

*Challoway*  
Clerk of the Court



COURT FILE NUMBER 1303 15713

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANT DUFF & PHELPS CANADA RESTRUCTURING INC.  
in its capacity as Court-Appointed Receiver of certain  
property located in the City of Edmonton in the  
Province of Alberta

RESPONDENT GILLIAN STEWART, CALIN LAWRYNOWICZ,  
NANCY LAWRYNOWICZ, JOHN LAWRYNOWICZ,  
HARINDER KANG, SHANNON GILLIS, ARLINDO  
ARAGAO, McGEE RICHARD LLP, CHRIS McKAY,  
LAWRYNOWICZ CONSULTING INC., YOUR  
LEGAL BUSINESS PARTNER INC., CAL-C  
ENTERPRISES INC., L-JALCO HOLDINGS INC.

DOCUMENT ORDER

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Ogilvie LLP  
1400, 10303 Jasper Avenue  
Edmonton AB T5J 3N6  
Attention: Kentigern A. Rowan, Q.C.  
Phone: 780.429.6236  
Fax: 780.429.4453  
File No.: 59917.1/KAR  
**Service will be accepted by delivery or fax. No other form of service will be accepted.**

DATE ON WHICH ORDER WAS PRONOUNCED: October 7, 2014

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, AB

JUSTICE WHO PRONOUNCED ORDER: The Honourable Mr. Justice J. Gill

UPON THE APPLICATION of Duff & Phelps Canada Restructuring Inc. in its capacity as Court-Appointed Receiver of certain condominium units located in the City of Edmonton, in the Province of Alberta (the "Receiver") (the "Condominium Units") for recognition of the Order of the Ontario Superior Court of Justice dated October 2, 2014 (the "Ontario Vesting and Discharge Order") authorizing the Receiver to proceed with the sale of Condominium Plan 0821984, Unit 126 ("Unit 126") and Condominium Plan 0821984, Unit 143 ("Unit 143"), vesting the title to Unit 126 and Unit 143 in the name of the respective purchasers, approving the

activities, fees, disbursements and expenses of the Receiver and its counsel and providing for the discharge of the Receiver; AND UPON reading the First, Second and Third Reports of the Receiver; AND UPON reviewing the titles to Unit 126 and Unit 143; AND UPON hearing counsel for the Receiver; AND UPON it appearing appropriate in the circumstances to grant the Order sought; IT IS HEREBY ORDERED AND ADJUDGED THAT:

### **Service**

1. The time for service of the notice of Application for this Order and supporting materials is hereby abridged and service thereof is deemed good and sufficient.

### **Recognition**

2. The Ontario Vesting and Discharge Order, a copy of which is annexed hereto as **Schedule "A"**, be and is hereby recognized and, subject to the remaining terms of this Order, has the same force and effect as if it had been granted originally in this Court.

### **Directions Respecting Operation of the Ontario Court Order in Alberta**

3. In order to aid in the effective administration of the Receivership of the Condominium Units, the following directions are given:
  - (a) Capitalized terms contained herein and not otherwise expressly defined herein shall have the meanings ascribed to them in the Ontario Vesting and Discharge Order;
  - (b) To the extent there are Ontario statutory references contained within the Ontario Vesting and Discharge Order, as they relate to the Condominium Units or proceedings in Alberta, statutory references shall be to the Alberta equivalents;
  - (c) With the exception of matters as they affect the Condominium Units and the realization thereof in accordance with the law of the Province of Alberta, all other matters in relation to the Receivership and claims of ownership of the Condominium Units or the proceeds from the sale thereof are deferred to the Ontario Superior Court of Justice including, without restriction, matters as they relate to the final discharge of the Receiver.

### **Further Orders and Directions**

#### **(a) Unit 126**

4. Upon presentation of a copy of this Order, together with a signed letter from Ogilvie LLP, counsel for the Receiver, in the form attached hereto as **Schedule "B"**, the Registrar of Land Titles is hereby directed to transfer the title to Unit 126 to the purchaser thereof or

nominee as described in the letter from Ogilvie LLP, but subject to all of the existing encumbrances registered on title.

5. Upon provision of a copy of this Order and a letter from Ogilvie LLP in a form attached hereto as **Schedule "C"**, the Registrar of Land Titles shall proceed to discharge from the title to Unit 126 the following registered instruments:
  - (a) Mortgage in favour of Royal Bank of Canada, Instrument Number 112 106 825;
  - (b) Order in favour of Duff & Phelps Canada Restructuring Inc., Instrument Number 132 376 769.
6. Upon provision of a copy of this Order and a letter from Ogilvie LLP in a form attached hereto as **Schedule "D"**, the Registrar of Land Titles shall transfer the title to Unit 126 into the name of Gillian Stewart, free and clear of any and all encumbrances registered after Instrument Number 132 376 769.
  - (b) **Unit 143**
7. Upon presentation of a copy of this Order, together with a signed letter from Ogilvie LLP, counsel for the Receiver, in the form attached hereto as **Schedule "B"**, the Registrar of Land Titles is hereby directed to transfer the title to Unit 143 to the purchaser thereof or nominee as described in the letter from Ogilvie LLP, but subject to all of the existing encumbrances registered on title.
8. Upon provision of a copy of this Order and a letter from Ogilvie LLP in a form attached hereto as **Schedule "C"**, the Registrar of Land Titles shall proceed to discharge from the title to Unit 143 the following registered instruments:
  - (a) Mortgage in favour of Royal Bank of Canada, Instrument Number 112 106 804;
  - (b) Order in favour of Duff & Phelps Canada Restructuring Inc., Instrument Number 132 376 769.
9. Upon provision of a copy of this Order and a letter from Ogilvie LLP in a form attached hereto as **Schedule "D"**, the Registrar of Land Titles shall transfer the title to Unit 143 into the name of Gillian Stewart, free and clear of any and all encumbrances registered after Instrument Number 132 376 769.

#### **Discharge of Instrument No. 132 376 769**

10. Upon the provision of a copy of this Order and a letter from Ogilvie LLP in a form attached hereto as **Schedule "E"**, the Registrar of Land Titles shall proceed to discharge the Order in favour of Duff & Phelps Canada Restructuring Inc. registered as Instrument No. 132 376 769 from all titles against which it was registered.

## General Provisions

11. Counsel for the Receiver shall file with this Honourable Court in sealed form the following:
  - (a) Copies of the offers on Unit 126 and Unit 143;
  - (b) The Appraisal of Unit 126 and Unit 143.
12. Upon the sale of Unit 126 and Unit 143 completing, counsel for the Receiver shall file in unsealed form the following:
  - (a) Copies of the offers on Unit 126 and Unit 143;
  - (b) The Appraisal of Unit 126 and Unit 143.
13. The Receiver is authorized to agree to such extensions and amendments to the offers to purchase Unit 126 and Unit 143 as the Receiver deems reasonable in the circumstances, provided that no amendment shall be made to the purchase price for the said units.

## Disbursement of Proceeds

14. Upon completion of the sale of Unit 126 and Unit 143, and the receipt of the sale proceeds thereof, counsel for the Receiver shall disburse the said proceeds as follows:

(a) Professional fees (including accrual)	\$167,881.00
(b) Special assessment (including interest):	\$ 20,500.00
(c) Commissions (including GST):	\$ 16,013.00
(d) Holdback:	\$ 5,000.00
(e) 2013 and 2014 Property Taxes (subject to adjustment on closing of sales)	<u>\$ 7,240.00</u>
TOTAL:	\$216,634.00

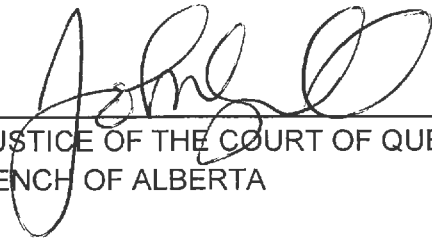
The balance of the sale proceeds, after disbursement as aforesaid, to be paid to Royal Bank of Canada for application against the mortgages discharged from the titles to Unit 126 and Unit 143.

15. Upon completion of the sale as contemplated by this Order, and such further and other duties and responsibilities to be completed by the Receiver pursuant to the terms of this Order and the Ontario Vesting and Discharge Order, the Receiver is at liberty to file with this Honourable Court the Receiver's Discharge Certificate in the form attached to the Ontario Vesting and Discharge Order.
16. Upon the filing of the Receiver's Discharge Certificate as provided for herein, the Receiver be and is hereby discharged of any duties and responsibilities pursuant to any Orders granted in these proceedings.

17. Notwithstanding anything contained in the Agreements of Purchase and Sale for Unit 126 and Unit 143, the Receiver is at liberty to agree to such amendments, including extensions of time for closing, as it deems reasonable in the circumstances.

**Miscellaneous**

18. The Registrar of Land Titles shall proceed to effect the registrations as herein provided notwithstanding the provisions of s. 191 of the *Land Titles Act*, R.S.A. 2000, c.L-4.



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JUSTICE OF THE COURT OF QUEEN'S  
BENCH OF ALBERTA

SCHEDULE "A"

Court File No. CV-13-10224-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE *MR.* ) THURSDAY, THE 2ND  
JUSTICE *NEWBOULD* ) DAY OF OCTOBER, 2014

BETWEEN:

GILLIAN STEWART

Applicant

and



CALIN LAWRYNOWICZ, NANCY LAWRYNOWICZ, JOHN LAWRYNOWICZ, HARINDER KANG, SHANNON GILLIS, ARLINDO ARAGA, MCGEE RICHARDS LLP, CHRIS MCKAY, LAWRYNOWICZ CONSULTING INC., YOUR LEGAL BUSINESS PARTNER INC., CAL-C ENTREPRISES and L-JALCO HOLDINGS INC.

Respondents

APPLICATION UNDER S. 101 of the *Courts of Justice Act*,  
R.S.O. 1990, c. C.43, as amended

**ORDER**

THIS MOTION, made by Duff & Phelps Canada Restructuring Inc. ("D&P"), in its capacity as the Court-appointed receiver (the "Receiver") over the four condominiums in Edmonton, Alberta, known municipally as 218, 107, 124, and 403 6315-135 Avenue and described in Schedule "A" herein (the "Condominiums"), for an order:

1. Abridging the time for service and filing of the Notice of Motion and the Motion Record, dispensing with further service thereof and validating that this motion is properly returnable before the Court today;

2. Approving the sale by the Receiver of the real property located at 6315-135 Avenue, Unit #107, Edmonton, Alberta (the "Unit 107") to Cheryl Ruddock and vesting title to said real property in Unit 107 to Ms. Ruddock;
3. Approving the sale by the Receiver of the real property located at 6315-135 Avenue, Unit #124, Edmonton, Alberta (the "Unit 124") to Etta Pace and vesting title to said real property in Unit 124 to Ms. Pace;
4. Authorizing and directing the Receiver to execute such documents and take such additional steps as are necessary to complete the sale of Unit 107 and Unit 124;
5. Sealing the confidential appendices to the Third Report until the transactions have closed;
6. Approving the fees and disbursements of the Receiver and its counsel as described in the Third Report of the Receiver dated September 23, 2014 ("Third Report"), the Affidavit of Robert Kofman, sworn September 23, 2014, the Affidavit of Tracy Wynne, sworn September 16, 2014 and the Affidavit of Sandra Gmeiner, sworn September 17, 2014 (collectively, the "Fee Affidavits");
7. Approving the distribution of the proceeds of the sale of Unit 107 and Unit 124 (the "Proceeds") in accordance with the Receiver's recommendations as set out in Section 5.0 of the Third Report;
8. Discharging the Receiver and the Receiver's Charge, as defined in the Order of the Honourable Justice Newbould dated September 24, 2013 (the "Appointment Order"), upon the filing of the Discharge Certificate;

9. Approving the First Report of the Receiver dated November 1, 2013 (the "First Report"), the Second Report of the Receiver dated April 28, 2014 (the "Second Report") and the Third Report (collectively, the "Reports") and the activities of the Receiver as set out therein; and

10. Releasing D&P from any and all liability on the basis detailed herein,

was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Third Report, the Fee Affidavits, and on hearing the submissions of counsel for the Receiver, the Applicant, the Royal Bank of Canada and Harinder Kang, no one else appearing although served as evidenced by the Affidavit of Cathy Guthrie, sworn September 23, 2014, filed;

1. THIS COURT ORDERS that the time for service and filing of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and this Court hereby dispenses with further service thereof.

2. THIS COURT ORDERS AND DECLARES that the sale by the Receiver of Unit 107 to Cheryl Ruddock is hereby approved and upon closing title of Unit 107 is vested in Cheryl Ruddock.

3. THIS COURT ORDERS AND DECLARES that the sale by the Receiver of Unit 124 to Etta Pace is hereby approved and upon closing title of Unit 124 is vested in Etta Pace.

4. THIS COURT ORDERS AND DECLARES that the Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the sale of Units 107 and Unit 124.



5. THIS COURT ORDERS that the confidential appendices to the Third Report are to be sealed until the sale of Unit 107 and Unit 124 have closed.

6. THIS COURT ORDERS that the fees and disbursements of the Receiver and its counsel, of \$167,881.54, are hereby approved.

7. THIS COURT ORDERS that the distribution of the Proceeds in accordance with the Receiver's recommendations as set out in Section 5.0 of the Third Report is hereby approved, subject to paragraph 6 of this Order.

8. THIS COURT ORDERS that upon the Receiver filing a discharge certificate in the form attached hereto as Schedule "B" certifying that it has completed the other activities described in the Third Report (the "Discharge Certificate"), the Receiver shall be discharged as Receiver of the Condominiums, 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 Duff & Phelps Canada Restructuring Inc. in its capacity as Receiver.

9. THIS COURT ORDERS that upon the filing of the Discharge Certificate, the Receiver's Charge, as defined in the Appointment Order, is hereby discharged.

10. THIS COURT ORDERS that the Reports and the activities of the Receiver, as set out in the Reports, are hereby approved.

11. THIS COURT ORDERS AND DECLARES that Duff & Phelps Canada Restructuring Inc. is hereby released and discharged from any and all liability that Duff & Phelps Canada

Restructuring Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Duff & Phelps Canada Restructuring 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, Duff & Phelps Canada Restructuring 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.

12. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.



G. Argyropoulos, Registrar  
Superior Court of Justice

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



OCT - 2 2014

Schedule "B" –Receiver's Discharge Certificate

Court File No. CV-13-10224-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

B E T W E E N:

GILLIAN STEWART

Applicant

and

CALIN LAWRYNOWICZ, NANCY LAWRYNOWICZ, JOHN  
LAWRYNOWICZ, HARINDER KANG, SHANNON GILLIS, ARLINDO  
ARAGAO, MCGEE RICHARDS LLP, CHRIS MCKAY, LAWRYNOWICZ  
CONSULTING INC., YOUR LEGAL BUSINESS PARTNER INC., CAL-C  
ENTREPRISES and L-JALCO HOLDINGS INC.

Respondents

APPLICATION UNDER S. 101 of the *Courts of Justice Act*,  
R.S.O. 1990, c. C.43, as amended

**RECEIVER'S DISCHARGE CERTIFICATE**

**RECITALS**

A. Pursuant to an Order of the Honourable Justice Newbould of the Ontario Superior Court of Justice (the "Court") dated September 24, 2013 (the "Appointment Order"), Duff & Phelps Canada Restructuring Inc. ("D&P") was appointed as the receiver (the "Receiver") over the four condominiums in Edmonton, Alberta, known municipally as 218, 107, 124, and 403 6315-135 Avenue and described in Schedule "A" herein (the "Condominiums").

B. Pursuant to an Order of the Court dated October 2, 2014 (the "Discharge Order"), D&P was discharged as Receiver of the Condominiums to be effective upon the filing by the Receiver with the Court of a certificate confirming that the Receiver has completed the activities described

in the Third Report and all matters to be attended to in connection with the receivership have been provided for to the satisfaction of the Receiver, provided, however, that notwithstanding its discharge: (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 the provisions of all Orders made in this proceeding, including all approvals, protections (including the protections afforded by paragraph 15) and stays of proceedings in favour of D&P in its capacity as Receiver.

C. Unless otherwise indicated herein, capitalized terms have the meanings set out in the Discharge Order.

**THE RECEIVER CERTIFIES** that the Receiver has completed all activities described in the Third Report and all matters to be attended to in connection with the receivership have been provided for to the satisfaction of the Receiver.

Duff & Phelps Canada Restructuring Inc., in its capacity as Receiver over the four condominiums in Edmonton, Alberta, known municipally as 218, 107, 124, and 403 6315-135 Avenue and described in Schedule "A" herein (the "Condominiums"), and not in its personal capacity.

Per:

\_\_\_\_\_  
Name: Robert Kofnan  
Title: Managing Director, Restructuring

GILLIAN STEWART  
Applicant

-and- CALIN LAWRYNOWICZ et al.  
Respondents

Court File No. CV-13-10224-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT  
TORONTO

**DISCHARGE ORDER**

**LAX O'SULLIVAN SCOTT LISUS LLP**

Counsel

Suite 2750, 145 King Street West  
Toronto ON M5H 1J8

**Matthew P. Gottlieb** LSUC#: 32268B

[mgottlieb@counsel-toronto.com](mailto:mgottlieb@counsel-toronto.com)

Tel: (416) 644-5353

**Andrew Winton** LSUC#: 544731

[awinton@counsel-toronto.com](mailto:awinton@counsel-toronto.com)

Tel: (416) 644-5342

Fax: (416) 598-3730

Lawyers for the Receiver,  
Duff & Phelps Canada Restructuring Inc.

## SCHEDULE "B"

OUR FILE: 59917.1

YOUR FILE:

REPLY TO:

KENTIGERN A. ROWAN, Q.C.

DIRECT LINE: (780) 429-6236

DIRECT FAX: (780) 701-5936

EMAIL: krowan@ogilvIELaw.com

CANADIAN WESTERN BANK PLACE  
SUITE 1400  
10303 JASPER AVENUE  
EDMONTON AB T5J 3N6  
FACSIMILE (780) 429-4453  
TELEPHONE (780) 421-1818

Registrar of Land Titles  
Mezzanine Fl., John E. Brownlee Building  
10365 - 97 Street  
Edmonton, Alberta T5J 3W7

Dear Sir/Madam:

**Re: Queen's Bench Action No. 1303 15713/Discharge of Encumbrances**

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This letter is being delivered together with a Certified Copy of an Order of the Court of Queen's Bench of Alberta granted in Action No. 1303 15713.

This letter is your sufficient authority together with the terms of the Order, to transfer the title to lands legally described as:

Condominium Plan 0821984

Unit \_\_\_\_\_

And 48 undivided one ten thousandth shares in the common property  
Excepting thereout all mines and minerals

to:

\_\_\_\_\_

subject to all encumbrances presently registered on the title.

Yours truly,

OGILVIE LLP

Per:

\_\_\_\_\_

## SCHEDULE "C"

OUR FILE: 59917.1

YOUR FILE:

REPLY TO:

KENTIGERN A. ROWAN, Q.C.

DIRECT LINE: (780) 429-6236

DIRECT FAX: (780) 701-5936

EMAIL: krowan@ogilvie.com

CANADIAN WESTERN BANK PLACE  
SUITE 1400  
10303 JASPER AVENUE  
EDMONTON AB T5J 3N6  
FACSIMILE (780) 429-4453  
TELEPHONE (780) 421-1818

Registrar of Land Titles  
Mezzanine Fl., John E. Brownlee Building  
10365 - 97 Street  
Edmonton, Alberta T5J 3W7

Dear Sir/Madam:

**Re: Queen's Bench Action No. 1303 15713/Discharge of Encumbrances**

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This letter is being delivered together with a Certified Copy of an Order of the Court of Queen's Bench of Alberta granted in Action No. 1303 15713.

This letter is your sufficient authority together with the terms of the Order, to discharge from the title to lands legally described as:

Condominium Plan 0821984

Unit \_\_\_\_\_

And 48 undivided one ten thousandth shares in the common property

Excepting thereout all mines and minerals

the following registrations:

- a. Mortgage in favour of Royal Bank of Canada registered as Instrument Number \_\_\_\_\_,
- b. Order in favour of Duff & Phelps Canada Restructuring Inc. as Instrument Number 132 376 769

The following registrations are to remain on title.

- a.
- b.
- c.

Yours truly,

OGILVIE LLP

Per:

---

## SCHEDULE "D"

OUR FILE: 59917.1

YOUR FILE:

REPLY TO:

KENTIGERN A. ROWAN, Q.C.

DIRECT LINE: (780) 429-6236

DIRECT FAX: (780) 701-5936

EMAIL: krowan@ogilvie.com

CANADIAN WESTERN BANK PLACE  
SUITE 1400  
10303 JASPER AVENUE  
EDMONTON AB T5J 3N6  
FACSIMILE (780) 429-4453  
TELEPHONE (780) 421-1818

Registrar of Land Titles  
Mezzanine Fl., John E. Brownlee Building  
10365 - 97 Street  
Edmonton, Alberta T5J 3W7

Dear Sir/Madam:

**Re: Queen's Bench Action No. 1303 15713/Transfer of Lands**

---

This letter is being delivered together with a Certified Copy of an Order of the Court of Queen's Bench of Alberta granted in Action No. 1303 15713.

This letter is your sufficient authority together with the terms of the Order, to transfer the title to lands legally described as:

Condominium Plan 0821984

Unit \_\_\_\_\_

And 48 undivided one ten thousandth shares in the common property

Excepting thereout all mines and minerals

to Gillian Stewart, subject to the all registrations presently existing on the title with the exception of any registrations registered subsequent to Instrument Number 132 376 769.

Yours truly,

OGILVIE LLP

Per:

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