

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

1536412 ONTARIO LTD.

Plaintiff

- and -

THE HAUDENOSAUNEE (SIX NATIONS) CONFEDERACY CHIEFS COUNCIL,
Members of THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE,
RUBY MONOUR, FLOYD MONTOUR, HAZEL E. HILL or any agent or person acting
under their instructions, JOHN DOE, JANE DOE and other persons unknown

Defendants

AFFIDAVIT OF DAVID ECCLES

Sworn May 20, 2008

I, DAVID ECCLES, of the City of Ancaster, in the Province of Ontario, MAKE
OATH AND SAY:

1. I am the Secretary and a Director of the corporate Plaintiff in this action and as such I have knowledge of the matters of the matters to which I hereinafter depose. Where such information has been gained from others, I have stated the source of that information and do believe it to be true.

2. I have read the Affidavit of Michael Corrodo, sworn May 20, 2008, and fully agree with the contents thereof.

Events of April, 2008

3. On April 10, 2008, I arrived at Parkway Place sometime after Ruby Montour and approximately 4 other protestors had arrived. On this occasion, Ms Montour and the other protestors entered upon the Parkway Place lands.

4. I was present at Parkway Place on April 22, 2008 and observed Ruby Montour and approximately 10 other protestors standing in the middle of the Parkway Place lands. I heard Michael Corrodo ask the OPP to remove Ms Montour and the other protestors, but the OPP did not act. Some of the protestors left after the Company had agreed to stop work for the day, however Ms Montour and several other protestors stayed to observe Parkway Place.

Events of May, 2008

5. I was present at the May 2, 2008, consultation meeting with the Haudenosaunee Development Institute (the "HDI"). At this meeting the Corporation was told that the HDI required a \$3,000.00 application fee to begin an analysis of the Parkway Place development to determine a perpetual care arrangement. The HDI also wanted the Corporation to direct a portion of the property taxes from the 44 residential town homes to the HDI in perpetuity. The Corporation refused the requests of the HDI.

6. On Monday, May 11, 2007, I arrived at Parkway Place at approximately 7:30 a.m. and saw that Ruby Montour, Floyd Montour and approximately 5 other protestors were standing on Joseph Street and blocking the entrance way to Parkway Place. Michael

Corrado was already speaking with Ruby Montour when I arrived. I approached Ms Montour and the other protestors and asked them to leave the entrance way to the Parkway Place site. The protestors refused to move. I then asked the OPP officers who were present to remove the protestors, but the OPP refused to take action.

7. Between May 12, 2008 and May 15, 2008, it was not possible to undertake any work at Parkway Place. One of Ruby Montour and Floyd Montour, accompanied by other protestors, have been monitoring Parkway Place each of those days. I am advised by various neighbors and witnesses that Floyd Montour and other protestors have gone onto the Parkway Place lands at times. The Corporation has not made efforts to work at Parkway Place between May 12 and May 15 because I believe that the protestors will take steps to ensure that no work is done. Further, the Corporation has been encouraged by the OPP not to attempt to work.

8. On May 16, 2008, the Corporation attended at Parkway Place to make final repairs to a municipal water line. The work on this water line needed to be completed by Friday May 16, 2008, or the municipal water system could have been compromised. Michael Corrado and I had advised the OPP of the need to repair this water line. I understand that the OPP negotiated with Ruby Montour and the other protestors to ensure that we could enter onto our property and complete work on the water line.

9. Between May 12, 2008 and May 15, 2008, it was not possible to undertake any work at Parkway Place. Protestors have been monitoring Parkway Place each of those

days. The Corporation has not made efforts to work at Parkway Place on the May long weekend between May 12 and May 15 because I believe that the protestors will take steps to ensure that no work is done. I have also been encouraged by the OPP not to attempt to work, as it may increase tensions.

10. On May 16, 2008, the Corporation attended at Parkway Place to make final repairs to a municipal water line. The work on this water line needed to be completed by Friday May 16, 2008, or the municipal water system could have been compromised. The Corporation had advised the OPP of the need to repair this water line and I am advised by Michael Corrado that the OPP negotiated with Ruby Montour and the other protestors to ensure that the water line could be completed and so that we could enter onto our own land to complete these repairs.

11. As a result of what has occurred I believe that no person will be allowed to continue work at Parkway Place after May 16, 2008. I did not observe Parkway Place between May 17, 2008 and May 19, 2008 and the Corporation did not attempt to continue construction during that time.

12. If Ruby Montour, Floyd Montour and other protestors are not immediately removed from Parkway Place, the Corporation will not be able to complete the Agreements of Purchase and Sale which are to close by July 31, 2008, and may not be able to complete the Agreements of Purchase and Sale which are to close by August 29, 2008. Further, if the above persons are not immediately removed from Parkway Place

the Corporation will not be able to secure the financing it requires and it is likely that the Corporation will go bankrupt. Over \$1,000,000.00 invested by Michael Corrado and I will be lost.

13. I confirm as the Secretary, one of two directors and one of two shareholders of the Corporation, that the Plaintiff Corporation undertakes to abide by any Order concerning damages that the Court may make if the Court ultimately determines that the granting of an interlocutory injunction and a mandatory Order has caused damage to the Defendants for which the Plaintiff ought to compensate the Defendants.

14. I make this affidavit in support of a Motion seeking an interim injunction and other relief and for no other or improper purpose.

SWORN BEFORE ME at the City)
Of , in the Province of)
Ontario, this day of)
May, 2008.)

DAVID ECCLES