

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

IN THE MATTER OF

TITAN INVESTMENTS LIMITED PARTNERSHIP, and 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

JOHN MCARA

Appellant

INVESTORS COMMITTEE

Respondent

ALGER & ASSOCIATES INC.

Receiver Respondent

THOMAS PEARSON, CHRISTOPHER PEARSON

(not parties to the Appeal)

DAVID PIZZOLATO, JOANNE KROG, ALTON HALLIDAY, HEIDIE FIRTH,
HARVEY BARRETT, 1043930 ALBERTA LTD.

(not parties to the Appeal)

SONIA EBANKS, ETENRIT INSTITUTE INC., TW CLEANING SERVICES

(not parties to the Appeal)

JANET COMTE

(not parties to the Appeal)

EDYTA CZARNECKI and 924888 ALBERTA LTD.

(not parties to the Appeal)

NOTICE OF MOTION

TAKE NOTICE that a joint application will be made by counsel for the Respondent Investors Committee and the Respondent Receiver, before the Honourable Madam Justice C.M. Conrad in Chambers at the Court of Appeal of Alberta, in the City of Calgary, in the Province of Alberta, on Tuesday, the 25th day of October, 2005, at the hour of 9:30 in the forenoon, or so soon thereafter as counsel may be heard, for an Order directing that:

1. The time for service of this Notice of Motion is abridged, and service is deemed good and sufficient;
2. The within appeal applies only to John McAra, and to no other Overpaid Investors in the Titan Investments Limited Partnership ("Titan Partnership");
3. In the alternative, if the within appeal applies to other Overpaid Investors in the Titan Partnership, then the hearing of the within appeal shall be expedited;
4. The Respondent Investors Committee and the Respondent Receiver are granted leave to apply for security for costs.

AND FURTHER TAKE NOTICE that in support of the within application will be read the Affidavit of Michael P. Costello, filed, and such further and other material as counsel may advise and this Honourable Court may direct.

AND FURTHER TAKE NOTICE that the grounds for the within application are as follows:

1. No other Overpaid Investor in the Titan Partnership, other than John McAra, has appealed the decision or is named as a party for the purposes of any cost award;
2. In the event that this appeal applies to other Overpaid Investors in the Titan Partnership, then the Respondent Receiver will essentially be unable to continue with the administration of the Estate of the Titan Partnership, or to make distributions to investors in the Titan Partnership, until a determination has been made with respect to this appeal; and
3. In the event that this appeal applies to all Overpaid Investors and is not expedited, in which case the Respondent Receiver will essentially be unable to continue with the administration of the Estate of the Titan Partnership until a determination has been made with respect to this appeal, it will become more difficult for the Respondent Receiver to collect from Overpaid Investors.

DATED at the City of Calgary, in the Province of Alberta, this 21 day of October, 2005.

Estimated Time for
Argument - 20 minutes

BENNETT JONES LLP

Per: *Frank R. Dearlove*
for: Frank R. Dearlove
Solicitors for the Respondent
Investors Committee

TO: Clerk of the Court

FLEMING LLP

Parties for Service:
MILES DAVISON LLP
Attention: Susan L. Robinson Burns
Solicitors for the Appellant,
John McAra

Per: *Clive O. Elewellyn*
for: Clive O. Elewellyn
Solicitors for the Respondent
Receiver

NOTICE TO THE RESPONDENT

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument on the application, nor be entitled to costs of the application, unless otherwise ordered. Failure to appear may also lead to an order or judgment being made against the respondent in their absence.

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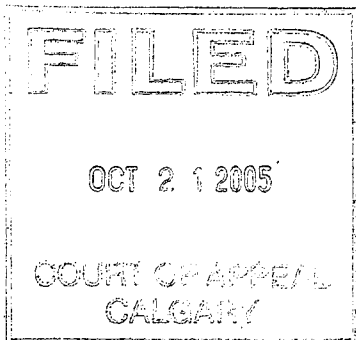
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