

Applicant

July 24/09

Respondent

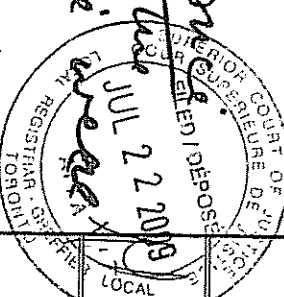
July 24, 2009

This motion for summary relief brought by the Trustee/Receiver also supported by evidence secured creditors & supported by others including construction lien claimants.

One copy of the relief summary was provided to the court at which time it was noted & filed & the motion was supported by the evidence as presented by the RD.

Following the affidavit of Mr. Fowler & being the submission of counsel I am satisfied that the order may be granted as requested on the following basis:

1. The trustee/Receiver, who appeared by virtue of the July 8th order of the court.
2. There is evidence that the court is satisfied that the relief should be granted as requested by the trustee/Receiver.
3. Making the affidavit of Mr. Fowler & submission of evidence.
4. I accept that under the nature of the motion of the trustee/Receiver as requested by the court.
5. Counsel for the Trustee/Receiver seeks costs of \$2000.00 from RD/ to place this order.



ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

MOTION RECORD
(Returnable July 24, 2009)

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Lawyers for WestLB, AG, Toronto Branch and Alvarez & Marsal ULC Canada, and McIntosh & Morawetz Inc., in their respective capacities as Court-appointed Trustee, Receiver and Manager and Interim Receiver.

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do not make that amount payable at
this time. I am satisfied parties have
been put to additional cost without
a viable evidence to oppose.

The amount fixed will be payable at the
discretion of any judge dealing with
this matter if so minded & concludes on
a further attendance that there is not
justification to opposition.

Order to issue as signed. Seeing order
for Appendix & B.C.

Rh Campbell J.