



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE BANKRUPTCY AND INSOLVENCY
IN THE MATTER OF THE BANKRUPTCY OF
ERWIN SINGH BRAICH

AFFIDAVIT

I, GORDON M. ELLIOTT, Barrister and Solicitor, of the 8th Floor - 1285 West Broadway, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a partner in the law firm of Thompson & Elliott, solicitors for Erwin Singh Braich and as such do have personal knowledge of the matters and facts hereinafter deposed to save and except where stated to be based upon information and belief and in which case I verily believe the same to be true.
2. This hearing was originally scheduled for August 12, 1999 and was adjourned to August 19, 1999 with the consent of Mr. Brian McLean. Upon being able to advise Mr. McLean that I was satisfactorily retained in this matter, the matter was further adjourned to September 16, 1999.
3. The purpose of the adjournment was to enable Mr. Braich sufficient time to determine whether certain business prospects of his in Bulgaria could be finalized and by so doing satisfy the Petitioner of his ability to repay the amount due and owing.
4. To that end I was dispatched to Bulgaria to, amongst other things, obtain a finalized form of agreement for Mr. Braich for the purchase of a chemical fertilizer plant located in that country. This plant is an immense facility capable of producing one million tons of urea fertilizer on a yearly basis. It is being sold by the Bulgarian Government and a company (IBE Trans of New York) which purchased it through a privatization bidding process. In the end, it was not possible to obtain the finalized agreement and I returned to the office on Monday, September 27, 1999.

5. However while I was in Bulgaria, I telephoned Brian McLean on or about September 15, 1999 and requested a further adjournment from him. He understood my purpose in Bulgaria and indicated that he would grant such an adjournment. However, he wished to set the matter down for September 29, 1999. I told him that given my location and length of time I thought it would take to finalize this matter, further time would be required. His response was that he would not be unreasonable with respect to any further adjournment if one was required.

6. On September 28, 1999, I asked Mr. McLean for a further adjournment advising him that it would now be necessary to attend in New York for the purpose of meeting with the vendor company (IBE Trans) to finalize the form of agreement and would he consent to a further adjournment. Later that afternoon, he indicated that he was not prepared to consent to any further adjournments in the absence of written reasons setting out Mr. Braich's ability to repay the amount claimed by the Petitioner.

7. On September 29, 1999, immediately prior to the scheduled hearing of this matter, Mr. McLean did agree to a further adjournment to October 1, 1999 provided we sent to him a written explanation of the transaction in Bulgaria and the prospects for repayment of his client's debt. This has now been done.

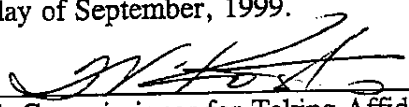
8. Given my time in Bulgaria and what I felt was an assurance from Mr. McLean for a further adjournment, I simply was not ready to proceed on September 29, 1999 or for that matter on October 1, 1999. It is simply not possible to prepare the necessary material to oppose the Petition issued by Mr. Glen Walsh in the time available upon my return to the office.


9. I am in Toronto commencing Thursday, October 7, 1999, returning October 17, 1999. Accordingly the earliest which I could expect to be ready for hearing of the Petition after providing Mr. McLean with proper notice pursuant to Rule 72, is October 22, 1999. The principal grounds on which Mr. Erwin Singh Braich will oppose the Petition are that he has sufficient assets to pay all of the debts to his creditors.

10. Further, it is Mr. Braich's hope that the contract with the vendor, IBE Trans, for the purchase of the urea plant in Bulgaria will be reduced to writing and provide for a closing procedure

which in all likelihood, will take place within thirty days of the date of the contract being signed. This will assist Mr. Braich in the ultimate repayment of his debts to his various creditors.

11. I make this Affidavit in support of an application for an Order adjourning this matter to October 22, 1999.

SWORN BEFORE ME at the City of)
Vancouver, in the Province of)
British Columbia, this 30th)
day of September, 1999.)
)
A Commissioner for Taking Affidavits)
for British Columbia)



GORDON M. ELLIOTT

ACTION NO. 193466VA99
VANCOUVER REGISTRY

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File No. 41180-E (Braich) GME/JBF