

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

OWEMANCO MORTGAGE HOLDING CORPORATION

Applicant

- and -

GAMINI ROY DE SILVA

Respondents

IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985 C. B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990 C. C.43, AS AMENDED

**ENDORSEMENT OF MADAME JUSTICE CONWAY
DATED MAY 15, 2019 (UNOFFICIAL TYPED VERSION)**

May 15/19 (10:30 am)

R. B. Bissell for the Receiver

Andrew R. Pigott, for Owemanco Mortgage Holding Corp.

Ms. McConaghy wrote to the Receiver's counsel yesterday and asked the Receiver to hold off doing anything. He advised her that it was going ahead and she should attend or send her counsel today. No one has attended.

I am satisfied that the Approval and Vesting Order should be granted based on the process followed and the Receiver's recommendation and the sale price to be received.

There is no issue with the validity of the first mortgage and I see no reason not to approve an interim distribution to the first mortgagee – exclusive, however, of the three month's interest of

approximately \$21,875 given the state of the caselaw. Order to go re interim distribution as signed by me. Any remaining issues may be brought back to a 9:30 for next steps.

The interim distribution will of course not be made until after closing, which will not occur before the first week of June. If Ms. McConaghy has any issue with this interim distribution order, she or her counsel shall attend at a 9:30 before me on notice to the Receiver and Applicant's counsel to speak to the matter on or before May 24/19.

Conway J.

OWEMANCO MORTGAGE HOLDING CORPORATION

- and -

GAMINI ROY DE SILVA

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COMMERCIAL LIST
Proceeding commenced TORONTO**

**ENDORSEMENT OF JUSTICE CONWAY
DATED MAY 15, 2019
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