IN THE MATTER OF THE FAIR TRADING ACT

THIS UNDERTAKING is made pursuant to Section 152 of the Fair Trading Act.

BY:

LINDSTRAND AUCTIONS LTD.

#100, 4918 51 Street

in the City of Camrose, in the Province of Alberta,

(hereinafter called the "Supplier")

TO:

The **DIRECTOR OF FAIR TRADING**,

(hereinafter called the "Director")

WHEREAS:

- (A) The Supplier acknowledges that it was not licensed to engage in sales by public auction in Alberta from May 1, 2004 to July 6, 2004 inclusive.
- (B) The Supplier acknowledges that it did engage in the business of sales by public auction, did hold sales by public auction, and did advertise sales by public auction between May 1, 2004 and July 6, 2004 without a subsisting license in Alberta.
- (C) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (A) and (B) hereof constitute breaches of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1. The Supplier acknowledges and admits that it failed to comply with the public auction provisions of the Fair Trading Act and undertakes to the Director that it will not, at any time hereafter, engage in or allow acts or practices similar to those described in recitals (A) and (B).
- 2. The Supplier will ensure that it and all of its officers, partners, employees, representatives and agents are forthwith acquainted with the requirements especially as they pertain to Section 121 of the Fair Trading Act.
- 3. In the event that an individual sustains a loss, which is substantiated either at trial or through arbitration, as a result of the Supplier conducting a public auction sale during the period the Supplier was not licensed, and should the Supplier fail to compensate the individual that suffered the loss, the Director may consider administrative action against the license for Lindstrand Auctions Ltd.
- 4. The Director acknowledges that the Supplier obtained an auction sales business license in Alberta on July 7, 2004.

- 5. The Director acknowledges that the Supplier has provided security coverage for the period it was unlicensed.
- 6. This Undertaking will be binding upon the Supplier and its successors and assigns at anytime hereafter from the date of entering into the undertaking unless:
 - (a) terminated by the Director or varied with the consent of the Supplier;
 - (b) varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking; or
 - (c) terminated by an Order of a Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not prohibited or unfair;

however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to termination or variance.

- 7. The Supplier acknowledges that it was advised by Alberta Government Services, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily. The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the Fair Trading Act as he may consider necessary.
- 8. The Supplier will pay to the Director, the sum of \$1500.00 which payment represents a portion of the costs of investigations in these matters to the date of this Undertaking. Such payment shall be made within ten (10) days of the signing of this Undertaking.
- 9. It is understood that the terms of this Undertaking shall be maintained as a public record pursuant to Section 152(3) of the *Fair Trading Act*.
- 10. The recitals contained in the preamble herein form an integral part of this Agreement.

IN WITNESS WHEREOF the Supplier has on the 17 day of 10 and 10, 2005, signed and caused its common seal to be hereunto affixed and attested by the signature of the proper officer duly authorized in that behalf.

Lindstrand Auctions Ltd.

PER:

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ACCEPTED by the Director of Fair Trading this day of 20

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DIRECTOR OF FAIR TRADING

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