

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE REGIONAL SENIOR)
JUSTICE THOMAS)

THURS 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

ANCILLARY 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,

- (a) if necessary, abridging or waiving the time for service and filing, dispensing with service, or validating the method of service of all motion confirmation forms, the Motion Record, including the Notice of Motion and the Thirteenth Report of the Receiver dated February 25, 2021 and all appendices thereto (the "**Thirteenth Report**"), the Confidential Supplement to the Thirteenth Report dated February 25, 2021 and all appendices thereto (the "**Confidential Supplement**") and all supplementary motion materials, if any, and directing that any further service of

same be dispensed with such that this motion is properly returnable on a date to be determined by Regional Senior Justice Thomas;

- (b) approving the Thirteenth Report, the Confidential Supplement and the activities and actions of the Receiver described therein;
- (c) approving the Banwell Statement of Receipts and Disbursements, the Royal Timbers Statement of Receipts and Disbursements and the Real Ranchs Trust Account Statement of Receipts and Disbursements, each as defined in the Thirteenth Report (collectively, the "**Statements of Receipts and Disbursements**");
- (d) approving the professional fees and disbursements of the Receiver and Miller Thomson LLP, counsel to the Receiver, as described in the fee affidavits of Stephen Cherniak sworn February 19, 2021 and Sherry Kettle affirmed February 18, 2021 (collectively, the "**Professional Fees**"); and
- (e) such further and other relief as this Honourable Court deems just.

was heard in writing this day at the Courthouse, 245 Windsor Avenue, Windsor, Ontario.

ON READING the Thirteenth Report, the Supplementary Report to the Thirteenth Report dated March 22, 2021 (the "**Thirteenth Report Supplement**") and the Confidential Supplement, the motion being unopposed, and on noting that no one appeared, although properly served as appears from the affidavit of service, filed:

1. THIS COURT ORDERS that the time for service and filing of all motion confirmation forms, the Motion Record, including the Notice of Motion and the Thirteenth Report, and the Thirteenth Report Supplement are hereby abridged and validated, as necessary, such that this motion is properly returnable today and hereby dispenses with further service thereof.
2. THIS COURT ORDERS that the Thirteenth Report, the Confidential Supplement and the Thirteenth Report Supplement and the activities and actions of the Receiver described therein are hereby approved.
3. THIS COURT ORDERS that the Statements of Receipts and Disbursements be and the same are hereby approved.

4. THIS COURT ORDERS that the Professional Fees be and the same are hereby approved.



Justice, Ontario Superior Court of Justice

KEVIN D'AMORE
Applicant

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

Respondents

Court File No: CV-11-17088

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at WINDSOR

ANCILLARY ORDER

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