

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

THE HONOURABLE) WEDNESDAY, THE
JUSTICE *Neerbood*)
14th DAY OF JANUARY, 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

(Continued Restraint of Funds)

THIS MOTION, made by msi Spergel inc., in its capacity as receiver and manager of Banners Broker International Limited ("**Debtor**") pursuant to the Order of the Honourable Justice Matheson, issued August 22, 2014 ("**Receiver**") and by Miles Andrew Benham and Paul Robert Appleton, in their capacity as Joint Liquidators and as Foreign Representative ("**Foreign Representative**") of the Debtor pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 ("**BIA**") for an Order order restricting the disposition of certain monies and credits held by electronic payment processors was heard this day at the Court House at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion of the Receiver and Foreign Representative and the Second Report of the Receiver, filed, and on hearing submissions from counsel for the Receiver

and Foreign Representative, counsel for Christopher G. Smith and counsel for the Ministry of the Attorney General, Crown Law Office - Criminal:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and Motion Record of the Receiver and Foreign Representative is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Property, as defined in the *Ex Parte* Restraint Orders issued by the Honourable Justice Kelly on July 18, 2014 and by the Honourable Justice Code on July 29, 2014 in Court File No. 14-00000171-00M0 ("**Restraint Orders**"), namely:

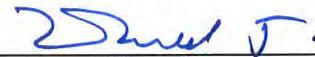
- (i) All money or credits held by Beanstream Internet Commerce Inc. ("**Beanstream**"), 2695 Douglas Street, Suite 302, Victoria, British Columbia, V8T 4M3, in a merchant account for 7250037 Canada Inc. o/a Banner's Broker Canada for registered account holder Rajiv Dixit, merchant ID 251440000;
- (ii) All money or credits held by SolidTrust Pay ("**STP**"), 47 William Street, P.O. Box 551, Bobcaygeon, Ontario, K0M 1A0, in a merchant account for 2087360 Ontario Inc. o/a Bannersbroker for registered account holder Chris Smith;
- (iii) All money or credits held by Mazarine Commerce Inc. o/a Payza.com ("**Payza**"), 100-8255 Mountain Sights, Montreal, Quebec, H4P 2B5, in a merchant account for Banners Broker and a merchant account for Banners Mobile, both for registered account holder Chris Smith, user ID 3809788; and
- (iv) Any and all funds held by 6003061 Canada Inc. operating as UseMyServices, Inc. ("**UseMyServices**"), 1881 Steeles Avenue West, Suite 348, Toronto, Ontario to the credit of Monetize Group Inc. for registered account holder Christopher

Smith, Merchant ID SMPDAA (User ID SMPDAA
paybannersbroker@gmail.com);

(all of which is referred to herein, as in the Restraint Orders, as the "**Property**")

be transferred, effective as of the expiry date of the relevant Restraint Order pertaining to the Property, to msi Spergel inc., court officer, to be held in a separate interest-bearing trust account, separate and apart from the receivership of the Debtor, pending further Order of this Court.

JAN 14 2015



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
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Proceeding commenced at TORONTO

ORDER

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