

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

THE HONOURABLE) MONDAY, THE 3RD DAY
JUSTICE KIMMEL) OF FEBRUARY, 2025

FOREMOST MORTGAGE HOLDING CORPORATION

Applicant

-and-

BARAKAA DEVELOPER INC., LERRATO INC. and 2145499 ONTARIO INC.

Respondents

ORDER

THIS MOTION, made by KSV Restructuring Inc., in its capacity as court-appointed receiver and manager of certain real properties of Barakaa Developer Inc. and Lerrato Inc. and the property, assets and undertakings of 2145499 Ontario Inc. (in such capacity, the “**Receiver**”) pursuant to the Order of Justice Black made October 21, 2024 (the “**Receivership Order**”) was heard this day at 330 University Avenue, Toronto, Ontario via videoconference.

ON READING the First Report of Receiver dated January 20, 2025, and on hearing the submissions of counsel for the Receiver and such other counsel listed on the counsel slip, no one else appearing although properly served as appears from the Lawyer’s Certificate of Service of Edmond Lamek signed January 21, 2025, filed:

SERVICE

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

RECEIVER'S BORROWING CHARGE

2. **THIS COURTS ORDERS** that the Receiver's borrowing authority and Receiver's Borrowing Charge (as defined and set out in paragraph 20 of the Receivership Order), be and are hereby increased from \$250,000 to \$1,200,000.

3. **THIS COURT ORDERS** that the advance made by Foremost Mortgage Holding Corporation to the Receiver in the amount of \$801,000 to fund receivership costs on an emergency basis (the "**Second Advance**") be and is hereby subject to and secured by the Receiver's Borrowing Charge with effect from December 13, 2024.

GENERAL

4. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, or any other jurisdiction, 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, to grant representative status to the Receiver in any foreign proceeding, or to assist the Receiver and its agents in carrying out the terms of this Order.

5. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

Court File No.: CV-24-00724076-00CL

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HOLDING CORPORATION**

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PROCEEDINGS COMMENCED AT TORONTO

**ORDER – February 3, 2025
(Receiver’s Borrowing Authority and Charge)**

DLA PIPER (CANADA) LLP
Suite 5100, Bay Adelaide – West Tower
333 Bay Street
Toronto, ON M5H 2R2

Edmond F. B. Lamek (LSO #33338U)
Tel: (416) 365-3444
Email: edmond.lamек@dlapiper.com

Lawyers for KSV Restructuring Inc., in its capacity as court-appointed receiver and manager of 2145499 Ontario Inc. and certain properties of Barakaa Developer Inc. and Lerrato Inc.