

Court File No. CV-20-00640265-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE MADAM

)

FRIDAY, THE 17TH

JUSTICE CONWAY

)

)

DAY OF DECEMBER, 2021



IN THE MATTER OF THE *COURTS OF JUSTICE ACT*, R.S.O.
1990, c. C.43, AS AMENDED

AND IN THE MATTER OF THE ADMINISTRATION
PROCEEDINGS OF CARRIAGE HILLS VACATION OWNERS
ASSOCIATION

OMNIBUS DEFAULT JUDGMENT ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) over all of the assets, properties and undertakings of the Carriage Hills Vacation Owners Association (the “**Applicant**”) and all the lands and premises on which the Applicant operated the Carriage Hills Resort, appointed by Order of the Court with effect as of January 6, 2021, for an order, among other things, granting default judgment against the Defaulting Subject Members (as defined below), was heard this day by Zoom judicial video conference due to the COVID-19 pandemic.

ON READING the Notice of Motion dated December 3, 2021, the Sixth Report of the Receiver dated December 3, 2021 (the “**Sixth Report**”) and its appendices, and the Default Judgment Report of the Claims Officer, Tim Duncan of Fogler Rubinoff LLP, dated December 3, 2021 (the “**Default Judgment Report**”), and its appendices, and on hearing the submissions of counsel for the Receiver, counsel for Wyndham Worldwide Corporation, Shell Finco LLC, Carriage Hills Resort Corporation and Carriage Hills Hospitality Inc., counsel for Lori Smith and Karen Levins and counsel for David and Phyllis Lennox and the submissions of Christopher Diana and the submissions of the Claims Officer and Christopher Diana, no one else appearing for any

other parties on the Service List, although properly served as appears from the affidavit of Christine Doyle sworn December 6, 2021, filed,

1. **THIS COURT ORDERS** that capitalized terms not otherwise defined herein shall have the same meanings as ascribed to them in the Collection Plan Order issued by the Honourable Justice Conway in this proceeding on February 16, 2021.

2. **THIS COURT ORDERS** that service of a Claims Package on each of the Subject Members listed in **Schedule “A”** to this Order (each, a **“Defaulting Subject Member”**), by sending a Claims Package by ordinary mail or email to the last know address or email address of such Defaulting Subject Member, as described in the Sixth Report and in the Default Judgment Report, is hereby validated.

3. **THIS COURT ORDERS** that each Defaulting Subject Member is hereby noted in default.

4. **THIS COURT ORDERS AND DECLARES** that:

- (a) the amounts listed on Schedule “A” as owing to the Applicant by individual Defaulting Subject Members are, in each case, owing;
- (b) each Defaulting Subject Member shall pay to the Receiver the amount listed on Schedule “A” as owing by that Defaulting Subject Member;
- (c) the Receiver is entitled to judgment, in substantially the form of judgment attached as **Schedule “B”** to this Order, against each Defaulting Subject Member in the amount listed on Schedule “A” as owing by that Defaulting Subject Member; and
- (d) the Receiver is authorized to set off the amounts owing by a Defaulting Subject Members against any distribution to be made by the Receiver to such Defaulting Subject Member.

5. **THIS COURT ORDERS** that the Receiver, at its discretion, may bring a motion in writing, without need for further notice or hearing, for an Order:

- (a) approving forms of individual judgments against Defaulting Subject Members, in substantially the form of judgment attached as Schedule “B” to this Order; and
 - (b) ordering and directing the Registrar to issue judgments in the forms so approved.
6. **THIS COURT ORDERS** that, for greater certainty, the within judgment shall not affect the rights and interests of any Subject Members not named in Schedule “A” to this Order.
7. **THIS COURT ORDERS** that this Omnibus Default Judgment Order and all of its provisions are effective from the date it is made without any need for entry and filing.



SCHEDULE "A"
DEFAULT JUDGMENT LIST

<u>Equiant Number</u>	<u>Member Name</u>	<u>Balance Owning</u>
126085003167	HASKILL, NOELLA	675.4208333
126085010180	DE VENZ, GLORIA	675.8275
126085004031	GALLOWAY, JEFFREY	1742.1325
126085004166	HOLMES, DEBORAH J	1742.1325
126085004655	MELHUIH, ROBERT D	1742.1325
126085006137	MCLACHLAN, KATHLEEN	1742.1325
126085021766	HARRIS, BRYAN	2081.4475
126085018959	ARENA, ADOLFO	2335.900833
126085016760	JOHNSON, LLEWELYN	2459.830833
126085017271	SAMUEL, KEMBA	1525.3125
126085002051	NGUYEN, ANH	2555.099167
126085015588	LOBO, EMILIA	2632.466667
126085021667	HABAYBETH, MAHA	2635.683333
126085019405	SAMUEL, KEMBA	2659.6725
126085013960	DAVEY, MICHAEL	1900.179167
126085013959	MOORE, SEAN	2978.241667
126085003179	FIELDS, NICHOLAS	3033.579167
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126085007580	MARONEY, DANIEL	3139.974167
126085014026	MOHS, ROBERT W	3199.048333
126085008448	WORRALL, ROBERT	3329.4725
126085006289	PUTSEY, ROBERT	3384.315833
126085012743	PRESTA, MARIA	3473.4975
126085006507	MICHAEL, KRISTA	3479.448333
126085020385	SORGANI, ANDREA	3472.076667
126085005648	FEUERSTEIN, NORBERT	3474.6175
126085008824	JOYCE, GARY	2512.189167
126085003974	WELLS, GEOFFREY	3517.9525
126085007033	CARSON, WARREN	3544.418333
126085019410	LEE, CHIA C	3560.756667
126085018608	ELLERY, VICTORIA	3566.536667
126085005927	EMMERTON, JENNIFER	3566.6
126085013251	REZK, FARID	3580.1675
126085001658	LAHTINEN, SUSAN	2583.795833
126085001682	LAHTINEN, SUSAN	3583.795833
126085011852	MAGLARIS, SALLY	3583.835
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126085015719	NETO, MARIA	3587.171667
126085016684	SPEED, PHILIP	3589.074167
126085004354	PEREIRA, CARLTON	3593.495833
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126085004485	MILLER, MURIEL	3600.05
126085004776	AMAN, JAMILA	3601.439167
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126085009221	BESHARA, ASHRAF	2603.0325

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126085010560 LAW, EMILY	3603.0325
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126085016559 MALLETT, GEORGE	3603.0325
126085007673 ABDELMASEIH, MIDHAT	3604.4625
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126085020473 BANYARD, CHARLES WINNICK	17027.725
126085020555 HENDRIX, CECIL EARL	17027.725
126085020618 MEDINA, MELODY	17027.725
126085020831 RITTER, GARRETT LAWRENCE	17027.725
126085020843 HAMILTON, HOWARD	17027.725
126085013419 ROSS, VIRGIL	16934.92583
126085005641 HUTCHINSON, INGRID	16949.27083
126085014847 WELLINGTON, ROY	17037.09583
126085014125 VALAD, DARREN E	16975.255
126085021132 CLARK, PHILIP NEAL	17093.03667
126085012937 MARSHALL, ANTONY	17112.09583
126085013533 HEPBURN, BRIAN	17159.39667
126085014755 CHEW, KOK S	16159.39667
126085015734 SCHWEITZER, DANIEL A	17159.45083
126085016078 FRASER, DAVID	17187.36333
126085011671 WILSON, SHEDRICK	17187.54333
126085013999 BURRILL, CARLTON	17188.01917
126085010488 PISCOPO, MARIA G	17193.02583
126085002873 DOCHERTY, PETER	17193.03667
126085003571 COWAN, SYLVIA	17193.03667
126085004685 HORZEMPA, DAWN	17193.03667
126085004886 VELEZ, JOHN	17193.03667
126085005450 KENT, STEPHEN	17193.03667
126085005898 SCHAAL, RUDY	17193.03667
126085007001 LIBUNAO, DAN S	17193.03667
126085007865 ATKIN, JACQUI	17193.03667
126085008249 CHEW, KOK S	17193.03667
126085008955 SOUSA, ANGELA	17193.03667

126085009215 LEO, DOMENIC	17193.03667
126085010624 NORTON, HEATHER	17193.03667
126085011886 LAWTON, PHILOMENA	17193.03667
126085012055 BOSCH, CHARLES	17193.03667
126085012608 JONGSMA, DONALD U	16193.03667
126085012990 VAN HOESEN, TERESA	17193.03667
126085013815 BARRETT, JOHN	17193.03667
126085014872 4011457 CANADA,	16193.03667
126085015126 MCLEOD, JANIS	17193.03667
126085015244 FEHR, TANYA	17193.03667
126085015887 ONTARIO INC, 747251	17193.03667
126085017201 ADEGUNLEHIN, EUNICE	17193.03667
126085018668 SCHILL, HENRY	17193.03667
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126085019018 JONGSMA, DONALD U	17193.03667
126085019995 BECK, MILKA	17193.03667
126085020871 PERSAUD, SARAH	17193.03667
126085020956 STILWELL, FREDERICK ARTHU	17193.03667
126085020959 FERNANDEZ, PEGGY LEE	17193.03667
126085020960 LEVINE, OLIVIA	17193.03667
126085021023 CASTELLANOS, YUSMILA	16193.03667
126085021024 CASTELLANOS, YUSMILA	17193.03667
126085021063 WHAUMBUSH, ANGELA	17193.03667
126085021113 SNAVELY, TITUS EDWARD	17193.03667
126085021115 RAGALDO, JAVIER LAZARO	17193.03667
126085001312 LOVE, BRIAN	17218.03667
126085005038 DENEWETH, BRENDA	17218.03667
126085002796 WILSON, ROD	17268.03667
126085006658 SCHOLL, JANET	17293.03667
126085015028 BARNARD, KEVIN J	17318.03667
126085020410 SIMON & MARKS LLC,	18004.33083
126085020412 GUTIERREZ-JADA, JAMIE	18004.33083
126085020420 ADVANTAGE TRAVEL CLUB HC	18004.33083
126085020801 PERILLO, RICHARD	17970.725
126085016440 MORRITT, RANDALL	18084.605
126085004818 MATTHEWS, ILONA	18085.63833
126085011680 JEREMIE, DAVINCI	18946.085
126085018464 PAPADIMITRIOU, BOB	19066.97083
126085017243 LAXTON, DANIEL	19079.10083
126085005110 LENZO, GARY	19027.605
126085008130 NAGIEL, JOANNA	19356.89833
126085017266 COLOSI, RUSSELL RALPH	19596.5275
126085017300 DROUJKO, BORIS	19596.5275
126085019401 NOTTAGE, CALLIE	19596.5275

126085018901 FAUBERT, BETTY	19696.5275
126085007074 MCKAY, JAMES	19689.085
126085014432 NEW CHOICE, O	19803.505
126085001351 JONES, ALLEN	19889.085
126085002948 RAPONI, ANTHONY	19889.085
126085008332 BOCHEL, GRANT	19889.085
126085010281 SMITH, PHYLLIS	19889.085
126085013582 GARRIOCK, PAUL	19889.085
126085014801 BRUDER, RONALD	19889.085
126085016045 PRESTON, BONNIE	19889.085
126085019502 WATSON, NANCY	19889.085
126085002870 WAGSTAFF, JANE	19998.15083
126085017405 DHRUV, PREMAL	20866.9575
126085005706 GEORGE, TOM	19805.79083
126085016978 GEORGE, TOM	20904.29667
126085019024 VASAGAM, GILLIAN	21066.9575
126085002629 JUSTIN, HERB	20998.41083
126085007954 LEWIS, ANNETTE	21119.00083
126085004364 LUDDERS WINE LLC	21127.50083
126085004465 PENA, PATRICK	21127.50083
126085004488 ADVANTAGE TRAVEL CLUB HC	21127.50083
126085005207 Poy Developers Llc	20127.50083
126085006439 HOUGHTON, JAMES	6173.26
126085012085 CARBY, LENWORTH	20127.50083
126085014613 Poy Developers Llc	21127.50083
126085018757 CARBY, LENWORTH	21127.50083
126085020417 MARKOW HOLDINGS LLC,	21127.50083
126085019128 SPADONE, PHILIP	21533.91167
126085019823 MATCHETT, EARL	20365.46917
126085018977 MATCHETT, EARL	21365.49083
126085019389 FERGUSON, MARY	18832.2
126085016389 VIEIRA, MICHAEL	21858.39417
126085013821 NADJ, LASLO	21863.5875
126085017440 CHARLES, DEXTER	21863.5875
126085017577 CUNNINGHAM, SHARON	21863.5875
126085019416 HOLMES, BENJAMIN	21863.5875
126085019663 WIENS, LINDA	21863.5875
126085019756 SLAVENBURG, JOHN	21863.5875
126085002196 CALLAGHAN, VIVIAN	22183.43083
126085002271 MAGEE, TERRICKA RANEE	22183.43083
126085015121 GLOVER, BRIAN	21183.43083
126085015865 SMYTHE, STEVEN	22183.43083
126085016380 LUSK, JUSTIN	22183.43083
126085018695 GLOVER, BRIAN	22183.43083
126085016457 RAWLINGS, PAUL	16839.23
126085002061 GREGG, SANDRA	22217.9

126085016174 KORENBERG, NATHAN	22374.11667
126085000485 LEE, CATHERINE	21383.43083
126085002223 LINDSAY, JIM WILLIAM	22383.43083
126085006591 SHENOUDA, NABIL	22383.43083
126085008714 KOMINEK, MAGGIE	22383.43083
126085015701 PRODUCTS INC, ISOFLOW ENC	22383.43083
126085016059 GAMBLIN, CHRISTOPHER	22383.43083
126085017146 HILL, DIANA	22383.43083
126085017321 PALADIN ADVISORY INC	22383.43083
126085018644 HASHMI, ASHRAF	22383.43083
126085019811 LEE, CATHERINE	22383.43083
126085014163 WATSON, RONALD	23015.39417
126085006805 FERGUSON, MAXWELL	23019.22333
126085002373 BEREZOWSKY, EVELYN	23068.8375
126085002901 SPURLOCK, ROTHELLE	23068.8375
126085004141 CHRISTIE, LES	22068.8375
126085004252 GRANT, PETER	23068.8375
126085010693 DOUGLAS, PAUL	23068.8375
126085013485 SAYANI, ANIL	23068.8375
126085015273 FORDE, PHILIP	23068.8375
126085015579 GIGNAC, KATHY	23068.8375
126085016093 WESTECH GROUP LTD	23068.8375
126085019259 WAGNER, PAMELA	23068.8375
126085019764 CHRISTIE, LES	23068.8375
126085020110 KELLY, RADCLIFFE	23068.8375
126085020297 WATSON, RICHARD	23068.8375
126085012525 GIRARD, IRVING	23595.46083
126085017678 COLLS, WILLIAM E	22595.46083
126085002558 HARRISON, DAVID	23695.46083
126085013309 MICHALSKY, LINDA D	23695.46083
126085016923 OPIE, DIANE	24534.11917
126085001295 BARTON, DARIN SHAWN	24602.4275
126085002704 SOMANI, NASIM	24602.4275
126085004168 SIMMONDS, SHARON	24602.4275
126085004234 POOLE, NEIL BRYAN	24602.4275
126085014601 JOHNSTON, JAMES A	24602.4275
126085019406 FORBES, STEPHEN	24602.4275
126085020005 HOSEIN, JEUNESSE	24602.4275
126085019631 SAUDER, SUSAN	24627.72417
126085017349 WIGHT, JOANNE	24921.50417
126085002281 TRENNUM, BARBARA	24802.4275
126085011470 RICHER, STEPHANE	24802.4275
126085013169 MIANI, EMILIO	24802.4275
126085015224 DEVINE, WALLACE	24802.4275
126085015855 BROWN, JEREMY	24802.4275
126085002853 MUSCAT, GEORGE	24862.71083

126085005511 SAGERI, ANDRA	24862.71083
126085010238 VIRDI, JASVIR S	24862.71083
126085011146 THABET, MAGDI	23862.71083
126085011960 HANSON, JEAN	24862.71083
126085012943 REDGERS, MICHAEL	23862.71083
126085014446 GUTIERREZ, CHRISTINA	24862.71083
126085016429 THABET, MAGDI	24862.71083
126085017319 FRAZIER, KURT	24862.71083
126085018715 QUINN, JOLYNN	24862.71083
126085019939 REDGERS, MICHAEL	24862.71083
126085017781 FABRICATION, AVALANCHE	23946.21083
126085005083 RUDZKI, RYSZARD	25200.0275
126085006059 MIHO, SANDRA C	24200.0275
126085009847 1450946 ONT LTD, OLD T	25200.0275
126085010867 COOPER, ELIZABETH	25200.0275
126085010944 MIHO, SANDRA C	24200.0275
126085014617 GOMES, BERTRAND	25200.0275
126085015620 OAKLEY, ROBERT J	25200.0275
126085017737 FRASER, MICHELLE	25200.0275
126085019453 GRAVEL, RACHEL	25200.0275
126085019579 MIHO, SANDRA C	24200.0275
126085015710 HURLEY, MICHAEL	25400.0275
126085020023 MIHO, SANDRA C	25614.50083
126085006440 WIEBE, JOE	24885.12083
126085019062 WIEBE, JOE	25885.12083
126085002268 MACDONALD, MARGARET	26018.81083
126085018375 LAGACE, PAUL	26078.25417
126085014115 KOUTOULAS, DIMITRIOS	26432.5775
126085005480 NAZAREWYCZ, IRENE	26532.5775
126085016402 SHERRATT, SHARON	26550.28083
126085018381 SMITH, RODNEY	26603.32667
126085009170 TROTTER, PATRICK	26626.98417
126085001355 VISENTIN, ANTONIO	26632.5775
126085002832 LEE, NELSON Y	26632.5775
126085005260 TUCK, DAVID B	26632.5775
126085009687 HILL, MICHAEL J	26632.5775
126085013465 ELENGIKAL, VIANNEY	26632.5775
126085013474 CANADIAN UNIVER, NETWORK	26632.5775
126085013475 KWICZALA, JOSEPH	26632.5775
126085014057 MARSHALL, ONIEL	26632.5775
126085014182 CHU, ANTHONY	26632.5775
126085016206 CHATTEN, ROBERT	26632.5775
126085016643 HARTWIG, RONALD	26632.5775
126085017516 SRIPATHI, SRINIVAS	26632.5775
126085016384 JOVANOVIC, LJILJANA	26652.7675
126085002646 RUPPERT, JEN	26657.5775

126085004724 NAZARALI, SABIR	26664.5775
126085014778 WILLIAMS, SUZETTE	26707.5775
126085017568 GORDON, ANGELA	26716.0775
126085018840 UETZ, ROBERT	26716.0775
126085005647 CHUNG, KWOK-KEUNG	26741.0775
126085017780 FABRICATION, AVALANCHE	26791.0775
126085010416 PEARSON, GRACE	26905.66083
126085014704 JEAN, MARIE	27035.33083
126085020680 STADNYK, KYLE	27318.03167
126085002581 GAGNON, JAMES	27283.3675
126085002890 MACKAY, ROD	27944.4175
126085012606 WILSON, SEAN	28044.3875
126085012594 GAGNON, DALE	28072.86083
126085019922 WREAKS, JAMES	27156.6175
126085019923 WREAKS, JAMES	28156.6175
126085012170 MCCALL, KAREN	28184.985
126085012060 MERANTE, BONNIE	28327.9175
126085008471 NELSON, JASON	28987.235
126085016562 AUGUSTINE, SVETLANA	28097.62417
126085013860 TAXPERTS CORP, O	29102.7875
126085016215 BEYETTE, ROXANE	29073.1275
126085014620 JENKINS, TERENCE	29240.32667
126085005936 DIETZ, JEFFERY A	29267.53417
126085014733 SCHULTZ, JOHN	29268.5875
126085019478 BUTTON, TERRY	29273.1275
126085013963 HILL, RANDOLPH K	29373.6475
126085019588 HOSEIN, RICARDO	30390.85083
126085014856 HOLDEN, MARK	30999.8775
126085020569 HARRISON, MICHAEL	31611.98
126085014980 HUDSON, BAIN	31232.3475
126085009843 PASCOTTO, FILOMENA	31305.0875
126085012270 HARRISON, DOUGLAS	31305.0875
126085021183 1450925 ONTARIO LTD,	31685.99333
126085015672 MUNSON, BRIAN	31885.99333
126085016785 BYUN, DAVID	32545.48417
126085010642 RAMKISSOON, ALLAN	33056.35083
126085016852 MICHALKO-KOLTUN, OLGA	33183.72083
126085012083 AUGUSTINE, SVETLANA	33706.53417
126085018500 SHAPLEY, LYNDA	36925.47
126085016124 COLLS, WILLIAM E	44890.80167
<hr/> Total	14288370.5

<u>Equiant Number</u>	<u>Member Name</u>	<u>Balance Owing</u>
126085003667	KING, DARLENE	1823.46
Total		1823.46

SCHEDULE "B"
FORM OF DEFAULT JUDGMENTS

Court File No. CV-20-00640265-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

IN THE MATTER OF THE *COURTS OF JUSTICE ACT*, R.S.O.
1990, c. C.43, AS AMENDED

AND IN THE MATTER OF THE ADMINISTRATION
PROCEEDINGS OF CARRIAGE HILLS VACATION OWNERS
ASSOCIATION

JUDGMENT

ON READING the Omnibus Default Judgment Order issued by the Honourable Justice Conway in this proceeding on December 17, 2021,

1. **IT IS ORDERED AND ADJUDGED** that **<*>**, pay to BDO Canada Limited, in its capacity as Receiver of Carriage Hills Vacation Owners Association, the sum of \$**<*>**.

THIS JUDGMENT BEARS INTEREST at the rate of 20% per annum from its date.

Date: _____ Signed by: _____
Local Registrar

Address of court office: 393 University Avenue
10th Floor
Toronto, Ontario M5G 1E6

**IN THE MATTER OF SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O
AND IN THE MATTERS OF THE ADMINISTRATION PROCEEDINGS OF CARRIAGE HILLS VACATIONS OWNERS ASSOCIATION**

Applicant

Court File No. CV-20-00640265-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST
Proceedings commenced at Toronto**

JUDGMENT

AIRD & BERLIS LLP
Barristers and Solicitors
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Fax (416) 863-1515

*Lawyers for BDO Canada Limited in its capacity as the
court-appointed Receiver of Carriage Hills Vacation
Owners Association*

**IN THE MATTER OF SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O
AND IN THE MATTERS OF THE ADMINISTRATION PROCEEDINGS OF CARRIAGE HILLS VACATIONS OWNERS ASSOCIATION**

Applicant

Court File No. CV-20-00640265-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceedings commenced at Toronto

OMNIBUS DEFAULT JUDGMENT ORDER

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