

ONTARIO

SUPERIOR COURT OF JUSTICE

(COMMERCIAL LIST)

THE HONOURABLE

)

WEDNESDAY, THE 16<sup>th</sup>

JUSTICE DUMPHY

)

DAY OF MAY, 2018

)

BETWEEN:

DUCA FINANCIAL SERVICES CREDIT UNION LTD.

Applicant

- and -

2203284 ONTARIO INC.


Respondent

ANCILLARY ORDER

THIS MOTION made by msi Spergel Inc., in its capacity as the Court-appointed Receiver (the "Receiver") of 2203284 Ontario Inc. (the "Debtor") was heard this day at the Ontario Superior Court of Justice, 330 University Avenue, Toronto, Ontario.

ON READING the First Report of the Receiver dated May 4, 2018 (the "First Report") and on hearing submissions of counsel for the Receiver and such counsel as were present as indicated on the counsel slip, no appearing for any other person on the service list, although properly served as appears from the affidavit of Sara Mosadeq sworn May 4, 2018 filed,

1. **THIS COURT ORDERS** that service of the Notice of Motion, Motion Record and Supplementary Motion Record is hereby validated such that the motion is properly returnable today and further service of the Notice of Motion and Motion Record is hereby dispensed with.

 2. **THIS COURT ORDERS** that Lawrence Zimmerman also known as Larry Zimmerman and Zimmerman & Associates Inc. shall pay forthwith to the Receiver \$10,500.00 plus costs in the sum of .

3. **THIS COURT ORDERS** that Luigi Santaguida also known as Louie Santaguida, the sole director of the Debtor, attend at an examination before the Receiver.

4. **THIS COURT ORDERS** that Marylou Santaguida, on her own behalf and on her capacity as the sole director/officer of Santerra Asset Management and Development Inc. ("**Santerra**"), attend at an examination before the Receiver and provide the Receiver with a complete explanation and accounting of all funds received by Santerra from the Debtor, including supporting documentation to substantiate the value of services and work performed by Santerra if any.

5. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements set out in the First Report, is hereby approved.

6. **THIS COURT ORDERS** that the actions and activities of the Receiver as set out in the First Report are hereby approved.

7. **THIS COURT ORDERS** that the fees and expenses of counsel for the Receiver in the amount of \$35,944.96 plus HST in the amount of \$4,134.34 is hereby approved.

8. **THIS COURT ORDERS** that the fees of the Receiver in the amount of \$139,485.50 plus HST in the amount of \$18,133.12 is hereby approved.

9. **THIS COURT ORDERS** that the distribution by the Receiver to DUCA Financial Services Credit Union Ltd. of \$5,590,401.19 inclusive of interest to June 1, 2018, with interest accruing at \$897.98 per diem thereafter plus its reasonable legal expense on a full indemnity basis

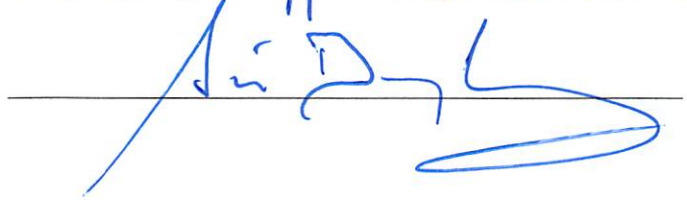
from April 13, 2018, to fully retire its mortgage debts from the anticipated sale proceeds upon completion of the Transaction is hereby authorized and approved.

10. **THIS COURT ORDERS** that the Confidential Appendices attached to the First Report of the Receiver shall remain sealed until the closing of the sale of the property described in **Schedule**

A to the present order.

ATD

with exception of the Agreement of Purchase and Sale (Confidential App. D) which is not sealed.



**Schedule A**

LRO: 62

PIN: 17171-0009(LT)

Description: PT LT 75 P. HAMILTON SURVEY (UNREGISTERED) CITY OF  
HAMILTON;  
PT LT 76 P. HAMILTON SURVEY (UNREGISTERED) CITY OF  
HAMILTON  
(BTN HUNTER ST. MACNAB ST. JACKSON ST & JAMES ST) AS IN  
HA59712;  
CITY OF HAMILTON

DUCA FINANCIAL SERVICES CREDIT UNION LTD.  
Applicant

and

2203284 ONTARIO LTD.  
Respondent

Court File No.: CV-17-11827-00CL

*ONTARIO*

**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at

TORONTO

**ANCILLARY ORDER**

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