

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE REGIONAL SENIOR)
JUSTICE THOMAS)

THOMAS DAY, THE 8th DAY
OF APRIL, 2021

B E T W E E N:

KEVIN D'AMORE

Applicant

- and -

**BANWELL DEVELOPMENT CORPORATION, 928579 ONTARIO LIMITED,
SCOTT D'AMORE, ROYAL TIMBERS INC. and M.R. DUNN CONTRACTORS LTD.**

Respondents

APPLICATION UNDER SECTION 207 OF THE BUSINESS CORPORATIONS
ACT, R.S.O. 1990, C. B. 16, AS AMENDED

DISTRIBUTION ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as Court-appointed receiver (the "**Receiver**") of the assets, undertakings and properties of Banwell Development Corporation and Royal Timbers Inc. ("**Royal Timbers**") pursuant to the Order of The Honourable Mr. Justice Thomas dated June 5, 2013, as amended, for, *inter alia*, an order approving and authorizing distributions to be made to creditors of Royal Timbers in full satisfaction of their claims following the completion of the Banwell Road Parcels 5-10 Transaction, as defined in the Thirteenth Report of the Receiver dated February 25, 2021 and all appendices thereto (the "**Thirteenth Report**"), was heard in writing this day at the Courthouse, 245 Windsor Avenue, Windsor, Ontario.

ON READING the Thirteenth Report, the Confidential Supplement to the Thirteenth Report dated February 25, 2021 and all appendices thereto, the Supplementary Report to the Thirteenth Report dated March 22, 2021 and all appendices thereto, including the letter of

William Sasso dated March 15, 2021 and the Submissions on Interest Stops Rule of D'Amore Construction (2000) Ltd. attached thereto:

1. THIS COURT ORDERS that, following the completion of the Banwell Road Parcels 5-10 Transaction, as defined in the Thirteenth Report, the Receiver is authorized to make the following distributions to unsecured creditors of Royal Timbers in full satisfaction of each creditor's respective claims in Royal Timbers, including pre-receivership interest and post-receivership interest, and such distributions are hereby approved:

- (a) \$162,751.73 to Affleck Greene McMurtry LLP;
- (b) \$166,671.41 to M.R. Dunn Contractors Ltd.;
- (c) \$5,500.00 to the D'Amore Estate; and
- (d) \$27,307.53 D'Amore Construction (2000) Ltd.


Justice, Ontario Superior Court of Justice

KEVIN D'AMORE
Applicant

BANWELL DEVELOPMENT CORPORATION, 928579
ONTARIO LIMITED, SCOTT D'AMORE and ROYAL
TIMBERS INC. and M.R. DUNN CONTRACTORS
LTD.

Court File No: CV-11-17088

Respondents

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Proceeding commenced at WINDSOR

DISTRIBUTION ORDER

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