

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.)
JUSTICE THOMAS)
)
)
)

TUESDAY, THE 6TH DAY
OF OCTOBER, 2015

BETWEEN:

KEVIN D'AMORE

Applicant

- and -

BANWELL DEVELOPMENT CORPORATION, 928579 ONTARIO LIMITED,
SCOTT D'AMORE and ROYAL TIMBERS INC.

Respondents

APPLICATION UNDER SECTION 107 OF THE BUSINESS CORPORATIONS
ACT, R.S.O. 1990, C. B. 16, AS AMENDED

ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as Court-appointed receiver (the "**Receiver**") of the assets, undertakings and properties of Banwell Development Corporation and Royal Timbers Inc. pursuant to the Order of Mr. Justice Thomas dated June 5, 2013, for an Order,

- (a) if necessary, abridging or waiving the time for service and filing, dispensing with service, or validating the method of service of all motion confirmation forms, the Motion Record, including the Notice of Motion and the Ninth Report of the Receiver dated September 25, 2015 and all appendices thereto (the "**Ninth Report**"), the Confidential Supplement to the Ninth Report (the "**Confidential Supplement**") and all supplementary motion materials, if any, and directing that

any further service of same be dispensed with such that this motion is properly returnable on October 6, 2015;

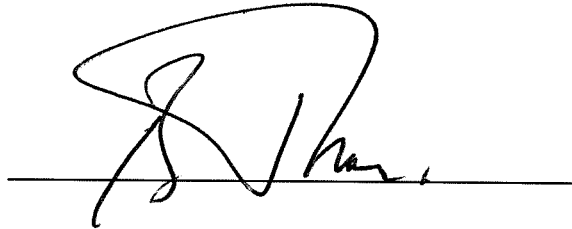
- (b) approving the Ninth Report and the activities and conduct of the Receiver described therein;
- (c) sealing the Confidential Supplement to the Ninth Report until further order of the Court;
- (d) approving the Receiver's Interim Statement of Receipts and Disbursements for each of Banwell, Royal Timbers and Real Ranchs Trust Account for the period ending September 22, 2015 (the "**Banwell Statement of Receipts and Disbursements**", the "**Royal Timbers Statement of Receipts and Disbursements**" and "**Real Ranchs Trust Account Statement of Receipts and Disbursements**", respectively;
- (e) approving the professional fees and disbursements (the "**Professional Fees**") of BDO, as Receiver; and Miller Thomson LLP, counsel to the Receiver; and
- (f) such further and other relief as this Honourable Court deems just.

was heard this day at the Courthouse 245 Windsor Avenue, Windsor, Ontario.


ON READING the Ninth Report and the Confidential Supplement to the Ninth Report dated September 25, 2015 (the "**Confidential Supplement**") and on hearing the submissions of counsel for the Receiver, and such other persons as may be present and on noting that no other persons appeared, although properly served as appears from the affidavit of Susan Jarrell sworn September 25, 2015, filed:

1. THIS COURT ORDERS that the time for and method of service of all motion confirmation forms, the Motion Record, including the Notice of Motion and the Receiver's Ninth Report and Confidential Supplement to the Ninth Report, are hereby abridged and validated, as necessary, such that this motion is properly returnable today and hereby dispenses with further service thereof.
2. THIS COURT ORDERS that capitalized terms used herein and defined in the Ninth Report shall have the same meaning as in the Ninth Report.

3. THIS COURT ORDERS that the Ninth Report and the activities and conduct of the Receiver described in the Ninth Report are hereby approved.
4. THIS COURT ORDERS the Confidential Supplement be sealed until further order of the Court.
5. THIS COURT ORDERS that the Banwell Statement of Receipts and Disbursements, the Royal Timbers Statement of Receipts and Disbursements and the Real Ranchs Trust Account Statement of Receipts and Disbursements be and the same are hereby approved; and
6. THIS COURT ORDERS that the Professional Fees of the Receiver and its legal counsel, Miller Thomson LLP, as described in the fee affidavits of Stephen Cherniak sworn September 24, 2015 and Sherry Kettle sworn September 25, 2015 be and the same are hereby approved.



A handwritten signature in black ink, appearing to read "J. J. Kettle", is written over a horizontal line.

ENTERED AT WINDSOR	
In Book No.	26
re Document No.	1204
on	26 OCT 20 15
by	

KEVIN D'AMORE

Applicant

and

BANWELL DEVELOPMENT CORPORATION, 928579
ONTARIO LIMITED, SCOTT D'AMORE and ROYAL
TIMBERS INC.

Court File No: CV-11-17088

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Windsor

ORDER

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Receiver of Banwell Development
Corporation and Royal Timbers Inc.