief and where so stated I do verily believe the same to be true.

3. I make this affidavit in respect of the notice of application of CMLS Financial Ltd. ("**CMLS**") dated July 27, 2026 (the "**CMLS Application**") and specifically in reply to the second affidavit of Jeffrey Burt made August 28, 2026 (the "**Second Burt Affidavit**").

4. Further, I refer herein to the fifth affidavit of Thomas James Pappajohn made July 23, 2026 (the "**Fifth Pappajohn Affidavit**") and the ninth affidavit of Thomas James Pappajohn made August 19, 2026 (the "**Ninth Pappajohn Affidavit**"). Capitalized terms not otherwise defined in this affidavit have the meanings ascribed to them in the Fifth Pappajohn Affidavit and Ninth Pappajohn Affidavit.

5. At paragraph 7(d) of the Second Burt Affidavit, Jeffrey Burt states that in "Andrew Jones' discussions with one of the Pappajohn brothers prior to the commencement of the CCAA Proceedings, he was told that the Portage Lenders would not be captured by the Stay and that the Stay would just apply to the Birch Property." This is not correct for the following reasons:

(a) At and around the time (both prior to and after) these CCAA proceedings were commenced, among the Pappajohn Brothers, I was tasked with communicating with Andrew Jones and any other persons related to the Portage Credit Facility. I am informed by Tom and John, being the other Pappajohn Brothers, and verily believe to be true, that they did not communicate with Andrew Jones or any other persons associated with the Portage Lenders in or around the time these CCAA proceedings were commenced.

(b) I started communicating with Andrew Jones on or about September 16, 2025. Since that point, I was the only one of the Pappajohn Brothers communicating with Andrew Jones, with only one exception, as I am advised by Tom, and verily believe to be true, of a discussion between Tom and Andrew Jones on or about July 15, 2026.

(c) As noted at paragraph 59(k) of the Ninth Pappajohn Affidavit, I informed Andrew Jones (a) on or about November 25, 2025, that the Petitioners would seek creditor protection under the CCAA, and (b) on or about December 2, 2025, that James Holdings would no longer be able to make interest payments under the Portage Credit Facility as a result of these CCAA proceedings. I confirm the veracity of these statements.

(d) I did not state to Andrew Jones that the Portage Lenders would not be captured by a stay in the CCAA proceedings. Such a statement would have been inconsistent with the relief sought in the initial petition to the court filed in the CCAA proceedings on November 24, 2025, the Initial Order, the notice of application filed December 2, 2025, in respect of the relief sought at the Comeback Hearing, and

the ARIO. All of these documents identify a stay in relation to James Holdings, which is now the JHL Stay of Proceedings.

6. I swear this affidavit in reply to the Second Burt Affidavit and in support the Petitioners' request that the CMLS Application be dismissed to allow the Petitioners to advance these CCAA proceedings through the current critically sensitive stage.

SWORN BEFORE ME at the City of Vancouver, British Columbia, on 02/SEP/2026.

A Commissioner for taking Affidavits for British Columbia

ANTHONY JAMES PAPPAJOHN

EAMONN WATSON
Barrister & Solicitor
DENTONS CANADA LLP
20th Floor, 250 Howe Street
Vancouver, B.C. V6C 3R8
Telephone (604) 687-4460