

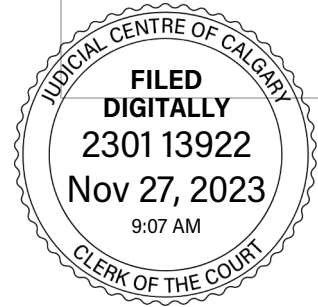
COURT FILE NUMBER 2301-13922

COURT COURT OF KING'S BENCH
OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT CONNECT FIRST CREDIT UNION LTD.

RESPONDENTS OGEN HOLDINGS LTD., OGEN LTD.,
EDWARDS CONCRETE INC., and
MORRISON HOMES (CALGARY) LTD.



DOCUMENT **AMENDING ORDER**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT BENNETT JONES LLP
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Attention: Michael Selnes

DATE ON WHICH THIS ORDER WAS PRONOUNCED: **NOVEMBER 17, 2023**

LOCATION AT WHICH ORDER WAS MADE: **EDMONTON, ALBERTA**

NAME OF THE JUSTICE WHO MADE THIS ORDER: **JUSTICE D.R. MAH**

UPON THE APPLICATION of OGEN Holdings Ltd. and OGEN Ltd. (collectively, the “**Companies**”) for an Order varying the terms of the November 3, 2023 Order terminating the NOI proceedings (the “**Transition Order**”); **AND UPON** having read the Report of the Receiver dated November 16, 2023, filed; **AND UPON NOTING** that a Receivership Order was granted on November 3, 2023 (the “**Receivership Order**”) appointing Alvarez and Marsal Canada Inc. (“**A&M**” in such capacity, the “**Receiver**”) as the Receiver of all of the Companies’ current and future assets, undertakings and properties of every nature and kind whatsoever, and whatever situation, including the proceeds thereof (the “**Property**”), but excluding the Excluded Assets (as defined in the Receivership Order); **AND UPON NOTING** that an Order was granted on November 3, 2023 substituting A&M in place of KSV Restructuring Inc. as proposal trustee (“A&M in such capacity, the “**Proposal Trustee**”) in

Court File Nos. 25-2958977; **AND UPON** hearing from counsel for the Companies and any other interested person; **IT IS ORDERED THAT:**

IT IS HEREBY ORDERED THAT:

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.
2. The Certificate of Proposal Trustee at Schedule "A" of the Transition Order shall be amended and replaced with a Certificate in the form attached hereto as Schedule "A"
3. This Order shall be served on all parties on the Service List and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.



The Honourable Justice D.R. Mah
Justice of the Court of King's Bench of Alberta

SCHEDULE "A"

Certificate of the Proposal Trustee (attached)

COURT FILE NUMBER	25-2958977 25-2958981
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PROCEEDINGS	IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF OGEN HOLDINGS LTD. AND OGEN LTD.
DOCUMENT	CERTIFICATE OF PROPOSAL TRUSTEE
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Burnet, Duckworth & Palmer LLP 2400, 525 – 8 Avenue SW Calgary, Alberta T2P 1G1 Lawyer: David LeGeyt / Ryan Algar Phone Number: (403) 260-0120 / (403) 260-0126 Fax Number: (403) 260-0332 Email Address: dlegeyt@bdplaw.com/ralgar@bdplaw.com File No. 43621-128

- A. Pursuant to a November 3, 2023 Order (the "**Receivership Order**") of the Court of King's Bench of Alberta (the "**Court**") in Action Nos 2301-13922 and 25-2958977, Alvarez & Marsal Canada Inc. ("**A&M**") was appointed as the receiver and manager of the Debtors (A&M in such capacity, the "**Receiver**") of OGEN Holdings Ltd. and OGEN Ltd. (collectively, the "**Debtors**").
- B. Pursuant to an additional November 3, 2023 Order (the "**Transition Order**") of the Court, A&M was also substituted as the proposal trustee of the Debtors in Court Action Nos 25-2958981 and 25-2988977 (A&M in such capacity, the "**Proposal Trustee**").
- C. Pursuant to paragraph 3 of the Transition Order, the Debtors shall be deemed to have made an assignment into bankruptcy upon the Proposal Trustee filing this Certificate certifying that the Excluded Assets (as defined in the Receivership Order) have been returned, destroyed, disposed of, sold, or transferred in accordance with applicable laws.

THE PROPOSAL TRUSTEE CERTIFIES THAT:

1. To the best of the Proposal Trustee's knowledge, all of the Excluded Assets (as defined in the Receivership Order) have either been returned, destroyed, disposed of, sold, or transferred of in accordance with applicable laws in all material respects.

**ALVAREZ & MARSAL CANADA INC., in its
capacity as Proposal Trustee of OGEN Ltd.
and OGEN Holdings Ltd. and not in its
personal or corporate capacity**

Per: _____
Name: _____
Title: _____