

**SECOND AMENDMENT TO THE DISCLOSURE STATEMENT**

(Real Estate Development Marketing Act of British Columbia)

**CHERRY CREEK VILLAS  
Bare Land Strata Lot Subdivision**

4065 McBride Street  
Port Alberni, British Columbia

**Date: August 26, 2020**

**This Second Amendment to the Disclosure Statement amends the Disclosure Statement dated March 9, 2018 and the First Amendment thereto dated February 4, 2019 with respect to a continuing offering for sale by Cherry Creek G.P. Ltd. of unsold bare land Strata Lots 1, 2, 3, 4, 9, 11, 12 and 14 at the end of McBride Street, in the City of Port Alberni, in the Province of British Columbia.**

**DEVELOPER:**

**CHERRY CREEK G.P. LTD.**

Mailing address for the Developer in British Columbia:

2584 Lincoln Road  
Victoria, BC V8R 6A6  
**Attention: Murray Banting**

Address for service for the Developer in British Columbia:

2584 Lincoln Road  
Victoria, BC V8R 6A6  
**Attention: Murray Banting**

**REAL ESTATE AGENT OF THE DEVELOPER:**

**ReMax Mid-Island Realty Ltd.**  
4201 Johnston Road  
Port Alberni, BC V9Y 5M8  
Tel: (250) 723-5666  
Fax: (250) 723-1151  
**Attention: Sonja Sutton**  
Cell: (250) 720-6804  
Email: [sonja@sonjasutton.com](mailto:sonja@sonjasutton.com)

The Developer has determined to list one or more of the 8 unsold bare land strata lots in the Development with its real estate agent. The Developer reserves the right to market and offer for sale any of the other strata lots directly to the first purchaser thereof. None of the employees of the Developer are currently licensed under the *Real Estate Development Marketing Act* and, as such, are not able to act on behalf of any prospective purchaser of a strata lot in this development.

**“This Second Amendment to the Disclosure Statement has been filed with the Superintendent of Real Estate, but neither the Superintendent, nor any other authority of the government of the Province of British Columbia, has determined the merits of any statement contained in the First Amendment to the Disclosure Statement, or whether the First Amendment to the Disclosure Statement contains a misrepresentation or otherwise fails to comply with the requirements of the *Real Estate Development Marketing Act*. It is the responsibility of the developer to disclose plainly all material facts, without misrepresentation.**

**This Second Amendment to the Disclosure Statement relates to a development property that is not yet completed. Please refer to Section 7.2 for information on the purchase agreement. That information has been drawn to the attention of \_\_\_\_\_ and \_\_\_\_\_, the purchaser(s) of Strata Lot \_\_\_, who has/have confirmed that fact by initialing the space provided here: \_\_\_\_\_/\_\_\_\_\_.”**  
(initials)

**In accordance with Section 15(3) of the *Real Estate Development Marketing Act*, and the *Electronic Transactions Act*, a developer may provide the Disclosure Statement and any Amendments thereto by electronic means but only with the written consent of the prospective purchaser.**

## **RIGHT OF RESCISSION**

**Under section 21 of the *Real Estate Development Marketing Act*, the purchaser or lessee of a Strata Lot may rescind (cancel) the contract of purchase and sale or contract to lease by serving written notice on the developer or the developer's brokerage, within 7 days after the later of the date the contract was entered into or the date the purchaser or lessee received a copy of this First Amendment to the Disclosure Statement.**

**A purchaser may serve a Notice of Rescission by delivering a signed copy of the Notice in person or by registered mail to**

- (a) the developer at the address shown in the disclosure statement received by the purchaser,**
- (b) the developer at the address shown in the purchaser's purchase agreement,**
- (c) the developer's brokerage, if any, at the address shown in the disclosure statement received by the purchaser, or**
- (d) the developer's brokerage, if any, at the address shown in the purchaser's purchase agreement.**

**The developer must promptly place purchasers' deposits with a brokerage, lawyer or notary public who must place the deposits in a trust account in a savings institution in British Columbia. If a purchaser rescinds their purchase agreement in accordance with the Act and regulations, the developer or the developer's trustee must promptly return the deposit to the purchaser.**

## **LIMITATION OF THE RIGHT OF RESCISSION**

The Right of Rescission information set out above **ONLY** applies to new purchasers who have not previously received the Disclosure Statement in respect of this development property.

Purchasers who have previously received the Disclosure Statement in respect of this development property accrued a right to rescission at that time and, pursuant to section 21(1)(b) of the *Real Estate Development Marketing Act*, **DO NOT** have a further right to rescind.

This notice does not affect any rights a purchaser may have under the purchase agreement or at common law.

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**EXECUTIVE SUMMARY**

To date, the Developer has sold Strata Lots 5, 6, 7, 8, 10 and 13 to the first purchasers thereof.

Remaining bare land Strata Lots 1, 2, 3, 4, 9, 11, 12 and 14 are continuing to be offered for sale under the Disclosure Statement, the First Amendment thereto and this Second Amendment thereto.

The Developer has determined to relist one or more of its remaining 8 bare land strata lots for sale with Sonja Sutton of ReMax Mid-Island Realty Ltd. of Port Alberni, British Columbia.

The Developer has amended Section 3.1(17) of the Statutory Building Scheme to change the maximum vehicle weight described from 7,000 pounds to 12,000 pounds provided that any such vehicle is classified as one (1) tonne passenger truck and not a flat deck or cube style truck for any of Strata Lots 1, 2, 3, 4, 9, 10, 11, 12 and 14 of Strata Plan EPS4678.

This Modification of the Building Scheme was registered at the Victoria Land Title Office on March 24, 2020 under assigned document number CA8103643.

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**Table of Contents**

	Page
Cover Page	1
Right of Rescission	2
Executive Summary	3
Table of Contents	4
List of Exhibits	4
Amendments	5
<b>SIGNATURES</b>	6
Solicitor Certificate	7

**LIST OF EXHIBITS****Exhibit 1.3 - Amended Sheet 1A of Strata Plan EPS4678**

## **AMENDMENTS**

**The Disclosure Statement of the Developer dated March 9, 2019, as amended by the First Amendment thereto dated February 4, 2019 is further as follows:**

1. The Developer has recently changed both its mailing address and address for service in British Columbia from 3690 Nautilus Road, Nanoose, B.C., V9P 9H1 to 2584 Lincoln Road, Victoria, B.C., V8R 6A6.

Accordingly, the cover page of the Disclosure Statement is amended as noted on the cover page of this Second Amendment to the Disclosure Statement.

2. The Developer has determined to list one or more of its 8 remaining bare land strata lots for sale with Sonja Sutton of ReMax Mid-Island Realty Ltd. of Port Alberni, British Columbia.

Accordingly, the cover page of the Disclosure Statement is amended as noted on the cover page of this Second Amendment to the Disclosure Statement.

3. Section 2.1(3) titled "**Civic Addresses**" is amended to change the referenced civic address for the Development lots from 4064 McBride Street to 4065 McBride Street."
4. The Developer has amended Section 3.1(17) of the Statutory Building Scheme to change the maximum vehicle weight described from 7,000 pounds to 12,000 pounds provided that any such vehicle is classified as one (1) tonne passenger truck and not a flat deck or cube style truck for any of Strata Lots 1, 2, 3, 4, 9, 10, 11, 12 and 14 of Strata Plan EPS4678.

This Modification of the Building Scheme was registered at the Victoria Land Title Office on March 24, 2020 under assigned document number CA8103643.

5. Subsection 2.1(5) titled "**Subdivision Plan**" is amended by adding the following paragraph:

"The bare land Strata Plan EPS4678 was amended pursuant to Section 258 of the *Strata Property Act* on April 30, 2020 by amended Sheet 1A, a copy of which is attached to this Second Amendment as **Exhibit 1.3**. This amendment created a Limited Common Property parking stall for the benefit and better use and enjoyment of Strata Lot 10."

## SIGNATURES


### Deemed Reliance

Section 22 of the *Real Estate Development Marketing Act* provides that every purchaser who is entitled to receive this Second Amendment to the Disclosure Statement is deemed to have relied on any false or misleading statement of a material fact contained in this Second Amendment to the Disclosure Statement, if any, and any omission to state a material fact. The developer, its directors and any person who has signed or authorized the filing of this Second Amendment to the Disclosure Statement are liable to compensate the purchaser for any misrepresentation, subject to any defences available under section 22 of the Act.

### Declaration

The foregoing statements disclose, without misrepresentation, all material facts relating to the Development referred to above, as required by the *Real Estate Development Marketing Act* of British Columbia, as of August 26, 2020.

CHERRY CREEK G.P. LTD.  
by its authorized signatory:

  
\_\_\_\_\_  
MURRAY BANTING, President  
\_\_\_\_\_  
BRIAN J. SENINI

**BRIAN J. SENINI**  
*Barrister & Solicitor*  
200 - 1808 Bowen Road  
Nanaimo, BC V9S 5W4  
Tel: (250) 824.2077 - Fax: (250) 753.3949

DIRECTOR:

  
\_\_\_\_\_  
MURRAY BANTING

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**SOLICITOR'S CERTIFICATE**

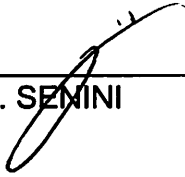
**IN THE MATTER OF THE REAL ESTATE  
DEVELOPMENT MARKETING ACT AND THE  
DISCLOSURE STATEMENT OF CHERRY  
CREEK G.P. LTD. DATED MARCH 9, 2018  
AND THE FIRST AMENDMENT THERETO  
DATED FEBRUARY 4, 2019 AND THE  
SECOND AMENDMENT THERETO DATED  
AUGUST 26, 2020**

For property in the City of Port Alberni, in the  
Province of British Columbia, and legally  
described as:

Parcel Identifier: 029-916-640  
Lot A, District Lot 112, Alberni District, Plan  
EPP62999

I, **BRIAN JAMES SENINI**, Solicitor, a member of the Law Society of British  
Columbia, having read over the above-described Second Amendment to the Disclosure  
Statement dated August 26, 2020, made any required investigations in public offices,  
and reviewed same with the Developer therein named, hereby certify that the facts  
contained in Paragraph 4 of the Second Amendment to the Disclosure Statement are  
correct.

DATED at the City of Nanaimo, in the Province of British Columbia this 26th day  
of August, 2020.

  
\_\_\_\_\_  
BRIAN J. SENINI

**EXPLANATORY PLAN TO DESIGNATE LIMITED COMMON PROPERTY FOR STRATA LOT 10,  
DISTRICT LOT 112, ALBERNI DISTRICT, STRATA PLAN EPS4678.**

AMENDED SHEET 1A OF 1 SHEETS  
**STRATA PLAN EPS4678**

**PURSUANT TO SECTION 25B OF THE STRATA PROPERTY ACT.**

**BCGS 92F.027**

**SCALE 1:500**



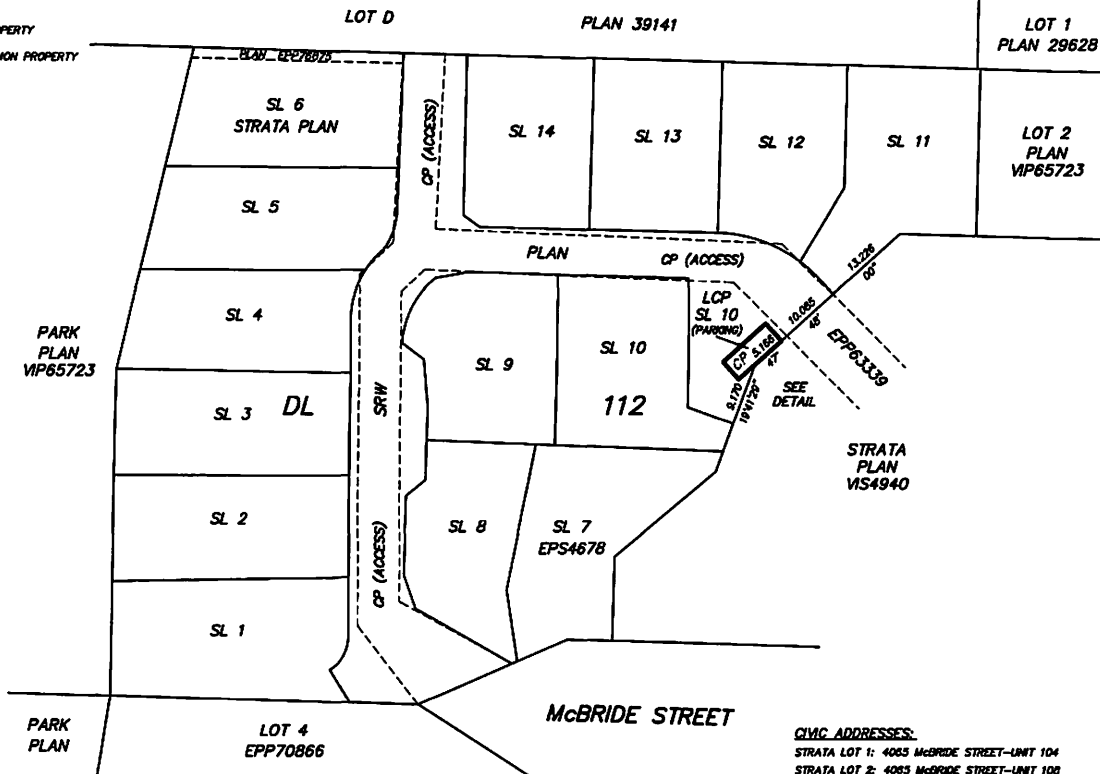
THE INTENDED PLOT SIZE IS 560mm IN WIDTH AND 432mm IN HEIGHT  
(C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.

**NOTE**

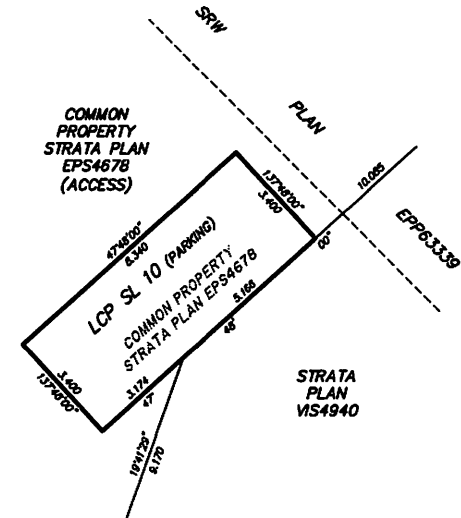
BEARINGS ARE GRID DERIVED FROM STRATA PLAN EPS4678.  
ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN METRES.

**LEGEND**

CP DENOTES COMMON PROPERTY  
SL DENOTES STRATA LOT  
LCP DENOTES LIMITED COMMON PROPERTY



**DETAIL**  
SCALE OF ENLARGEMENT IS 1:100  
AT INTENDED PLOT SIZE OF PLAN



**CIVIC ADDRESSES:**

- STRATA LOT 1: 4065 McBRIDE STREET-UNIT 104
- STRATA LOT 2: 4065 McBRIDE STREET-UNIT 108
- STRATA LOT 3: 4065 McBRIDE STREET-UNIT 112
- STRATA LOT 4: 4065 McBRIDE STREET-UNIT 116
- STRATA LOT 5: 4065 McBRIDE STREET-UNIT 120
- STRATA LOT 6: 4065 McBRIDE STREET-UNIT 124
- STRATA LOT 7: 4065 McBRIDE STREET-UNIT 101
- STRATA LOT 8: 4065 McBRIDE STREET-UNIT 105
- STRATA LOT 9: 4065 McBRIDE STREET-UNIT 127
- STRATA LOT 10: 4065 McBRIDE STREET-UNIT 131
- STRATA LOT 11: 4065 McBRIDE STREET-UNIT 138
- STRATA LOT 12: 4065 McBRIDE STREET-UNIT 134
- STRATA LOT 13: 4065 McBRIDE STREET-UNIT 130
- STRATA LOT 14: 4065 McBRIDE STREET-UNIT 126

**SIMS ASSOCIATES**

LAND SURVEYING LTD.  
223 FERN ROAD W.  
QUALICUM BEACH, B.C. V9K 1S4  
PHONE: 250-752-9121  
FAX: 250-752-9241  
FILE NUMBER: 20-039-ST  
DRAWING NUMBER: 20-039 STA.dwg

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF PORT ALBERNI.

THIS PLAN LIES WITHIN THE ALBERNI-CLAYQUOIT REGIONAL DISTRICT.

THIS PLAN IS BASED ON THE FOLLOWING LAND TITLE AND SURVEY AUTHORITY OF BC RECORDS:

STRATA PLAN EPS4678

NEIL J. BAUDER, BCLS #869  
8TH DAY OF APRIL, 2020.

Exhibit 1.3