

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. ) MONDAY, THE 29TH DAY  
JUSTICE THOMAS ) OF MAY, 2017

**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. (collectively, the "Companies") pursuant to the Order of The Honourable Mr. Justice Thomas dated June 5, 2013 (the "Appointment Order"), for an order,

- (a) approving Appendix "F" to the Tenth Report of the Receiver to the Court dated March 14, 2017 (the "Tenth Report") as the basis for future payments to be made by the Receiver under the Simba and D'Amore Mortgages, as defined in the Tenth Report;

- (b) declaring that the \$871,000 advanced to the Companies during 2009 by Patrick D'Amore (the "\$871,000 Loan") is properly repayable to the Estate of Patrick D'Amore;
- (c) approving the Tenth Report and the activities and actions of the Receiver described therein;
- (d) 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 Tenth Report; and
- (e) approving the professional fees and disbursements of the Receiver and its legal counsel.


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

ON READING the Tenth Report and on hearing the submissions of counsel for the Receiver, and such other persons on the Service List as may be present, and on noting that no other persons appeared, although properly served as appears from the affidavit of Julie Los sworn March 14, 2017, filed:

1. THIS COURT ORDERS that Appendix "F" to the Tenth Report is hereby approved as the basis for future payments to be made by the Receiver under the Simba and D'Amore Mortgages, as defined in the Tenth Report.
2. THIS COURT DECLARES that the \$871,000 Loan is properly repayable to the Estate of Patrick D'Amore.
3. THIS COURT ORDERS that the Tenth Report and the activities and conduct of the Receiver described in the Tenth Report are hereby approved.
4. 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 Tenth Report, are hereby approved.

5. 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 May 24, 2017 and Sherry Kettle sworn May 24, 2017 be and same are hereby approved.

ENTERED AT WINDSOR	
In Book No.	28
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Justice, Ontario Superior Court of Justice

KEVIN D'AMORE

and

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

Court File No: CV-11-17088

Applicant

Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at WINDSOR

**ORDER**

**MILLER THOMSON LLP**

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