



Clerk's stamp:

COURT FILE NUMBER

1903 04121

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
RSA 2000, C T-8 SECTIONS 43 AND 46

PLAINTIFF

WESTPOINT INVESTMENT TRUST BY ITS
TRUSTEE MUNIR VIRANI AND MARNIE KIEL

DEFENDANTS

WESTPOINT CAPITAL CORPORATION,
WESTPOINT CAPITAL MANAGEMENT
CORPORATION, WESTPOINT CAPITAL
SERVICES CORPORATION, WESTPOINT
SYNDICATED MORTGAGE CORPORATION,
CANADIAN PROPERTY DIRECT
CORPORATION, WESTPOINT MASTER
LIMITED PARTNERSHIP, RIVER'S
CROSSING LTD., 1897869 ALBERTA LTD.,
1780384 ALBERTA LTD., 1897837 ALBERTA
LTD. and THE VILLAGE AT PALDI ENT. LTD.

DOCUMENT

ORDER

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

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File No.: 240413.1

DATE ON WHICH ORDER WAS PRONOUNCED: February 21, 2024

PLACE WHERE ORDER WAS PRONOUNCED: **Edmonton, Alberta**

NAME OF JUSTICE WHO MADE THIS ORDER: **The Honourable Justice J. Gill**

ORDER

UPON the application of BDO Canada Limited in its capacity as the Court-appointed receiver (the "Receiver") of the Defendants Westpoint Capital Corporation *et al* (collectively the "Corporations"); AND UPON reviewing the Interim Receivership Order granted March 8, 2019 and filed March 13, 2019, the Receivership Order granted April 10, 2019 and filed April 11, 2019, the Consent Amending and Receivership Order granted and filed May 30, 2019, and the Order

granted July 22, 2019 and filed July 23, 2019; AND UPON being advised that parties on the service list with an interest in these proceedings were served with notice of the Application in this matter; AND UPON reviewing the Ninth Report to the Court of the Receiver, dated February 7, 2024 (the "**Ninth Report**"); AND UPON reviewing the Affidavit of David Lewis, sworn January 22, 2024 and attached as Exhibit 6 to the Ninth Report; AND UPON hearing the submissions of counsel for the Receiver and any other counsel or interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of notice of this application and all materials in support is hereby declared to be good and sufficient, no other person is required to have been served with notice of this application and time for service of this application is abridged to that actually given.
2. The actions, conduct and activities of the Receiver as described in the Ninth Report are hereby approved.
3. The accounts for the fees and disbursements of the Receiver and of its independent legal counsel, Miller Thomson LLP, as set out in the Ninth Report and the Affidavit of David Lewis, are hereby approved without the necessity of a formal passing of accounts.
4. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties in its capacity as Receiver are hereby stayed, extinguished and forever barred.
5. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
6. The Receiver is authorized at his discretion to either return the books and records of the Corporations to the former directors or destroy the books and records of the Corporations without further notice, and at such time and in such manner as the Receiver deems advisable.
7. Upon the Receiver filing with the Clerk of the Court a Discharge Certificate signed by a licensed Trustee employed by the Receiver confirming that all matters for the administration of the Corporations' estate have been completed then the Receiver shall be discharged as Receiver of the Corporations, provided however, that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.
8. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by Facsimile, electronic mail, personal delivery or courier, and by posting a copy of this Order on the Receiver's website, and

service on any other person is hereby dispensed with. Service is deemed to be effected the next business day following transmission or delivery of this Order.



Justice of the Court of King's Bench of Alberta