

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE REGIONAL SENIOR)
JUSTICE THOMAS)

TUES DAY, THE 18th DAY
OF JUNE, 2019

BETWEEN:

KEVIN D'AMORE

Applicant

- and -

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

Respondents

APPLICATION UNDER SECTION 207 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. ("Royal Timbers") pursuant to the Order of The Honourable Mr. Justice Thomas dated June 5, 2013 as amended, for, *inter alia*, 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 Twelfth Report of the Receiver dated June 5, 2019 and all appendices thereto (the "Twelfth Report") 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 a date to be determined by Regional Senior Justice Thomas;

- (b) approving the Twelfth Report and the activities and actions of the Receiver described therein; and
- (c) approving 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, each as defined in the Twelfth Report; and
- (d) approving the professional fees and disbursements of the Receiver, and Miller Thomson LLP, counsel to the Receiver.

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

ON READING the Twelfth Report, the motion being unopposed, and on noting that no one appeared, although properly served as appears from the affidavit of Catherine A. O'Neill sworn June 14, 2019, filed.

1. THIS COURT ORDERS that the time for service and filing of all motion confirmation forms, the Motion Record, including the Notice of Motion and the Twelfth 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 the Twelfth Report and the activities and actions of the Receiver described therein are hereby approved.

3. 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, each as defined in the Twelfth Report, be and the same are hereby approved; and

4. 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 June 4, 2019 and Sherry Kettle sworn June 5, 2019 be and the same are hereby approved.

ENTERED AT WINDSOR
In Book No. <u>30</u>
re Document No. <u>768</u>
of JUN 28 2019 ²⁰
by <u>EB</u>


Justice, Ontario Superior Court of Justice

THE HONOURABLE
REGIONAL SENIOR
JUSTICE B. G. THOMAS

KEVIN D'AMORE

and

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

Court File No: CV-11-17088

Applicant

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at WINDSOR

ORDER

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