

FLYING "S" SCOTIA WATEROUS & DESIGN

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, that if the mark is filed under 15 U.S. C. 1051(a), the mark is in use in commerce and was in use in commerce on or in connection with the goods or services listed in application as of the application filing date; or, if the application is being filed under 15 U.S.C. 1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce; that the Applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

POWER OF ATTORNEY/APPOINTMENT OF DOMESTIC REPRESENTATIVE

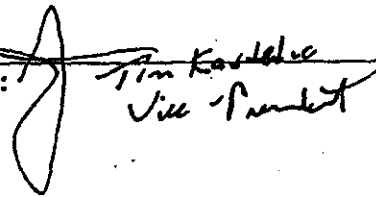
Applicant hereby appoints Baker & McKenzie, LLP and Leslie Bertagnolli, Paula J. Krasny, David J. Davis, Jeffrey O. Davidson, Lisa Gates, Rebecca Lederhouse and M. Tally George, members of the Bar of the State of Illinois, whose mailing address is One Prudential Plaza, 130 E. Randolph Drive, Suite 3500, Chicago, Illinois 60601, to prosecute this application, to transact all business in the Patent and Trademark Office in connection with it, and to receive the certificate of registration. Please address all communications to this appointed attorney, who shall serve as our domestic representative upon whom notice or process in proceedings affecting the mark may be served.

The Bank of Nova Scotia

Dated: Nov. 8/07

Leslie Bertagnolli
BAKER & MCKENZIE LLP
One Prudential Plaza
130 E. Randolph Drive, Suite 3500
Chicago, Illinois 60601
312/861-8617

Name:
Title:


Tim Kordelac
Vice President