

expanding the terms of the Reference (as defined by the Order of the Honourable Justice Pepall made on October 15, 2009 in these proceedings (the “**Reference Order**”)); and (ii) approving the Tenth Report to Court of the Receiver dated April 19, 2010 (the “**Tenth Report**”) and the activities of the Receiver as described therein was heard the 21st day of April, 2010 at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver including the Tenth Report, all filed, and on hearing the submissions of independent counsel to the Receiver, counsel for WestLB AG and the Receiver, and no one appearing for any other person on the service list, although duly served as appears from the affidavit of service of Laura Bowles-Dove sworn April 19, 2010,

SERVICE & TERMS

1. THIS COURT ORDERS that the time and manner of service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. THIS COURT ORDERS that all capitalized terms not otherwise defined herein have the same meaning as in the Reference Order.

APPROVAL OF RECEIVER’S ACTIVITIES

3. THIS COURT ORDERS that the Tenth Report and the activities of the Receiver as described therein be and are hereby approved.

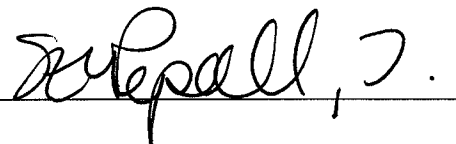
REFERENCE

4. THIS COURT ORDERS that the Master hearing the trial of the Reference shall also determine whether each of the Certificates of Substantial Performance which are described at Schedule “A” hereto, and any other Certificates of Substantial Performance which may have been issued, executed, delivered and/or published in relation to the property and improvements which are the subject of the Reference, are valid for the purpose of determining the expiry of the corresponding lien rights pursuant to the provisions of the Construction Lien Act, R.S.O. 1990, c. C.30, as amended.

5. THIS COURT ORDERS that the provisions of paragraphs 4, 5 and 6 of the Reference Order, shall also apply to the determination of the issues described in paragraph 4, above.

MISCELLANEOUS

6. THIS COURT ORDERS that the Order of the Honourable Justice Pepall made in these proceedings on April 15, 2010 reflecting the change from WestLB AG, Toronto Branch to WestLB AG, New York Branch has no effect on the priority claims advanced by the Lien Claimants in any outstanding proceeding and there is no need to seek any change of name in those proceedings or amend any pleadings, notices or other court documents to reflect such change.

A handwritten signature in cursive script, appearing to read "J. Pepall, J.", is written over a horizontal line.

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ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

APR 21 2010

PER / PAR: The text "PER / PAR:" is followed by handwritten initials "TV" written in a stylized, slanted font.

Schedule "A"

INDEX FOR CERTIFICATES OF SUBSTANTIAL PERFORMANCE

CONTRACTOR NAME	IMPROVEMENT	SUBSTANTIAL PERFORMANCE DATE	DATE CERTIFICATE SIGNED	DATE CERTIFICATE PUBLISHED
All Construction	J.W. Marriott – Paignton House	May 11, 2009	May 12, 2009	May 19, 2009
Barzelle Design Ltd.	J.W. Marriott – Longview	November 10, 2008	November 11, 2008	November 19, 2008
Bona Vista Ltd.	Longview Indoor/Outdoor Pool & Hot Tub	December 22, 2008	January 14, 2009	January 21, 2009
Builders Choice Air Systems	Longview Building – Gas Fireplaces	January 21, 2008	March 4, 2008	March 7, 2008
	J.W. Marriott – Longview	October 15, 2008	October 28, 2008	Not Published
Can-Barr Mechanical Ltd.	Mechanical, Longview	October 27, 2008	October 28, 2008	October 31, 2008
	J.W. Marriott – Paignton House	April 14, 2009	April 14, 2009	April 21, 2009
Dawson's Incorporated	J.W. Marriott- The Rosseau	November 15, 2008	November 27, 2008	December 3, 2008
Egress System of Canada	J.W. Marriott – Longview	April 14, 2009	April 14, 2009	Not Published

CONTRACTOR NAME	IMPROVEMENT	SUBSTANTIAL PERFORMANCE DATE	DATE CERTIFICATE SIGNED	DATE CERTIFICATE PUBLISHED
Fowler Construction Company Ltd.	Site Servicing, Excavation, Grading, Paving – Paignton House	January 31, 2008	August 25, 2008	Not Published
	Site Servicing, Excavation, Grading, Paving – Longview	January 31, 2008	August 25, 2008	Not Published
	Landscaping – Longview	January 31, 2008	August 25, 2008	Not Published
	Landscaping – Paignton House	January 31, 2008	August 25, 2008	Not Published
	Paignton House Servicing, Access Road & Wallace Marina Servicing	December 11, 2008	December 11, 2008	December 18, 2008
GM Exteriors Inc.	Siding work for Water Treatment and Utility Buildings	December 15, 2008	January 22, 2009	February 10, 2009
	J.W. Marriott – Paignton House	March 18, 2009	March 19, 2009	March 26, 2009
GRC Contracting	J.W. Marriott – Sewage Treatment Plant	September 1, 2008	March 2, 2009	March 25, 2009
	J.W. Marriott – Water Treatment Plant	September 1, 2008	March 2, 2009	March 25, 2009
	J.W. Marriott – Utility Building	September 1, 2008	March 2, 2009	March 25, 2009
Marel Contractors	J.W. Marriott – Paignton House	March 1, 2009	March 19, 2009	March 26, 2009

CONTRACTOR NAME	IMPROVEMENT	SUBSTANTIAL PERFORMANCE DATE	DATE CERTIFICATE SIGNED	DATE CERTIFICATE PUBLISHED
Old Tymer Welding	J.W. Marriott – Longview	December 22, 2008	March 2, 2009	March 11, 2009
Quanbury	J.W. Marriott – Longview	November 21, 2008	November 21, 2008	November 25, 2008
	J.W. Marriott – Paignton House	April 16, 2009	April 22, 2009	April 28, 2009
Rock Solid Granite Tops	J.W. Marriott – Longview	December 2, 2008	December 2, 2008	December 10, 2008
	J.W. Marriott – Paignton House	February 13, 2009	March 9, 2009	March 20, 2009
Schindler Elevator Corporation	J.W. Marriott – Longview	December 10, 2008	December 15, 2008	January 13, 2009
	J.W. Marriott – Paignton House	December 15, 2008	December 15, 2008	Not Published
Vipond Fire Protection	J.W. Marriott – Longview	December 15, 2008	February 20, 2009	March 19, 2009
	J.W. Marriott – Paignton House	March 11, 2009	March 19, 2009	March 26, 2009
Wallwin Electric Services Ltd.	AJW Marriott Hotel & Resort	September 30, 2008	October 15, 2008	October 31, 2008

ONTARIO

**SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO**

**ORDER
(April 21, 2010)**

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