

COURT FILE NO. B301-163430

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

Clerk's Stamp

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
RSC 1985, C B-3, AS AMENDED

AND IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF CLEO ENERGY CORP.

APPLICANT CLEO ENERGY CORP.

DOCUMENT **AMENDED AND RESTATED ORDER**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING
THIS DOCUMENT

Gowling WLG (Canada) LLP
1600, 421 – 7th Avenue SW
Calgary, AB T2P 4K9

Attn: **Sam Gabor / Tom Cumming**
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Email: sam.gabor@gowlingwlg.com /
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File No.: G10010664

DATE ON WHICH ORDER WAS PRONOUNCED: January 13, 2025

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta


JUSTICE WHO MADE THIS ORDER: The Honourable Justice M.E. Burns
in Commercial Chambers

UPON THE APPLICATION of Cleo Energy Corp. ("**Cleo**"), filed December 12, 2024; **AND UPON** reading Affidavit of Chris Lewis, sworn December 11, 2024 and the Affidavit of Service of Sherry Langley sworn December 12, 2024; **AND UPON** hearing submissions by counsel for Cleo, and noting the presence of Alvarez & Marsal Canada Inc. as Proposal Trustee to Cleo; **AND UPON** noting that Royal Bank of Canada ("**RBC**") issued a bank draft in the amount of \$152,426.18 bearing serial #63014225 made payable to the Government of Alberta and delivered on or about November 29, 2024, pursuant to a garnishee summons in Court File No. 2401-10333, but which has been misplaced by the Court of King's Bench of Alberta ("**Lost Draft**");

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the notice of application for this order ("**Order**") is hereby abridged and deemed good and sufficient and this application is properly returnable today, and no one other than those persons served is entitled to service of the notice of application.
2. Pursuant to sections 155 and 156 of the *Bills of Exchange Act*, RSC 1985 c B-4, as amended, RBC is hereby authorized and directed to give an additional bank draft in the amount of \$152,426.18 made payable to the Government of Alberta ("**Duplicate Draft**"), but which the Court of King's Bench of Alberta will not deposit. The Duplicate Draft shall be held by RBC and is hereby deemed to have been returned by the Court or the Government of Alberta to RBC, and RBC is directed to return or reverse the Duplicate Draft to the credit of Cleo and immediately credit Cleo's account with RBC ending in 041.
3. Concurrent upon issuance of the Duplicate Draft, RBC shall not be required to honour the deposit of the Lost Draft, and RBC shall be deemed to have no liability to the Government of Alberta, the Court or to any other person for failing to honour the Lost Drafts. If the Lost Draft is honoured, whether by error, neglect or fraud, RBC shall be entitled to have such Lost Draft returned or reversed, notwithstanding the provision of Payments Canada Rule A4, section 4.c.
4. In the event that the Lost Draft is found, located or otherwise identified by the Court of King's Bench of Alberta, the Registrar of the Court is authorized and directed to return such Lost Draft to Cleo's counsel, Gowling WLG (Canada) LLP ("**Gowling**"), to the attention of Sam Gabor, at 1600, 421 – 7th Avenue SW, Calgary, AB T2P 4K9, and Gowling is authorized and directed to immediately return such Lost Draft to RBC.
5. The Registrar of the Court is hereby authorized and directed to forthwith payout of Court to Cleo any funds which may have been paid into the Court and deposited by the Court into the Court's account under any garnishee summons issued under the Court File No. 2401-10333.

6. Service of this Order shall be deemed good and sufficient:
- (a) by serving same on the persons who were served with notice of this Application and any other parties attending or represented at the hearing of this Application;
 - (b) by posting a copy of this Order on the Proposal Trustee's website.



J.C.K.B.A.