

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) WEDNESDAY, THE 20TH
)
MADAM JUSTICE GILMORE) DAY OF MAY, 2020
)

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

ORDER

THIS MOTION, made by A. Farber & Partners Inc. as Receiver (the “**Receiver**”), without security, of all of the assets, undertakings and properties of the Respondents and certain additional entities pursuant to Orders in this proceeding dated February 28, March 18, 2019, and June 7, 2019 and Judgment in this proceeding dated July 5, 2019 (together, the “**Appointment Orders**”), was heard this day via Zoom at Toronto, Ontario.

ON READING the Motion Record including the Seventh and Eighth Reports of the Receiver, on hearing the submissions of counsel for the Receiver, and on being advised that no party and no member of the Service List in this proceeding opposes the relief herein:

AUTHORIZATION OF SALE TRANSACTIONS

1. THIS COURT ORDERS AND DECLARES that the sale transaction (the “**110-114 Pine Transaction**”) contemplated by an agreement of purchase and sale between the Receiver and 2510941 Ontario Ltd. (the “**110-114 Pine Purchaser**”) dated February 25, 2020 (the “**110-114 Pine Sale Agreement**”) and appended to the Seventh Report of the Receiver dated April 3, 2020 (the “**Seventh Report**”), and vesting in the 110-114 Pine Purchaser the Debtors’ rights, title and interests in and to the asset described in the 110-114 Pine Sale Agreement (the “**110-114 Pine Asset**”), is hereby approved, and the execution of the 110-114 Pine Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 110-114 Pine Sale Transaction and for the conveyance of the 110-114 Pine Asset to the 110-114 Pine Purchaser.

2. THIS COURT ORDERS AND DECLARES that the sale transaction (the “**367-369 Howey Transaction**”) contemplated by an agreement of purchase and sale between the Receiver and Whitehall Opportunities Corp (the “**367-369 Howey Purchaser**”) dated February 25, 2020 (the “**367-369 Howey Sale Agreement**”) and appended to the Seventh Report of the Receiver, and vesting in the 367-369 Purchaser the Debtors’ rights, title and interests in and to the asset described in the 367-369 Howey Sale Agreement (the “**367-369 Howey Asset**”), is hereby approved, and the execution of the 367-369 Howey Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 367-369 Howey Sale Transaction and for the conveyance of the 367-369 Howey Asset to the 367-369 Howey Purchaser.

3. THIS COURT ORDERS AND DECLARES that the sale transaction (the “**29 Laren Transaction**”) contemplated by an agreement of purchase and sale between the Receiver and L & L Group Inc. (the “**29 Laren Purchaser**”) dated February 25, 2020 (the “**29 Laren Sale Agreement**”) and appended to the Eighth Report of the Receiver dated April 22, 2020 (the “**Eighth Report**”), and vesting in the 29 Laren Purchaser the Debtors’ rights, title and interests

in and to the asset described in the 29 Laren Sale Agreement (the “**29 Laren Asset**”), is hereby approved, and the execution of the 29 Laren Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 29 Laren Sale Transaction and for the conveyance of the 29 Laren Asset to the 29 Laren Purchaser.

4. THIS COURT ORDERS AND DECLARES that the sale transaction (the “**3415 Errington Transaction**”) contemplated by an agreement of purchase and sale between the Receiver and 2504897 Ontario Inc. (the “**3415 Errington Purchaser**”) dated March 5, 2020 (the “**3415 Errington Sale Agreement**”) and appended to the Eighth Report of the Receiver, and vesting in the 3415 Errington Purchaser the Debtors’ rights, title and interests in and to the asset described in the 3415 Errington Sale Agreement (the “**3415 Errington Asset**”), is hereby approved, and the execution of the 3415 Errington Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 3415 Errington Sale Transaction and for the conveyance of the 3415 Errington Asset to the 3415 Errington Purchaser.

5. THIS COURT ORDERS AND DECLARES that the sale transaction (the “**3419 Errington Transaction**”, collectively with the 110-114 Pine Transaction, 367-369 Howey Transaction, 29 Laren Transaction, and the 3415 Errington Transaction, the “**Sale Transactions**”) contemplated by an agreement of purchase and sale between the Receiver and 2504897 Ontario Inc. (the “**3419 Errington Purchaser**”, collectively with the 110-114 Pine Purchaser, 367-369 Howey Purchaser, 29 Laren Purchaser, and the 3415 Errington Purchase, the “**Purchasers**”) dated March 5, 2020 (the “**3419 Errington Sale Agreement**”, collectively with the 110-114 Pine Sale Agreement, 367-369 Howey Sale Agreement, 29 Laren Sale Agreement, and the 3415 Errington Sale Agreement, the “**Sale Agreements**”) and appended to the Eighth Report of the Receiver, and vesting in the 3419 Errington Purchaser the Debtors’ rights, title and interests in and to the asset described in the 3419 Errington Sale Agreement (the “**3419 Errington Asset**”, collectively with the 110-114 Pine Asset, 367-369 Howey Asset, 29 Laren Asset, and the 3415 Errington Asset, the “**Purchased Assets**”), is hereby approved, and the

execution of the 3419 Errington Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 3419 Errington Sale Transaction and for the conveyance of the 3419 Errington Asset to the 3419 Errington Purchaser.

6. THIS COURT ORDERS AND DECLARES that upon the delivery of a Receiver's certificate substantially in the form attached as Schedule A hereto (the "**Receiver's Certificate**") to the respective Purchasers, all of the Debtors' right, title and interest in and to the respective Purchased Assets described in their respective Sale Agreements and listed on Schedule B hereto shall vest absolutely in the respective Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "**Claims**") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Receivership Orders; (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (the "**Encumbrances**", which terms shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule D) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

7. THIS COURT ORDERS that upon the registration in the Sudbury Land Registry (No. 53) Land Registry Office of an Application for Vesting Order in the form prescribed by the *Land Titles Act*, the Land Registrar is hereby directed to enter each Purchaser as the owner of the respective subject real properties as identified in Schedule B hereto (the "**Real Property**") in fee simple, and is hereby directed to delete and expunge from title to the Real Property all of the Claims listed in Schedule C hereto.

8. THIS COURT ORDERS that for the purposes of determining the nature and priority of any Claims, the net proceeds from the sale of each Purchased Asset shall stand in the place and

stead of that Purchased Asset, and that from and after the delivery of the Receiver's Certificate all Claims and Encumbrances shall attach to the net proceeds from the sale of that Purchased Asset with the same priority as they had with respect to the Purchased Asset immediately prior to the sale, as if the Purchased Asset had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

9. THIS COURT ORDERS AND DIRECTS the Receiver to file with the Court a copy of the Receiver's Certificate, forthwith after delivery thereof.

10. THIS COURT ORDERS that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of the Debtors and any bankruptcy order issued pursuant to any such applications; and
- (c) any assignment in bankruptcy made in respect of the Debtors;

the vesting of the Purchased Assets in their respective Purchasers pursuant to this Order shall be binding on any trustee in bankruptcy that has been or may from time to time be appointed in respect of the Debtors and shall not be void or voidable by creditors of the Debtors, nor shall it constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

11. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

SEALING CONFIDENTIAL APPENDICES

12. THIS COURT ORDERS that the Confidential Appendices to the Seventh Report and the Eight Report be and are hereby sealed unless and until Receiver files a certificate confirming that the Sale Transactions have closed.

DISTRIBUTION OF PROCEEDS FROM SALE TRANSACTIONS


13. THIS COURT ORDERS that the following distributions to the City of Greater Sudbury, in payment of outstanding property tax levies, are hereby authorized and approved:

- (a) From the 110-114 Pine Transaction, \$135,000, more or less;
- (b) From the 367-369 Howey Transaction, \$60,000, more or less;
- (c) From the 29 Laren Transaction, \$120,000, more or less;
- (d) From the 3415 Errington Transaction, \$ 40,000, more or less; and
- (e) From the 3419 Errington Transaction, \$ 40,000, more or less.

14. THIS COURT ORDERS that the Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the distributions authorized at paragraph 13 above.

APPROVAL OF RECEIVER'S ACTIVITIES

15. THIS COURT ORDERS that the Receiver's activities set out in its Seventh Report and Eighth Report be and are hereby approved.



Schedule A

Form of Receiver's Certificate

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

ORDER

RECEIVER'S CERTIFICATE

RECITALS

A. Pursuant to an Order of the Honourable Mr. Justice Penny of the Ontario Superior Court of Justice (the "**Court**") dated March 18, 2019, and continued by a Judgment of the Court dated July 5, 2019, A. Farber & Partners Inc. was appointed as the receiver (the "**Receiver**") without security, of all of the assets, undertakings and properties of the Respondents and certain additional entities (the "**Debtors**").

B. Pursuant to an Order of the Court dated _____, 2020, the Court approved the sale transaction (the "**Sale Transaction**") contemplated by an agreement of purchase and sale made as of _____, 2020 (the "**Sale Agreement**") between the Receiver and _____ (the "**Purchaser**") and provided for the vesting in the Purchaser of the Debtors' right, title and interest in and to the asset described in the Sale Agreement (the "**Purchased Asset**"), which vesting is to be effective with respect

to the Purchased Asset upon the delivery by the Receiver to the Purchaser of a certificate confirming (i) the payment by the Purchaser of the Purchase Price for the Purchased Asset; (ii) that the conditions to Closing as set out in Schedule(s) _____ of the Sale Agreement have been satisfied or waived by the Receiver and the Purchaser; and (iii) the Sale Transaction has been completed to the satisfaction of the Receiver.

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Sale Agreement.

THE RECEIVER CERTIFIES the following:

1. The Purchaser has paid and the Receiver has received the Purchase Price for the Purchased Asset payable on the Closing Date pursuant to the Sale Agreement;
2. The conditions to Closing as set out in Schedule(s) _____ of the Sale Agreement have been satisfied or waived by the Receiver and the Purchaser; and
3. The Sale Transaction has been completed to the satisfaction of the Receiver.
4. This Certificate was delivered by the Receiver at _____ [TIME] on _____ [DATE].

**A. FARBER & PARTNERS INC. IN ITS
CAPACITY AS COURT APPOINTED
INTERIM RECEIVER OF HUTCHENS ET
AL. AND NOT IN ITS PERSONAL OR
CORPORATE CAPACITY.**

Per: _____

Name:

Title:

SCHEDULE B

	Municipal Address	Registered Owner	Transaction	Legal Description of Real Property
1.	110-114 Pine Street, City of Greater Sudbury, Ontario	110-114 Pine Street Inc.	110-114 Pine Transaction, as defined at ¶ 1 of this Order¶	LTS 48, 49, PL LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY and bearing PIN #02135-0246 (LT)
2.	367-369 Howey Drive, City of Greater Sudbury, Ontario	367-369 Howey Drive Inc.	367-369 Howey Transaction, as defined at ¶ 2 of this Order	LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY, and bearing PIN #73583-0400 (LT)
3.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.	29 Laren Transaction, as defined at ¶ 3 of this Order	PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY, and bearing PIN #73481-0001(LT)
4.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.		PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0006(LT)
5.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.		PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIATAE RIVER; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0008 (LT)
6.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.		PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0493 (LT)
7.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.		PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0446 (LT)
8.	29 Laren Street, Wahnapiatae, Ontario	29 Laren Street Inc.	PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0512 (LT)	
9.	3415 Errington Avenue, Chelmsford, Ontario	3415 Errington Avenue Inc.	3415 Errington Transaction, as defined at ¶ 4 of this Order	PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-1569 (LT)
10.	3419 Errington Avenue, Chelmsford, Ontario	3419 Errington Avenue Inc.	3419 Errington Transaction, as defined at ¶ 5 of this Order	PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-0720 (LT)

SCHEDULE C

Encumbrances to be deleted and expunged from title to the Real Property

Encumbrances to be deleted as against the Real Property described as 110-114 PINE STREET, LTS 48, 49, PL LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY and bearing PIN #02135-0246 (LT) and bearing PIN #02135-0246 (LT):

- a) Instrument No. SD114013
- b) Instrument No. SD114015
- c) Instrument No. SD114017
- d) Instrument No. SD278451
- e) Instrument No. SD378730
- f) Instrument No. SD333414
- g) Instrument No. SD344633
- h) Instrument No. SD348723
- i) Instrument No. SD387269
- j) Instrument No. SD387351
- k) Instrument No. SD372491
- l) Instrument No. SD373187

Encumbrances to be deleted as against the Real Property described as 367-369 HOWEY DRIVE, LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY, and bearing PIN #73583-0400 (LT):

- a) Instrument No. SD251729
- b) Instrument No. SD251730
- c) Instrument No. SD343552
- d) Instrument No. SD343553
- e) Instrument No. SD348723

f) Instrument No. SD372493

g) Instrument No. SD373192

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY, and bearing PIN #73481-0001(LT):

a) Instrument No. SD166826

b) Instrument No. SD237907

c) Instrument No. SD237908

d) Instrument No. SD237909

e) Instrument No. SD312631

f) Instrument No. SD312632

g) Instrument No. SD344634

h) Instrument No. SD348723

i) Instrument No. SD389766

j) Instrument No. SD372488

k) Instrument No. SD373184

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0006(LT):

a) Instrument No. SD166826

b) Instrument No. SD237907

c) Instrument No. SD237908

d) Instrument No. SD237909

e) Instrument No. SD312631

f) Instrument No. SD312632

- g) Instrument No. SD344634
- h) Instrument No. SD348723
- i) Instrument No. SD389766
- j) Instrument No. SD372488
- k) Instrument No. SD373184

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPITAE RIVER; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0008 (LT):

- a) Instrument No. SD166826
- b) Instrument No. SD237907
- c) Instrument No. SD237908
- d) Instrument No. SD237909
- e) Instrument No. SD312631
- f) Instrument No. SD312632
- g) Instrument No. SD344634
- h) Instrument No. SD348723
- i) Instrument No. SD389766
- j) Instrument No. SD372488
- k) Instrument No. SD373184

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0493 (LT):

- a) Instrument No. SD166826
- b) Instrument No. SD237907

- c) Instrument No. SD237908
- d) Instrument No. SD237909
- e) Instrument No. SD312631
- f) Instrument No. SD312632
- g) Instrument No. SD344634
- h) Instrument No. SD348723
- i) Instrument No. SD389766
- j) Instrument No. SD372488
- k) Instrument No. SD373184

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0446 (LT):

- a) Instrument No. SD166826
- b) Instrument No. SD237907
- c) Instrument No. SD237908
- d) Instrument No. SD237909
- e) Instrument No. SD312631
- f) Instrument No. SD312632
- g) Instrument No. SD344634
- h) Instrument No. SD348723
- i) Instrument No. SD389766

Encumbrances to be deleted as against the Real Property described as 29 LAREN STREET, PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0512 (LT):

- a) Instrument No. SD166826

- b) Instrument No. SD237907
- c) Instrument No. SD237908
- d) Instrument No. SD237909
- e) Instrument No. SD312631
- f) Instrument No. SD312632
- g) Instrument No. SD344634
- h) Instrument No. SD348723
- i) Instrument No. SD389766
- j) Instrument No. SD372488
- k) Instrument No. SD373184

Encumbrances to be deleted as against the Real Property described as 3415 ERRINGTON AVENUE, PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-1569 (LT):

- a) Instrument No. SD292883
- b) Instrument No. SD344631
- c) Instrument No. SD348723
- d) Instrument No. SD387308
- e) Instrument No. SD372489
- f) Instrument No. SD373185

Encumbrances to be deleted as against the Real Property described as 3419 ERRINGTON AVENUE, PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-0720 (LT):

- a) Instrument No. SD292884
- b) Instrument No. SD344632
- c) Instrument No. SD348723

- d) Instrument No. SD387307
- e) Instrument No. SD372489
- f) Instrument No. SD373185

SCHEDULE D

Permitted Encumbrances, Easements, and Restrictive Covenants related to the Real Property (unaffected by the Vesting Order)

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 110-114 PINE STREET, LTS 48, 49, PL LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY and bearing PIN #02135-0246 (LT) and bearing PIN #02135-0246 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 367-369 HOWEY DRIVE, LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY, and bearing PIN #73583-0400 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY, and bearing PIN #73481-0001(LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0006(LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIITAE RIVER; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0008 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY, and bearing PIN #73481-0493 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0446 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 29 LAREN STREET, PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY, and bearing PIN #73481-0512 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 3415 ERRINGTON AVENUE, PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-1569 (LT):

N/A

Permitted encumbrances, easements, and restrictive covenants related to the Real Property described as 3419 ERRINGTON AVENUE, PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY, and bearing PIN 73349-0720 (LT):

N/A

STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

ORDER

NAYMARK LAW

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Lawyers for the Receiver,
A. Farber & Partners Inc.