

Action No. 0401-19905  
Deponent: SONIA EBANKS  
Date Sworn: June 2, 2005

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE OF CALGARY

IN THE MATTER OF

**TITAN INVESTMENTS LIMITED PARTNERSHIP, TITAN GENPAR INC., AND  
EVOLUTION CAPITAL MANAGEMENT LTD., AND THE ESTATE OF DAVID  
COMTE, DECEASED, AND THE COMTE FAMILY TRUST AND PREDATOR  
HOLDINGS LTD.**

**IN THE MATTER OF THE *JUDICATURE ACT*, R.S.A. 2000, c. J-2,  
AND RULES 467 AND 468 OF THE ALBERTA RULES OF COURT**

**AFFIDAVIT**

I, Sonia Ebanks, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY  
THAT:

1. I am an investor in Titan Investments Limited Partnership, ("Titan"), and as such I have personal knowledge of the matters hereinafter deposed to, except whereso stated to be based upon information and belief, and whereso stated I do verily believe same to be true.
2. I have received more money from Titan than I have invested in it. As such, I am a Respondent to the application brought by Alger & Associates Inc., (the "Receiver) and the Investors' Committee, as set out and defined in the Order granted by this Honourable Court on January 21, 2005.
3. I met David and Janet Comte in early 2002 at the home of a mutual friend, Edward Isaac Nelson ("Nelson"), who had been advising me of David Comte's success in the Evolution Partnership, a predecessor to the Titan Partnership.

4. Throughout the first half of 2002, Nelson continued to encourage me to invest with David Comte, and advised that I could invest the minimum amount required, being \$5,000.00, in two separate installments.

5. Throughout this encouragement, I received from Comte Global Partners a restricted prospectus (the "Prospectus"), outlining Evolution Capital Management Ltd. ("Evolution"). Attached hereto as Exhibit "A" to this my Affidavit is a true copy of the Prospectus.

6. After reading through the Prospectus, I came to realise that Evolution was an extremely risky investment, that could make massive profits. To this end, I specifically refer to the headings of Our Goals and Objectives, and Risks and Rewards. Under the heading of Our Goals and Objectives, I specifically noted that the possible reward was 300% per year, or 5% to 20% per month. Under the heading of Risks and Rewards, I specifically noted that the risks were many and great in these investments, but that so, too, were the rewards.

7. After reading the Prospectus, and after meeting with David and Janet Comte, I understood that I could lose my entire investment, but that I also could earn a return of upwards of 300% per year. I decided that this was a risk that I was willing to take.

8. On or about August 23, 2002 I met with David Comte and provided him with a bank draft for \$2,500.00USD. On or about September, 2003, I provided a bank draft for the additional \$2,500.00USD, making my total investment \$5,000.00USD.

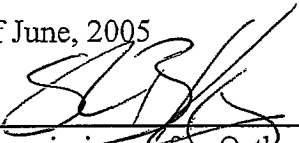
9. In November, 2004, I received a letter from David Comte advising that he was closing down the partnership, along with a draft for \$32,521.00USD. My rate or return amounts to 550% of my initial investment. As I was hoping for a rate of return of 250%-300% per year when I entered into the predecessor to the Titan Partnership, when I received this draft, I considered this to be a payout in line with what was possible or expected at the time of my initial investment. While I was pleased

with this payout, I was not overly surprised, as it was in line with what I had expected to receive, at the time of my investment.

10. At or about the same time, I spoke with Davie Comte, who advised me that an Alberta Securities Commission investigation of the Titan Partnership and extenuating personal circumstances led him to the decision to end the Titan Partnership. He further stated that all partners would be paid out within a month, as the positions held in trade by the Titan Partnership came in. This conversation furthered my understanding that the Titan Partnership's investments were as profitable as was expected at the time of my entry into the predecessor to the Titan Partnership.

11. I make this Affidavit in opposition to the relief sought by the Receiver and the Investor's Committee.

SWORN BEFORE ME, at the City of  
Calgary, in the Province of Alberta, this 12  
day of June, 2005

  
\_\_\_\_\_  
A Commissioner for Oaths in and for the  
Province of Alberta.

**SHANE B. KING**  
**BARRISTER & SOLICITOR**



\_\_\_\_\_  
Sonia Ebanks

THIS IS EXHIBIT "A"  
referred to in the Affidavit of  
SONIA CRANKS  
sworn before me this 12  
day of JUNE 2005

A Commissioner for Oaths in and for  
the Province of Alberta

# Comte Global Partners

## Evolution Capital Management Ltd

This restricted prospectus details an exclusive offering to participate in a privately managed investment partnership known as Comte Global Partners, which specializes in 'high-risk/high-reward' market speculation.

This document is not intended for distribution to, or as an offering to the general public.

## Evolution Capital Management Ltd

72 Laguna Close NE  
Calgary, Alberta, Canada  
T1Y 7B1



Phone: 403/620-1784  
www.evolutiontrading.com  
info@evolutiontrading.com

"Those who say it cannot be done should not interrupt those who are doing it!"

## Mission Statement

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*"Wall Street never changes; the pockets change, the suckers change, the stocks change, but Wall Street never changes, because human nature never changes."*

*Jesse Livermore, market speculator, pre-1929*

One undeniable conclusion about our current society that I have gleaned from studying our modern financial markets and observing human nature is that most individuals in our society wander about for their whole lives without a trace of financial common sense or a vision of any sort of monetary potential outside of their current illusion of comfort and security. The majority of people virtually guarantee themselves a life of economic failure by totally placing their financial health and trust in the hands of another and not making any effort to learn for themselves. Many people *actually believe that they cannot possibly begin to understand* the machinations of the world financial markets and therefore make no effort to better themselves. *This belief is an utter fallacy ...* in fact this lack of knowledge of even the most basic of financial instruments is simply a lack of *will*.

*Greed* is the single biggest contributor to the failure of individual participants in the market, rendering rich and poor alike all but destitute. Greed tells us to accumulate more of a "sure thing" when we have already exceeded our capacity for personal risk. Greed causes us to listen to *hope instead of reason*, which in turn gets us to hold on to an investment long after it has gone out of favor on the street. Greed closes off our instincts and begets rash actions, buying off of the inevitable hot tip, whether gleaned from a neighbor or a television expert. A third villain that stalks the unsuspecting in the market is our old nemesis that shadows us through our entire lives ... *fear*. There is nothing like a good dose of fear to paralyze us and halt us from doing what we are supposed to do, whether it be selling an investment for a profit, or simply buying the right investment when it is actually beneficial.

We live in an era of unprecedented media coverage and communication which, unfortunately for those who seem to be incapable of independent thought, produces an unparalleled number of "market experts" bombarding us with their hottest *predictions* of the day. These *financial gurus* often create wealth only for themselves, touting the latest investment fad on the financial networks, with the sole purpose of luring more sheep to the market to be fleeced by the real experts. *We live in an era where 3 out of 4 professional mutual fund managers cannot exceed the return of the S&P 500 Index or the TSE 300 Index in any given year.* Is it not time for us to take control of our financial destinies and achieve the life that up until now we have only *imagined*?

Evolution Capital Management Ltd exists to provide and implement superior financial strategies, proven for decades by financial traders around the world, which will enable those select individuals with a similar vision of unlimited potential and possibility to transform all of their dreams and desires of financial freedom into a permanent reality.

## Who We Are

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**M**y name is David L. Comte and I am President and majority owner of Evolution Capital Management Ltd as well as the founding investor of the Comte Global Partners investment partnership. For most of my working life, I have been involved in sales and marketing with various companies in Saskatchewan and Alberta. For the three years prior to founding this investment partnership (in September 2000), I was working with a private real estate company that specialized in rehabbing run down residential properties. In the thirty-two months that I was working with this company, we bought and sold 171 properties with an approximate value of \$23 million dollars.

My first experiences with the commodity and financial markets began nearly a decade ago. I began to investigate and learn about the different market investment strategies that existed for profiteering in the world of futures and stocks. As time passed, I began to realize that there were a select group of traders that constantly made money, year in and year out, in a business where nearly 90% of the participants suffer defeat and lose some or all of their starting capital. These very successful traders typically earned hundreds of thousands to hundreds of millions of dollars in any given calendar year. *The most logical thing to do, in my opinion, was to focus on this group of traders, learn what techniques and what specific mindset that they used to become incredibly successful in the markets.* The top traders that I have modeled are *Russell Sands* of Miami, Florida and *Larry Williams* of San Diego, California

*Russell Sands* is a member of an elite group of market traders and money managers known as the “*turtles*”. This was a group of individuals that had *no prior trading experience* that were brought together by a famous Chicago speculator named Richard Dennis in 1984. Richard personally traded a measly \$400 US grubstake into a \$200 million US dollar fortune in about 15 years and had made a bet with his partner that they could train anyone to become a successful commodity trader – that trading was not an innate skill that someone is born with. Richard trained Russell and 15 others to become traders and bankrolled them each with \$1 million dollars of his own money.

As publicly documented in the Wall Street Journal, for the next four years, the turtles’ return on equity outperformed all of the so-called professional commodity traders and fund managers by a huge margin and made Mr. Dennis a combined profit of \$175 million US dollars! *Currently, roughly one-third out of the top fifteen commodity fund managers in the world are “turtles” who are responsible for managing in excess of \$4 Billion US dollars.* Russell, who is a professional money manager (with millions of dollars under management in domestic and offshore funds), began to teach the Turtle methods in 1995 after the secrecy pact that he had to sign expired.

*Larry Williams* is perhaps the most well-known and controversial short-term speculator and trading system developer in the last two decades. He made his first million before he was 30 and has earned tens of millions of dollars through market speculation over the course of his 35-year career. Perhaps Larry’s most famous accomplishment was when he entered and won the Robbins Trading Championship (a multinational event that any commodity trader can

compete in) in 1987, turning \$10,000 US into \$1,100,000 US in a single year. *This represents a gain of more than 11,000% in one year!*

On the 10<sup>th</sup> anniversary of his championship, he taught his 16-year old daughter (Michelle Williams from the television program, *Dawson's Creek*) these same techniques and she won the trading championship by turning \$10,000 US into \$110,000 US in a single year, *giving her a 1,000% gain in twelve months*. The trading strategies that I have learned from Larry have made him profits in the range of \$350,000 US to \$900,000 US per month during the course of his career. Can successful commodity trading be taught? Absolutely.

## The Business Concept

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Since the advent of the personal computer and more recently the Internet, we as individuals have been presented with an amazing opportunity to walk the same ground and reap the same profits as the financial professionals on Wall Street and in Chicago! We can affordably and efficiently trade the capital markets because we can now easily access the same information and strategies that the professionals have jealously guarded for years. Finally a person can trade with the same advantages that used to be only possessed by the on-floor pit traders in Chicago and New York! With this technology, we can profitably trade (short term or long term) major stock market indexes, equities and commodities with accuracy and precision like never before.

### Trading and Investment Style

There is a fundamental difference between our methods of speculation in the markets and those of a typical mutual fund manager that you might see on a financial channel. The mutual fund manager is usually engaged in what is known as *stock selection*. The fund manager screens several hundred or thousand stocks through his fundamental criteria (such as earnings, sales estimates, debt ratios and so on) to determine which stocks he or she will buy to hold in their fund.

The proprietary systems that we utilize for short term and long term speculation, are of a *technical* nature (investment decisions are based on the solely on the underlying price while ignoring all other fundamental considerations) and are generally what are known as *momentum trading*.

We are not stock selectors or investors, but rather *we are traders* – definable as moving in and out of the markets as the trend (direction of the market) and the momentum of the price changes speed and direction. We are just as likely to trade in a market when it is rising, as we are to trade it when it is falling (known as short selling). Our systems allow us to time the market very quickly and accurately while limiting our risks. *Please note that as the trading systems that we utilize are proprietary in nature, the inner mechanics of how they function will not be disclosed to any partner involved.*

## Money Management

As we make more money, we reinvest it into the account to trade more shares of a stock or futures contracts and take advantage of the power of compound growth. Likewise, as we lose money, we will reduce the number of contracts that we trade to risk less of our capital.

We determine our risk in any given market by measuring the volatility (how far the market has moved up and down in price) in a specific market over a specified, recent time frame. We then use this calculation of volatility to determine how much risk our capital should be exposed to in that particular time frame. By trading in this manner, we have greatly reduced our exposure to risk in the most volatile trading environments.

## Market Selection

Basically any market that offers enough volatility to create sustainable price trends (up or down), are the markets that we will participate. The only real unbreakable criteria that we implement are that any market in which we trade must have *large enough trading volume each day*. For example we would not trade in a penny stock because the number of shares traded on a daily basis are too small, but we would take positions in a high-volume stocks like Microsoft or Wal-Mart.

For longer-term trades lasting several days to several weeks, we trade in all equity markets (large volume stocks) as well as most high volume commodity markets. For short-term trades lasting several minutes to several hours, we restrict our trading to the major stock market indexes or US government Treasury instruments.

## Our Goals And Objectives

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**B**eing perfectly blunt, my goals (hopefully similar to your goals) for this partnership are very grand and frankly, beyond the scope of most people's vision. The Turtles have achieved returns on the capital that they manage as high as *300% per year!* Larry Williams has achieved returns as high as *25% in three days of trading* at real time trading seminars that he holds throughout the world.

Through trading in the various markets I aim to achieve a consistent monthly return that reaches *5% to 20% per month*. We have already achieved returns of this nature in our partnership operations and I believe that we can continue to achieve these returns as we continue to build this partnership through the years.

## Risks And Rewards

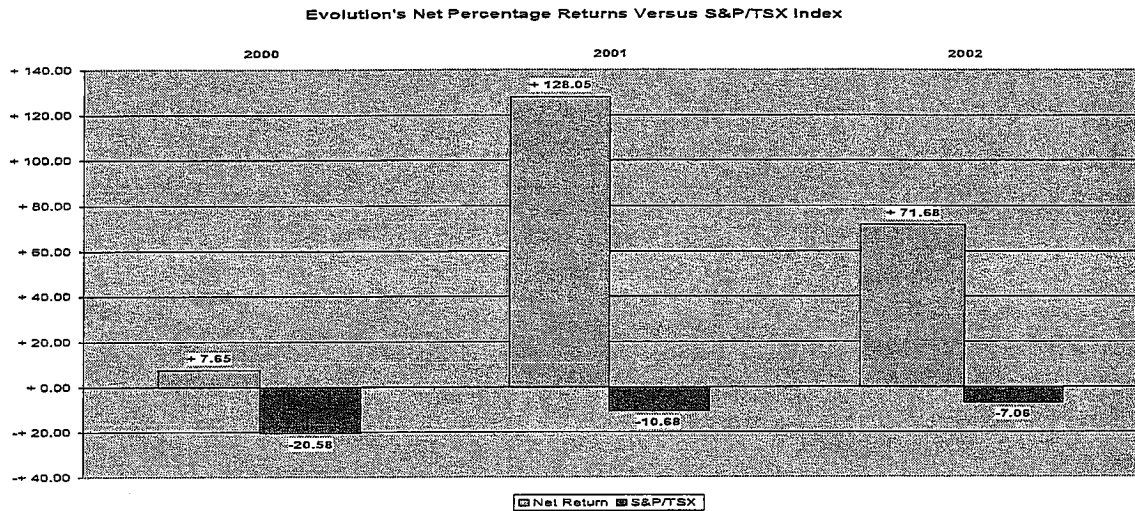
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**W**hat are the risks associated with trading in the manner that I am proposing to you? To be very honest and blunt, they are many and they are great. Great risk however comes with great expectation and great potential for huge rewards. I

expect great things to continue to happen with this investment partnership based on what I have already achieved, what I have seen Larry do in real time trading and what I have witnessed the Turtles do in their money management businesses.

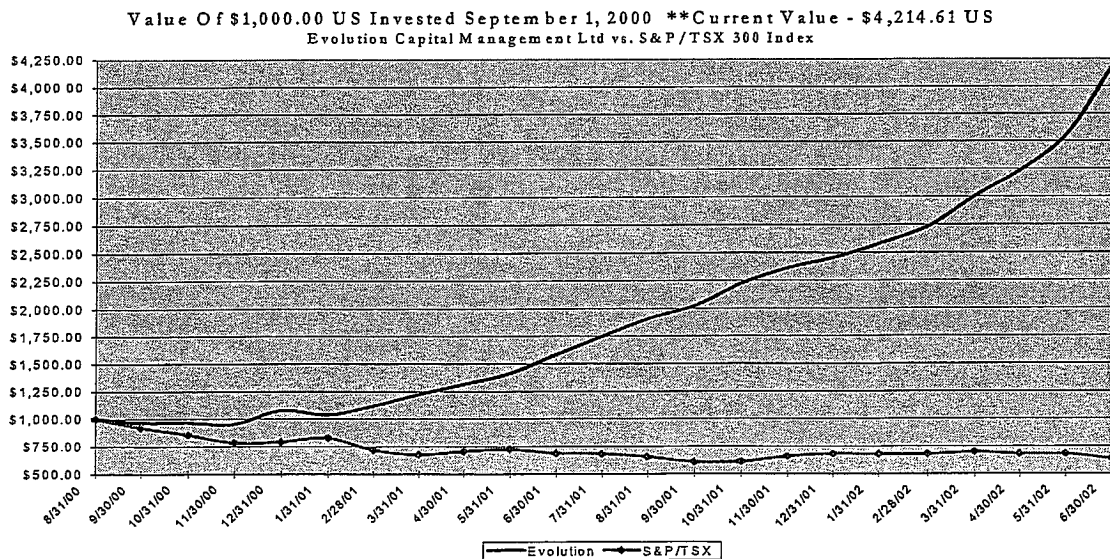
## Annual Trading Returns

The following graph shows the annual percentage return of this partnership compared with the percentage return of the TSE 300 Index. *\*\* Please note that our stated returns and those of the TSE Index, for the year 2000, were only for the four months of September through December 2000.*



## Compounded Returns

The returns above are certainly incredible, but they are nothing compared to what can happen when one allows their capital and profits to compound. The chart below illustrates the growth in the value of \$1,000 US dollars invested at the inception of this partnership.



This partnership has already produced *monthly returns* that range from a low of *-3.58%* to a high of *+22.97%* and we have exceeded the return of the TSE 300 in all calendar years that we have been trading. The overall net return (through June 30, 2002) for a partner who invested at the inception is *+321.46%*.

While I cannot possibly promise that the system will return the same type of results in the future, there is no reason why we cannot continue to produce these types of superior returns for all the partners in the long run if we keep doing what we have done very well in the past!

### Trading Accuracy and Profit Ratio

Most of the trading systems that we utilize today are somewhere between *60% and 75% accurate*. They have been thoroughly tested (in theory and reality) on literally hundreds of trades, which is a statistically viable number (for most any mathematician) to be reflective of what may (continue to) happen in reality.

Our average profit is typically *two times our average loss*. This means that when we happen to have a losing trade, we only lose half of what we can expect to make when the winning trades come our way again. This allows us to be very confident in our systems (because the chances of us losing our investment with high accuracy and a 2:1 profit ratio is very small) and also tells us that it has a high probability of holding up and returning similar results in the future.

### Risk Management

There are two rules that I will follow when I am trading this account. *The first is that we will never risk more than 2% to 5% of the account equity on any one trade*. By using protective stop losses based on our predetermined volatility measures, we will not expose our accounts to more than this amount. As we make more money, we trade more aggressively; as we lose money, we cut back our trading size to limit our exposure.

The second rule is that *should the account ever be devalued down to 50% of its original starting value, we will cease trading and liquidate the account* returning the remaining capital to the investors. This way, the maximum exposure and ultimate risk that anyone faces is losing only half of their investment, no more.

### Resource Requirements

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The following is a list of the technological and human requirements that will be used to trade these methods to manage our trading accounts. The list of things required is brief because of the increased power and capability of home computers and technology in general. One hundred percent of the costs associated with these items (with the exception of the commission costs associated with placing the trades) will be borne by Evolution Capital Management Ltd.

- Two computers – one desktop with dedicated high-speed modem for trading and one laptop with telephone line access to the Internet to act as a backup system so our trading will not be interrupted if the main system goes down.
- Real time data feed – to provide real time intra-day quotations for the S&P 500 and NASDAQ Index futures and US 30-year Treasury bond futures from the Chicago Mercantile Exchange and the Chicago Board of Trade. Commodity Quote Graphics (CQG) of Denver, CO will provide this data feed. We also utilize Genesis Data of Boulder, Colorado to provide us with end-of-day (delayed) equity and futures data for longer term trades.
- Commodity Brokers – to place the orders. I will be using Refco/LFG and Robbins Trading Company, both of which are located in the city of Chicago. The actual account numbers will be provided to you upon receipt of your capital contributions for your reference.
- US dollar bank account – to handle the inflows and outflows of capital each month. The bank accounts will be held at Royal Bank in Calgary, with the numbers being provided to you upon receipt of your capital contributions.

Should any of you wish to request copies of the bank or brokerage statements, please feel free to request them from me by calling 403-620-1784 9-9 MST or e-mail us your requests at [info@evolutiontrading.com](mailto:info@evolutiontrading.com).

## Comte Global Partners Financial Specifics

**T**his section will include several subsections detailing the monetary specifics of how we will handle the account distributions of profits. I want to make this as clear as possible as to how I intend to financially run this trading account for the optimum financial benefit of all those involved. These rules are not subject to interpretation of the individual investors for one main reason ... I am a trader and wish to remain so. I intend to keep the paperwork as simple as possible for all involved, specifically all of our accountants.

### Partnership Structure

The following is the general structure of the Comte Global Partners investment partnership.



## Minimum Investment

The *current minimum investment by any partner is \$5,000.00 US dollars* with no maximum on the initial capital contribution. *This minimum may be raised or lowered without notice.* This investment purchase gives you privately held participating units in the Comte Global Partners trading venture. *The number of units purchased will be determined by dividing the dollar amount of the investment by the closing NAV/Unit on the day that the investment is received.* *The value of the participating units will be calculated on a daily basis by dividing the total company assets (trading and bank accounts) by the number of participating units that are outstanding to arrive at the Net Asset Value Per Unit (NAV/Unit).* *All transactions between the company bank and brokerage accounts and the partners will be in US dollars only.*

## Additional Investment

Further investments by any existing or new partners *may be made on the first day of each month only* (and are subject to the minimum investment) to simplify the accounting paperwork that will be required by the company. Funds marked for further investment must be received in the company bank account no later than the *last business day of the month* prior to the month of desired additional investment. Taking the dollar value and dividing by the current NAV/Unit will determine the actual number of new units that are purchased.

## Monthly Reporting

*Each month, all of the partners in the Comte Global Partners investment partnership will receive a statement package.* This statement package will include a monthly letter from me, a personal statement detailing the growth (or loss) of the partner's capital, a performance statement detailing the overall partnership statistics for the month as well as a copy of the month end brokerage account statements. Any questions regarding this statement package should be directed to David Comte.

All partners can also access our website at [www.evolutiontrading.com](http://www.evolutiontrading.com) to see how the partnership is progressing throughout the month. *The performance numbers on the website are updated weekly by 6:00 PM MST each Saturday.*

## Taxation Issues

*All partners are responsible to pay their own taxes on any capital gains, interest or dividend income that their partnership units accrue during the calendar year.* Comte Global Partners and its corporate entity are simply holding companies and they do not make any money. *All forms of income in the trading and bank accounts flow directly through to the partners based on the number of participating units that they own.* At the end of each calendar year, the partners will each receive a T5013 form detailing their portion of the taxable interest and dividend income, as well as taxable capital gains and

losses from the trading account that they will need to submit to Canada Customs and Revenue Agency with their annual tax return.

### Incentive Fees

*Each month, Evolution Capital Management Ltd will be paid an incentive fee of 20% (plus GST) of the gross monthly trading profits.* Should there be a net loss at the end of the month, no fee shall be paid and no fee shall be paid until the loss is made up and new gains have been achieved. This will be paid out into the Comte Global Partners Ltd bank account (wired from the trading account) and then paid to Evolution Capital Management Ltd. This fee is standard in the hedge fund and commodity fund industry in North America.

### Distribution Of Profits

Should any investor wish to redeem part or all of his/her shares, we require that a *5 business days) notice must be given* to allow sufficient time for the transit of funds and documentation. From time to time, I will believe the account size to be unmanageable due to excess capital created by exponential growth. *At my discretion, I will return capital to the partners based upon their unit ownership.* This will not affect any partner's return, as the number of shares owned and the NAV/Unit will be adjusted accordingly.

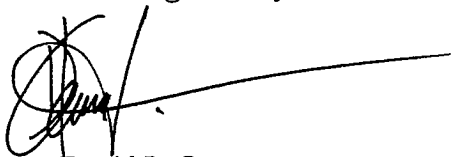
All of these rules have been put in place to allow for maximum profitability (the ability to compound) and minimization of risk. I shall review these rules from time to time to allow for improvements. *Please keep in mind that input from all of the partners is always welcomed and greatly appreciated.*

Please fill in all of the spaces and sign on the *final page* of the agreement and both original pages to me with your money order or bank draft made out to:

### **Comte Global Partners Ltd**

I will fill in the calculate the unit price and number of units purchased, insert them on the first page and sign and return a copy to you with confirmation of your investment.

Have a great day!



David L. Comte,  
*Evolution Capital Management Ltd.*  
*Comte Global Partners Ltd.*

Should you have any questions please feel free to call David Comte during the hours of 9 AM through 9 PM at 403-620-1784 or by e-mail at [info@evolutiontrading.com](mailto:info@evolutiontrading.com)

Action No. 0401-19905  
Deponent: Sonia Ebanks  
Date Sworn: June 12, 2005

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IN THE COURT OF QUEEN'S BENCH OF  
ALBERTA  
JUDICIAL CENTRE OF CALGARY

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TRUST AND PREDATOR HOLDINGS LTD.

IN THE MATTER OF THE *JUDICATURE*  
*ACT*, R.S.A. 2000, c. J-2,  
AND RULES 467 AND 468 OF THE ALBERTA

AFFIDAVIT

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*McLeod & Company* <sup>LLP</sup>

*Barristers and Solicitors*

*Third Floor, 14505 Bannister Road S.E.  
Calgary, Alberta  
T2X 3J3*

*Attention: Shane B. King*

*Tel: 254-3849*

*Fax: 271-1769*

*File No.: 43-54928-6/SBK*

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