

June 8, 2009

Court File No. CV-09-8201-00CL
THE ROSSEAU RESORT DEVELOPMENTS INC.

WESTLB AG, TORONTO BRANCH

V.

Applicant

Respondent

July 8, 2009

After submissions, the Order signed is to issue, unopposed by all parties. ~~There are 1 point~~ 1 Points are noted.

(1) Counsel for the Receiver advised that there are not any ~~known~~ known to the Receiver ~~known~~ those in the Service list (see attached for (1), (2) & (3))

R. A. C. J.

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

MOTION RECORD
(Returnable July 8, 2009)

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and McIntosh & Morawetz Inc., and Alvarez
& Marsal ULC Canada, in their respective
capacities as Court-appointed Interim
Receiver, Trustee, Receiver and Manager

(1) Nothing in the Order granted today shall affect, determine or prejudice the rights of any party to any condominium unit purchase, lease, rental management or other incentive agreements for closed or unclosed condominium unit sales.

(2) Further, the Order granted is not intended to affect the rights of any party against Marriott (as defined in the Order) in respect of the Marriott Trademarks (as defined in the Order) which do not arise from or are otherwise incidental to the use by the Receiver (as such term is defined in paragraph 6 of the Order) of the Marriott Trademarks which use includes, without limitation, matters specifically referenced in paragraph 6 of the Order.

(3) The relief claimed in paragraph (i) of the Notice of Motion returnable July 8, 2009, to establish a claims process for construction lien claims is adjourned to a date to be set;