Form 27

[Rules 6.3 and 10.52(1)]

Clerk's Stamp:



COURT FILE NUMBER

1103 18646

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, C.C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ARMAC INVESTMENTS LTD. (AB), LAKE EDEN PROJECTS INC. (AB), 1204583 ALBERTA INC. (AB), 131717 ALBERTA INC. (AB), WESTRIDGE PARK LODGE DEVELOPMENT CORP. (AB) AND WESTRIDGE PARK LODGE AND GOLF RESORT LTD. (AB), HALF MOON LAKE RESORT LTD. (AB), NO 50 CORPORATE VENTURES LTD. (BC), FISHPATHS RESORTS CORPORATION (BC), ARMAC INVESTMENT LTD. (BC), OSTROM ESTATES LTD. (BC), HAWKEYE MARINE GROUP LTD. (BC), JUBILEE MOUNTAIN HOLDINGS LTD. (BC), GIANT MOUNTAIN PROPERTIES LTD. (BC), AND CHERRY BLOSSOM

PARK DEVELOPMENT CORP. (BC)

(COLLECTIVELY, THE "PURDY GROUP")

APPLICANT

ALVAREZ & MARSAL CANADA INC. IN ITS CAPACITY AS MONITOR OF THE PURDY GROUP

DOCUMENT

APPLICATION ON BEHALF OF ALVAREZ & MARSAL CANADA INC. IN ITS CAPACITY AS MONITOR OF THE PURDY GROUP

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

RAY C. RUTMAN
Dentons Canada LLP
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Edmonton, Alberta T5J 3V5

Ph. (780) 423-7246 Fx. (780) 423-7276

File No.: 529227-7/RCR

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date

Thursday, March 26, 2015

Time

9:30 a.m.

Where

Court of Queen's Bench of Alberta

Edmonton, Alberta

Before Whom

The Honourable Mr. Justice D.R.G. Thomas

Go to the end of this document to see what you can do and when you must do it.

Remedy claimed or sought:

- 1. An Order in the form attached as Schedule "A" hereto including, without limitation:
 - (a) abridging the time for service of Notice of this Application and any materials in support and dispensing with further service hereof;
 - (b) approving the activities of the Monitor as set out in the 31st Report to the Court of the Monitor (the "Monitor's 31st Report);
 - remedying a clerical error in the description of the Action Number in relation to the Plan (as defined below) in documents filed in these proceedings;
 - (d) approving the fees and disbursements of the Monitor and its legal counsel, Dentons Canada LLP and dispensing with the passing of accounts;
 - (e) discharging the Monitor from any obligation to maintain the Unsecured Creditor Cash Pool (as defined in the Proposal and the Plan each as referenced below) and discharging the Monitor from any obligation to distribute any proceeds to any Unsecured Creditors from the Unsecured Creditor Cash Pool (as defined in the Proposal and the Plan as the case may be) upon the expiry of September 26, 2015;
 - (f) discharging and relieving the Monitor from any further obligations, liabilities, responsibilities or duties in its capacity as Monitor pursuant to the Initial Order, any other Order of this Honourable Court in the CCAA Proceedings, the CCAA or otherwise;
 - (g) amending paragraph 13 of the Initial Order (defined below), as further amended by this Honourable Court from time to time in these proceedings, extending the Stay Period (as defined in the Initial Order) to the earlier of the filing of the Monitor's Certificate (as defined in the Order attached as Schedule "A"), or to and including April 27, 2015.

- (h) terminating the CCAA Proceedings, the Administration Charge, the Directors Charge and any charge in favour of the DIP Lender as set out in the Initial Order (defined below) upon filing the Monitor's Certificate (as defined in the Order attached as Schedule "A"); and
- (i) such further and other relief as this Honourable Court deems just.

Grounds for making this application:

Background

- 2. By an Order granted by the Honourable Justice D.R.G. Thomas filed December 2, 2011, (the "Initial Order") Armac Investments Ltd. (AB), Half Moon Lake Resort Ltd., Lake Eden Projects Inc., Fishpath Resorts Corporation, Armac Investments Ltd. (BC), Ostrom Estates Ltd., Hawkeye Marine Group Ltd. and Cherry Blossom Park Development Corp. (the "Purdy Group") were granted protection under the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "CCAA") and Alvarez & Marsal Canada Inc. was appointed monitor of the Purdy Group (the "Monitor").
- 3. By an Order granted by the Honourable Justice J.E. Topolniski dated July 18, 2014, a Second Amended and Restated Plan of Compromise and Arrangement was approved by this Honourable Court (the "Plan").
- 4. On December 2, 2011, John (Jack) Kenneth Purdy ("Purdy") filed a Notice of Intention to Make a Proposal pursuant to Part 3, Division 1 of the Bankruptcy and Insolvency Act, RSC 1985, c B-3 (the "Proposal Proceedings"). Alvarez & Marsal Canada Inc. consented to act as proposal trustee in the Proposal Proceedings (the "Proposal Trustee") and all proceedings against Purdy were stayed.
- 5. Purdy has filed with this Honourable Court a Second Amended and Restated Proposal on March 10, 2014 as amended April 17, 2014 (the "Proposal"). By an Order granted by the Honourable Justice J.E. Topolniski dated July 18, 2014, this Honourable Court approved the Proposal.
- 6. The Proposal is consolidated with the Plan.
- 7. The Plan and other documents filed in these proceedings refer to Action Number "0903 03603" instead of "1103 18646". This was a clerical error.
- 8. The Monitor and its legal counsel have outstanding professional fees and disbursements. By Paragraph 28(b) of the Initial Order, the Monitor, its legal counsel and legal counsel for the Purdy Group are entitled to their reasonable fees and disbursements, in each case at their standard rates incurred as a part of the cost of the CCAA Proceedings.
- 9. Paragraph 30 of the Initial Order granted to the Monitor, counsel to the Monitor and the Purdy Group's legal counsel an Administration Charge (the "Administration Charge") for the purpose of securing the professional fees and disbursements incurred by the Monitor and such counsel, which charge was not to exceed an aggregate amount of \$500,000.
- 10. The Administration Charge was increased by Order of this Honourable Court July 4, 2013 to \$625,000 and again increased further by Order of this Honourable Court July 26, 2013 to \$800,000.

- 11. Paragraph 29 of the Initial Order requires the Monitor and its legal counsel to pass their accounts from time to time. The Monitor's accounts were passed up to September 26, 2013. The accounts of Dentons Canada LLP, counsel to the Monitor were passed up to October 16, 2013. This Honourable Court has authorized and directed payment of the accounts of the Monitor and its counsel up to and including January, 2015.
- 12. The Monitor is of the respectful view that its accounts and those of its legal counsel subsequent to September 26, 2013 and October 16, 2013, respectively are fair and reasonable taking into consideration the services that have been provided.
- 13. By an Order of this Honourable Court dated November 24, 2014 (the "3425 River Road Order"), the sale by the Monitor of a property described as 3425 River Road, Chemainus, B.C., being a property held by the Purdy Group, was approved and the Monitor was ordered and directed to retain, pending further Order of the Court, the net sale proceeds after payment of the realtor commission and any costs directly attributable to the closing of the sale (the "River Road Proceeds").
- 14. By the 3425 River Road Order no Claims (as defined by the 3425 River Road Order) shall attach to or be impressed upon the River Road Proceeds other than to the extent same is consistent with the terms of the Plan and then only in the same priority as specified therein.
- 15. This Honourable Court authorized an interim distribution of the River Road Proceeds by an Order dated February 20, 2015 and the Monitor has retained the balance of the River Road Proceeds.
- The Monitor respectfully submits that it would be equitable and reasonable to utilize the remaining River Road Proceeds to pay the Proposal Trustee, the Monitor, their respective counsel, and the Purdy Group's counsel its fees and disbursements reflected on any outstanding invoices to date, and to holdback an additional \$12,000 to pay any future fees and disbursements of the Proposal Trustee, the Monitor and their counsel in performing necessary duties to complete the administration of the Proposal and the CCAA Proceedings.

The Unsecured Creditor Cash Pool, the Monitor's discharge and Terminating the CCAA Proceedings

- 17. The Proposal Requires the Proposal Trustee and the Plan requires the Monitor to establish and maintain an Unsecured Creditor Cash Pool (as defined in the Proposal) and to distribute to Unsecured Creditors (as defined in the Proposal and the Plan) their portion of an Unsecured Claim (as defined in the Proposal and the Plan) from the Unsecured Creditor Cash Pool. The Monitor has fulfilled its obligation as set out in this paragraph and it ought to be discharged from any further obligation or liability arising therefrom.
- 18. Following the making of the payment in respect of fees and disbursements of the Monitor, its legal counsel and legal counsel to the Purdy Group, and subject to incidental duties as may be required to complete the administration of the Plan, the administration of the Plan will be complete and therefore the Monitor seeks approval of its activities outlined in the Monitor's 31st Report, its discharge and the termination of the CCAA Proceedings and all things incidental thereto.
- 19. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

- 20. The 31st Report to the Court of the Monitor.
- 21. The pleadings and proceedings in this action.
- 22. Such further and other evidence as counsel may advise and this Honourable Court.

Applicable Rules:

- 23. Section 1, 2 and 3 of Part 6 of the Alberta Rules of Court.
- 24. Rule 9.11 of the Alberta Rules of Court.

Applicable Acts and Regulations:

25. Companies' Creditors Arrangement Act, RSC 1985, c C-3

Any irregularity complained of or objection relied on:

26. None

How the Application is proposed to be heard or considered:

27. In person before the Honourable Mr. Justice D.R.G. Thomas on a day and time above-referenced in open chambers.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

SCHEDULE "A"

Clerk's Stamp:

COURT FILE NUMBER

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JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, C.C-36, AS

AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ARMAC INVESTMENTS LTD. (AB), LAKE EDEN PROJECTS INC. (AB), 1204583 ALBERTA INC. (AB), 131717 ALBERTA INC. (AB), WESTRIDGE PARK LODGE DEVELOPMENT CORP. (AB) AND WESTRIDGE PARK LODGE AND GOLF RESORT LTD. (AB), HALF MOON LAKE RESORT LTD. (AB), NO 50 CORPORATE

VENTURES LTD. (BC), FISHPATHS RESORTS CORPORATION (BC), ARMAC INVESTMENT LTD. (BC), OSTROM ESTATES LTD. (BC), HAWKEYE MARINE GROUP LTD. (BC), JUBILEE MOUNTAIN

HOLDINGS LTD. (BC), GIANT MOUNTAIN

PROPERTIES LTD. (BC), AND CHERRY BLOSSOM

PARK DEVELOPMENT CORP. (BC)

(COLLECTIVELY, THE "PURDY GROUP")

APPLICANT

ALVAREZ & MARSAL CANADA INC. IN ITS

CAPACITY AS MONITOR OF THE PURDY GROUP

DOCUMENT

<u>ORDER</u>

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

RAY C. RUTMAN Dentons Canada LLP 2900 Manulife Place 10180 – 101 Street

Edmonton, Alberta T5J 3V5

Ph. (780) 423-7246 Fx. (780) 423-7276

File No.: 529227-7/RCR

DATE ON WHICH ORDER WAS PRONOUNCED:

Thursday March 26, 2015

LOCATION WHERE ORDER WAS PRONOUNCED:

The Law Courts, Edmonton, Alberta

NAME OF THE JUSTICE WHO MADE THIS ORDER:

The Honourable Justice D.R.G. Thomas

UPON the application of Alvarez & Marsal Canada Inc. in its capacity as Court Appointed monitor (the "Monitor") of Armac Investments Ltd. (AB), Half Moon Lake Resort Ltd., Lake Eden Projects Inc., Fishpath Resorts Corporation, Armac Investments Ltd. (BC), Ostrom Estates Ltd., Hawkeye Marine Group Ltd. and Cherry Blossom Park Development Corp. (the "Purdy Group") pursuant to an Order of this Honourable Court filed December 2, 2011 (the "Initial Order"); AND UPON noting that a Second Amended and Restated Plan of Compromise and Arrangement of the Purdy Group has been approved by the requisite majority of creditors and by this Honourable Court (the "Plan"); AND UPON noting that Alvarez and Marsal Canada Inc. consented to act as the proposal trustee of Mr. John (Jack) Kenneth Purdy ("Purdy") Purdy in proceedings initiated under Part 3, Division 1 of the Bankruptcy and Insolvency Act RSC 1985, c B-3 (the "Proposal Trustee"); AND UPON noting that the Proposal Trustee filed with this Honourable Court a Second Amended and Restated Proposal on March 10, 2014 as amended April 17, 2014 (the "Proposal"); AND UPON noting that the Proposal has been approved by the requisite majority of creditors and by this Honourable Court; AND UPON noting that the Proposal is consolidated with the Plan; AND UPON hearing that the Plan has been implemented in accordance with section 6.2 of the Plan; AND UPON NOTING that by Order of this Honourable Court dated November 24, 2014 granted in the within proceedings, the sale of a property held by the Purdy Group described as 3425 River Road, Chemainus, B.C. (the "Property") was approved (the "3425 River Road Order"); AND UPON NOTING that by the 3425 River Road Order the Monitor was ordered and directed to retain, pending further Order of the Court, the net sale proceeds after payment of the realtor commission and any costs directly attributable to the closing of the sale of the Property (the "River Road Proceeds"); AND UPON NOTING that by the 3425 River Road Order no Claims (as defined by the 3425 River Road Order) shall attach to or be impressed upon the River Road Proceeds other than to the extent same is consistent with the terms of the Plan and then only in the same priority as specified therein; AND UPON hearing that this Honourable Court directed the Monitor to distribute a portion of the River Road Proceeds by an Order dated February 20, 2015; AND UPON hearing that the Monitor has retained the balance of the River Road Proceeds; AND UPON reading the 31st Report to the Court of the Monitor dated (the "31st Monitor's Report") and proof of service thereof; AND UPON reading the pleadings and proceedings filed and taken herein; AND UPON hearing the submissions of counsel for the Monitor; IT IS HEREBY ORDERED THAT:

- 1. Notice of the application for this Order and any material in support is deemed good and sufficient upon all interested persons, the time for service of the application and any material in support is abridged to the time actually given and all further and other service of the application for this Order and any material in support is dispensed with.
- 2. All capitalized words or terms not otherwise defined or ascribed a meaning in this Order, which are defined or ascribed a meaning in the Proposal or the Plan, shall have the meaning defined or ascribed in the Proposal or the Plan as the case may be.
- 3. All references in the Plan, the Proposal, these proceedings and the Proposal proceedings to the Plan as being filed in Action Number "0903 03603" are hereby amended such that "0903 03603" is deleted and replaced with "1103 18646".

Approval of Activities

- 4. The 31st Monitor's Report and the actions, conduct and activities of the Monitor described therein are hereby approved.
- 5. The Monitor has duly and properly discharged and performed its obligations, liabilities, responsibilities and duties in its capacity as Monitor pursuant to the Initial Order, any other Order of this Honourable Court in the CCAA Proceedings, the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "CCAA"), or otherwise.

Approval of Fees

- 6. The fees, administrative costs and disbursements of Alvarez & Marsal Canada Inc. in its capacity as Monitor in these proceedings are approved and passing of the accounts is dispensed with.
- 7. The fees, administrative costs and disbursements of Dentons Canada LLP in its capacity as counsel to the Monitor in these proceedings are approved and passing of the accounts is dispensed with.
- 8. The Monitor shall apply the River Road Proceeds to pay all outstanding professional fees and disbursements representing unpaid invoices of the Monitor and its counsel, the Proposal Trustee and its counsel and the Purdy Group's counsel and the Monitor shall holdback an additional \$12,000.00 to pay the remaining professional fees and disbursements of the Monitor, the Proposal Trustee and in each instance their counsel. The Monitor is authorized and directed to utilize such holdback to pay those accounts and any such accounts are approved and the passing of such accounts is dispensed with. The balance of the River Road Proceeds shall be paid by the Monitor to the Purdy Group care of its counsel Mr. Conan Taylor.

Unsecured Creditor Cash Pool

9. The Monitor is hereby authorized and directed to stop payment or otherwise cancel any cheques issued to any Unsecured Creditor by the Monitor in accordance with paragraph 12 of the Proposal, paragraph 4.3 and Article 9 of the Plan where such cheque is not negotiated within 6 months of the date of the cheque. The Monitor is further authorized and directed to pay any proceeds representing the Unsecured Credit Cash Pool as established by the Proposal remaining after September 26, 2015 to the Purdy Group, care of its counsel Mr. Conan Taylor.

Termination of the CCAA Proceedings

- 10. The CCAA Proceedings shall be and are hereby terminated effective at 12:01 a.m. on the first day after the Monitor's filing with this Court of the Monitor's certificate in the form attached as Schedule "A" to this Order certifying that it has completed the matters described in the 31st Monitor's Report (the "Monitor's Certificate") provided that such termination shall not limit or otherwise impact any terms or the efficacy of any prior Orders in these proceedings save as expressly set out in this Order.
- 11. Paragraph 13 of the Initial Order, as further amended from time to time by subsequent Orders of this Honourable Court in these proceedings, is further amended to extend the "Stay Period" to the earlier of the filing of the Monitor's Certificate referenced in Schedule "A" to this Order, or to and including April 27, 2015.

- 12. Immediately upon the Monitor filing with this Court the Monitor's Certificate, the Monitor is hereby discharged and relieved from any further obligations, liabilities, responsibilities or duties in its capacity as Monitor pursuant to the Initial Order, any other Order of this Honourable Court in the CCAA Proceedings, the CCAA or otherwise provided that notwithstanding its discharge herein,
 - (a) The Monitor shall be entitled to perform any and all matters that may be incidental to the completion of the administration of the CCAA Proceedings and any other matters that the Monitor considers to be necessary or desirable for the completion or the termination of the CCAA Proceedings; and
 - (b) Subject to Paragraph 13 of this Order, the Monitor shall continue to have the benefit of the provisions of all Orders made in the CCAA Proceedings.
- 13. Upon the filing of the Monitor's Certificate, the Administration Charge, the Directors Charge and any charge created in favour of the DIP Lender by the Initial Order is hereby fully and finally discharged and terminated.
- 14. In addition to the protections in favour of the Monitor as set out in the Initial Order, in any other Order of this Court in the CCAA Proceedings, or the CCAA, the Monitor shall not be liable for any act or omission on the part of the Monitor, including with respect to any reliance thereon, including without limitation, with respect to any information disclosed, any act or omission pertaining to the discharge of the Monitor's duties in the CCAA Proceedings or with respect to any other duties or obligations of the Monitor under the CCAA or otherwise, save and except for any claim or liability arising out of gross negligence or wilful misconduct on the part of the Monitor. Subject to the foregoing and in addition to the protections of the Monitor as set out in the Orders of this Court in the CCAA Proceedings, any claims against the Monitor in connection with the performance of its duties as a Monitor are hereby released, stayed, extinguished and forever barred and the Monitor shall have no liability in respect thereof.
- 15. No action or other proceedings shall be commenced against the Monitor in any way arising from or related to its capacity or conduct as Monitor except with prior leave of this Honourable Court and on prior written notice provided 5 days' in advance to the Monitor.
- 16. Notwithstanding any provision of this Order, nothing contained in this Order shall affect, vary, derogate from or amend any of the rights, approvals and protections in favour of the Monitor pursuant to the Initial Order, any other Order of this Court in the CCAA Proceedings, the CCAA or otherwise, all of which are expressly continued and confirmed.
- 17. Any and all administrative matters relating to the CCAA Proceedings, which arise following the termination of the CCAA Proceedings may be brought before the Court for determination, advice and direction.
- 18. This Court requests the aid of other Canadian and foreign Courts, tribunal, regulatory or administrative bodies, including any Court or administrative tribunal of any Federal or State Court or administrative body in the United States of America, (including, without limitation, the United States Bankruptcy Court), to act in aid of this Court to give effect to this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to (i) make such orders and to provide such assistance to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order (ii) grant representative status to the Monitor in

any foreign proceeding, and (iii) assist the Monitor and its respective agents in carrying out the terms of this Order.

19. Service of this Order may be effected by posting a copy of this Order to the Trustee's website at www.amcanadadocs.com/purdy. All further and other service of this Order is dispensed with.

JUSTICE, COURT OF QUEEN'S BENCH OF ALBERTA

Schedule "A"

Clerk's Stamp:

COURT FILE NUMBER

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COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

APPLICANTS

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c.C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ARMAC INVESTMENTS LTD. (AB), LAKE EDEN PROJECTS INC. (AB), 1204583 ALBERTA INC. (AB), 1317517 ALBERTA INC. (AB), WESTRIDGE PARK LODGE DEVELOPMENT CORP. (AB), and WESTRIDGE PARK LODGE AND GOLF RESORT LTD. (AB), HALF MOON LAKE RESORT LTD. (AB), NO. 50 CORPORATE VENTURES LTD. (BC), FISHPATH RESORTS

CORPORATION (BC), ARMAC INVESTMENTS LTD. (BC), OSTROM ESTATES LTD. (BC), HAWKEYE MARINE GROUP LTD. (BC), JUBILEE MOUNTAIN HOLDINGS LTD. (BC), GIANT MOUNTAIN PROPERTIES LTD. (BC) and CHERRY BLOSSOM PARK DEVELOPMENT CORP (BC)

(collectively, the "Purdy Group")

DOCUMENT

MONITOR

MONITOR'S CERTIFICATE

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

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File: 529227.7/RCR

Pursuant to an Order of the Honourable Justice D.R.G. Thomas of the Alberta Court of Queen's Bench (the "Court") dated December 2, 2011, Alvarez and Marsal Canada Inc. was appointed the monitor (the "Monitor") of the Purdy Group. Pursuant to an order of this Honourable Court dated March 26, 2015 (the "Discharge Order"), the Monitor was discharged and relieved from any further obligations, liabilities, responsibilities, or duties in its capacity as Monitor of the Purdy Group pursuant to the Initial Order, any other Order of this Honourable Court made in the CCAA Proceedings, the CCAA or otherwise subject to the Monitor filing the Monitor's Certificate as defined in the Discharge Order.

THE MONITOR HEREBY CERTIFIES as follows:

1.	The subject CCAA Proceedings shall be terminated in accordance with paragraph 10 of the Order of the Honourable Justice D.R.G. Thomas granted March 26, 2015 in these proceedings.		
Dated	at the , 2015.	of	, in the Province of Alberta, this day of
			ALVAREZ & MARSAL INC. in its capacity as court-appointed Monitor of the Purdy Group and not in its personal capacity
			Per: Name: