

**ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)**

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1992, c. 27, s.2, AS AMENDED
AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE ISLE OF MAN WITH
RESPECT TO BANNERS BROKER INTERNATIONAL LIMITED**

**APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT APPLETON, IN THEIR
CAPACITY AS JOINT LIQUIDATORS OF BANNERS BROKER INTERNATIONAL LIMITED,
UNDER PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT (CROSS-BORDER INSOLVENCIES)**

MOTION RECORD OF THE RECEIVER AND FOREIGN REPRESENTATIVE

(Removal of Certificate of Pending Litigation – 9:30 Hearing Returnable July 30, 2015)

July 27, 2015

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TAB 1

**ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)**

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1992, c. 27, s.2, AS AMENDED
AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE ISLE OF MAN WITH
RESPECT TO BANNERS BROKER INTERNATIONAL LIMITED**

**APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT APPLETON, IN THEIR
CAPACITY AS JOINT LIQUIDATORS OF BANNERS BROKER INTERNATIONAL LIMITED,
UNDER PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT (CROSS-BORDER INSOLVENCIES)
CONSENT**

By their respective lawyers, the parties, none of whom are under disability, consent to an Order discharging and vacating the certificate of pending litigation registered on October 16, 2014 as Instrument No. AT3714363 against title to the property municipally known as 1376 Bayview Avenue, Toronto, Ontario, having a legal description of:

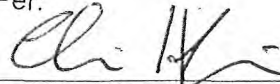
PCL 113-3 SEC M5; PT LT 113 W/S BAYVIEW AV PL M5
TORONTO COMM AT THE S ELY ANGLE OF THE SAID LT 1113;
THENCE NLY MEASURED ALONG THE ELY LIMIT OF SAID LT,
50 FT MORE OR LESS TO A POINT 102 FT MEASURED SLY
FROM THE NE ANGLE OF LT 112 ON SAID PL; THENCE WLY
PARALLEL WITH THE SLY LIMIT OF SAID LT 113, 120 FT;
THENCE SLY PARALLEL WITH THE ELY LIMIT OF SAID LT, 50
FT MORE OR LESS TO THE SLY LIMIT OF SAID LT 113;
THENCE ELY ALONG THE LAST MENTIONED LIMIT 120 FT TO
THE POB; TORONTO, CITY OF TORONTO

and bearing PIN 21122-0131 (LT) (the "Bayview Property").

DATED AT TORONTO, ONTARIO this 27 day of July, 2015

CASSELS BROCK & BLACKWELL LLP

Per:

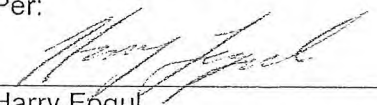


per David S. Ward
Lawyers for the Receiver and Joint
Liquidators

DATED AT TORONTO, ONTARIO this ^{20th} day of July, 2015

AIRD & BERLIS LLP

Per:



Harry Fogul

Lawyers for the respondents, 2342620
Ontario Corporation and Christopher G.
Smith

IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT,
R.S.C. 1992, c. 27, s.2, AS AMENDED

Court File No.
CV-14-10663-00CL

APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT
APPLETON, IN THEIR CAPACITY AS JOINT LIQUIDATORS OF BANNERS
BROKER INTERNATIONAL LIMITED, UNDER PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT (CROSS-BORDER INSOLVENCIES)

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

PROCEEDING COMMENCED AT
TORONTO

CONSENT

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Lawyers for the Receiver and Joint Liquidators

TAB 2

**ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)**

THE HONOURABLE)
)
JUSTICE) , THE
 DAY OF JULY, 2015

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1992, c. 27, s.2, AS AMENDED**

**AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE ISLE OF MAN WITH
RESPECT TO BANNERS BROKER INTERNATIONAL LIMITED**

**APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT APPLETON, IN THEIR
CAPACITY AS JOINT LIQUIDATORS OF BANNERS BROKER INTERNATIONAL LIMITED,
UNDER PART XIII OF THE *BANKRUPTCY AND INSOLVENCY ACT* (CROSS-BORDER
INSOLVENCIES)**

ORDER

(REMOVAL OF CERTIFICATE OF PENDING LITIGATION)

THIS MOTION, made by Miles Andrew Benham and Paul Robert Appleton, in their capacity as Joint Liquidators and as Foreign Representative ("**Foreign Representative**") of Banners Broker International Limited ("**Debtor**") pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 ("**BIA**") and msi Spergel inc., in its capacity as receiver and manager of Banners Broker International Limited pursuant to the Order of the Honourable Justice Matheson, issued August 22, 2014 ("**Receiver**"), for an Order, on consent, that the certificate of pending litigation currently registered against title to the Bayview Property (as defined herein) be removed was heard this day at the Court House at 330 University Avenue, Toronto, Ontario.

ON READING the Report of the Receiver and the Consent of the Parties, filed, and on hearing submissions from counsel for the Receiver and Foreign Representative:

1. **THIS COURT ORDERS** that the certificate of pending litigation registered on October 16, 2014 as Instrument No. AT3714363 against title to the property municipally known as 1376 Bayview Avenue, Toronto, Ontario, having a legal description of:

PCL 113-3 SEC M5; PT LT 113 W/S BAYVIEW AV PL M5 TORONTO COMM AT THE S ELY ANGLE OF THE SAID LT 1113; THENCE NLY MEASURED ALONG THE ELY LIMIT OF SAID LT, 50 FT MORE OR LESS TO A POINT 102 FT MEASURED SLY FROM THE NE ANGLE OF LT 112 ON SAID PL; THENCE WLY PARALLEL WITH THE SLY LIMIT OF SAID LT 113, 120 FT; THENCE SLY PARALLEL WITH THE ELY LIMIT OF SAID LT, 50 FT MORE OR LESS TO THE SLY LIMIT OF SAID LT 113; THENCE ELY ALONG THE LAST MENTIONED LIMIT 120 FT TO THE POB; TORONTO, CITY OF TORONTO

and bearing PIN 21122-0131 (LT) (the "**Bayview Property**"), be and is hereby discharged and vacated from title to the Bayview Property.

APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT APPLETON, IN THEIR
CAPACITY AS JOINT LIQUIDATORS OF BANNERS BROKER INTERNATIONAL LIMITED,
UNDER PART XIII OF THE BANKRUPTCY AND INSOLVENCY ACT (CROSS-BORDER
INSOLVENCIES)

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

Proceeding commenced at TORONTO

ORDER

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Lawyers for the Applicants

TAB 3

**REPORT OF MSI SPERGEL INC.,
IN ITS CAPACITY AS COURT-APPOINTED RECEIVER OF
BANNERS BROKER INTERNATIONAL LIMITED**

(Removal of Certificate of Pending Litigation)

July 22, 2015