

Court File No. CV-20-00640266-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE MADAM

)

FRIDAY, THE 17TH

JUSTICE CONWAY

)

)

DAY OF DECEMBER, 2021



IN THE MATTER OF THE *COURTS OF JUSTICE ACT*, R.S.O.
1990, c. C.43, AS AMENDED

AND IN THE MATTER OF THE ADMINISTRATION
PROCEEDINGS OF CARRIAGE RIDGE OWNERS
ASSOCIATION

OMNIBUS DEFAULT JUDGMENT ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) over all of the assets, properties and undertakings of the Carriage Ridge Owners Association (the “**Applicant**”) and all the lands and premises on which the Applicant operated the Carriage Ridge Resort, appointed by Order of the Court with effect as of January 6, 2021, for an order, among other things, granting default judgment against the Defaulting Subject Members (as defined below), was heard this day by Zoom judicial video conference due to the COVID-19 pandemic.

ON READING the Notice of Motion dated December 3, 2021, the Sixth Report of the Receiver dated December 3, 2021 (the “**Sixth Report**”) and its appendices, and the Default Judgment Report of the Claims Officer, Tim Duncan of Fogler Rubinoff LLP, dated December 3, 2021 (the “**Default Judgment Report**”), and its appendices, and on hearing the submissions of counsel for the Receiver, counsel for Wyndham Worldwide Corporation, Shell Finco LLC, Carriage Hills Resort Corporation and Carriage Hills Hospitality Inc., counsel for Lori Smith and Bruce Fleming and counsel for David and Phyllis Lennox and the submissions of Christopher Diana and the submissions of the Claims Officer and Christopher Diana, no one else appearing for

any other parties on the Service List, although properly served as appears from the affidavit of Christine Doyle sworn December 6, 2021, filed,

1. **THIS COURT ORDERS** that capitalized terms not otherwise defined herein shall have the same meanings as ascribed to them in the Collection Plan Order issued by the Honourable Justice Conway in this proceeding on February 16, 2021.

2. **THIS COURT ORDERS** that service of a Claims Package on each of the Subject Members listed in **Schedule “A”** to this Order (each, a **“Defaulting Subject Member”**), by sending a Claims Package by ordinary mail or email to the last know address or email address of such Defaulting Subject Member, as described in the Sixth Report and in the Default Judgment Report, is hereby validated.

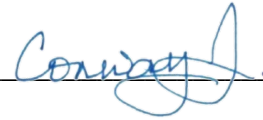
3. **THIS COURT ORDERS** that each Defaulting Subject Member is hereby noted in default.

4. **THIS COURT ORDERS AND DECLARES** that:

- (a) the amounts listed on Schedule “A” as owing to the Applicant by individual Defaulting Subject Members are, in each case, owing;
- (b) each Defaulting Subject Member shall pay to the Receiver the amount listed on Schedule “A” as owing by that Defaulting Subject Member;
- (c) the Receiver is entitled to judgment, in substantially the form of judgment attached as **Schedule “B”** to this Order, against each Defaulting Subject Member in the amount listed on Schedule “A” as owing by that Defaulting Subject Member; and
- (d) the Receiver is authorized to set off the amounts owing by a Defaulting Subject Members against any distribution to be made by the Receiver to such Defaulting Subject Member.

5. **THIS COURT ORDERS** that the Receiver, at its discretion, may bring a motion in writing, without need for further notice or hearing, for an Order:

- (a) approving forms of individual judgments against Defaulting Subject Members, in substantially the form of judgment attached as Schedule “B” to this Order; and
 - (b) ordering and directing the Registrar to issue judgments in the forms so approved.
6. **THIS COURT ORDERS** that, for greater certainty, the within judgment shall not affect the rights and interests of any Subject Members not named in Schedule “A” to this Order.
7. **THIS COURT ORDERS** that this Omnibus Default Judgment Order and all of its provisions are effective from the date it is made without any need for entry and filing.



A handwritten signature in blue ink, appearing to read 'Conway J.', is written over a horizontal line.

SCHEDULE "A"
DEFAULT JUDGMENT LIST

Equiant Number	Member Name	Adjusted Balance Owing
250251007305	COULTER, MAGDALENA	581.3675
250251005037	PAREDES, JASMIN	663.575
250251000950	WITTEMAN, LYNN	1782.315
250251000206	HOOSAIN, YASMIN	2003.07625
250251003118	LOBO, EMILA	2404.7825
250251007768	SAMUEL, KEMBA	2714.05875
250251002903	MAHLER, MARK	2755.2825
250251001370	YAP, ALECIA SE WEN	3295.24875
250251006433	HADDAD, DAN	3300.71
250251007161	SZARZEC, PETER	3372.085
250251007170	BAKER, JAMES	3467.76875
250251000383	MAIA, JOHN	3482.40875
250251003867	ACOSTA, CARLOS ROBERTO	3528.6075
250251004809	DICKS, STACEY ALEX	3579.10875
250251007656	MCEACHNIE, CANDICE	3586.3075
250251007104	DEACHMAN, CRISTINA	3650.6975
250251001526	WELLS, LORIANNE	3678.76125
250251007406	SNYCKERS, ANASTASIA	3691.07125
250251005556	BERGNER, LOU	3718.435
250251005062	LAHTINEN, SUSAN	3723.81
250251007343	BURRILL, NEIL	3757.4325
250251006986	HENDRY, MICHAEL	3774.1575
250251006371	BYERS, JAMES	3796.3275
250251007659	LIPPERT, CHRISTINE	3814.62
250251000666	WILHOITE, JAWANNA YVONNE	3814.75125
250251003202	MOORE, CINDY	3814.85
250251007689	101204575 SASKATCHEWAN LTD,	2826.13625
250251006359	IUELE, FRANCESCA	3826.45875
250251007412	CRUICKSHANK, DENISE	3830.25
250251003892	ANTOLIN, META	3830.88
250251007535	RYSKA, AGNES MARIA	3831.6525
250251001387	BREAULT, PAUL	3832.75875
250251008312	SIMARD, DENIS	3838.71375
250251001437	Boyd, Jeanette	3839.05875
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250251000116	CHEUNG, ANNIE	3839.05875
250251000346	SLEUGH, SEDRICK	2839.05875
250251000531	NAVA, NARCISO	3839.05875
250251000554	ALI-MIRSALARI, EBRAHIM	3839.05875
250251000685	GEORGE, LINA	2839.05875
250251000756	CAMPBELL, NEIL	3839.05875
250251000794	ROUFAIEL, NADIA	3839.05875

250251000977 TRELEAVEN, MARK	3839.05875
250251001403 AUGER, JONATHAN	2839.05875
250251001519 CASTILLO, JAIME	3839.05875
250251001747 LALONDE, LISE	3839.05875
250251001875 RANDHAWA, RAJWINDER	3839.05875
250251001957 PIMENTEL, DUARTE	3839.05875
250251002847 POLLARD-MCFARLANE, DIANE MA	3839.05875
250251003617 LAMBERT, BRYAN	3839.05875
250251004084 COGSWELL, DAVID	3839.05875
250251004199 THORBURN, WILLIAM	3839.05875
250251004683 LEE, CHIA CHIN	2839.05875
250251004738 JONES, RITA	3839.05875
250251004892 SCHUBERT, ANNA	3839.05875
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250251005304 LEE, CHIA CHIN	3839.05875
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250251005864 ELSON, JUDITH	3839.05875
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250251007189 CORDERY, THOMAS	3849.12875
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250251001358 DUNLAP, AARON MARTIN	3977.51875
250251005323 BEAUDROW, DAVID KEVIN	3978.5625
250251006787 ROWE, DONALD	3982.17875
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250251002594 SMITH, CHRISTOPHER	3984.61875
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250251002989 SANDERS, STEPHEN	11574.26375
250251003538 STUBBINGS, FRANK	11574.26375
250251003879 LAZARO, JONATHAN DIRIGE	11574.26375
250251004019 ODEA, DOMINIC	11574.26375
250251005790 SANCHEZ, PRUDENCIO FELIX	11574.26375
250251008470 CLONTZ, GEORGINE	11574.26375
250251008477 CARLI, JOSE FERNANDO	11574.26375
250251007678 GRAHAM, ROB	11788.83125
250251007714 CHITAN, KAREN	11788.83125
250251001980 GOLDEN, RONALD TROY	11788.8625
250251002439 WOODS, CONNIE	11788.8625
250251002488 SEHMRAU, RAYMOND CAMERON	11788.8625
250251002527 POY DEVELOPERS INC,	11788.8625
250251002991 WORGAN, CAROL	10788.8625
250251003015 DONOVAN, MURRAY	11788.8625
250251003088 MAYLED, OLIVA	11788.8625
250251003338 SCOTT, TRACY LYN	11788.8625
250251003517 BRUDER, RONALD	11788.8625
250251003744 PARK, ELIZABETH	11788.8625
250251003794 DASRATH, RAJMATIE LEILA	11788.8625
250251003899 BRUNI, SERINA	11788.8625
250251003956 DANIEL, STEVEN	11788.8625
250251003972 HOUGHTON, KAREN	11788.8625
250251004004 JACKSON, BONNIE L	11788.8625

250251006531 FRAZIER, KURT	11788.8625
250251006563 DEMASI, JOSEPH	11788.8625
250251006666 WILLIAMS, SAVITREE	11788.8625
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250251007573 LEVINE, OLIVIA	11788.8625
250251005493 ISBISTER, RONALD	11851.6825
250251006162 COLLETTE, PHILLIP	11875.2475
250251001892 CATLING, KAREN ANNE	12296.81875
250251004969 GIFFORD, NICOLE LYNNE	12606.19375
250251006161 ANAKA, NICOLE	12606.19375
250251005481 LIVAY-SHAKKED, RIVKA	12987.4925
250251003633 RAHMDEL, RIZA	13218.8025
250251002478 DOUGLAS, PAUL	13327.3025
250251002809 HANSON, JEAN	13327.3025
250251003383 CHAITRAM, DIANNA	13327.3025
250251003843 REDGERS, MICHAEL	13327.3025
250251004037 KENNEDY, JASON	13327.3025
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250251006810 BROWN, DALE ALEXANDER	12439.42375
250251005840 CHARBONNEAU, WENDY	13598.11375
250251002581 KIESSLING BECK, ERICA	13806.405
250251002797 WATSON, RON	13910.54875
250251005516 GLASSEY, PRIYA	13953.20625
250251003217 MATTELL, RANDALL	13955.70375
250251003665 BROWN, JAMES	13955.76125
250251006447 ROSENZWEIG, SARAH	13970.91375
250251000586 HANKS, THOMAS	13983.99375
250251001647 RADOSTIN, ALEXANDER	13983.99375
250251002137 BROWN, DONNIE KEVIN	13983.99375
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250251005295 KIRBY, JOHN CARL	14105.49625
250251006337 MCKINSTRY, ROBERT	14116.9275
250251004114 KILBRIDE, KENISE	14144.81875
250251003770 PATERSON, LOUISE CHARLES	14344.93
250251001111 HOLMSTROM, MELISSA	14346.6025
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250251003497 VECCHI, TONY	14346.6025
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250251000519 JAMIESON, BRUCE	14400.14125
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250251007876 WHALEN, JANICE	14402.04125
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250251005018 PEPIN, JOYCE	13785.94125
250251006577 SAUDER, SUSAN	15065.35875
250251004906 LEYVA CONTRERAS, RAFAEL	15104.98
250251002254 NORMOYLE, MICHAEL	15297.1775
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250251003389 MCGEE, DAVE WILLIAM	15297.1775
250251004053 RAYMOND, WENDY	15297.1775
250251004439 MONAGUE, DANIEL B	15297.1775
250251005265 PENTZ, MARYJAYNE	15297.1775
250251005294 BAKER, MICHAEL	15297.1775
250251000263 MONAGUE, DANIEL BERT	15408.52375
250251000596 WISE, EUGENE	15408.52375
250251001458 LANDRIault, CANDICE	15408.52375
250251002262 FEaver, SCOTT	15408.52375
250251002755 MCKINSTRY, ROBERT DOUGLAS	15408.52375
250251003241 BEHARRY LALL, SURENDRA	15408.52375
250251005041 SAUDER, CAMERON	15658.9825
250251006191 OSTRANDER, WILLIAM	15685.72375
250251005419 MEHMET, JOHN	15970.8725
250251005712 VOGEL, PHILIP	16151.4125
250251001510 HOLFORD, KEVIN	16171.71375
250251002274 MACKAY, ROD	16171.71375
250251002633 VIRDI, JASVIR S	16171.71375
250251006083 STEVENSON, KRISTOFFER DALE	16171.71375
250251006737 MOLLON, PAULA	16171.71375
250251005142 PITTENS, JOYCE	16289.23625
250251004745 CAMPBELL, DALTIN DYKE	16520.59625
250251006556 NICHOLS, JENNIFER	16704.7575
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250251003035 MOUSSEAU, ANDRE	17315.38625
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250251001694 LIMITED, 1126668 ONTARIO	17358.68625
250251004711 GROVER, NARENDER	16392.17625
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250251005299 MALCOLM, NELSON	17991.175

250251005128	GRAFE, JACKIE	18176.39875
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250251004875	GAULIN, GERALD MARCEL	18812.455
250251006548	LEE, MARK	18884.725
250251006112	KLOC, LINDA	19309.10875
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250251005298	MOORE, JODY	19685.8225
250251000982	BARAN, JULIETA	20419.1625
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250251001449	TSANG, CHRISTOPHER	20425.8625
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250251006745	HAMEL, JACQUES	20425.8625
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250251005147	ALVES, SANDRA	21034.88
250251001345	COBBINA, PAUL	21141.6375
250251006631	LINK, BRUCE WILLIAM	21753.29875
250251001421	SHEFSKY-TORRES, ANGELINA MOT	22390.0975
250251002826	BEVAND, JOHN	23775.71875
250251005795	MOHABIR, JEERANIE	23775.71875
250251007519	HARRIS, JOSEPH KNIGHT	23775.71875
250251003836	DOCKERY, TOMLYN	22790.10875
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250251000863	DUBREUIL, PIERRETTE JACQ	23817.98875
250251006319	HOARD, PATRICIA	23877.79625
250251000760	TORCATO, JOE	23896.4975
250251000434	MCCONKEY, JEFF	24101.04
250251006547	STRUTT, JON	25524.55375
250251004149	ADVANTAGE TRAVEL CLUB HOLDIN	25747.52625
250251005893	WORGAN, CAROL	25747.52625
250251006239	MIGWANS, HOLLY	24747.52625
250251006735	MIGWANS, HOLLY	25747.52625
250251006306	LILLCRAP, MELODY	24815.36625
250251005442	PEPIN, JOYCE	25837.8275
250251001611	MAGDER, RITA	26125.29625
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250251002934	LEWIS, TITUS	27074.07625
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250251003109	KNOTT, THERESA	27081.86625
250251001166	KELLEY, PETER	27088.56625
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250251002660 GRANT, NORMA HORTENSIA	27088.56625
250251003203 PALADIN ADVISORY INC,	27088.56625
250251003963 VAILLANCOURT, ANNA MICHELLE	27088.56625
250251004181 DAVIS, RAYMOND MARK	27088.56625
250251005857 MALE, DAVID KENNETH	27088.56625
250251003620 VAGHAYE, IRAJ	27246.47625
250251007274 VIGIL, DAVID A	27441.18375
250251004828 CAMPLIN, JOEL	27641.80625
250251004045 TRUBASHNIK, ANNA	28249.92625
250251000542 INTERNATIONAL RESORT EXCHANC	28253.06375
250251001546 LAVIOLETTE, GENE	28258.42625
250251001777 COSTA, CATHERINE	28283.42625
250251003187 WATSON, ELIZABETH	28537.99375
250251006302 WATSON, RONALD	28829.10125
250251003820 PANGAN, MARTIN	28903.58625
250251002065 MOLLA, BASHIR AKHTER	29536.545
250251006259 CRAIG, FEDERICO	30059.27125
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250251001548 GASKIN, JOANNE	30181.82625
250251002727 HOSEIN, JEUNESSE	30181.82625
250251003368 CHRISTIE, LES	30181.82625
250251003534 JETHMALANI, SAILESH	30181.82625
250251004179 NEHER, KRISTA	30519.82625
250251005872 FUNK, RENE	30591.37875
250251005068 BROWN, DALE ALEXANDER	30618.12375
250251002870 SNOWBALL, DAVID	30701.32625
250251006338 MCKINSTRY, JOANNE	30701.32625
250251001404 COLEMAN, FELICIA	30801.32625
250251002316 DIXON, SCOTT EDMUND	30801.32625
250251003333 WOODCOCK, JAMES LEESON	30801.32625
250251005336 BUCHAN, DONALD	30801.32625
250251006040 THABET, MAGDI	30801.32625
250251007213 KUYPERS, LINDA	30951.21125
250251000032 DEVERA, MANUEL	32306.04625
250251001007 BIRD, JOSEPH PATRICK	32306.04625
250251001634 BUTTON, PATSY	32315.47125
250251002280 PARTRIDGE, ROBBIE	32350.77625
250251003909 RICHARDSON, STEWART KURTIS	32350.77625
250251000688 NIBLOCK, SHELAGH	32530.7725
250251001296 BOYO, OLUBUKOLA	32530.7725
250251000318 LEE, BEVERLEY	32580.7725
250251007293 MANTZ, ROBERT	32873.3325
250251003031 NAZAREWYCZ, IRENE	32995.93625
250251001714 BALASUNDARAM, CHRISTIE	33059.22125
250251000128 KUMAR, RAMAN	33127.62125
250251002751 MUSSGNUM, PETER	33152.52125

250251000641 ANANTRAM, YASWANT	33159.22125
250251000751 COORE, DONALD	33159.22125
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250251003096 HICKS, JAN	33159.22125
250251004049 PAVLOVIC, LYDIA	33159.22125
250251001924 JONSSON, ALEXANDRA	33198.98625
250251006269 MARTIN, ALAN	34840.01125
250251001203 DAMBEAU, MARTIN	34970.82125
250251000652 LI, ZHAN MING	34977.52125
250251003608 SHANK, KAREN	34977.52125
250251006573 CARLSON, KAREN	34977.52125
250251002604 FRANKLIN, CARLTON	35414.43
250251000483 ALI, ANDREWS MARC	36869.17625
250251002413 URBAN COLD LOGI,	37790.71625
250251005333 CABLING, EDITH	38532.1925
250251003807 HILL, RANDOLPH KEITH	45389.57625
250251002267 YOUNG, BLAISE	46352.36125
250251000298 KOVATCHEV, TZVETAN	48063.55625
250251003968 OKEEFFE, MICHAEL	51893.5825
250251005547 CHAMPAGNE, RONALD ROMEO	54900.00875
250251003713 BAKER, JEANNE	56838.1125
250251000650 TAYAG, ERLLEN	63918.4625
250251003197 FRANK, MICHELLE	101503.935
<u>Total</u>	7230731.571

Row Labels	Member Name	Balance Owing
	250251000099 MORITA, DOREEN	2168.31
<hr/>		
Total		2168.31

SCHEDULE "B"
FORM OF DEFAULT JUDGMENTS

Court File No. CV-20-00640266-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN THE MATTER OF THE *COURTS OF JUSTICE ACT*, R.S.O.
1990, c. C.43, AS AMENDED

AND IN THE MATTER OF THE ADMINISTRATION
PROCEEDINGS OF CARRIAGE RIDGE OWNERS
ASSOCIATION

JUDGMENT

ON READING the Omnibus Default Judgment Order issued by the Honourable Justice Conway in this proceeding on December 17, 2021,

1. **IT IS ORDERED AND ADJUDGED** that **<*>**, pay to BDO Canada Limited, in its capacity as Receiver of Carriage Ridge Owners Association, the sum of \$**<*>**.

THIS JUDGMENT BEARS INTEREST at the rate of 30% per annum from its date.

Date: _____ Signed by: _____
Local Registrar

Address of court office: 393 University Avenue
10th Floor
Toronto, Ontario M5G 1E6

**IN THE MATTER OF SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O
AND IN THE MATTERS OF THE ADMINISTRATION PROCEEDINGS OF CARRIAGE RIDGE OWNERS ASSOCIATION**

Applicant

Court File No. CV-20-00640266-00CL

***ONTARIO*
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceedings commenced at Toronto

JUDGMENT

AIRD & BERLIS LLP
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Tel: (416) 865-7718

E-mail: sbabe@airdberlis.com

Fax (416) 863-1515

*Lawyers for BDO Canada Limited in its capacity as the
court-appointed Receiver of Carriage Ridge Owners
Association*

**IN THE MATTER OF SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O
AND IN THE MATTERS OF THE ADMINISTRATION PROCEEDINGS OF CARRIAGE RIDGE OWNERS ASSOCIATION**

Applicant

Court File No. CV-20-00640266-00CL

***ONTARIO*
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceedings commenced at Toronto

OMNIBUS DEFAULT JUDGMENT ORDER

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