

COURT FILE NUMBER 1401-12431

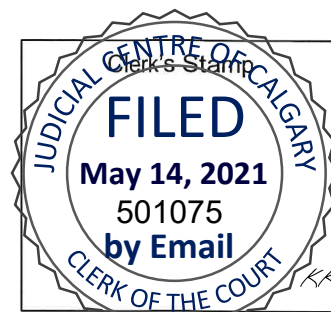
COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT ACCESS MORTGAGE CORPORATION (2004) LIMITED

RESPONDENT ARRES CAPITAL INC.

DOCUMENT **ORDER (Dismissal Order)**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

McCARTHY TÉTRAULT LLP  
 4000, 421 – 7<sup>th</sup> Avenue SW  
 Calgary, AB T2P 4K9  
 Attention: Walker W. MacLeod / Pantelis Kyriakakis  
 Telephone: 403-260-3710 / 3536  
 Facsimile: 403-260-3501  
 Email: wmacleod@mccarthy.ca / pkyriakakis@mccarthy.ca

**DATE ON WHICH ORDER WAS PRONOUNCED:** April 19, 2021

**LOCATION OF HEARING:** Calgary, Alberta

**NAME OF JUDGE WHO MADE THIS ORDER:** Justice B.E.C. Romaine

**UPON** the application (the “**Receiver’s Application**”) of Alvarez & Marsal Canada Inc., in its capacity as the court-appointed receiver (the “**Receiver**”) of Arres Capital Inc. (the “**Debtor**”), pursuant to the order issued by the Honourable Madam Justice Strekaf under the *Civil Enforcement Act* (Alberta) (the “**CEA**”) on February 13, 2015, as subsequently amended and restated pursuant to the Order issued by the Honourable Madam Justice B.E.C. Romaine on October 23, 2017 (the “**Receivership Order**”), in the proceedings under Court File Number 1401-12431 (the “**Receivership Proceedings**”); **AND UPON** the application (the “**Kenzie Application**”) of Kenzie Financial Investments Ltd., Shelly Beck, Therese F. Daley, Linda Jaeger, Andrew Little, Laurie Little, Agnes M. Oberg, Steven Ogg, Lester S. Ikuta Professional Corporation, Lester Ikuta, Mickey Ikuta, Brian Sekiya, Holly Sekiya, Sandra Sommer, Marion Sommer, Allan Sommer, Steven Reilly, Swarts Bros Limited, and Clara Mae Woroschuk; **AND UPON** having read the Receiver’s Application, the Kenzie Application, the Fifth Report of the Receiver, dated August 26, 2020 (the “**Fifth Receiver’s Report**”), and the Affidavit of Gaye Saruwatari, sworn on August 25, 2020, all filed; **AND UPON** having read to

Affidavit of Service of Katie Doran, to be filed (the "**Service Affidavit**"); **AND UPON** hearing counsel for the Receiver and counsel for any other persons present;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The Kenzie Application is hereby dismissed.
2. If the parties are unable to agree on costs they may make written submissions.
3. This Order must be served only upon those interested parties attending or represented at the within application 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.s



J.C.C.Q.B.A.

**AGREED AS TO FORM AND CONTENT:**

**SUGIMOTO AND COMPANY**

Per: 

Loran V. Halyn  
Counsel to Kenzie Financial  
Investments Ltd., Shelly Beck,  
Therese F. Daley, Linda Jaeger,  
Andrew Little, Laurie Little, Agnes M.  
Oberg, Steven Ogg, Lester S. Ikuta  
Professional Corporation, Lester  
Ikuta, Mickey Ikuta, Brian Sekiya,  
Holly Sekiya, Sandra Sommer,  
Marion Sommer, Allan Sommer,  
Steven Reilly, Swarts Bros Limited,  
and Clara Mae Woroschuk

**CASSELS BROCK & BLACKWELL LLP**

Per: 

Jeffrey Oliver  
Counsel to the Plaintiff