

**Anissimova, Alsou (MAG)**

**From:** Tim Hogan <thogan@harrisonpensa.com>  
**Sent:** Thursday, February 13, 2020 11:30 AM  
**To:** JUS-G-MAG-CSD-Toronto-SCJ Commercial List  
**Subject:** Fwd: Pace Noble Endorsement

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**From:** Tim Hogan <thogan@harrisonpensa.com>

**Sent:** Thursday, February 13, 2020 10:56:00 AM

**To:** Jay Herbert <jay@fallslaw.ca>

**Cc:** Sanj Mitra (smitra@airdberlis.com) <smitra@airdberlis.com>; Philip Gennis - Spergel (pgennis@spergel.ca) <pgennis@spergel.ca>; Manchanda Mukul - msi Spergel (mmanchanda@spergel.ca) <mmanchanda@spergel.ca>; Paul Waters (pwaters@pacecu.com) <pwaters@pacecu.com>

**Subject:** Pace Noble Endorsement

This court orders that *or "IR"* msi Spergel inc. is appointed interim receiver pursuant to section 47(1) of the BIA (the "Interim Receiver") for the limited purpose and with the powers and authorization but not the obligation to:

1. Inspect the Real Property subject to this application, with full access to be provided by the Respondents to the Interim Receiver.
2. To contact all utility providers To the real property to determine the status of utility accounts and to confirm that service of utilities are not being terminated to the real property. All utility providers are directed to respond to the IR and provide all required information to the interim receiver with respect to such accounts
3. To engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the IR's powers and duties
4. To contact all insurance providers to the real property and to the respondents to determine the status of insurance accounts and to confirm that any insurance is not being terminated. . Such insurance providers are directed to respond to the IR and provide all required information to the interim receiver with respect to such accounts
5. In the event that any payments are required to be made to any utility provider or insurer, that same will be funded by the applicant and added to the applicants indebtedness, as secured by the applicants security

*any utility or insurance accounts are in arrears and*

5. No proceeding or enforcement process in any court or tribunal (each, a "**Proceeding**"), shall be commenced or continued against the IR except with the written consent of the Receiver or with leave of this Court

7. All persons shall forthwith advise the IR of the existence of any books, documents, securities, contracts, orders, corporate and accounting records, and any other papers, records and information of any kind related to the Real Property, and any computer programs, computer tapes, computer disks or other data storage media containing any such information (the foregoing, collectively, the "**Records**") in that Person's possession or control, and shall provide to the IR or permit the IR to make, retain and take away copies thereof and grant to the IR unfettered access to and use of accounting, computer, software and physical facilities relating thereto, provided however that nothing in this paragraph shall require the delivery of Records, or the granting of access to Records, which may not be disclosed or provided to the IR due to the privilege attaching to solicitor-client communication or due to statutory provisions prohibiting such disclosure

8. The IR shall incur no liability or obligation as a result of its appointment or the carrying out the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part.

9. The IR and counsel to the IR shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts before a Judge of the Commercial List.

10. This endorsement shall be reviewed on the return of this Application on February 20, 2020.

Hainey J.