

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE )  
JUSTICE THOMAS )  
 )  
 )

MONDAY, THE 2<sup>nd</sup> DAY  
OF DECEMBER, 2013

B E T W E E N:

KEVIN D'AMORE

Applicant

- and -

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

Respondents

**ORDER**

THIS MOTION, made by BDO Canada Limited (the "**Receiver**"), in its capacity as Court-appointed receiver of all of the assets, undertakings and properties of Banwell Development Corporation ("**Banwell**") and Royal Timbers Inc. pursuant to the Order of the Honourable Justice Thomas dated June 5, 2013 (the "**Appointment Order**"), 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 Third Report of the Receiver dated November 25, 2013, and all appendices thereto (the "**Third Report**") and any supplementary motion materials, if any, and

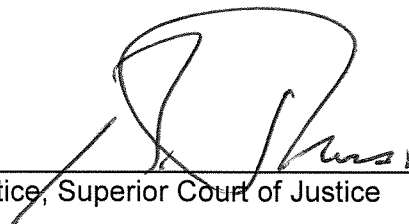
directing that any further service of same be dispensed with such that this motion is properly returnable on December 2, 2013;

- (b) approving the Third Report, the Confidential Supplement to the Third Report of the Receiver dated November 25, 2013 (the "**Confidential Supplement**") and the activities and conduct of the Receiver described therein;
- (c) sealing the Confidential Supplement until further Order of the Court;
- (d) amending the Omnibus Approval and Vesting Order of the Honourable Mr. Justice Thomas in these proceedings dated July 23, 2013 (the "**Omnibus Approval and Vesting Order**") to add Block 120, Plan 12M-533, Windsor (PIN 01566-0686(LT)) to Schedule "A" to the Omnibus Approval and Vesting Order and to delete certain instruments from title as set out on Schedule "C" to the Omnibus Approval and Vesting Order, in the form attached as Schedule "A" hereto;
- (e) approving the Receiver's interim Statement of Receipts and Disbursements for each of Banwell and Royal Timbers for the period ending November 13, 2013 (the "**Banwell Statement of Receipts and Disbursements**" and the "**Royal Timbers Statement of Receipts and Disbursements**", respectively);
- (f) approving the professional fees and disbursements of BDO as Receiver ("**BDO Fees**");
- (g) approving the professional fees and disbursements of Miller Thomson LLP, counsel to the Receiver ("**MT Fees**"); and
- (h) such further and other relief as counsel may advise and this Honourable Court may deem just,

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

ON READING the Third Report and 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 Lynsey Noseworthy sworn November 25, 2013, 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 Third Report, is hereby abridged and validated and any further service of same is hereby dispensed with such that this motion is properly returnable on December 2, 2013.
2. THIS COURT ORDERS that the Third Report and the Confidential Supplement and the activities and conduct of the Receiver as set out therein are hereby approved.
3. THIS COURT ORDERS that the Confidential Supplement is hereby sealed until further order of the Court.
4. THIS COURT ORDERS that the Omnibus Approval and Vesting Order is hereby amended in the form attached hereto as Schedule "A" and titled the "Amended Omnibus Approval and Vesting Order".
5. THIS COURT ORDERS that the Banwell Statement of Receipts and Disbursements and the Royal Timbers Statement of Receipts and Disbursements are hereby approved.
6. THIS COURT ORDERS that the BDO Fees for the period commencing July 6, 2013 through November 5, 2013, as described in the Third Report and in the Affidavit of Stephen N. Cherniak sworn November 18, 2013, and the MT Fees for the period July 2, 2013 to November 8, 2013, as described in the Third Report and the Affidavit of Sherry Kettle sworn November 15, 2013, are hereby approved.

  
Justice, Superior Court of Justice

ENTERED AT WINDSOR	
In Book No.	24
re Document No.	1528
on	02 DEC 20 13
by	JCC.

**SCHEDULE "A"**

Court File No. CV-11-17088

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE

)

TUESDAY, THE 23<sup>rd</sup> DAY

JUSTICE THOMAS

)

OF JULY, 2013

)

BETWEEN:

KEVIN D'AMORE

Applicant

- and -

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

Respondents

**AMENDED OMNIBUS APPROVAL AND VESTING ORDER**

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

- (a) prospectively approving the sale transactions (each such transaction, a "**Transaction**") in respect of the residential building lots more particularly described on **Schedule "A"** hereto (the "**Banwell Lots**");
- (b) prospectively authorizing the execution of an agreement of purchase and sale in respect of one or more of the Banwell Lots (individual Banwell Lots hereinafter referred to as a "**Lot**") by the Receiver, as vendor, and the purchaser of each Lot (each purchaser hereinafter referred to as the "**Purchaser**") substantially in the form of agreement of purchase and sale attached as Schedule "A" to the Sales Process Order of this Honourable Court dated July 23, 2013, together with any

amendments or modifications thereto deemed necessary by the Receiver (each agreement hereinafter referred to as a "**Sale Agreement**"); and

- (c) providing that, upon the delivery by the Receiver to a Purchaser of a Receiver's certificate substantially in the form attached as **Schedule "B"** hereto (the "**Receiver's Certificate**"), all of Banwell's right, title and interest in and to the Lot(s) described in each applicable Sale Agreement (the "**Purchased Assets**") will vest in and to the applicable Purchaser, free and clear of all encumbrances including those listed on **Schedule "C"** hereto and in paragraph 2 of this Order, save and except for those encumbrances listed on **Schedule "D"** hereto in relation to the Purchased Assets,

was heard this day at the Courthouse, 80 Dundas Street, London Ontario.

ON READING the Second Report of the Receiver dated July 12, 2013 (the "**Second Report**"), 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 July 12, 2013, filed:

1. THIS COURT ORDERS AND DECLARES that each Transaction is hereby prospectively approved, and the execution of each applicable Sale Agreement by the Receiver is hereby authorized and approved, with any amendments or modifications thereto deemed necessary by the Receiver. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of any Transaction and for the conveyance of the Purchased Assets to each applicable Purchaser.
2. THIS COURT ORDERS AND DECLARES that upon the delivery of a Receiver's Certificate to the Purchaser substantially in the form attached as **Schedule "B"** hereto, all of Banwell's right, title and interest in and to the Purchased Assets described in the applicable Sale Agreement and listed on Exhibit "A" of the applicable Receiver's Certificate in respect of such Sale Agreement shall vest absolutely in and to the Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "**Claims**") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of the Honourable Justice Thomas dated June

5, 2013; (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Ontario) or any other personal property registry system; (iii) any Claims filed in respect of or affecting the Purchased Assets, which Claims are filed on or after the date of the granting of this Order, including without limitation, Claims in respect of the *Construction Lien Act* (Ontario); (iv) those Claims listed on Schedule "C" hereto in relation to the Purchased Assets (all of which are collectively referred to as the "**Encumbrances**", which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule "D" in relation to the Purchased Assets) and, for greater certainty, this Court orders that upon delivery of the applicable Receiver's Certificate all of the Encumbrances affecting or relating to the Purchased Assets shall be expunged and discharged as against the Purchased Assets.

3. THIS COURT DIRECTS that the Land Registrar in respect of the Land Registry Office for the Land Titles Division of Essex (No. 12) (the "**Land Registry**") shall register a copy of this Order along with the applicable fully completed and executed Receiver's Certificate in respect of the Purchased Assets once the Land Registrar is in receipt of same.

4. THIS COURT ORDERS that upon the registration in the Land Registry of an Application for Vesting Order in the form prescribed by the *Land Titles Act* and/or the *Land Registration Reform Act* (which will include a copy of this Order and the fully completed and executed Receiver's Certificate in respect of the Purchased Assets), the Land Registrar is hereby directed to enter the Purchaser named in the applicable Receiver's Certificate as the owner of the Purchased Assets listed in Exhibit "A" to the Receiver's Certificate in fee simple, and is hereby directed to delete and expunge from title to the Purchased Assets all of the Claims listed in **Schedule "C"** hereto and in paragraph 2 of this Order.

5. THIS COURT ORDERS that for the purposes of determining the nature and priority of Claims, the net proceeds from the sale of the Purchased Assets shall stand in the place and stead of the Purchased Assets, and that from and after the delivery of the Receiver's Certificate in respect of an applicable Sale Agreement, all Claims and Encumbrances shall attach to the net proceeds from the sale of the Purchased Assets with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased Assets had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

6. THIS COURT ORDERS AND DIRECTS the Receiver to file with the Court a copy of each Receiver's Certificate, forthwith after delivery thereof, and in any event no later than thirty (30) days after the date of the closing of the Transaction detailed in each applicable Sale Agreement.

7. THIS COURT ORDERS that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of Banwell and any bankruptcy order issued pursuant to any such applications; and
- (c) any assignment in bankruptcy made in respect of Banwell;

the vesting of the Purchased Assets in each applicable Purchaser pursuant to this Order shall be binding on any trustee in bankruptcy that may be appointed in respect of Banwell and shall not be void or voidable by creditors of Banwell, nor shall it constitute nor be deemed to be a settlement, fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada), the *Companies' Creditors Arrangement Act* (Canada), or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

8. THIS COURT ORDERS AND DECLARES that each Transaction is exempt from the application of the *Bulk Sales Act* (Ontario).

9. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of

this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

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Justice, Superior Court of Justice



**Schedule "A" – Banwell Lots**

**Legal Description**

<b>Banwell Development Corporation</b>					
<b>Royal Timbers Subdivision - Lot Inventory</b>					
<b>Description</b>				<b>PIN</b>	
<b>Phase 1</b>					
Plan 12M-503	Lot	60		1566	- 0424
Plan 12M-503	Lot	99		1566	- 0463
Plan 12M-503	Lot	101		1566	- 0465
<b>Phase 2</b>					
Plan 12M-533	Lot	12		1566	- 0578
Plan 12M-533	Lot	15		1566	- 0581
Plan 12M-533	Lot	16		1566	- 0582
Plan 12M-533	Lot	17		1566	- 0583
Plan 12M-533	Lot	18		1566	- 0584
Plan 12M-533	Lot	20		1566	- 0586
Plan 12M-533	Lot	21		1566	- 0587
Plan 12M-533	Lot	23		1566	- 0589
Plan 12M-533	Lot	26		1566	- 0592
Plan 12M-533	Lot	27		1566	- 0593
Plan 12M-533	Lot	28		1566	- 0594
Plan 12M-533	Lot	29		1566	- 0595
Plan 12M-533	Lot	30		1566	- 0596
Plan 12M-533	Lot	38		1566	- 0604

Plan 12M-533	Lot	39		1566	-	0605
Plan 12M-533	Lot	43		1566	-	0609
Plan 12M-533	Lot	48		1566	-	0614
Plan 12M-533	Lot	49		1566	-	0615
Plan 12M-533	Lot	50		1566	-	0616
Plan 12M-533	Lot	51		1566	-	0617
Plan 12M-533	Lot	103		1566	-	0669
Plan 12M-533	Lot	104		1566	-	0670
Plan 12M-533	Lot	105		1566	-	0671
Plan 12M-533	Lot	106		1566	-	0672
Plan 12M-533	Lot	116		1566	-	0682
Plan 12M-533	Lot	117		1566	-	0683
<u>Plan 12M-533</u>	<u>Block</u>	<u>120</u>		<u>1566</u>	<u>-</u>	<u>0686</u>
<b>Phase 4</b>						
Plan 12M-546	Lot	2		1566	-	0824
Plan 12M-546	Lot	3		1566	-	0825
Plan 12M-546	Lot	4		1566	-	0826
Plan 12M-546	Lot	6		1566	-	0828
Plan 12M-546	Lot	7		1566	-	0829
Plan 12M-546	Lot	8		1566	-	0830
Plan 12M-546	Lot	9		1566	-	0831
Plan 12M-546	Lot	10		1566	-	0832
Plan 12M-546	Lot	11		1566	-	0833
Plan 12M-546	Lot	12		1566	-	0834
Plan 12M-546	Lot	13		1566	-	0835

Plan 12M-546	Lot	29		1566	-	0851
Plan 12M-546	Lot	30		1566	-	0852
Plan 12M-546	Lot	31		1566	-	0853
Plan 12M-546	Lot	32		1566	-	0854
Plan 12M-546	Lot	33		1566	-	0855
Plan 12M-546	Lot	34		1566	-	0856
Plan 12M-546	Lot	35		1566	-	0857
Plan 12M-546	Lot	36		1566	-	0858
Plan 12M-546	Lot	37		1566	-	0859
Plan 12M-546	Lot	38		1566	-	0860
Plan 12M-546	Lot	39		1566	-	0861
Plan 12M-546	Lot	40		1566	-	0862

**Schedule "B" – Form of Receiver's Certificate**

Court File No. CV-11-17088

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

KEVIN D'AMORE

Applicant

- and -

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

Respondents

**RECEIVER'S CERTIFICATE**

**RECITALS**

A. Pursuant to an Order of the Honourable Justice Thomas of the Ontario Superior Court of Justice (the "**Court**") dated June 5, 2013, BDO Canada Limited ("**BDO**") was appointed as the receiver (the "**Receiver**") of all of the assets, undertakings and properties of Banwell Development Corporation ("**Banwell**") and Royal Timbers Inc.

B. Pursuant to an Order of the Honourable Justice Thomas of the Court dated July 23, 2013, the Court granted an omnibus approval and vesting order (the "**Omnibus Approval and Vesting Order**"), providing for among other things:

- (a) the Court's approval of this Transaction in respect of the Purchased Assets (as defined below) as described in the Sale Agreement (as defined below);
- (b) the Court's authorization of the Receiver entering into the Agreement of Purchase and Sale made as of \_\_\_\_\_ [DATE OF AGREEMENT] (the "**Sale Agreement**") between the Receiver and \_\_\_\_\_ [NAME OF PURCHASER] (the "**Purchaser**"); and
- (c) the vesting in and to the Purchaser all of Banwell's right, title and interest in and to the lands and premises legally described on **Exhibit "A"** to this Receiver's Certificate (the

**“Purchased Assets”**), with such vesting to be effective in respect of the Purchased Assets upon the delivery by the Receiver to the Purchaser of this certificate confirming (i) the payment by the Purchaser of the purchase price for the Purchased Assets; (ii) that the conditions to closing as set out in the Sale Agreement have been satisfied or, to the extent that such conditions could be waived, have been waived by the Receiver and the Purchaser; and (iii) the transaction described in the Sale Agreement (the **“Transaction”**) has been completed to the satisfaction of the Receiver.

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Omnibus Approval and Vesting Order.

THE RECEIVER CERTIFIES the following:

1. The Purchaser has paid and the Receiver has received the purchase price for the Purchased Assets payable on closing pursuant to the Sale Agreement;
2. The conditions to closing as set out in the Sale Agreement have been satisfied or, to the extent such conditions could be waived, have been waived by the Receiver and the Purchaser;
3. The Transaction has been completed to the satisfaction of the Receiver;
4. In accordance with the provisions of the Omnibus Approval and Vesting Order, upon delivery by the Receiver of this Receiver's Certificate to the Purchaser, the Transaction is approved and the Purchaser is vested with all of Banwell's right, title and interest in and to the Purchased Assets; and
5. This Certificate was delivered by the Receiver at \_\_\_\_\_[TIME] on \_\_\_\_\_ [DATE].

**BDO CANADA LIMITED** solely in its capacity  
as Court-appointed receiver of Banwell  
Development Corporation and not in its personal  
capacity

Per: \_\_\_\_\_  
Name:  
Title:

**Exhibit "A" to Form of Receiver's Certificate – Purchased Assets**

**(INSERT LEGAL DESCRIPTION AND MUNICIPAL ADDRESS FOR EACH LOT  
COMPRISING THE PURCHASED ASSETS SUBJECT TO THE APPLICABLE SALE  
AGREEMENT)**

KEVIN D'AMORE

Applicant

and

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

Respondents

Court File No: CV-11-17088

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Windsor

**RECEIVER'S CERTIFICATE**

**MILLER THOMSON LLP**  
One London Place  
255 Queens Avenue, Suite 2010  
London, ON Canada N6A 5R8

Alissa K. Mitchell LSUC#: 35104E  
Tel: 519.931.3510  
Fax: 519.858.8511

Lawyers for BDO Canada Limited,  
Receiver of Banwell Development Corporation  
and Royal Timbers Inc.

**Schedule "C" – Claims to be deleted and expunged from title to the Banwell Lots**

<b>Description</b>				<b>PIN</b>		
<b>Phase 1</b>						
<b>Plan 12M-503</b>	<b>Lot</b>	<b>60</b>		<b>1566</b>	<b>-</b>	<b>0424</b>
<ol style="list-style-type: none"> <li>Instrument No. CE573510 - Notice of Court Order.</li> <li>Instrument No. CE93353 – Charge in the principal amount of \$58,800 given by Affinity Custom Homes and Contracting Inc. to Banwell Development Corporation registered on August 3, 2004.</li> <li>Instrument No. CE95821 – Transfer of Charge from Banwell Development Corporation to Bank of Montreal registered on August 13, 2004.</li> </ol>						
<b>Plan 12M-503</b>	<b>Lot</b>	<b>99</b>		<b>1566</b>	<b>-</b>	<b>0463</b>
<ol style="list-style-type: none"> <li>Instrument No. CE573510 - Notice of Court Order.</li> <li>Instrument No. CE103476 – Charge in the principal amount of \$491,300 given by Thibert Homes Inc. to Banwell Development Corporation registered on September 17, 2004.</li> <li>Instrument No. CE103750 – Transfer of Charge from Banwell Development Corporation to Bank of Montreal registered on September 17, 2004.</li> </ol>						
<b>Plan 12M-503</b>	<b>Lot</b>	<b>101</b>		<b>1566</b>	<b>-</b>	<b>0465</b>
<ol style="list-style-type: none"> <li>Instrument No. CE573510 - Notice of Court Order.</li> <li>Instrument No. CE103476 – Charge in the principal amount of \$491,300 given by Thibert Homes Inc. to Banwell Development Corporation registered on September 17, 2004.</li> <li>Instrument No. CE103750 – Transfer of Charge from Banwell Development Corporation to Bank of Montreal registered on September 17, 2004.</li> </ol>						
<b>Phase 2</b>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>12</b>		<b>1566</b>	<b>-</b>	<b>0578</b>
<ol style="list-style-type: none"> <li>Instrument No. CE569187 - Notice of Court Order.</li> <li>Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						



<b>Plan 12M-533</b>	<b>Lot</b>	<b>15</b>		<b>1566</b>	<b>-</b>	<b>0581</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>16</b>		<b>1566</b>	<b>-</b>	<b>0582</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>17</b>		<b>1566</b>	<b>-</b>	<b>0583</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>18</b>		<b>1566</b>	<b>-</b>	<b>0584</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>20</b>		<b>1566</b>	<b>-</b>	<b>0586</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.</li> </ol>						

April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>21</b>	<b>1566</b>	<b>-</b>	<b>0587</b>
1. Instrument No. CE569187 - Notice of Court Order.					
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.					
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.					
<b>Plan 12M-533</b>	<b>Lot</b>	<b>23</b>	<b>1566</b>	<b>-</b>	<b>0589</b>
1. Instrument No. CE569187 - Notice of Court Order.					
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.					
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.					
<b>Plan 12M-533</b>	<b>Lot</b>	<b>26</b>	<b>1566</b>	<b>-</b>	<b>0592</b>
1. Instrument No. CE569187 - Notice of Court Order.					
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.					
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.					
<b>Plan 12M-533</b>	<b>Lot</b>	<b>27</b>	<b>1566</b>	<b>-</b>	<b>0593</b>
1. Instrument No. CE569187 - Notice of Court Order.					
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.					
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.					
<b>Plan 12M-533</b>	<b>Lot</b>	<b>28</b>	<b>1566</b>	<b>-</b>	<b>0594</b>
1. Instrument No. CE569187 - Notice of Court Order.					
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.					

3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>29</b>		<b>1566</b>	<b>-</b>	<b>0595</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>30</b>		<b>1566</b>	<b>-</b>	<b>0596</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>38</b>		<b>1566</b>	<b>-</b>	<b>0604</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>39</b>		<b>1566</b>	<b>-</b>	<b>0605</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>43</b>		<b>1566</b>	<b>-</b>	<b>0609</b>
1. Instrument No. CE569187 - Notice of Court Order.						

2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>48</b>		<b>1566</b>	<b>-</b>	<b>0614</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>49</b>		<b>1566</b>	<b>-</b>	<b>0615</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>50</b>		<b>1566</b>	<b>-</b>	<b>0616</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>51</b>		<b>1566</b>	<b>-</b>	<b>0617</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>103</b>		<b>1566</b>	<b>-</b>	<b>0669</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>104</b>		<b>1566</b>	<b>-</b>	<b>0670</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>105</b>		<b>1566</b>	<b>-</b>	<b>0671</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>106</b>		<b>1566</b>	<b>-</b>	<b>0672</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						
<b>Plan 12M-533</b>	<b>Lot</b>	<b>116</b>		<b>1566</b>	<b>-</b>	<b>0682</b>
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.</li> </ol>						

April 24, 2007.

<b>Plan 12M-533</b>	<b>Lot</b>	<b>117</b>		<b>1566</b>	<b>-</b>	<b>0683</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE269334 – Charge in the principal amount of \$908,765 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 24, 2007.						
<b>Plan 12M-533</b>	<b>Block</b>	<b>120</b>		<b>1566</b>	<b>:</b>	<b>0686</b>
1. <u>Instrument No. CE569187 - Notice of Court Order.</u>						
2. <u>Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</u>						
3. <u>Instrument No. CE269359 – Charge in the principal amount of \$240,496 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on April 25, 2007.</u>						
<b>Phase 4</b>						
<b>Plan 12M-546</b>	<b>Lot</b>	<b>2</b>		<b>1566</b>	<b>-</b>	<b>0824</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.						
4. Instrument No. CE171657 – Postponement registered September 20, 2005.						
5. Instrument No. CE171658 – Postponement registered September 20, 2005.						
6. Instrument No. CE261562 – Notice registered February 28, 2007.						
<b>Plan 12M-546</b>	<b>Lot</b>	<b>3</b>		<b>1566</b>	<b>-</b>	<b>0825</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on						

August 10, 2005.

4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>4</b>		<b>1566</b>	<b>-</b>	<b>0826</b>
<b>Plan 12M-546</b>	<b>Lot</b>	<b>6</b>		<b>1566</b>	<b>-</b>	<b>0828</b>

1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>7</b>		<b>1566</b>	<b>-</b>	<b>0829</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>8</b>		<b>1566</b>	<b>-</b>	<b>0830</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.

4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>9</b>		<b>1566</b>	<b>-</b>	<b>0831</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>10</b>		<b>1566</b>	<b>-</b>	<b>0832</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>11</b>		<b>1566</b>	<b>-</b>	<b>0833</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D'Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.



5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>12</b>		<b>1566</b>	<b>-</b>	<b>0834</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>13</b>		<b>1566</b>	<b>-</b>	<b>0835</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.
6. Instrument No. CE261562 – Notice registered February 28, 2007.

<b>Plan 12M-546</b>	<b>Lot</b>	<b>29</b>		<b>1566</b>	<b>-</b>	<b>0851</b>
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1. Instrument No. CE569187 - Notice of Court Order.
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.
4. Instrument No. CE171657 – Postponement registered September 20, 2005.
5. Instrument No. CE171658 – Postponement registered September 20, 2005.

6. Instrument No. CE261562 – Notice registered February 28, 2007.						
<b>Plan 12M-546</b>	<b>Lot</b>	<b>30</b>		<b>1566</b>	<b>-</b>	<b>0852</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.						
4. Instrument No. CE171657 – Postponement registered September 20, 2005.						
5. Instrument No. CE171658 – Postponement registered September 20, 2005.						
6. Instrument No. CE261562 – Notice registered February 28, 2007.						
<b>Plan 12M-546</b>	<b>Lot</b>	<b>31</b>		<b>1566</b>	<b>-</b>	<b>0853</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.						
4. Instrument No. CE171657 – Postponement registered September 20, 2005.						
5. Instrument No. CE171658 – Postponement registered September 20, 2005.						
6. Instrument No. CE261562 – Notice registered February 28, 2007.						
<b>Plan 12M-546</b>	<b>Lot</b>	<b>32</b>		<b>1566</b>	<b>-</b>	<b>0854</b>
1. Instrument No. CE569187 - Notice of Court Order.						
2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.						
3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.						
4. Instrument No. CE171657 – Postponement registered September 20, 2005.						
5. Instrument No. CE171658 – Postponement registered September 20, 2005.						
6. Instrument No. CE261562 – Notice registered February 28, 2007.						

Plan 12M-546	Lot	33		1566	-	0855
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						
Plan 12M-546	Lot	34		1566	-	0856
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						
Plan 12M-546	Lot	35		1566	-	0857
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						

Plan 12M-546	Lot	36		1566	-	0858
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						
Plan 12M-546	Lot	37		1566	-	0859
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						
Plan 12M-546	Lot	38		1566	-	0860
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						

Plan 12M-546	Lot	39		1566	-	0861
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						
Plan 12M-546	Lot	40		1566	-	0862
<ol style="list-style-type: none"> <li>1. Instrument No. CE569187 - Notice of Court Order.</li> <li>2. Instrument No. CE163177 – Charge in the principal amount of \$8,000,000 given by Banwell Development Corporation to Bank of Montreal registered on August 10, 2005.</li> <li>3. Instrument No. CE163205 – Charge in the principal amount of \$282,000 given by Banwell Development Corporation to Simba Group Developments Limited and Patrick D’Amore registered on August 10, 2005.</li> <li>4. Instrument No. CE171657 – Postponement registered September 20, 2005.</li> <li>5. Instrument No. CE171658 – Postponement registered September 20, 2005.</li> <li>6. Instrument No. CE261562 – Notice registered February 28, 2007.</li> </ol>						

**Schedule "D" – Permitted Encumbrances, Easements and Restrictive Covenants  
related to the Purchased Assets**

**(unaffected by the Vesting Order)**

Generally

- (i) The reservations, limitations, provisions and conditions expressed in the original Agreement from the Crown and all statutory exceptions to title;
- (ii) Any registered restrictions or covenants that run with the Purchased Assets provided the same have been complied with in all material respects;
- (iii) Any easements, rights of way, or right of re-entry in favour of a Developer, not materially or adversely impairing the present use of the Purchased Assets;
- (iv) Any agreements with municipal, utilities or public authorities provided the same have been complied with in all material respects;
- (v) Any minor encroachments which might be revealed by an up to date survey of the Purchased Assets;
- (vi) Any gas or oil lease in respect of the Purchased Assets;

Lots in Plan 12M533

- (vii) Instrument No. CE166202 – Notice of Subdivision Agreement;
- (viii) Instrument No. CE191966 – Notice of Subdivision;
- (ix) Instrument No. CE193237 – Plan Document Agreement;
- (x) Instrument No. 12M533 – Plan of Subdivision;
- (xi) Instrument No. CE193800 – Application to Annex Restrictive Covenant;
- (xii) Instrument No. 12R22439 – Reference Plan;
- (xiii) Instrument No. CE194979 – Transfer Easement;

Lots in Plan 12M546

- (xiv) Instrument No. R1201053 – Agreement;
- (xv) Instrument No. CE195978 – No Sub Agreement;
- (xvi) Instrument No. CE251614 – Plan Document;
- (xvii) Instrument No. 12M546 – Plan Subdivision;
- (xviii) Instrument No. 12R22894 – Plan Reference;
- (xix) Instrument No. CE468429 – Apl Annex Rest Cov;

Lots in Plan 12M-503

- (xx) Instrument No. 12R15293 – Plan Reference;
- (xxi) Instrument No. 12R20732 – Plan Reference;
- (xxii) Instrument No. CE51657 – No Sub Agreement;
- (xxiii) Instrument No. CE56048 – No Sub Agreement;
- (xxiv) Instrument No. CE58400 – Plan Document;
- (xxv) Instrument No. 12M503 – Plan Subdivision;
- (xxvi) Instrument No. 12R21094 – Plan Reference;
- (xxvii) Instrument No. CE66960 – Apl Annex Rest Cov

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

AMENDED OMNIBUS APPROVAL AND VESTING ORDER

**MILLER THOMSON LLP**

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KEVIN D'AMORE

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