

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)

MR. JUSTICE *HANEY*)

MONDAY

~~TUESDAY~~, THE 25TH DAY

OF SEPTEMBER, 2017

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IN THE MATTER OF S. 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C. B-3, AS AMENDED, SECTION 101 OF *THE COURTS OF JUSTICE ACT*, R.S.O. 1990, C. C-43, AS AMENDED AND SECTION 68(1) OF *THE CONSTRUCTION LIEN ACT*, R.S.O. 1990 C.C. 30, AS AMENDED



BETWEEN:

KREK SLOVENIAN CREDIT UNION LTD.

Applicant

- and -

**ELGIN LIMITED PARTNERSHIP I and
INPARTNR INC.**

Respondents

DISCHARGE ORDER

THIS MOTION made by Rosen Goldberg Inc., formerly SF Partners Inc., in its capacity as receiver and construction lien trustee (collectively, the “**Receiver**”) of Elgin Limited Partnership I and Inpartnr Inc. (the “**Debtors**”), was heard this day at the court house, 330 University Avenue, Toronto, Ontario.

ON READING the Report, the affidavits of the Receiver and its counsel as to fees (the “**Fee Affidavits**”), and on hearing the submissions of counsel for the Receiver, no one else appearing although served as evidenced by the Affidavit of Laura Micoli sworn September 1, 2017, filed;

1. **THIS COURT ORDERS** that the activities and proposed activities of the Receiver, as set out in the Report, are hereby approved.

2. **THIS COURT ORDERS** that the Receiver’s statement of receipts and disbursements appended to the Report is hereby approved.

3. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out in the Report and the Fee Affidavits, are hereby approved.

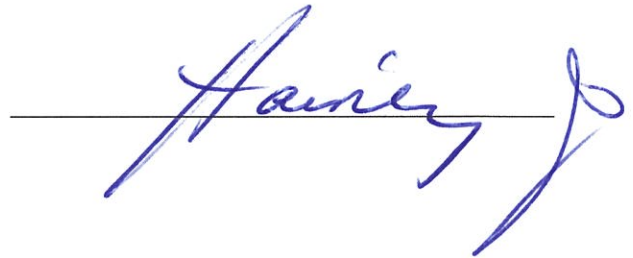
3. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, the Receiver shall pay the monies remaining in its hands as follows:

- (a) the sum of \$114,343.00 to the Accountant of the Ontario Superior Court of Justice to credit of the action in Court File No. 5676/11, in St. Thomas;
- (b) the sum of \$21,100.00 to Krek Slovenian Credit Union Ltd; and
- (c) the balance to the Receiver and its counsel.

4. **THIS COURT ORDERS** that upon payment of the amounts set out in paragraph 3 hereof, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtors, 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 Rosen Goldberg Inc. (formerly SF Partners Inc.) in its capacity as Receiver.

5. **THIS COURT ORDERS AND DECLARES** that Rosen Goldberg Inc. is hereby released and discharged from any and all liability that Rosen Goldberg Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Rosen Goldberg Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Rosen Goldberg Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

SEP 25 2017

PER / PAR: 

KREK SLOVENIAN CREDIT UNION LTD.
Applicant

-and-

ELGIN LIMITED PARTNERSHIP I et al.
Respondent

Court File No. CV-12-9916-00CL

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PROCEEDING COMMENCED AT
TORONTO

DISCHARGE ORDER

DICKINSON WRIGHT LLP
Barristers & Solicitors
Commerce Court West
199 Bay Street, Suite 2200
Toronto, ON M5L 1G4

DAVID P. PREGGER
LSUC Registration No. 36870L
Email: dpreger@dickinsonwright.com
Tel: (416) 646-4606

LISA S. CORNE
LSUC Registration No. 27974M
Email: lcorne@dickinsonwright.com
Tel: (416) 646-4608

Fax: (844) 670-6009

Lawyers for Rosen Goldberg Inc., Court-appointed Receiver of
Elgin Limited Partnership I and Impartmr Inc.

TORONTO 41225-130 1317159v5