

**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

**SECOND REPORT OF THE RECEIVER**

May 15, 2019

**VOLUME II OF II**

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# **APPENDIX 27**

File No. 10197

March 6, 2019

**BY EMAIL & FAX**

Brett Moldaver  
Moldaver Barristers  
1608-365 Bloor Street East  
Toronto, Ontario, M4W 3L4

Dear Mr. Moldaver:

**Re:       *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), in its capacity as interim receiver pursuant to the February 28, 2019 order of Justice Penny in this matter (the “**Order**”). A copy of the Order is enclosed.

I understand that you act for Adroit Advocates LLC, a mortgagee of certain of the properties that are the subject of the Order,<sup>1</sup> in the registered amount of \$2 million. Pursuant to paragraphs 2 to 6 of the Order, we ask that your client please advise the nature and amount of the debt to which the mortgages relate, and provide corresponding records.

Please provide these documents and information on or before March 12, 2019 if possible, as the Receiver wishes to report to the Court on the claims against the subject properties prior to the next scheduled hearing date of March 18, 2019.

Yours truly,



Daniel Naymark

- c.       Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

---

<sup>1</sup> 29 Laren Street, Sudbury; 110-114 Pine Street, Sudbury; 3415 Errington Avenue, Chelmsford; 3419 Errington Avenue, Chelmsford; 331 Regent Street, Sudbury; 17 Serpentine Street, Sudbury.

# APPENDIX 28

**Brett D. Moldaver**

brett@moldaverbarristers.com

(416) 238-2953

April 26, 2019

File No.18-19

*Delivered by Email***NAYMARK LAW****Mr. Daniel Naymark**

171 John Street, suite 101

Toronto, Ontario

M5T 1X3

Dear Counsel,

**RE: Stevens et al. v. Hutchens et al.  
Court File No.: CV-18-608271-00CL**

---

With regards to your letter of March 26, 2019, we enclose three groups of documents listed in tables below:

- 1 Invoices
- 2 Mortgages
- 3 Motions

The documents are provided in connection with the Order of the Court and without waiver of privilege.

Thank you.

Regards,

*Brett D. Moldaver*

(computer generated signature)

Brett D. Moldaver

BDM/sz

Encl.

## Invoices

TAB	DOCUMENT	DESCRIPTION	DATE
1	Invoice # 00988 (Balance \$216,835.07)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Avraham – Antoniono matter	October 11, 2018
2	Invoice # 01008 (balance \$129,877.77)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Avraham re: Hutchens Appeal 2018 for services rendered between September 1, 2017 and October 31, 2018	November 13, 2018
3	Invoice #01039 (Balance \$144,597.86)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Alexander re; Hutchens Appeal 2018 for services rendered between October 20, 2018 and November 30, 2018	December 13, 2018
4	Invoice # 0140 (Balance \$249,067.47)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Avraham - Antoniono matter re: for services rendered between October 11, 2018 and November 30, 2018	December 13, 2018
5	Invoice # 01211 (Balance \$152,755.39)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Avraham/Sandy Hutchens re: Hutchens-Appeal 2018	April 17, 2019
6	Invoice # 01210 (Balance \$262,731.24)	Invoice from Klenda Gessler and Blue LLC to Moishe Ben Avraham/Sandy Hutchens re Hutchens/Antoniono	April 17, 2019
7	Invoice # 01244 (Balance \$188,508.45)	Invoice from to Klenda Gessler and Blue LLC to Moishe Ben Avraham/Sandy Hutchens re: Hutchens-Appeal 2018 for services rendered between January 1, 2019 and March 31, 2019	April 17, 2019

## Mortgages

TAB	Property	Chargor	Chargee	Principal	Date
8	17 Serpentine St, Copper Cliff	17 Serpentine Street Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017
9	3415 Errington Avenue, Chelmsford	3415 Errington Avenue Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017
10	3419 Errington Avenue, Chelmsford	3419 Errington Avenue Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017
11	110 Pine Street, Sudbury	110-114 Pine Street Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017
12	29 Laren Street, Wahnapiatae	29 Laren Street Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017
13	331 Regent Street, Sudbury	331 Regent Street Inc. (signed by Tanya Hutchens)	Adroit Advocates, LLC, A Colorado Limited Liability Company, DBA Klenda Gessler & Blue LLC	\$2,000,000	October 4, 2017

## Motions filed

TAB	Document & description	Date filed
14	<p><b>Motion for Award of Attorney Fees</b></p> <p>Case 1:11-cv-01012-RBJ-KLM Document 865 USDC Colorado</p> <p>CGC Holding Company, LLC, a Xolorado Limited Liability company; Harlem Algonquin LLC, an Illinois Limited liability company and James T. Medick; on behalf of themselves and all others similarly situated , <b>Plaintiffs</b> v. Sandy Jutchens, a/k/a Fred hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham; et al., <b>Defendants</b></p> <p>Plaintiffs and Class members, by their Co-Lead Counsel and pursuant to 18 U.S.C. § 1964(c), 28 U.S.C. § 1920, FED. R. CIV. P. 54, and D. Colo. LCivR 54.3, hereby file their Motion for an Award of the Cost of the Suit, Including Reasonable Attorneys' Fees, and Pre-judgment Interest</p>	October 17, 2017
15	<b>Unopposed Plaintiff-Appellee's Motion for Extension of Time to file It's Answer Brief</b>	April 10, 2019

# APPENDIX 29



File No. 10197

March 11, 2019

**BY FAX to (905) 707-0171**Branch Manager  
KEB Hana Bank Canada  
7670 Yonge Street, Suite 5  
Thornhill, Ontario, L4J 1W1

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of certain customers of KEB Hana Bank Canada (“**KEB**”). The February 28, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2 to 4 of the Order, **we ask that KEB provide the following information and records.** As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **today or tomorrow.**

1. Provide account statements from February 2015 to present, for the following accounts:

Account holder name	Account number
241 Lloyd Street Inc.	45202010076
241 Lloyd Street Inc.	45212000801
Sandy Craig Hutchens	45204045875

2. Identify whether any other accounts have been held by any of the following persons at KEB (each of whose asserts are subject to the Order), and if such accounts exist(ed), produce account statements for any such accounts from February 2015 to the present:
  - a. Sandy Hutchens
  - b. Sandy Craig Hutchens
  - c. S. Craig Hutchens
  - d. Craig Hutchens
  - e. Moishe Alexander Ben Avrohom
  - f. Moishe Alexander Ben Avraham
  - g. Moshe Alexander Ben Avrohom
  - h. Fred Hayes
  - i. Fred Merchant
  - j. Alexander Macdonald

## NAYMARK LAW

- k. Mathew Kovce
- l. Ed Ryan
- m. Tanya Hutchens
- n. Tatiana Hutchens
- o. Tatiana Brik
- p. Tanya Brik-Hutchens
- q. 29 Laren Street Inc.
- r. 3415 Errington Avenue Inc.
- s. 3419 Errington Avenue Inc.
- t. 331 Regent Street Inc.
- u. 110-114 Pine Street Inc.
- v. 15-16 Keziah Court Inc.
- w. 193 Mountain Street Inc.
- x. 625 Ash Street Inc.
- y. 101 Service Road Inc.
- z. 146 Whittaker Street Inc.
- aa. Estate of Judith Hutchens
- bb. 364 Morris Street Inc.
- cc. 367-369 Howey Drive Inc.
- dd. 720 Cambrian Heights Inc.
- ee. JBD Hutchens Family Holdings Inc.
- ff. 17 Serpentine Street Inc.

3. Identify the signing officer(s) in KEB's records for the two accounts held in the name of 241 Lloyd Street Inc. listed in the table at paragraph 1 above, and for any accounts in the name of any corporation listed in paragraph 2 above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

March 11, 2019

**BY EMAIL**

Anthony D'Amico  
Flett Baccario  
Barristers & Solicitors  
190 Division Street, P.O. Box 340  
Welland, Ontario, L3B 5P9

Dear Mr. D'Amico:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the "**Receiver**"), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of certain customers of Meridian Credit Union ("**Meridian**"). The February 28, 2019 order of Justice Penny appointing the Receiver (the "**Order**") is enclosed.

Pursuant to paragraphs 2 to 4 of the Order, **we ask that Meridian provide the following information and records.** As the Court's schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **today or tomorrow.**

1. Provide account statements from February 2015 to present, for the following accounts:

Account holder name	Account/member number
241 Lloyd Street Inc.	2835569
480 Linda Street Inc.	9142696
Sandy Hutchens	4025326

2. Identify whether any other accounts have been held by any of the following persons at Meridian (each of whose asserts are subject to the Order), and if such accounts exist(ed), produce account statements for any such accounts from February 2015 to the present:
  - a. Sandy Hutchens
  - b. Sandy Craig Hutchens
  - c. S. Craig Hutchens
  - d. Craig Hutchens
  - e. Moishe Alexander Ben Avrohom
  - f. Moishe Alexander Ben Avraham
  - g. Moshe Alexander Ben Avrohom
  - h. Fred Hayes
  - i. Fred Merchant

## NAYMARK LAW

- j. Alexander Macdonald
- k. Mathew Kovce
- l. Ed Ryan
- m. Tanya Hutchens
- n. Tatiana Hutchens
- o. Tatiana Brik
- p. Tanya Brik-Hutchens
- q. 29 Laren Street Inc.
- r. 3415 Errington Avenue Inc.
- s. 3419 Errington Avenue Inc.
- t. 331 Regent Street Inc.
- u. 110-114 Pine Street Inc.
- v. 15-16 Keziah Court Inc.
- w. 193 Mountain Street Inc.
- x. 625 Ash Street Inc.
- y. 101 Service Road Inc.
- z. 146 Whittaker Street Inc.
- aa. Estate of Judith Hutchens
- bb. 364 Morris Street Inc.
- cc. 367-369 Howey Drive Inc.
- dd. 720 Cambrian Heights Inc.
- ee. JBD Hutchens Family Holdings Inc.
- ff. 17 Serpentine Street Inc.

3. Identify the signing officer(s) in Meridian's records for the accounts held in the names of 241 Lloyd Street Inc. and 1755 Regent Street Inc. listed in the table at paragraph 1 above, and for any accounts in the name of any corporation listed in paragraph 2 above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

March 11, 2019

**BY FAX to (416) 763-4512**

Branch Manager  
Budduchnist Credit Union  
2280 Bloor Street West  
Toronto, Ontario, M6S 1N9

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of certain customers of Budduchnist Credit Union (“**Budduchnist**”). The February 28, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2 to 4 of the Order, **we ask that Budduchnist provide the following information and records.** As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **today or tomorrow**.

1. Provide account statements from February 2015 to present, for the following accounts:

Account holder name	Account/member number
241 Lloyd Street Inc.	0070786
241 Lloyd Street Inc.	101007078
1755 Regent Street Inc.	0070787
Sandy Craig Hutchens	000070783

2. Identify whether any other accounts have been held by any of the following persons at Budduchnist (each of whose asserts are subject to the Order), and if such accounts exist(ed), produce account statements for any such accounts from February 2015 to the present:
  - a. Sandy Hutchens
  - b. Sandy Craig Hutchens
  - c. S. Craig Hutchens
  - d. Craig Hutchens
  - e. Moishe Alexander Ben Avrohom
  - f. Moishe Alexander Ben Avraham
  - g. Moshe Alexander Ben Avrohom
  - h. Fred Hayes
  - i. Fred Merchant

## NAYMARK LAW

- j. Alexander Macdonald
- k. Mathew Kovce
- l. Ed Ryan
- m. Tanya Hutchens
- n. Tatiana Hutchens
- o. Tatiana Brik
- p. Tanya Brik-Hutchens
- q. 29 Laren Street Inc.
- r. 3415 Errington Avenue Inc.
- s. 3419 Errington Avenue Inc.
- t. 331 Regent Street Inc.
- u. 110-114 Pine Street Inc.
- v. 15-16 Keziah Court Inc.
- w. 193 Mountain Street Inc.
- x. 625 Ash Street Inc.
- y. 101 Service Road Inc.
- z. 146 Whittaker Street Inc.
- aa. Estate of Judith Hutchens
- bb. 364 Morris Street Inc.
- cc. 367-369 Howey Drive Inc.
- dd. 720 Cambrian Heights Inc.
- ee. JBD Hutchens Family Holdings Inc.
- ff. 17 Serpentine Street Inc.

3. Identify the signing officer(s) in Budduchnist's records for the accounts held in the names of 241 Lloyd Street Inc. and 1755 Regent Street Inc. listed in the table at paragraph 1 above, and for any accounts in the name of any corporation listed in paragraph 2 above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)



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**Subject:** Stevens et. al. v. Hutchens et. al. (Court File No. CV-18-608271-00CL) - Receiver Request  
**Date:** Tuesday, April 9, 2019 at 2:53:04 PM Eastern Daylight Time  
**From:** Megha Sharma  
**To:** gnavarro@sudburycu.com  
**CC:** Paul J. Denton, Daniel Naymark, Terrence Liu  
**Priority:** High  
**Attachments:** 2019 03 18 Order of Justice Penny.pdf

Dear Ms. Grace Navarro,

We, A. Farber & Partners Inc. have been appointed as Receiver by the Ontario Superior Court of Justice (Court) over the assets, undertakings and properties of Tanya Hutchens, Sandy Hutchens and a number of entities listed at Schedule A to the Order including 625 Ash Street Inc (serial number 8 in Sch A of the attached order). The March 18, 2019 order of Justice Penny appointing the Receiver is attached for your reference (Order).

It has come to our knowledge that a chequing and savings account is being maintained under the name of 625 Ash Street Inc. with Sudbury Credit Union bearing account number 4603113. Pursuant to paragraphs 2, 4, 5, and 6 of the Order we ask you to forthwith:

1. confirm the balance in the account bearing number 4603113 (Account);
2. transfer the balance in the Account to the Receiver via cheque payable to A. Farber & Partners Inc.;
3. close the aforementioned Account; and
4. confirm if any other accounts are being maintained by Sandy Hutchens / Tanya Hutchens or corporations mentioned in Schedule A to the Order.

Please feel free to reach out in case you have any queries.

Best regards,

Megha

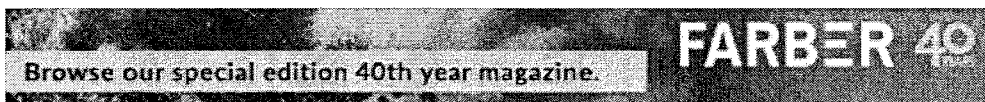


**Megha Sharma, CA, BSL LLB**  
 Manager | Restructuring  
 T: +1 (647) 796-6034 | M: +1 (365) 777-6771  
[farbergroup.com](http://farbergroup.com)



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 Toronto, ON, Canada, M5H 3S5

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File No. 10197

May 13, 2019

**BY FAX TO 416-590-8940**

Branch Manager  
Bank of Montreal, Centerpoint Mall Branch  
6468 Yonge Street  
Toronto, ON, M2M 3X4

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Tanya Hutchens, Sandy Hutchens, as well as certain other persons. The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5 and 6 of the Order, **we ask that the Bank of Montreal (“BMO”) provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by May 17, 2019**.


1. Provide account statements from February 2015 to present for account #1998-893 in the name of 2321676 Ontario Inc., which we understand Tanya Hutchens operates directly or with the assistance of her mother, Dina Brik;
2. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at BMO or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens

## NAYMARK LAW

- g. Moishe Alexander Ben Avrohom
- h. Moishe Alexander Ben Avraham
- i. Moshe Alexander Ben Avrohom
- j. Fred Hayes
- k. Fred Merchant
- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

3. Identify the signing officer(s) in BMO's records for the accounts at paragraph 1 above, and for any accounts in the name of any person or corporation listed in paragraph 2 above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

April 4, 2019

**BY MAIL, FAX (1-877-909-7038), AND  
EMAIL (BSC.TOR@SCOTIABANK.COM AND  
BSC@SCOTIABANK.COM)**

Business Service Centre  
P.O. Box 4234  
Postal Station A  
Toronto, ON M5W 5P6

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain other corporations, whom we believe may be customers of the Bank of Nova Scotia (“**BNS**”). The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **we ask that BNS provide the following information and records.** As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by April 10, 2019.**

1. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at BNS or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens
  - g. Moishe Alexander Ben Avrohom
  - h. Moishe Alexander Ben Avraham
  - i. Moshe Alexander Ben Avrohom

N A Y M A R K   L A W

- j. Fred Hayes
- k. Fred Merchant
- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

2. Identify the signing officer(s) in BNS' records for any accounts in the name of any person or corporation listed in the paragraph above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)



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File No. 10197

April 4, 2019

**BY EMAIL to Mailbox.CAMInsolvencyandBankruptcyInquiries@CIBC.com**

Client Account Management – Insolvency and Bankruptcy Inquiries  
Canadian Imperial Bank of Commerce  
750 Lawrence Avenue West, E-4  
Toronto, Ontario  
M6A 1B8

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, as well as certain other person, whom we believe may be customers of the Canadian Imperial Bank of Commerce (“**CIBC**”). The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **we ask that CIBC provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by April 10, 2019**.

1. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at CIBC or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens
  - g. Moishe Alexander Ben Avrohom
  - h. Moishe Alexander Ben Avraham
  - i. Moshe Alexander Ben Avrohom

## NAYMARK LAW

- j. Fred Hayes
- k. Fred Merchant
- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

2. Identify the signing officer(s) in CIBC's records for any accounts in the name of any person or corporation listed in the paragraph above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

April 4, 2019

**BY MAIL AND EMAIL TO JOHN.KARKOUTLIAN@BNC.CA**

John Karkoutlian  
Opérations, Services Partagés/Operations, Shared Services  
Banque Nationale du Canada  
4, Place Laval, bureau 600  
Laval, Québec, H7N 5Y3

Dear Mr. Karkoutlian:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, as well as certain other person, whom we believe may be customers of the National Bank of Canada (“**National**”). The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **we ask that National provide the following information and records.** As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by April 10, 2019.**

1. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at National or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens
  - g. Moishe Alexander Ben Avrohom
  - h. Moishe Alexander Ben Avraham
  - i. Moshe Alexander Ben Avrohom
  - j. Fred Hayes

## NAYMARK LAW

- k. Fred Merchant
- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

2. Identify the signing officer(s) in National's records for any accounts in the name of any person or corporation listed in the paragraph above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

April 4, 2019

**BY EMAIL AND FAX**

RBC National Bankruptcy Team  
Email: collbank@rbc.com

Ms. Denis Caldwell  
Royal Bank of Canada  
P.O. Box 6001, Station A  
Montreal, Quebec, H3C 3A9  
Fax: 1-514-874-3055

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, as well as certain other person, whom we believe may be customers of the Royal Bank of Canada (“**RBC**”). The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **we ask that RBC provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by April 10, 2019**.

1. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at RBC or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens
  - g. Moishe Alexander Ben Avrohom
  - h. Moishe Alexander Ben Avraham




## N A Y M A R K L A W

- i. Moshe Alexander Ben Avrohom
- j. Fred Hayes
- k. Fred Merchant
- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

2. Identify the signing officer(s) in RBC's records for any accounts in the name of any person or corporation listed in the paragraph above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

April 4, 2019

**BY MAIL, FAX TO 1-855-270-0825,  
AND EMAIL TO TD.BANKRUPT@TD.COM**

TD Bank Financial Group  
4880 Tahoe Blvd  
Mississauga, ON, L4W 5P3

Dear Madam or Sir:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Interim Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, as well as certain other person, whom we believe may be customers of of TD Bank Financial Group (“**TD**”). The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **we ask that TD provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **by April 10, 2019**.

1. Identify, pursuant to the Order, whether any other accounts have been held by any of the following persons at TD or by an entity of which one of the following persons is a signing officer. If such accounts exist(ed), please produce account statements and copies of cancelled cheques and transaction records for any such accounts from February 2015 to the present:
  - a. 2321676 Ontario Inc.
  - b. 2321678 Ontario Limited
  - c. Sandy Hutchens
  - d. Sandy Craig Hutchens
  - e. S. Craig Hutchens
  - f. Craig Hutchens
  - g. Moishe Alexander Ben Avrohom
  - h. Moishe Alexander Ben Avraham
  - i. Moshe Alexander Ben Avrohom
  - j. Fred Hayes
  - k. Fred Merchant

## NAYMARK LAW

- l. Alexander Macdonald
- m. Mathew Kovce
- n. Ed Ryan
- o. Tanya Hutchens
- p. Tatiana Hutchens
- q. Tatiana Brik
- r. Tanya Brik-Hutchens
- s. 29 Laren Street Inc.
- t. 3415 Errington Avenue Inc.
- u. 3419 Errington Avenue Inc.
- v. 331 Regent Street Inc.
- w. 110-114 Pine Street Inc.
- x. 15-16 Keziah Court Inc.
- y. 193 Mountain Street Inc.
- z. 625 Ash Street Inc.
- aa. 101 Service Road Inc.
- bb. 146 Whittaker Street Inc.
- cc. Estate of Judith Hutchens
- dd. 364 Morris Street Inc.
- ee. 367-369 Howey Drive Inc.
- ff. 720 Cambrian Heights Inc.
- gg. JBD Hutchens Family Holdings Inc.
- hh. 17 Serpentine Street Inc.

2. Identify the signing officer(s) in TD's records for any accounts in the name of any person or corporation listed in the paragraph above.

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

# APPENDIX 30

# FLETT BECCARIO

(Founded 1919)

Flett Beccario, Barristers & Solicitors  
Mailing: P. O. Box 340, Welland, ON L3B 5P9  
Courier: 190 Division Street, Welland, ON L3B 4A2

Tel: 905-732-4481  
Toll Free 1-866-473-5388

Reply To: Anthony D'Amico, LLB, Ext.237  
Tel No: (905) 732-4481  
Fax No: (905) 734-7719  
E-mail: [adamico@flettbeccario.com](mailto:adamico@flettbeccario.com)  
Assistant: Janet Rivers, Ex. 242  
E-mail: [jrivers@flettbeccario.com](mailto:jrivers@flettbeccario.com)

March 15, 2019

Naymark Law  
171 John Street, Suite 101  
Toronto, Ontario  
M5T 1X3

Attention: Daniel Naymark

Dear Sir:

**Re: Meridian Credit Union Limited ("Meridian") and Hutchens  
Interim Receiver Information Request**

Enclosed are the documents provided to us by Meridian in accordance with your request.

Yours truly



for  
ANTHONY D'AMICO  
for the firm  
AD:jr  
cc: Jessica Cloughton

**Cloughton, Jessica**

**From:** Cloughton, Jessica  
**Sent:** Wednesday, March 13, 2019 12:17 PM  
**To:** 'Anthony D'Amico'  
**Cc:** Janet Rivers (jrivers@flettbeccario.com)  
**Subject:** RE: Hutchens

Good afternoon Tony,

The available account statements are prepared and being faxed to your attention shortly. Please advise Mr. Naymark of the following:

**241 Lloyd Street Inc. Account No. 2835569**

There are no account statement(s) available from 2015 until present as the operating account(s) were closed in June 2014.

**480 Linda Street Inc. Account No. 9142696**

There are no account statement(s) available from 2015 until present as the operating account(s) were closed in June 2014.

**Sandy Hutchens Account No. 4025326**

There are no account statement(s) available from 2015 until present for the operating account(s) as most were closed in June 2014.

The only available statement for this account was a transfer out of an RSP ADV Savings account in January 28<sup>th</sup>, 2015 of \$20,176.20 to an Korea Exchange Bank. The RSP was closed after the transfer.

a.	Sandy Hutchens	Statement provided
b.	Sandy Craig Hutchens	N/A
c.	S. Craig Hutchens	N/A
d.	Craig Hutchens	No account found
e.	Moishe Alexander Ben Avrohom	No account found
f.	Moishe Alexander Ben Avraham	No account found
g.	Moshe Alexander Ben Avrohom	No account found
h.	Fred Hayes	No account found
i.	Fred merchant	No account found
j.	Alexander Macdonald	Require more information ie. Date of Birth or SIN
k.	Mathew Kovce	No account found
l.	Ed Ryan	Require more information ie. Date of Birth or SIN
m.	Tanya Hutchens	No account found
n.	Tatiana Hutchens	Statement(s) provided
o.	Tatiana Brik	No account found
p.	Tanya Brik-Hutchens	No account found
q.	29 Laren Street Inc.	No account found
r.	3415 Errington Avenue Inc.	No account found
s.	3419 Errington Avenue Inc.	No account found
t.	331 Regent Street Inc.	No account found
u.	110-114 Pine Street Inc.	No account found
v.	15-16 Keziah Court Inc.	No account found
w.	193 Mountain Street Inc.	No account found

x.	625 Ash Street Inc.	No account found
y.	101 Service Road Inc.	No account found
z.	146 Whittaker Street Inc.	No account found
aa.	Estate of Judith Hutchens	No account found
bb.	364 Morris Street Inc.	No account found
cc.	367-369 Howey Drive Inc.	No account found
dd.	720 Cambrian Heights Inc.	No account found
ee.	IBD Hutchens Family Holdings Inc.	No account found
ff.	17 Serpentine Street Inc.	No account found

Your office will receive the statements for the following account(s) via fax shortly; Sandy Hutchens Account No. 4025326 & Tatiana Hutchens Account No. 4330353.

Thank you,  
Jessica Cloughton | Account Manager  
Meridian™

75 Corporate Park Drive  
St. Catharines, Ontario L2S 3W3  
Tel: 905-988-4044 or (866)939-0006 ext. 2208  
Fax: 905-323-4471  
[jessica.cloughton@meridiancu.ca](mailto:jessica.cloughton@meridiancu.ca)



Meridian™    

-----Original Message-----

From: Anthony D'Amico <[adamico@flettbeccario.com](mailto:adamico@flettbeccario.com)>  
Sent: Monday, March 11, 2019 11:11 AM  
To: Cloughton, Jessica <[Jessica.Cloughton@meridiancu.ca](mailto:Jessica.Cloughton@meridiancu.ca)>  
Subject: Hutchens

Good Morning Jessica

Please see attached. Likely the only account you need to concern yourself with is the one in Tatiana's name as I doubt you have any accounts in the other names.

Call to discuss as needed.

Tony

Anthony D'Amico  
Flett Beccario  
Barristers & Solicitors



# APPENDIX 31

Transit # 06072  
 Judicial Document Services,  
 Corporate Security  
 100 Yonge Street  
 10th Floor  
 Toronto, Ontario  
 Canada M5C 2W1



May 7, 2019

File# 72967

Naymark Law  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

Attention: Daniel Naymark

**RE; Requirement for Information – Stevens et. al. v. Hutchens et. al (Court File No. CV-18-608271-00CL)**

We are responding to your letter for the above-mentioned court file, as per your request dated April 4, 2019.

Please be advised that we were unable to locate client profile/account for the following:

- |                                |                             |
|--------------------------------|-----------------------------|
| - Sandy Hutchens               | - Mathew Kovce              |
| - Sandy Craig Hutchens         | - Ed Ryan                   |
| - S. Craig Hutchens            | - Tanya Hutchens            |
| - Craig Hutchens               | - Tatiana Hutchens          |
| - Moishe Alexander Ben Avraham | - Tatiana Brik              |
| - Moishe Alexander Ben Avraham | - Tanya Brik-Hutchens       |
| - Moshe Alexander Ben Avrohom  | - 101 Service Road Inc.     |
| - Fred Hayes                   | - 146 Whittaker Street Inc. |
| - Fred Merchant                | - Estate of Judith Hutchens |
| - Alexander MacDonald          | - 367-369 Howey Drive Inc.  |

Please note that we were able to locate customer profile and accounts for the following customers, but all accounts were closed prior to February 2015:

- |                              |                                     |
|------------------------------|-------------------------------------|
| - 2321676 Ontario Inc.       | - 15-16 Keziah Court Inc.           |
| - 2321678 Ontario Inc.       | - 193 Mountain Street Inc.          |
| - 29 Laren Street Inc.       | - 625 Ash Street Inc.               |
| - 3415 Errington Avenue Inc. | - 364 Morris Street Inc.            |
| - 3419 Errington Avenue Inc. | - 720 Cambrian Heights Inc.         |
| - 331 Regent Street Inc.     | - JBD Hutchens Family Holdings Inc. |
| - 110-114 Pine Street Inc.   | - 17 Serpentine Street Inc.         |

We trust the attached documentation is satisfactory, however if you have any questions or concerns please do not hesitate to contact the undersigned officer directly. Please ensure to quote the file number stated above.

Thank you.

Yours truly,

**Yvette Chang** | Documentation Specialist | Judicial Document Services

**Scotiabank | Corporate Security**

100 Yonge Street, 10<sup>th</sup> Floor, Toronto Ontario, Canada M5C 2W1

T 416.814.8701 F 416.933.2384

[yvette1.chang@scotiabank.com](mailto:yvette1.chang@scotiabank.com)

[scotiabank.com](http://scotiabank.com)

Scotiabank is a business name used by The Bank of Nova Scotia

# **APPENDIX 32**

File No. 10197

April 4, 2019

**BY EMAIL TO MICHAELPSPIRO@HOTMAIL.COM  
AND FAX TO 1-416-633-2229**

Michael Spiro  
Barrister and Solicitor  
3625 Dufferin Street., Suite 207  
Toronto, ON, M3K 1Z2

Dear Mr. Spiro:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Receiver Information Request**

We are counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Craig Hutchens, Tanya Hutchens and certain other entities. The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

We understand that you have acted as real estate solicitor to Sandy Craig Hutchens, Tanya Hutchens and/or certain companies in their control.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **please provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work we would appreciate it if you could respond **on or before April 10, 2019**.

1. A list of real estate transactions on which you have acted for Mr. Hutchens, Mrs. Hutchens and/or an affiliated company at either of their direction;
2. Details of such transactions above, including:
  - a. the nature of the transaction;
  - b. the municipal address and legal description of the subject real property;
  - c. the name of the individual(s) who instructed you;
  - d. the source of any purchase funds or financing payments provided by your clients regarding the transaction; and
  - e. the destination of any sales or financing proceeds received by your clients (such as the financial institution and account number of the account to which they were deposited); and

NAYMARK LAW

3. A list of trust declarations or other trust documentation you prepared for Mr. and/or Mrs. Hutchens, showing the date you prepared each document.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dan', with a stylized flourish at the end.

Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)

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File No. 10197

April 4, 2019

**SENT BY EMAIL TO BARRY@POULSONLAW.CA  
AND FAX TO 1-705-674-8331**

Barry J. Poulson  
Poulson Law  
125 Durham Street,  
Sudbury, ON, P3E 3M9

Arseneau Poulson  
Areneau Poulson Law Office  
125 Durham Street,  
Sudbury, ON, P3E 3M9

Dear Messrs. Poulson:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Receiver Information Request**

We are counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Craig Hutchens, Tanya Hutchens and certain other entities. The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

We understand that you have acted as real estate solicitor to Sandy Craig Hutchens, Tanya Hutchens and/or companies in their control.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **please provide the following information and records**. As the Court’s schedule permits the Receiver only a short window of time to complete its work, we would appreciate it if you could respond **on or before April 10, 2019**.

1. A list of real estate transactions on which you have acted for Mr. Hutchens, Mrs. Hutchens and/or an affiliated company at either of their direction;
2. Details of such transactions above, including:
  - a. the nature of the transaction;
  - b. the municipal address and legal description of the subject real property;
  - c. the name of the individual(s) who instructed you;
  - d. the source of any purchase funds or financing payments provided by your clients regarding the transaction; and

NAYMARK LAW

- e. the destination of any sales or financing proceeds received by your clients (such as the financial institution and account number of the account to which they were deposited).

Yours truly,



Daniel Naymark

Encl.

- c. Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)  
Maureen Ann Huot (via email to [maureen@poulsonlaw.ca](mailto:maureen@poulsonlaw.ca))



# APPENDIX 33

Redacted

---

**From:** "J. Robert Leblanc" <leblanc@dkLawyers.ca>  
**Date:** Tuesday, May 14, 2019 at 12:33 PM  
**To:** Daniel Naymark <dnaymark@naymarklaw.com>  
**Subject:** Poulson

Mr. Poulson never took instructions from Tanya Hutchens and has never acted for her. I note that the transcript which you said was attached was not attached.

You are fully aware of all of the assets of the Hutchens. You have exhaustive undertakings from Mr. Hutchens (CH) on that issue given on his examination. All the transfers and mortgages are a matter of public record. There is no other asserts that Mr. Poulson is aware of.

If all of the undertakings given by CH are fulfilled then you will have all of the documents you require. Why do you need to receive the same documents twice ?

On the examination of CH did anyone ask for his consent to allow Mr. Poulson to release solicitor/client information? Given the u/t's given by CH I see no reason why his consent will not be given if asked for. I therefore require consent from CH or Court Order mandating that Mr. Poulson has to breach this solicitor/client privilege.

Thank you

J. Robert LeBlanc  
Desmarais, Keenan LLP  
phone (705) 675-7521 x251  
direct line (705)669-4763  
fax (705)675-7390  
email: [leblanc@dklawyers.ca](mailto:leblanc@dklawyers.ca)

15 MacKenzie Street  
Sudbury, ON P3C 4Y

CONFIDENTIALITY NOTICE: The content of this e-mail (and attachments, if any) is privileged and confidential, and intended solely for its designated recipient(s). Any dissemination, distribution or copying of this e-mail, other than by its intended recipient(s), is strictly prohibited. If you have received this e-mail by error, please delete it and notify us immediately by reply e-mail.

**Subject:** FW: STEVENS/HUTCHENS  
**Date:** Tuesday, April 9, 2019 at 11:17:23 AM Eastern Daylight Time  
**From:** Daniel Naymark  
**To:** Terrence Liu  
**Attachments:** 2019 02 25 Issued Amended Notice of Application.pdf, 2019 02 28 Endorsement of Justice Penny.pdf, 2019 03 18 Endorsement of Justice Penny.pdf, 2019 02 28 Transcription of the Endorsement of Justice Penny dated February 28.docx, 2019 03 18 Endorsement of Justice Penny (Unofficial Transcription).docx

---

**From:** Daniel Naymark <dnaymark@naymarklaw.com>  
**Date:** Tuesday, April 9, 2019 at 9:58 AM  
**To:** "J. Robert Leblanc" <leblanc@dkLawyers.ca>  
**Subject:** Re: STEVENS/HUTCHENS

Hi Robert,

Happy to address that. The Receiver has been appointed over "all of the assets, undertakings and properties... of the Debtors [defined as Mr. Hutchens, Mrs. Hutchens, and a number of entities listed at Schedule A to the appointment order]." That includes the properties enumerated in Schedule B but is not limited to those properties. Its present mandate includes the investigation of what assets of the Debtors exist, and to that end we have the usual investigative powers granted to a receiver under the model appointment order. These are set out in para. 2 of the appointment order, and include powers to "investigate... the Debtors' affairs" (para. 2(a)); "review and have access to any and all financial information pertaining to the debtors" (para. 2(b)); "demand access to additional documents as it sees fit" (paras. 2(c)); and "conduct examinations under oath of any Person concerning... the existence of any other [assets of the Debtors]" (para. 2(j))." Paras. 4-7 of the order contain various related obligations of the Debtors and of third parties with notice of the order.

We have requested Mr. Poulson's non-privileged information regarding transactions he has acted on in service of our investigation of what assets of the Debtors may exist, whether in the form of currently owned real property, or information about cash flows into or out of properties. Assuming we can get complete information from him in writing in response to our letter, we hope not to need to examine him under oath.

The underlying proceeding is an application for recognition and enforcement of a US federal court judgment. The notice of application is attached for your reference, together with an initial (Feb. 28, 2019) appointment order and Penny J.'s endorsements for both the Feb. 28 and Mar. 18 orders and (unofficial) transcriptions of each. There is a similar action for recognition and enforcement of a Colorado judgment, and the plaintiffs in that action are involved in the receivership (supported appointment, on the service list). More court materials are available on the Receiver's website for this matter, <https://farbergroup.com/engagements/hutchens/>.

Happy to discuss or clarify any of the above.

Daniel

--

Daniel Naymark  
NAYMARK LAW  
t: (416) 640-6078 | f: (647) 660-5060  
dnaymark@naymarklaw.com

---

**From:** "J. Robert Leblanc" <leblanc@dkLawyers.ca>  
**Date:** Tuesday, April 9, 2019 at 9:42 AM  
**To:** Daniel Naymark <dnaymark@naymarklaw.com>  
**Subject:** RE: STEVENS/HUTCHENS

In respect to item # 2, the property is a defined term in the Order appointing the Interim Receiver. The debtor property is listed in sch A.

Perhaps you could explain the reason for and the authority for your request in item # 2.

I do not have the benefit of the pleadings (statement of claim etc ), but is this Action about properties that were owned in the past by the Debtors ? Is this request not outside the scope of the Order ? Please advise.

Thank you

J. Robert LeBlanc  
Desmarais, Keenan LLP  
phone (705) 675-7521 x251  
direct line (705)669-4763  
fax (705)675-7390  
email: [leblanc@dklawyers.ca](mailto:leblanc@dklawyers.ca)

15 MacKenzie Street  
Sudbury, ON P3C 4Y

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**From:** Daniel Naymark <dnaymark@naymarklaw.com>  
**Sent:** Monday, April 8, 2019 4:10 PM  
**To:** J. Robert Leblanc <leblanc@dkLawyers.ca>  
**Cc:** Barry Poulson <barry@poulsonlaw.ca>  
**Subject:** Re: STEVENS/HUTCHENS

Robert,

Thank you for this information. Would you please clarify:

1. Which 5 properties Mr. Poulson acted for the purchasers on;
2. Whether Mr. Poulson acted on any other transactions involving the Hutchens (or another

- person/entity at the Hutchens' direction)? That much would be public/non-privileged; and
3. Which property Mr. Poulson is interested in purchasing; and
  4. If I infer correctly from your reference to my "clients" (plural) that there are others who wish to purchase a property in concert with Mr. Poulson, who are these others?

Regards,  
Daniel

--

Daniel Naymark  
NAYMARK LAW  
t: (416) 640-6078 | f: (647) 660-5060  
[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)

---

**From:** "J. Robert Leblanc" <[leblanc@dklawyers.ca](mailto:leblanc@dklawyers.ca)>  
**Date:** Monday, April 8, 2019 at 3:55 PM  
**To:** Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)>  
**Cc:** Barry Poulson <[barry@poulsonlaw.ca](mailto:barry@poulsonlaw.ca)>  
**Subject:** STEVENS/HUTCHENS

I act for Barry Poulson. He has checked his files and he acted for purchasers only on 5 of these properties. Any information in these files are therefore bound by solicitor/client privilege. You have all the PINS. You can see how much was paid and the mortgaging obtained. You know who acted for the seller. All of this is public information. The lawyer who acted on the sales was Michael Spiro. Therefore absent a Court Order my client although willing cannot release any information. As you may know my client and others are a minority shareholder in the owner corporation. I note that the receiver has the authority to cease all or any part of the business. Is the receiver interested in selling this building? If so my clients are interested in purchasing the building. Could you please advise on this issue. If there are any other questions please advise.  
Thanks

J. Robert LeBlanc  
Desmarais, Keenan LLP  
phone (705) 675-7521 x251  
direct line (705)669-4763  
fax (705)675-7390  
email: [leblanc@dklawyers.ca](mailto:leblanc@dklawyers.ca)

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# APPENDIX 34

File No. 10197

April 22, 2019

**SENT BY MAIL**

Dina Brik  
468 Beverley Glen Blvd.  
Thornhill, ON, L4J 7S2

Dear Ms. Brik:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Tanya Hutchens, Sandy Hutchens and certain corporations. The March 18, 2019 order of Justice Penny appointing the Receiver (the “**Order**”) is enclosed.

I understand that you have been assisting with the financial affairs of Mr. and Mrs. Hutchens and certain other corporations listed in Schedule A of the Order, including creating one or more bank accounts at the Bank of Montreal (“**BMO**”) for their use under your own name and/or control.

Pursuant to paragraphs 2, 4, 5, and 6 of the Order, **please provide the following information and records** as soon as possible.

1. Account statements for BMO account #1998-893 from February 2015 to present;
2. A list of any other bank accounts under your name or control which are for the use or benefit of Mr. Hutchens, Mrs. Hutchens and/or an affiliated entity, as well as account statements for those accounts from February 2015 to present; and
3. Details regarding the funds used to purchase the following properties, including (a) the amount of funds; and (b) the source of those funds, including whether any of them came directly or

## NAYMARK LAW

indirectly from Mr. or Mrs. Hutchens and any financial institution(s) and corresponding account number(s):

- a. 468 Beverley Glen Blvd.
  - b. 33 Weldrick Avenue (3 units)
  - c. 131 Beecroft Road (1 unit)
  - d. 47 Pico Crescent, Thornhill
4. Advise what was done with the proceeds of sale of 47 Pico Crescent, Thornhill, which we understand you acquired in 2001 and transferred to 1473368 Ontario Inc. in 2002, and which that corporation then sold in 2008. Please provide any supporting documentation showing the distribution of proceeds.

Yours truly,



Daniel Naymark

Encl.

- c. (by email) Terrence Liu (Naymark Law)  
Paul Denton and Megha Sharma (A. Farber & Partners Inc.)



# APPENDIX 35

Redacted

On 5/15/19, tanya Hutch <[tanyahut12@gmail.com](mailto:tanyahut12@gmail.com)> wrote:

> ----- Forwarded message -----

> From: tanya Hutch <[tanyahut12@gmail.com](mailto:tanyahut12@gmail.com)>

> Date: Wed, 15 May 2019 13:43:01 -0400

> Subject: Answer Receiver from Dina Brik

> To: Dina Brik <[REDACTED]>, tanya Hutch <[TANYAHUT12@gmail.com](mailto:TANYAHUT12@gmail.com)>

>

> I am answering using the same numbers.

>

> 1. I will need to go to BMO request the statements from Feb 2015 to  
> Dec 2015. If you really need them I will go but you have from 2016 to  
> now as my daughter, Tanya gave it to you. Please tell me if you want  
> me to go and order it.

>

> 2. No other accounts of mine was ever used for Tanya or Sandy.

>

> 3. No money came from Tanya Hutchens or Sandy Hutchens for my home  
> purchase or my condo.

>

> a. 468 Beverley Glen Blvd. In 1993 or 1994 I bought my home for cash.  
> No mortgage and the money came from equity from my old house.

>

> b. 33 Weldrick Ave . It's 1 unit with storage and parking. I bought

- > it in 1987 with a mortgage with Canada Trust.
- >
- > c. 131 Beecroft Rd. was a condo that I held in trust for my daughter,
- > Tanya and I gave my daughter \$70,000.00 as a present when she bought
- > the condo.
- >
- > d. 47 Pico Cres. This was a house that I held in trust for my
- > daughter, Tanya. When she bought this home I again gave her money as
- > a present for my grandchildren but I don't remember how much.
- >
- > 4. When 47 Pico was sold all money from equity went into the 33
- > Theodore Place home. All money I gave is for my grandchildren.
- >
- > I do not have any documents.
- >
- > My daughter typed this for me because I cannot type and my english is
- > not so good.
- >
- > Dina Brik
- >

# **APPENDIX 36**

File No. 10196

April 26, 2019

**BY EMAIL**

Jan Luistermans

Dear Mr. Luistermans:

**Re:   *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Receiver Information Request**

I write as counsel to A. Farber & Partners Inc. (the “**Receiver**”), which the Ontario Superior Court of Justice has appointed interim receiver over the assets, undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain other entities. I enclose the March 18, 2019 order of Justice Penny appointing the Receiver (the “**Appointment Order**”) as well as Justice Penny’s April 25, 2019 order directing, among other things, a freeze of assets in the Hutchens’ power, directly or indirectly (via a third party holding or controlling such assets in accordance with their direct or indirect instructions) (the “**Freeze Order**”).

We have received information that in or about July 2018, Dina Brik, Tanya Hutchens’ mother, transferred to you in excess of \$300,000 of funds (the “**Funds**”) to which the Freeze Order would apply. We were told that you were provided these funds to spend in accordance with the Hutchens’ directions, and that you returned approximately \$112,000 of the amount to Mr. Hutchens.

I am writing to you for two reasons. First, to the extent you still have any of the Funds or assets obtained using the Funds in your power, possession or control, please immediately disclose that to us and preserve all such Funds and assets in accordance with the Freeze Order.

Second, pursuant to the Appointment Order, we require your information regarding the accuracy of the above information we have received and to better understand the circumstances surrounding the transfers of Funds to and from you and your applications of the Funds. My understanding is that you reside in Sudbury, Ontario, and as such a phone call is most efficient.

**Please advise your availability for a call on April 29, 30 or May 1.**

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Yours truly,

A handwritten signature in black ink, appearing to read 'Dan', with a stylized flourish extending from the end.

Daniel Naymark

Encl.

c. Terrence Liu  
Paul Denton  
Megha Sharma

# **APPENDIX 37**

**Subject:** Re: Stevens et. al. v. Hutchens et. al. (Court File No. CV-18-608271-00CL) - Receiver Information Request  
**Date:** Wednesday, May 1, 2019 at 4:14:09 PM Eastern Daylight Time  
**From:** Jan Luistermans  
**To:** Daniel Naymark  
**Attachments:** image001.png

No, I sent everything to Sandy Hutchens as per his request. . I will advise you tomorrow when you will shortly receive this information to satisfy your concerns..

On Wed, May 1, 2019 at 4:07 PM Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)> wrote:

Thank you. Presumably you would have a copy, however. Do you not?

--

Daniel Naymark

NAYMARK LAW

t: (416) 640-6078 | f: (647) 660-5060

[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)

---

**From:** Jan Luistermans <[jan.realty1@gmail.com](mailto:jan.realty1@gmail.com)>  
**Date:** Wednesday, May 1, 2019 at 4:03 PM  
**To:** Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)>  
**Subject:** Re: Stevens et. al. v. Hutchens et. al. (Court File No. CV-18-608271-00CL) - Receiver Information Request

I forwarded everything to Sandy Hutchens last year. I will ask him tonight to forward the information you requested to you promptly.

On Wed, May 1, 2019 at 3:31 PM Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)> wrote:

Mr. Luistermans,

Thank you for this email. Would you please send me, as soon as possible:

1. The accounting you reference
2. Any corresponding bank statements and transaction records



3. Any written correspondence with Ms. Brik or Mr. Hutchens with respect to these events and payments
4. Advise the amount that you transferred to Sandy Hutchens

Thank you,

Daniel

--

Daniel Naymark

NAYMARK LAW

t: (416) 640-6078 | f: (647) 660-5060

[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)

---

**From:** Jan Luistermans <[jan.realty1@gmail.com](mailto:jan.realty1@gmail.com)>

**Date:** Wednesday, May 1, 2019 at 11:03 AM

**To:** Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)>

**Subject:** Re: Stevens et. al. v. Hutchens et. al. (Court File No. CV-18-608271-00CL) - Receiver Information Request

I was asked by Dina Brik to accept money to pay past, present and future bills to make everything current and then maintain status on the properties you now control.. Sandy Hutchens was to advise and direct me on this matter as to who and what to pay. I started on July 31st, 2018 and stopped on October 31st, 2018. A detailed accounting was forwarded to Sandy Hutchens which accounts for everything down to the last penny..I mailed all paper work to his address. At his request the balance of the funds were forwarded to him to now take care of any new bills. I have no surplus funds.

On Fri, Apr 26, 2019 at 12:08 PM Daniel Naymark <[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)> wrote:

Dear Mr. Luistermans,

Please see the attached letter.

--  
**Daniel Naymark**

[dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)

**NAYMARK LAW**

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Toronto, ON M5T 1X3

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# APPENDIX 38

<b>Hutchens et al</b>	
<b>Identified Assets and Liabilities - estimated values</b>	
<b>Effective April 30, 2019</b>	
	\$
<b>Assets</b>	
Real Properties - per Schedule B of the March 2019 Order	8,493,400.00
Additional Real Properties	2,520,800.00
Personal Propety Assets (not valued)	unknown
Cash and Securities	30,877.53
<b>Total</b>	<b>11,045,077.53</b>
<b>Liabilities/ Claims</b>	
<u>Asserted Trust Claims:</u>	
the Applicants	to be determined
The plaintiffs in the Colorado Enforcment Action	
- Overall constructive trust claim	to be determined
- Specific tracing claim - asserted	1,575,094.22
Sandy and Tanya's 3 children	to be determined
<u>Mortgages/ Secured Debt</u>	
Mortgages - third party - Meridian et al	1,276,649.00
Mortgages - third party - Adroit Advocat	2,000,000.00
Mortgages - related party	2,985,123.75
	6,261,772.75
<u>Other Claims</u>	
Trade creditors, property utilities and taxes and other claims [note 1]	to be determined
Catherine Atchison - Judgement Creditor	313,530.23
<b>Total</b>	<b>8,150,397.20</b>
<b>Notes:</b>	
<b>[1]</b> As neither the financial statement have been updated nor a claims process run, the full extent of unsecured claims is unknown at this time.	
<b>[2]</b> In preparing the above, the Receiver has relied upon the unaudited, draft and/or internal financial and other information provided by the Debtors, their advisors, and other third-party sources. The Receiver has not independently	

# APPENDIX 39

Hutchens et al Real Estate Summary All Schedule B Properties   Effective April 30, 2019								
Property	Registered Owner	Note	Estimated Value (\$)	Prior		Current Mortgages/ Registrations		
				Charges [Note 1]	Estimated Equity (\$)	1st	2nd [Note 1]	Other Mortgages/ CPL Registrations
<b>Thornhill/ Innisfil, ON</b>								
33 Theodore Place, Thornhill	Tatiana Hutchens	2,	1,738,000	534,746	1,203,254	Meridian Credit Union		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
1779 Cross Street, Innisfil	Tanya Hutchens		850,900	298,238	552,662	Meridian Credit Union		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
1790 Cross Street, Innisfil	Tatiana Hutchens		538,600	167,495	371,105	Meridian Credit Union (\$86,745)	Dina Brik (face value of \$80,750)	CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
1479 Maple Road, Innisfil	Tatiana Hutchens		899,700	200,000	699,700	Dina Brik (face value of \$200,000)		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
1889 Simcoe Blvd, Innisfil	Tatiana Hutchens		349,300	203,161	146,139	Meridian Credit Union		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
sub total			4,376,500	1,403,640	2,972,860			
<b>Sudbury, ON</b>								
29 Laren Street, Whanapiatae (Greater Sudbury area)	29 Laren Street Inc.	3	1,310,000	807,181	502,819	BMO charge transfer to Tanya Hutchens March 24, 2016 (value assumed at \$597,181 vs face value \$800,000)	146 Whitaker Street Inc. (face value of \$210,000).	Adroit Advocates LLC charge registered for \$2.0 million on October 4, 2017; and, CPL registered by CGC Holdings (plaintiffs in Colorado action) on Dec 7, 2017
367-369 Howey Drive, Sudbury	367-369 Howey Drive Inc.,	4	790,000	512,029	277,971	BMO charge transfer to Tanya Hutchens Sept 20, 2017 at \$464,193 vs face value of \$915,000)	Tax Arrears - Greater Sudbury (\$47,836)	CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
193 Mountain Street, Sudbury	193 Mountain Street Inc.,	5	0	0	0	Sold under power of sale by JBD Hutchens Family Holdings as 1st mortgage Nov 16, 2018		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
110-114 Pine Street, Sudbury	110-114 Pine Street Inc.,		995,000	727,000	268,000	Canadian Western Trust Company charge transfer to Tanya Hutchens March 27, 2017 (face value of \$602,000)	Barbara Carpenter transferred to Tatiana Hutchens Aug 19, 2014 (face value of \$125,000)	Adroit Advocates LLC charge registered for \$2.0 million on October 4, 2017; and, CPL registered by CGC Holdings (plaintiffs in Colorado action) on Dec 7, 2017
3415 Errington Avenue, Chelmsford (Greater Sudbury area)	3415 Errington Avenue Inc		207,450	150,000	57,450	Dina Brik (face value of \$150,000)		Adroit Advocates LLC charge registered for \$2.0 million on October 4, 2017; and, CPL registered by CGC Holdings (plaintiffs in Colorado action) on Dec 7, 2017

3419 Errington Avenue, Chelmsford (Greater Sudbury area)	3419 Errington Avenue Inc	204,950	150,000	54,950	Dina Brik (face value of \$150,000)		Adroit Advocates LLC charge registered for \$2.0 million on October 4, 2017; and, CPL registered by CGC Holdings (plaintiffs in Colorado action) on Dec 7, 2017
331 Regent Street, Sudbury	331 Regent Street Inc.,	245,000	173,401	71,599	R&A Hache (\$74,401 Feb 2019)	W&J Gater, and Solid Rock Mortgage of \$99,000, which was transferred to Tanya Hutchens on Feb 14, 2014	Adroit Advocates LLC charge registered for \$2.0 million on October 4, 2017; and, CPL registered by CGC Holdings (plaintiffs in Colorado action) on Dec 7, 2017
17 Serpentine Street, Sudbury	17 Serpentine Street Inc.,	210,000	307,000	(97,000)	Tanya Hutchens (transferred from Canadian Western Trust (face value \$200k) and Lapelle Management Services face value (\$51k)	146 Whitaker Street Inc (\$56k face value)	Adroit Advocates - Colorado charge registered - \$2.0 million October 4, 2017; additionally CPL registered by CGC Holdings et al plaintiffs on Colorado action on Dec 7, 2017
42 Clemow Avenue	Sandy Hutchens and the Estate of Judith Hutchens	154,500	78,000	76,500	Henderson Mortgage (\$78,000)		CPL registered by CGC Holdings et al (plaintiffs in Colorado action) on Dec 7, 2017
<b>Total</b>		<b>4,116,900</b>	<b>2,904,611</b>	<b>1,212,289</b>			
		<b>8,493,400</b>	<b>4,308,251</b>	<b>4,185,149</b>			

**Notes**

- [1] "Prior Charges" does not include the amounts relating to "Other Mortgages/ CPL Registrations" for the purpose of estimated equity. In a number of instances, the face value of mortgage charges has been used where no current mortgage balance is available. Actual mortgage balances may be lower and, as a result, additional equity may be available. Some of the charges are held by related parties: Tanya Hutchens, her mother, Dina Brik, or the Hutchens entity 146 Whitaker Street Inc. The face value of these charges totals close to \$3.0 million.
- [2] Estimated values for the Thomhill / Innisfil Properties are based on the following: for 33 Theodore a primary residence of the respondents, the Receiver has the benefit of a drive by opinion of value ranging from \$1.9 million to \$2.0 million (mid point \$1.950 million) and an estimated value based on a Purview (Teranet) report of \$1.5261 million. The Receiver has taken the mid point of these to arrive at an estimated value of \$1.738 million. For the other 4 properties the Receiver has used Purview reports, which are calculated using comparable sales. Actual results may vary. Additionally, Meridian issued notices of sale in September 2018 and a forbearance agreement was subsequently entered into for all five properties. Recently, in or around February 2019, counsel for Meridian advised that the mortgage on 1479 Maple Road, Innisfil, had been paid out and discharged
- [3] Estimated values for the Properties in the Sudbury region are based on either "drive by" letters of opinion provide by a local Remax real estate brokerage, dated November 15, 2018, or current market values obtained from Purview (Teranet) broker reports unless otherwise specifically noted by the property (e.g. original cost was used).
- [4] This property is indicated as part owned by co-investors (40%) - Lillybrook Developments Inc.
- [5] This property was sold in November 2018.

# APPENDIX 40



File No. 10197

April 29, 2019

**BY EMAIL**

*Stevens v. Hutchens* Service List

Dear Members of the Service List:

**Re: *Stevens et. al. v. Hutchens et. al.* (Court File No. CV-18-608271-00CL)  
Condition of Properties, Proposed Further Sales, Additional Properties**

I write with respect to the following matters:

1. The Receiver's observations of the condition of the properties that Justice Penny has appointed it to manage and its projected cash flow for the properties;
2. The Receiver's recommendation to sell certain of those properties; and
3. Additional Properties identified by the Receiver as belonging to the Debtors.

We are writing to inform the parties and stakeholders of the developments described below, and in order to ascertain their position on certain related relief the Receiver intends to seek from the Court.

**Condition of Properties and Projected Cash Flow**

The Receiver has assessed the conditions of the properties over which Justice Penny granted it management powers in his March 18 order. Most of them appear to be in very poor condition, in some cases critically so. In particular, most of the rental properties situated in and around Sudbury require a number of urgent repairs to bring them into compliance with municipal and provincial fire, health and safety and by-law requirements. In addition, the available rents are limited due to vacancies and due to tenants refusing to pay rent until work orders are fulfilled.

The Receiver has prepared a projected cash flow by property and in aggregate. That analysis is enclosed. As it indicates, the properties are generating negative cash flow, even excluding the receiver's fees associated with their continued management. Excluding urgently required repairs, only the properties at 17 Serpentine Street and 29 Laren Street have materially positive cash flow from normal operation. Note that we have had to construct the attached cash flow projections independently, without the benefit of financial disclosure from the Debtors despite our requests.

We would be pleased to answer questions about this cash flow projection upon request.

## NAYMARK LAW

In order to fund necessary repair and operational expenses, the Receiver will obtain financing from a third party lender pursuant to paragraph 18 of Penny J.'s March 18, 2019 order.

### Recommended Sales

The Receiver proposes to sell the following properties (the "**Proposed Saleable Properties**"), in addition to those to be sold pursuant Justice Penny's April 25, 2019 order:

1. 110-114 Pine Street
2. 331 Regent Street
3. 3415 Errington
4. 3419 Errington
5. 367-369 Howey
6. 1479 Maple

In our view, selling the Proposed Saleable Properties will best preserve their value and minimize the fees of the Receiver and its counsel, without prejudicing any party. We take that view based on the following observations:

1. Each Proposed Saleable Property has negative projected cash flow from operations, taking into account extraordinary repairs required;
2. Excluding extraordinary repair expenses (which may have to be incurred even if the properties are to be sold), each Proposed Saleable Property has projected cash flow from operations that is either negative or below +\$1,000/month, such that cash flow is likely to be negative after management fees;
3. Each Proposed Saleable Property is an investment property and none is presently used as a residence;
4. To the Receiver's knowledge, none of the Proposed Saleable Properties serves any purpose or has value to the Debtors other than as an investment;
5. In the case of 1479 Maple, it is presently listed for sale (by Mrs. Hutchens), with an interested prospective purchaser.

The Receiver intends to seek an order empowering and authorizing it to sell the Proposed Saleable Properties. To the extent any party has information or considerations it wishes to bring to the Receiver's attention prior to that, please do so as soon as possible.

Note that the Proposed Saleable Properties include all of the properties the Receiver is currently managing with the exception of 17 Serpentine Street and 29 Laren Street. The Receiver is prepared to sell these two properties as well if the Debtors wish it to do so and no one opposes the sale. However, the Receiver will not be seeking an order empowering and authorizing it to do so without such a consensus as these properties have positive projected cash flow.

### Additional Properties

The Receiver has identified three further properties (the “**New Properties**”) owned in Mrs. Hutchens’ name that are not included in Schedule B to the March 18<sup>th</sup> order:

1. 1573 Houston Avenue, Innisfil
2. 1760 Cross Street, Innisfil
3. 175 Hilda Avenue, Unit 1015, Toronto

Our understanding is that 175 Hilda is rented, while 1573 Houston and 1760 Cross Street are vacant. We ask that Mrs. Hutchens advise as soon as possible if this is not the case.

Given the above, it is our view that each of the New Properties falls within the definition of “Property” in paragraph 1 of Justice Penny’s March 18<sup>th</sup> order and so is included within the scope of the receivership. In addition, 175 Hilda should be added to the list of “Income Producing Properties” at paragraph 2(d) of the March 18<sup>th</sup> order, for which the Receiver should assume management. The Receiver intends to seek (a) the addition of 175 Hilda to the properties it is to manage; and (b) express recognition of the March 18<sup>th</sup> order’s application to each of the New Properties, at the same time as it seeks authorization to sell the properties indicated above.

We have no present reason to believe that a sale of any of the New Properties is warranted on the rationale applicable to the Proposed Saleable Properties. However, we note that Mrs. Hutchens has listed 1573 Houston for sale and that that listing is active. We have been contacted by an interested prospective purchaser for that property. The Receiver is prepared to undertake a sale of that property (or either of the other two New Properties), should Mrs. Hutchens wish it to do so and no one opposes the sale.

### Summary of Orders Sought

Please advise whether your respective clients will consent to the following relief:

1. An order empowering and authorizing the Receiver to sell the Proposed Saleable Properties. *The Receiver will seek this order absent new information or considerations that alter the above analysis.*
2. An order adding 175 Hilda to the list of properties it is to manage. *The Receiver will seek this order absent new information or considerations that alter the above analysis.*
3. An order expressly recognizing the application of the Receivership to the New Properties. *The Receiver will seek this order absent new information or considerations that alter the above analysis.*

## NAYMARK LAW

4. An order empowering and authorizing the Receiver to sell any one or more of 17 Serpentine Street, 29 Laren Street, or 1573 Houston Avenue, 1760 Cross Street, or 175 Hilda Avenue. *The Receiver will seek this order only with the owners' consent and with none opposed.*

Yours truly,

A handwritten signature in black ink, appearing to read 'Daniel', with a long, sweeping horizontal stroke extending to the right.

Daniel Naymark

Encl.

c. Terrence Liu

Consolidated Projected Cash Flow Statement  
Hutchens et al.  
For the period ending July 26, 2019

	Notes		W/E		Projected												Total
	19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19		
Receipts																	
Rental Income	-	6,346	43,919	-	-	-	-	43,919	-	-	-	43,919	-	-	-		
Real Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Provision for Non-Paying Tenants	-	-	(15,623)	-	-	-	-	(15,623)	-	-	-	(15,623)	-	-	-		
Personal Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Other Asset Recovery	-	-	1,062	-	-	-	-	1,062	-	-	-	1,062	-	-	-		
HSJ Collected	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
HSJ Refund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Total Receipts	-	6,346	29,358	-	-	-	-	29,358	-	-	-	29,358	-	-	-		
Disbursements																	
Insurance	-	(22,452)	(3,036)	-	-	-	(3,036)	-	-	-	-	(3,036)	-	-	(31,559)		
Maintenance and Repairs	-	-	(45,500)	-	-	-	-	-	-	-	-	-	-	-	(45,500)		
Property Tax	-	-	(12,175)	-	-	-	(12,175)	-	-	-	-	(12,175)	-	-	(35,526)		
Cleaning	-	-	(15,000)	-	-	-	-	-	-	-	-	-	-	-	(15,000)		
Utilities - Gas	-	-	(900)	-	-	-	(900)	-	-	-	-	(900)	-	-	(3,469)		
Utilities - Hydro	-	-	(4,625)	-	-	-	(4,625)	-	-	-	-	(4,625)	-	-	(13,875)		
Utilities - Water	-	-	(2,884)	-	-	-	(2,884)	-	-	-	-	(2,884)	-	-	(8,651)		
Utilities - Gas/WAC	-	-	(3,575)	-	-	-	(3,575)	-	-	-	-	(3,575)	-	-	(10,725)		
Condo Fees	-	(5,900)	-	-	-	-	-	-	-	-	-	-	-	-	(44,900)		
Property Management and General Expense	-	-	(500)	-	-	-	(500)	-	-	-	-	(500)	-	-	(1,500)		
Interest and Bank Charges	-	-	(150)	-	-	-	(150)	-	-	-	-	(150)	-	-	(450)		
Tools and Supplies	-	-	(7,492)	-	-	-	(7,492)	-	-	-	-	(7,492)	-	-	(22,174)		
HSJ Credits Paid	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
HSJ Remitted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Total Disbursements	-	(29,119)	(80,837)	(49,459)	-	(14,690)	(29,422)	-	-	-	(14,690)	(29,422)	-	-	(14,690)		
Net Cash Flow from Operations	-	(22,773)	(51,479)	(49,459)	-	(14,690)	(29,422)	29,358	-	-	(14,690)	(64)	-	-	(167,909)		
Consolidated Opening Balance	21,448	21,448	(1,325)	(52,804)	(102,263)	(102,263)	(116,953)	(146,375)	(117,017)	(117,017)	(117,017)	(131,707)	(131,771)	(131,771)	(131,771)		
Consolidated Closing Balance	21,448	(1,325)	(52,804)	(102,263)	(102,263)	(116,953)	(146,375)	(117,017)	(117,017)	(117,017)	(131,707)	(131,771)	(131,771)	(131,771)	(146,461)		
															OK		

Disclaimer:

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Cash Burn Summary  
Hutchens et al.  
For the period ending July 26, 2019

	110-114 Pine	17 Serpentine	29 Laren	331 Regent	3415 Errington	3419 Errington	367-369 Howey	42 Clemow	1779 Cross	1790 Cross	1479 Maple	1889 Simcoe	33 Theodore	Total
Property														
Revenue	11,001.11	14,772.00	34,373.80	7,605.00	6,384.60	6,078.60	5,805.00	-	(10,811.57)	4,350.00	-	4,050.00	-	94,420.11
Expenses	(58,584.18)	(25,694.40)	(37,652.20)	(22,432.58)	(13,683.63)	(13,294.79)	(29,592.77)	(3,154.01)	(10,811.57)	(10,723.17)	(12,563.32)	(5,489.80)	(18,652.68)	(262,329.11)
Net Cash Flow from Operations	(47,583.06)	(10,922.40)	(3,278.40)	(14,827.58)	(7,299.03)	(7,216.19)	(23,787.77)	(3,154.01)	(10,811.57)	(6,373.17)	(12,563.32)	(1,439.80)	(18,652.68)	(167,909.00)

Shared Expense Allocation (%)		8.58%	
Property:			
110-114 Pine Street			
Receipts	Notes	W/E	
Rental Income	-	-	-
Real Property Sales	-	6,112	-
Provision for Non-Paying Tenants	-	-	-
Personal Property Sales	(2,445)	-	(2,445)
Other Asset Recovery	-	-	-
HST Collected	-	-	-
HST Refund	-	-	-
Total Receipts	-	3,667	-
Disbursements	-	-	-
Insurance	(1,910)	(935)	(935)
Maintenance and Repairs	(5,000)	(5,000)	-
Property Tax	(2,525)	(2,525)	-
Cleaning	-	(9,000)	-
Waste	(150)	(16,062)	(150)
Utilities - Hydro	(1,000)	(1,000)	(1,000)
Utilities - Water	(650)	(650)	(650)
Utilities - Gas/HVAC	(500)	(500)	(500)
Condo Fees	-	-	-
Property Management and General Expense	(506)	-	(1,116)
Interest and Bank Charges	(43)	-	(43)
Tools and Supplies	(13)	-	(13)
HST Credits Paid	(66)	(951)	(301)
HST Remitted	-	(3,258)	(145)
Total Disbursements	(2,482)	(11,766)	(6,116)
Net Cash Flow from Operations	(2,482)	(8,099)	(28,320)
Opening Balance	1,480	(1,002)	(9,101)
Closing Balance	1,480	(1,002)	(9,101)
<b>Total</b>			

Shared Expense Allocation (%)		5.81%	
Property:			
17 Serpentine Street			
Receipts	Notes	W/E	
19-Apr-19			
26-Apr-19			
3-May-19			
10-May-19			
17-May-19			
24-May-19			
31-May-19			
7-Jun-19			
14-Jun-19			
21-Jun-19			
28-Jun-19			
5-Jul-19			
12-Jul-19			
19-Jul-19			
26-Jul-19			
Total			
Rental Income	-	-	-
Real Property Sales	3,862	-	-
Provision for Non-Paying Tenants	-	-	-
Personal Property Sales	-	-	-
Other Asset Recovery	-	-	-
HST Collected	1,062	-	-
HST Refund	-	-	-
Total Receipts	-	4,924	-
Disbursements			
Insurance	(727)	(363)	(363)
Maintenance and Repairs	(8,000)	(610)	(610)
Property Tax	(610)	-	-
Cleaning	-	(1,000)	(1,500)
Waste	(150)	(150)	(150)
Utilities - Hydro	(1,000)	(1,000)	(1,000)
Utilities - Water	(450)	(450)	(450)
Utilities - Gas/HVAC	(500)	(500)	(500)
Condo Fees	-	-	-
Property Management and General Expense	(343)	(755)	(755)
Interest and Bank Charges	(29)	(29)	(29)
Tools and Supplies	(9)	(9)	(9)
HST Credits Paid	(45)	(98)	(98)
HST Remitted	(1,314)	(274)	(274)
Total Disbursements	(1,114)	(2,825)	(853)
Net Cash Flow from Operations			
Opening Balance	4,924	3,810	(3,691)
Closing Balance	4,924	3,810	(3,691)
OK			

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[illegible]





Shared Expense Allocation (%)		1.68%	
Property:			
3419 Errington Avenue			
Receipts		Notes	
Receipts		W/E	
Rental Income			
Real Property Sales			
Provision for Non-Paying Tenants			
Personal Property Sales			
Other Asset Recovery			
HST Collected			
HST Refund			
Total Receipts			
Disbursements			
Insurance			
Maintenance and Repairs			
Property Tax			
Cleaning			
Waste			
Utilities - Hydro			
Utilities - Water			
Utilities - Gas/HVAC			
Condo Fees			
Property Management and General Expense			
Interest and Bank Charges			
Tools and Supplies			
HST Credits Paid			
HST Rented			
Total Disbursements			
Net Cash Flow from Operations			
Opening Balance			
Closing Balance			

[illegible]

**Projected Cash Flow Statement**  
**Hutchens et al.**  
**For the period ending July 26, 2019**

Shared Expense Allocation (%)		0.00%																		
Property:																				
42 Clemon Avenue																				
Receipts		Notes		W/E		Projected													Total	
19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19						
-	-	1,200	-	-	-	-	1,200	-	-	-	1,200	-	-	-	3,600					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	(1,200)	-	-	-	-	(1,200)	-	-	-	(1,200)	-	-	-	(3,600)					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
-	-	(195)	-	-	-	-	-	-	-	-	-	-	-	-	(195)					
-	(948)	(1,865)	-	-	-	(170)	-	-	-	-	(170)	-	-	-	(3,154)					
-	(948)	(1,865)	-	-	-	(170)	-	-	-	-	(170)	-	-	-	(3,154)					
Net Cash Flow from Operations																				
Opening Balance																				
-	-	(948)	(2,813)	(2,813)	(2,813)	(2,813)	(2,984)	(2,984)	(2,984)	(2,984)	(2,984)	(3,154)	(3,154)	(3,154)	OK					
-	(948)	(2,813)	(2,813)	(2,813)	(2,813)	(2,984)	(2,984)	(2,984)	(2,984)	(2,984)	(3,154)	(3,154)	(3,154)	(3,154)						

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Shared Expense Allocation (%)		14.20%															
Property:																	
1779 Cross Street																	
Receipts		Notes		W/E		Projected											
		19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19	Total
Rental Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Real Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Provision for Non-Paying Tenants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Asset Recovery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Collected	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Refund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disbursements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maintenance and Repairs	(1,520)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(1,520)
Property Tax	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cleaning	-	(600)	-	-	-	-	-	(600)	-	-	-	-	-	(600)	-	-	(1,800)
Waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Hydro	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Gas/HVAC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Condo Fees	(838)	-	-	-	-	-	(1,846)	-	-	-	-	-	-	(1,846)	-	-	(6,377)
Property Management and General Expense	-	(71)	-	-	-	-	-	(71)	-	-	-	-	-	(71)	-	-	(213)
Interest and Bank Charges	-	-	-	-	-	-	-	(21)	-	-	-	-	-	(21)	-	-	(64)
Tools and Supplies	-	(109)	(3)	-	-	-	(240)	(3)	-	-	-	-	(3)	-	-	-	(837)
HST Credits Paid	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Remitted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Disbursements	(2,467)	(695)	-	-	-	(2,086)	(695)	-	-	-	-	(2,086)	(695)	-	-	(2,086)	(10,812)
Net Cash Flow from Operations	(2,467)	(695)	-	-	-	(2,086)	(695)	-	-	-	-	(2,086)	(695)	-	-	(2,086)	(10,812)
Opening Balance	-	-	(2,467)	(3,162)	(3,162)	(3,162)	(5,248)	(5,944)	(5,944)	(5,944)	(5,944)	(5,944)	(8,030)	(8,725)	(8,725)	(8,725)	OK
Closing Balance	(2,467)	(3,162)	(3,162)	(3,162)	(3,162)	(5,248)	(5,944)	(5,944)	(5,944)	(5,944)	(5,944)	(8,030)	(8,725)	(8,725)	(8,725)	(10,812)	

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Shared Expense Allocation (%)															13.59%	
Property:																
1790 Cross Street																
	Notes	W/E	Projected													
	19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19	Total
Receipts																
Rental Income	-	-	1,450	-	-	-	-	1,450	-	-	-	1,450	-	-	-	4,350
Real Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Provision for Non-Paying Tenants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Asset Recovery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Collected	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Refund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	-	-	1,450	-	-	-	-	1,450	-	-	-	1,450	-	-	-	4,350
Disbursements																
Insurance	-	(1,753)	-	-	-	-	-	-	-	-	-	-	-	-	-	(1,753)
Maintenance and Repairs	-	-	(600)	-	-	-	(600)	-	-	-	-	(600)	-	-	-	(1,800)
Property Tax	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Hydro	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Gas/HVAC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Condo Fees	-	(802)	-	-	-	(1,767)	-	-	-	-	(1,767)	-	-	-	(1,767)	(6,104)
Property Management and General Expense	-	-	(68)	-	-	(68)	(68)	-	-	-	-	(68)	-	-	-	(204)
Interest and Bank Charges	-	-	(20)	-	-	(20)	(20)	-	-	-	-	(20)	-	-	-	(61)
Tools and Supplies	-	(104)	(3)	-	-	(230)	(3)	-	-	-	(230)	(3)	-	-	-	(801)
HST Credits Paid	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Rented	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Disbursements	-	(2,659)	(691)	-	-	(1,997)	(691)	-	-	-	(1,997)	(691)	-	-	(1,997)	(10,723)
Net Cash Flow from Operations	-	(2,659)	759	-	-	(1,997)	(691)	1,450	-	-	(1,997)	759	-	-	(1,997)	(6,373)
Opening Balance	-	-	(2,659)	(1,900)	(1,900)	(1,900)	(3,897)	(4,588)	(3,138)	(3,138)	(3,138)	(5,135)	(4,376)	(4,376)	(4,376)	OK
Closing Balance	-	(2,659)	(1,900)	(1,900)	(1,900)	(3,897)	(4,588)	(3,138)	(3,138)	(3,138)	(5,135)	(4,376)	(4,376)	(4,376)	(6,373)	

This document was created exclusively for A. Fisher & Partners Inc., in its capacity as court-appointed receiver (the "Receiver") over the assets, undertakings and property (the "Property") of Hutchison et al. (the "Debtors"). It is for the Receiver's sole benefit and use. Any work product, schedules, reports or documents that the Receiver may produce are not intended for general circulation or publication, nor should they be reproduced, relied upon by any party or used for any purpose, without the Receiver's prior written consent.

The Receiver's scope does not constitute an audit, but in accordance with generally accepted auditing standards, an examination of internal controls, other attestation or review services, as accordance with pronouncements established by the Canadian Institute of Chartered Accountants ("CICA"). Accordingly, the Receiver does not express an opinion on the cash flow forecasts of the Debtors or any financial or other information, or operating and internal controls of the Debtors. The cash flow forecast is issued primarily on the limited information supplied by the Debtors. The Debtors' information is not complete and the Receiver does not represent that the Debtors' information provided is accurate. The Debtors' information is not subject to checking or verification procedures, except to the extent expressly stated to form part of the scope of work.

With respect to prospect the financial information relative to the Debtors, the Receiver did not examine, compile or apply agreed-upon procedures to such information in accordance with standards established by the PCA, and the Receiver expresses no assurance of any kind on such information. There will usually be differences between estimated and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. The Receiver takes no responsibility for the achievement of predicted results.



**Projected Cash Flow Statement**  
**Hutchens et al.**  
**For the period ending July 26, 2019**

Shared Expense Allocation (%)

17.84%

Property:

**1479 Maple Road**

**Receipts**

Rental Income  
Real Property Sales  
Provision for Non-Paying Tenants  
Personal Property Sales  
Other Asset Recovery  
HST Collected  
HST Refund

Notes

W/E

**Total Receipts**

**Disbursements**

Insurance  
Maintenance and Repairs  
Property Tax  
Cleaning  
Waste  
Utilities - Hydro  
Utilities - Water  
Utilities - Gas/HVAC  
Condo Fees  
Property Management and General Expense  
Interest and Bank Charges  
Tools and Supplies  
HST credits Paid  
HST Rented

**Total Disbursements**

**Net Cash Flow from Operations**

Opening Balance  
Closing Balance

Projected															
19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19	Total
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	(1,351)	-	-	-	-	-	-	-	-	-	-	-	-	-	(1,351)
-	(600)	-	-	-	-	(600)	-	-	-	-	(600)	-	-	-	(1,800)
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	(1,053)	-	-	-	(2,320)	-	-	-	-	(2,320)	-	-	-	(2,320)	(8,012)
-	(89)	-	-	-	-	(89)	-	-	-	-	(89)	-	-	-	(268)
-	-	-	-	-	-	(27)	-	-	-	-	(27)	-	-	-	(80)
-	(137)	(3)	-	-	(302)	(3)	-	-	-	(302)	(3)	-	-	(302)	(1,052)
-	(2,541)	(719)	-	-	(2,621)	(719)	-	-	-	(2,621)	(719)	-	-	(2,621)	(12,563)
-	(2,541)	(719)	-	-	(2,621)	(719)	-	-	-	(2,621)	(719)	-	-	(2,621)	(12,563)
-	-	(2,541)	(3,260)	(3,260)	(3,260)	(5,882)	(6,601)	(6,601)	(6,601)	(6,601)	(9,222)	(9,942)	(9,942)	(9,942)	OK
-	(2,541)	(3,260)	(3,260)	(3,260)	(5,882)	(6,601)	(6,601)	(6,601)	(6,601)	(9,222)	(9,942)	(9,942)	(9,942)	(12,563)	

**Disclaimer:**

This project model was created exclusively for A. Farber & Partners Inc., in its capacity as court-appointed receiver (the "Receiver") over the assets, undertakings and property (the "Property") of Hutchens et al. (the "Debtors"). It is for the Receiver's sole benefit and use. Any work product, schedules, reports or documents that the Receiver may produce are not intended for general circulation or publication, nor should they be reproduced, relied upon by any party or used for any purpose, without the Receiver's prior written consent.

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The Receiver accepts no duty, obligation, liability or responsibility to any party. The Receiver makes no representation regarding the sufficiency of the cash flow forecast for any purpose.

With respect to prospective financial information relative to the Debtors, the Receiver did not examine, compile or apply agreed-upon procedures to such information in accordance with standards established by the CICA, and the Receiver expresses no assurance of any kind on such information. There will usually be differences between estimated and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. The Receiver takes no responsibility for the achievement of predicted results.

**Projected Cash Flow Statement**  
**Hutchens et al.**  
**For the period ending July 26, 2019**

Shared Expense Allocation (%)

5.02%

Property:

**1689 Simcoe Blvd**

Receipts  
Rental Income  
Real Property Sales  
Provision for Non-Paying Tenants  
Personal Property Sales  
Other Asset Recovery  
HST Collected  
HST Refund

Notes

W/E

Projected

Total Receipts

Disbursements

Insurance  
Maintenance and Repairs  
Property Tax  
Cleaning  
Waste  
Utilities - Hydro  
Utilities - Water  
Utilities - Gas/HVAC  
Condo Fees  
Property Management and General Expense  
Interest and Bank Charges  
Tools and Supplies  
HST credits Paid  
HST Rented

Total Disbursements

Net Cash Flow from Operations

Opening Balance  
Closing Balance

	19-Apr-19	26-Apr-19	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19	Total
Receipts	-	-	1,350	-	-	-	-	1,350	-	-	-	1,350	-	-	-	4,050
Real Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Provision for Non-Paying Tenants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Asset Recovery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Collected	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HST Refund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	-	-	1,350	-	-	-	-	1,350	-	-	-	1,350	-	-	-	4,050
Disbursements	-	(1,042)	-	-	-	-	-	-	-	-	-	-	-	-	-	(1,042)
Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maintenance and Repairs	-	-	(600)	-	-	-	(600)	-	-	-	-	(600)	-	-	-	(1,800)
Property Tax	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Hydro	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities - Gas/HVAC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Condo Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Property Management and General Expense	-	(296)	-	-	-	(653)	-	-	-	-	(653)	-	-	-	(653)	(2,254)
Interest and Bank Charges	-	-	(25)	(25)	-	-	(25)	-	-	-	-	(25)	-	-	-	(75)
Tools and Supplies	-	-	(8)	-	-	-	(8)	-	-	-	-	(8)	-	-	-	(23)
HST credits Paid	-	(39)	(1)	-	-	(85)	(1)	-	-	-	(85)	(1)	-	-	(85)	(296)
HST Rented	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Disbursements	-	(1,377)	(634)	-	-	(737)	(634)	-	-	-	(737)	(634)	-	-	(737)	(5,490)
Net Cash Flow from Operations	-	(1,377)	716	-	-	(737)	(634)	1,350	-	-	(737)	716	-	-	(737)	(1,440)
Opening Balance	-	-	(1,377)	(660)	(660)	(660)	(1,398)	(2,031)	(681)	(681)	(681)	(4,419)	(702)	(702)	(702)	OK
Closing Balance	-	(1,377)	(660)	(660)	(660)	(1,398)	(2,031)	(681)	(681)	(681)	(1,419)	(702)	(702)	(702)	(1,440)	OK

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# APPENDIX 41

Hutchens et al

**Personal Property Assets (Excluding Cash & Securities)**

Item	Description	Source
1.	Chevrolet Venture LT EXT Van. Serial Number - 1GNDX13E24D243194  Year : 2004	From documents provided by Tanya Hutchens – Automobile Insurance documents.  Policy Number: A96172948PLA  Policy Period: January 7, 2015 to January 7, 2016
2.	Chrysler Town & Country Van. Serial Number – 2A8HR54X69R622658  Year: 2009	From documents provided by Tanya Hutchens – Automobile Insurance documents.  Policy Number: A96172948PLA  Policy Period: January 7, 2015 to January 7, 2016
3.	Pontoon Boat - 2005, Odyssey Tritoon, 3Z2CTTYO	Details provided by the Insurer –  Carrier: Royal & Sun Alliance Insurance Company of Canada  Policy Number: MPC 054449250.  Policy Type: Please Craft Insurance (i.e. Yacht insurance, (marine policy))  Policy Period: From: July 13, 2018 to July 13, 2019
4.	SeaDoo Boat – GTI  Year: 2016	Details provided by the Insurer  Carrier: Premier Marine  Policy Type: Renewal Business  Policy Number: 7070577-11  Policy Period: From May 20, 2018 to May 20, 2019
5.	SeaDoo Boat – Yamaha	Details provided by the Insurer

	Year: 2015	Carrier: Premier Marine Policy Type: Renewal Business Policy Number: 7070577-11 Policy Period: From July 31, 2018 to July 31, 2019
6.	2017 Hyundai Truck/ Van Santa Fe Sport, 4DR AWD, Serial Number: 5XYZUDLB4HG462194	Details provided by the insurer – Carrier: Unifund Assurance Company, Term: March 1, 2019 – 2020, Policy Number: SP57AAS15B
7.	2008 Audi A4 2 OT S-Line Quattro 4DR, Serial Number: WAUEF78E08A057654	Details provided by the insurer – Carrier: Unifund Assurance Company, Term: March 1, 2019-2020, Policy Number: SP57AAS15C
8.	2004 Kawasaki, Serial Number: JKASV6A124B503070	Details provided by the insurer – Carrier: Unifund Assurance Company, Term: March 1, 2019-2020, Policy Number: PR57AAS15D

# APPENDIX 42

**Subject:** RE: Stevens et. al. v. Hutchens et. al. Court File No. CV-18-608271-00CL - Timetable for Recognition Hearing  
**Date:** Thursday, April 11, 2019 at 2:10:15 PM Eastern Daylight Time  
**From:** Cole Vegso  
**To:** Gary Caplan, 'Daniel Naymark', 'Anisah Hassan', Zibarras, James  
**CC:** Phil Smith, Sachdeva, Bobby, Terrence Liu, Justin Nepal, Daniel J. MacKeigan, Hylton Levy, Boyd, Keegan, Paul J. Denton  
**Attachments:** image001.jpg, image002.jpg, image003.png, image004.png, image005.png, image006.png, second amended judgment - colorado.pdf, cgc reply brief.pdf

WITHOUT PREJUDICE

Hi Gary,

Second Final and Amended Judgment (attached):

Estate of Judith Hutchens as part owner of 42 Clemow Avenue – pg 2 of 7;

33 Theodore Place – pg 5 of 7;

1779 Cross Street – pg 5 of 7. Need to look at plaintiffs submissions made in Colorado for support (attached – cgc reply brief), bottom of page 13 therein.

Here's my response to your questions below:

a & b) It's our client's position that the Colorado Court can award a constructive trust into the properties. The ONCA has recognized foreign judgments for constructive trusts are enforceable in Ontario. See *Bienstock v. Adenyo Inc.*, 2015 ONCA 310, <https://www.canlii.org/en/on/onca/doc/2015/2015onca310/2015onca310.html?searchUrlHash=AAAAAAAAAEAFzlwMTQgT05TQyA0OTk3IChDYW5MSUkpAAAAAQANLzlwMTRvbnNjNDk5NwE&resultIndex=1>. We understand the defence of the children's trusts. The Hutchens' Colorado attorney put evidence before the court of the children's trust on the constructive trust issue and ruling.

c) We disagree here based on the law and the evidence. See above.

d) Our client's concern is about living and legal fees being used from the specific constructive trust amounts identified above. Our understanding is that if those constructive trust amounts are reduced because of the Hutchens/ legal/living expenses/fees then that is irreversible to the constructive trust claim. This concern is separate and apart from the protection provided by the CPLs.

If you have any questions or thoughts please let me know.

Kind regards,  
Cole

---

**From:** Gary Caplan [mailto:GCaplan@mcr.law]  
**Sent:** April 11, 2019 11:48 AM



**To:** 'Daniel Naymark' <dnaymark@naymarklaw.com>; 'Anisah Hassan' <ahassan@necpal.com>; Zibarras, James <jzibarras@millerthomson.com>  
**Cc:** Phil Smith <psmith@dmlaw.ca>; Sachdeva, Bobby <bsachdeva@millerthomson.com>; Cole Vegso <cole.vegso@siskinds.com>; Terrence Liu <tliu@naymarklaw.com>; Justin Necpal <justin@necpal.com>; Daniel J. MacKeigan <dan.mackeigan@siskinds.com>; Hylton Levy <hlevy@farberfinancial.com>; Boyd, Keegan <kboyd@millerthomson.com>; Paul Denton <pdenton@farbergroup.com>  
**Subject:** RE: Stevens et. al. v. Hutchens et. al. Court File No. CV-18-608271-00CL - Timetable for Recognition Hearing

Cole: can you provide me with the Colorado Order where actual numbers were ascribed to the constructive trust claim.

My without prejudice thoughts are these ( and these thoughts apply to not only this issue but also to the R&E motion:

- a) What authority does a foreign court have to find a constructive trust over non party Ontario residents;
- b) The only court with jurisdiction to find a constructive trust ( as opposed to a debt) is Ontario in accordance with Ontario law;
- c) The Colorado court's finding of a constructive trust was to secure non party property (the properties are owned by corporations in trust for the children who are not parties to the Colorado proceedings) for a tracing of tainted funds into those properties. That tracing exercise was not and could not be done by a Colorado Court and it must be done here. If there is no legal or equitable tracing then there is no trust.
- d) Why are doing this: these properties are secured by CPLs blah blah are not going anywhere.

Gary M. Caplan, LL.B. LL.M  
 Barrister, Certified Mediator, Chartered Arbitrator  
 Certified Specialist in Civil Litigation  
 Tel: (416) 596-7796 | Fax: (855) 880-6271 | [gcaplan@mcr.law](mailto:gcaplan@mcr.law)



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 Toronto, Ontario M5H 2S6  
[www.mcr.law](http://www.mcr.law)

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01012-RBJ

CGC HOLDING COMPANY, LLC, a Colorado limited liability company,  
HARLEM ALGONQUIN LLC, an Illinois limited liability company, and  
JAMES T. MEDICK, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham,  
TANYA HUTCHENS, and  
JENNIFER HUTCHENS,

Defendants.

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**SECOND AMENDED and FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Amended and Final Judgment is hereby entered.

This action was tried before a jury of six after illness of a seventh juror, duly sworn to try the issues herein with U.S. District Judge R. Brooke Jackson presiding, and the jury has rendered a verdict. The jury rendered verdicts in favor of the plaintiffs (meaning the named plaintiffs and members of the certified plaintiff class) and against defendants Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, finding as to each defendant that he or she violated both 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), and awarding damages in the total amount of \$8,421,367.00. Pursuant to 18 U.S.C. § 1964(c), those damages are trebled. After trebling, the amount of pretrial settlements is deducted. Accordingly, it is

ORDERED that judgment is entered on behalf of the plaintiffs, CGC HOLDING COMPANY, LLC, a Colorado limited liability company, HARLEM ALGONQUIN LLC, an Illinois limited liability company, JAMES T. MEDICK, and class members, and against the defendants, SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham, TANYA HUTCHENS and JENNIFER HUTCHENS, jointly and severally, with compensatory damages in the amount of \$8,421,367, trebled, minus pretrial settlements in the amount of \$1,025,000, for a total of **\$24,239,101**. It is

FURTHER ORDERED that a constructive trust is imposed on the following corporations and properties located in Ontario, Canada such that Sandy Hutchens, or Tanya Hutchens, or Jennifer Hutchens, or any other family member of any of Sandy, Tanya or Jennifer Hutchens are holding the following in trust for the plaintiffs:

**a) Shares/Assets of the following Corporations/Entities:**

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. Estate of Judith Hutchens. No less than \$615,000 appears to be traceable to this

asset.

12. 364 Morris Street Inc. No less than \$4,000 is traceable to this asset.

13. 367-369 Howey Drive Inc. No less than \$4,000 is traceable to this asset.

14. 720 Cambrian Heights Inc. No less than \$1,500 is traceable to this asset.

15. JBD Holding and/or JBD Family. No less than \$400,000 is traceable to this asset.

**b) The following Real Property:**

	Registered Owner	Property Address	Legal Description of Real Property
1.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0001 (LT);  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
2.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0006 (LT);  PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY
3.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0008 (LT);  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
4.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0493 (LT);  PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY
5.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0446 (LT);  PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY

	Registered Owner	Property Address	Legal Description of Real Property
6.	29 Laren Street Inc.	29 Laren Street Sudbury, Ontario	PIN #73481-0512 (LT);  PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY
7.	3415 Errington Avenue Inc.	3415 Errington Avenue Sudbury, Ontario	PIN: 73349-1569 (LT)  PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
8.	3419 Errington Avenue Inc.	3419 Errington Avenue Sudbury, Ontario	PIN: 73349-0720 (LT)  PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
9.	331 Regent Street Inc.	331 Regent Street Sudbury, Ontario	PIN #73586-0638 (LT)  LT 297 PL 4SC MCKIM; GREATER SUDBURY
10.	110-114 Pine Street Inc.	110-114 Pine Street Sudbury, Ontario	PIN #02135-0246 (LT);  LTS 48, 49, PT LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY
11.	193 Mountain Street Inc.	193 Mountain Street Sudbury, Ontario	PIN #02132-0942 (LT);  PCLS 2388, 3113 AND 21292 SEC SES LTI PLAN M28B EXCEPT COMM AT THE S ELY ANGLE OF LT1; THENCE S 37 DEG 16"W ALONG THE SLY LIMIT OF LT1 A DISTANCE OF 42FT 3INCHES TO THE SLY ANGLE OF SAID LT1; THENCE S 73 DEG 04"W ALONG THE SLY LIMIT OF SAID LT1 A DISTANCE OF 10FT, 6INCHES TO THE SW ANGLE OF LT1; THENCE N 52DEG 10"W ALONG THE W LIMIT OF LT1 A DISTANCE OF 10FT, 6INCHES TO A POINT; THENCE N 64DEG 29'E A DISTANCE OF 11 FT MORE OR LESS TO A POINT BEING 11.0FT N 25DEG 31'W OF THE SLY ANGLE OF LT1; THENCE N 52 DEG 00' E A DISTANCE OF 38FT MORE OR LESS TO THE POC, PLAN ATTACHED IN 33273, NOW PCL 5776 SES; LT2 PLAN M28B EXCEPT COMMENCING AT THE S ELY ANGLE OF LT2, THENCE S 73

Registered Owner	Property Address	Legal Description of Real Property
		DEGREES 04'W ALONG THE SLY LIMIT OF LT2 A DISTANCE OF 63'2" TO THE S WLY ANGLE OF LT2, THEN N64 DEGREES 29' EA DISTANCE OF 62' MORE OR LESS TO A POINT ON THE ELY LIMIT OF LT2, THENCE S 52 DEGREES E ALONG THE ELY LIMIT OF LT2 A DISTANCE OF 10'6" MORE OR LESS TO THE POC; PLAN ATTACHED IN 33273, NOW PLC 5776 SES; EXCEPT COMM AT A POINT IN THE S WESTERN LIMIT OF SAID LT2 DISTANT 95.0FT FROM THE MOST SLY ANGLE OF SAID LT; THENCE N 45DEG 23'W TO A POINT IN THE HIGHWATER MARK OF THE EASTERN BANK OF JUNCTION CREEK; THENCE S WLY FOLLOWING ALONG SAID HIGHWATER MARK TO THE MOST WLY ANGLE OF SAID LT; THENCE S 54DEG 42'E ALONG THE AFORESAID S WESTERN LIMIT 95.0 FT MORE OR LESS TO THE POC, NOW PCL 21291 SES; EXCEPT PT1 53R8264; PT LT3 PLAN M28B COMM AT TA POINT IN THE N ELY ANGLE; THENCE S 70 DEG 32' W ALONG THE S EASTERN LIMIT OF SAID LT 18.0FT; THENCE N 45DEG 23'W TO THE POC; EXCEPT PT 2 53R8264 SUBJECT TO 25265S/T LT868119 PART 6&7 ON PLAN 53R-16220 CITY OF SUDBURY
12.	Tanya Hutchens	1779 Cross Street Innisfil, Ontario  PIN #58069-0150 (LT);  PT N 1/2 LT 25 CON 6 INNISFIL AS IN R01093173; ST R01093173; INNISFIL
13.	367-369 Howey Drive Inc.  No less than \$4,000 is traceable to this asset.	367-369 Howey Drive Sudbury, Ontario  PIN #73583-0400 (LT);  LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY
14.	Tatiana Hutchens  No less than \$379,968 appears to be traceable to this asset.	33 Theodore Place Vaughan, Ontario  PIN #03251-0304 (LT);  PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593: Vaughan

	Registered Owner	Property Address	Legal Description of Real Property
15.	Tatiana Hutchens  No less than \$379,968 appears to be traceable to this asset.	33 Theodore Place Vaughan, Ontario	PIN #03251-0304 (LT);  PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593: Vaughan

**c) Personal Property**

1. Sea Doo Boat located at 33 Theodore Place, Vaughan, Ontario. No less than \$21,000 is traceable to this asset.

The constructive trust against these corporations and properties (unless specifically stated otherwise) is for the full amount of the Judgment entered by the Court and includes all monies resulting directly or indirectly from the use, lease or sale of the corporations and properties regardless of the title/ownership to the corporations and properties which are held in trust for the plaintiffs. The burden is on the plaintiffs to trace any additional application fees to specific corporations and properties beyond the tracing found above. It is

FURTHER ORDERED that the Court awards attorney's fees to the plaintiffs of one-third of the amounts collected on the common fund created by this Amended and Final Judgment (\$24,239,101 plus interest), to be taken proportionately out of funds as they are collected so that counsel and clients share the collections contemporaneously and proportionately as they are received. It is

FURTHER ORDERED that pursuant to 18 U.S.C. § 1964(c), Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1, plaintiff are awarded costs against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the amount of **\$33,237.89**. It is

FURTHER ORDERED that plaintiffs are awarded prejudgment interest on \$8,421,367 at the rate of 1.31% compounded annually from April 15, 2011 through September 26, 2017



against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the total amount of **\$737,911.68**. It is

FURTHER ORDERED that post-judgment interest at the federal rate of 1.31% will run on the unsatisfied portion of the judgment from September 27, 2017 until the judgment is satisfied.

Dated at Denver, Colorado this 16<sup>th</sup> day of July, 2018

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/ J. Dynes  
J. DYNES  
Deputy Clerk

APPROVED BY THE COURT:  
s/ R. Brooke Jackson  
United States District Judge

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**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO**

Civil Action No. 11-CV-001012

**CGC HOLDING COMPANY, LLC**, a Colorado limited liability company;  
**HARLEM ALGONQUIN LLC**, an Illinois limited liability company; and  
**JAMES T. MEDICK**; on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

**SANDY HUTCHENS**, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham;  
*et al.*,

Defendants.

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**PLAINTIFFS' REPLY BRIEF IN SUPPORT OF SUPPLEMENTAL SUBMISSION OF  
EVIDENCE CONCERNING THIS COURT'S RULINGS ON POST-TRIAL MOTIONS  
[DE 861] AND OPPOSITION TO THE HUTCHENS DEFENDANTS' SUBMISSION OF  
SUPPLEMENT EVIDENCE REGARDING CONSTRUCTIVE TRUST [DE 875]**

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**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Plaintiffs hereby file their Reply Brief in Support of their Supplemental Submission of Evidence Concerning This Court's Rulings on Post-Trial Motions [DE 861], and their Opposition to the Hutchens' Defendants Submission of Supplement [sic] Evidence regarding Constructive Trust. [DE 875] For the reasons set forth herein, this Court should grant the relief sought by Plaintiffs and add certain entities and/or properties owned and/or controlled by Defendants Sandy Hutchens, Tanya Hutchens and/or Jennifer Hutchens ("Hutchens Defendants") to the constructive trust. Moreover, this Court should reject the Hutchens Defendants' efforts to restrict or otherwise limit the constructive trust that was properly imposed by this Court. [DE 859 at 6-12 (Rulings on Post-Trial Motions) (the "Rulings") & DE 860

(Partial Judgment entered by Clerk)]<sup>1</sup> This Court should add the following entities/properties to the constructive trust because they were purchased and/or operated and maintained by the Hutchens Defendants with the ill-gotten gains from the advance fee loan fraud scheme:

- Estate of Hutchens
- 364 Morris Street Inc.
- 367-369 Howey Drive Inc.
- 720 Cambrian Heights Inc.
- 33 Theodore Place and
- JBD Family Holdings Inc. *and*
- JBD Hutchens Familty (sic) Holdings Inc.

This Court should reject the Hutchens Defendants' efforts to re-litigate issues that this Court has already decided in the Rulings [DE 859], and should refuse their attempts to introduce evidence that should have been introduced at trial in May 2017. Finally, this Court should resist the Hutchens Defendants' efforts to limit the reach of the constructive trust by eliminating entities/properties that this Court has already held should be subject to the constructive trust – specifically, the Hutchens Defendants' lakefront “cottage” located at 1779 Cross Street, Innisfil, Ontario.

## II. STATEMENT OF THE CASE

Plaintiffs incorporate by reference the Statement of the Case set forth in their recently filed Omnibus Opposition to the Hutchens Defendants' latest set of post-trial motions. [DE 873 at 1-3] The instant motion proceeding concerns the scope of the constructive trust previously imposed by this Court and incorporated in the Partial Judgment. [DE 859 & 860]

On July 11, 2017, Plaintiffs filed their Motion for Imposition of a Constructive Trust Against the Hutchens Defendants. [DE 842] On August 28, 2017, the Hutchens Defendants filed their Response [DE 855] and, on September 25, 2017, Plaintiffs filed their Reply Brief.

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<sup>1</sup> Attached to this Reply and Opposition is the Declaration of Kevin P. Roddy (“Roddy Decl.”) with **Exhibit A** through **Exhibit E**.

[DE 858] On September 26, 2017, this Court entered the Rulings, imposing a constructive trust on twelve entities/properties owned and/or controlled by the Hutchens Defendants “and monies resulting directly or indirectly from the use, lease or sale of the properties regardless of the title to the properties.” [DE 859 at 12; *see also* DE 860 at 2-3]<sup>2</sup>

In response to issues raised by this Court in the Rulings [DE 859 at 11-12], on October 9, 2017, Plaintiffs filed a Supplemental Submission of Evidence (the “Supplemental Submission”) identifying seven additional Ontario properties owned and/or controlled by the Hutchens Defendants that should be added to the constructive trust because they were purchased and/or operated and maintained by the Hutchens Defendants with the ill-gotten gains from the advance fee loan fraud scheme. [DE 861] On November 14, 2017, the Hutchens Defendants filed their Response to the Supplemental Submission, as well as a “Submission of Supplement [sic] Evidence regarding Constructive Trust.” [DE 875] As set forth herein, Sandy Hutchens and Tanya Hutchens, who had a full and fair trial but whose sworn testimony this Court has already found to be not credible [DE 859 at 10], ask this Court to reopen the evidence so that, among other things, they can question the deposition testimony of their former accountant, Martin Lapedus (“Lapedus”), with questions that their counsel did not ask when Lapedus was deposed in Toronto, Ontario, on November 16, 2015, and seek to place into evidence that which they chose not to offer when their current accountant, Morry Posner (“Posner”), testified at trial on May 11, 2017 (Trial Day 8).

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<sup>2</sup> The Rulings were published as *CGC Holding Co., LLC v. Hutchens*, 2017 WL 4621094 (D. Colo. Sept. 26, 2017). As previously stated by Plaintiffs [DE 873 at 4-5], the Hutchens Defendants have not filed a *supersedeas* bond and have not sought a stay of enforcement as to the Judgment and/or the constructive trust imposed by this Court.

### III. REPLY/RESPONSE ARGUMENT

#### A. Plaintiffs' Request To Add Hutchens Entities/Properties To The Constructive Trust Should Be Granted

##### 1. This Court Should Add The Entities Known As "JBD Family Holdings Inc." And "JBD Hutchens Family [sic] Holdings Inc. To The Constructive Trust

In the Supplemental Submission, Plaintiffs identified seven Ontario entities/properties owned and/or controlled by the Hutchens Defendants that should be added to the Court-imposed constructive trust because they were purchased and/or operated and maintained by the Hutchens Defendants with the ill-gotten gains from the advance fee loan fraud scheme:

- Estate of Hutchens
- 364 Morris Street Inc.
- 367-369 Howey Drive Inc.
- 720 Cambrian Heights Inc.
- 33 Theodore Place
- JBD Holding[s] and
- JBD Family

[DE 861 at 4-5] In their Response, the Hutchens Defendants insist that "JBD Holding[s]" and "JBD Family" are actually *one* entity called "JBD Family Holdings, Inc." [DE 875 at 1 n.1]<sup>3</sup> At best, this assertion confuses the record because research conducted by Plaintiffs' Ontario counsel reveals the existence of a corporate entity called "JBD Hutchens Family [sic] Holdings Inc.," with its registered office address located at 33 Theodore Place, Thornhill, Ontario (the Hutchens Defendants' residence), and listing Tanya Hutchens as the sole officer and director. Roddy

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<sup>3</sup> Evidence presented at trial demonstrates that "JBD Holding" and/or "JBD Family" received distributions of at least \$ 457,551 in borrowers' fees from First Central Holdings and Canadian Funding during 2009-2010. [DE 861, Exhibit G (listed under "shareholders' advances"), and Exhibit H (same)]

Decl., **Exhibit A** (Ontario Corporation Profile Report).<sup>4</sup> Unless and until this discrepancy is resolved, Plaintiffs submit that *both* entities – “JBD Family Holdings, Inc.” *and* “JBD Hutchens Family [sic] Holdings Inc.” should be included in the constructive trust imposed by this Court.

As this Court may recall, “Hutchens Family” and “JBD Family Holdings Inc.” are two of the entities for which Sandy Hutchens created and disseminated false and misleading “net worth” statements during 2007-2008. Plaintiffs’ Exhibit Nos. 118 & 124 (Roddy Decl., **Exhibits B & C**) (copies of “net worth” statements). According to Sandy Hutchens, as of August 2008, “JBD Family Holdings Inc.” had a “net worth” in excess of \$89.2 million. Plaintiffs’ Exhibit No. 124 at Blaney 00804 (Roddy Decl., **Exhibit C**). In December 2009, Sandy Hutchens “updated” what he termed “*our* current net worth,” including every one of the entities/properties listed above. Plaintiffs’ Exhibit No. 154 at Blaney 00852 (Roddy Decl., **Exhibit D**) (emphasis added). Thus, the Hutchens Defendants’ current assertion that somehow they do not actually “own” these properties/entities [DE 875 at 2] is belied by their own “net worth” statements created and disseminated in 2007, 2008, and 2009. For the reasons set forth in the Supplemental Submission and herein, all of these properties/entities should be added to the constructive trust.

## 2. **The Hutchens Defendants’ And Their Counsel’s Recent Transactions Demonstrate The Necessity For A Broad Constructive Trust Imposed By This Court**

While seeking to obfuscate the record as to their “ownership” of these properties/ entities (and disclosing that another property, 364 Morris Street Inc., has already been sold), the Hutchens Defendants and their counsel do *not* inform this Court about several recent and significant transactions involving the Hutchens Properties that are the subject of this constructive

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<sup>4</sup> The apparent misspelling – “Famil~~ly~~” instead of “Family” – appears on each page of the Ontario Corporation Profile Report so we cannot determine whether or not it was deliberate.

trust motion proceeding. On September 15, 2017 – while Plaintiffs’ constructive trust motion was pending before this Court and without notice to Plaintiffs’ counsel – the Hutchens Defendants sold 720 Cambrian Heights in Sudbury, Ontario, for **\$3.1 million**. Roddy Decl., ¶ 3. On October 4, 2017 – just eight days after this Court imposed the constructive trust and again without notice – the Hutchens Defendants’ counsel (Adroit Advocates LLC d/b/a Klenda, Gessler & Blue LLC) registered a **\$2 million** mortgage against six of the Hutchens Properties in Ontario. Roddy Decl., ¶ 2.<sup>5</sup> These recent transactions demonstrate the need for this Court to impose a constructive trust that is all-inclusive as to the Hutchens Properties.

Upon becoming aware of these recent (and extraordinary) transactions, Plaintiffs served the Hutchens Defendants with post-judgment discovery in the form of interrogatories and requests for production of documents, seeking specific information as to the Hutchens Defendants’ assets and accounts, as well as the details of such transactions. FED. R. CIV. P. 69(a)(2); *see Bond Safeguard Ins. Co. v. Morley Cos. Family Devel., LLP*, 2012 WL 1192026, at \*2 (D. Colo. Apr. 10, 2012) (noting broad scope of post-judgment discovery to include discovery of assets upon which execution can be made). The Hutchens Defendants’ written responses to Plaintiffs’ discovery requests are due on November 24, 2017. When and if the Hutchens Defendants identify assets and/or accounts that should be added to the constructive trust, we will endeavor to notify this Court.<sup>6</sup>

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<sup>5</sup> The \$2 million mortgage was recorded by the Hutchens Defendants’ counsel in this case against the following Hutchens Properties: 29 Laren Street; 3415 Errington Avenue; 3419 Errington Avenue; 110 Pine Street; 331 Regent Street; and 17 Serpentine Street. Roddy Decl., **Exhibit E**.

<sup>6</sup> It cannot be forgotten that Sandy Hutchens has a lengthy criminal record in Ontario and has been barred from entering the U.S. by the Department of Homeland Security; that he admitted creating and disseminating false and misleading “net worth” statements during 2007-2009; that Tanya Hutchens (like her husband) admitted at trial that she is a forger; and that the



**3. This Court Should Not Be Deceived By The Hutchens Defendants' Attempts To Deny Ownership Of The Hutchens Properties That Are Subject To The Constructive Trust**

In the December 2009 statement of “*our* current net worth,” Sandy Hutchens categorized many of the Hutchens Properties as “Rental properties owned by Corporations.” Plaintiffs’ Exhibit No. 154 at Blaney 00857 (Roddy Decl., **Exhibit D**). The Hutchens Defendants assert that this “distinction” somehow precludes this Court from imposing a constructive trust over these properties/entities. Not so. The evidence adduced by Plaintiffs at trial shows that those “corporations” were formed, owned and/or controlled by Sandy Hutchens. [DE 840 at 13 (identifying various corporate entities and their date of incorporation, as well as Sandy Hutchens’ position as officer and/or director at each one, with corresponding Plaintiffs’ Exhibit numbers)] As this Court stated in the Rulings, it would impose a constructive trust on the Hutchens-owned or controlled “properties and monies resulting directly or indirectly from the use, lease or sale of the properties *regardless of the title to the properties*.” [DE 859 at 12 (citing *Lyons v. Jefferson Bank & Trust*, 793 F. Supp. 981, 986 (D. Colo. 1992) (“Legal title notwithstanding, the very function of a constructive trust is to ‘pierce’ the legal façade to do equity under the circumstances.”), *aff’d in part, rev’d in part on other grounds*, 994 F.2d 716 (10<sup>th</sup> Cir. 1993)] *Accord Digital Advertising Displays, Inc. v. Sherwood Partners, LLC*, 2013 WL 179271, at \*7 (D. Colo. Jan. 17, 2013). This Court should not allow the Hutchens Defendants’ continuing shell game of aliases and ever-multiplying corporate entities to limit or hinder the exercise of its power to impose an equitable remedy.

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Hutchens Defendants are in contempt of this Court for their failure and refusal to pay the discovery sanctions imposed by Magistrate Judge Mix in January 2017. [DE 723 at 14]

**4. This Court Should Reject The Hutchens Defendants' Attempts To Remake The Record By Seeking To Introduce Evidence That Could Have Been Offered At Trial**

Insofar as one of the family residences (33 Theodore Place, Thornhill, Ontario) is concerned, the Hutchens Defendants apparently concede that, as former accountant Lapedus testified in his November 2015 deposition, hundreds of thousands of dollars were diverted by Sandy Hutchens to cover “expenditures related to” that property. [*Compare* DE 861 at 3-4 with DE 875 at 6-7] The financial statements for 308 Elgin Street Inc. for the year ended December 31, 2008, show “shareholders’ advances” totaling \$379,568 made to 33 Theodore Place. [DE 861 at 4 & Exhibit B at 285, 287 & 288] The financial statements show no source of income for 308 Elgin Street Inc. besides fees received from borrowers. Here, Plaintiffs have “clearly traced” the flow of money from U.S. borrowers to one of the Hutchens Entities, through Sandy Hutchens’ greedy fingers, and into 33 Theodore Place. *See Cross Country Land Svcs., Inc. v. PB Telecomms., Inc.*, 276 Fed. Appx. 825, 836 (10<sup>th</sup> Cir. May 2, 2008); *Paoloni v. Goldstein*, 331 F. Supp. 2d 1310, 1313 (D. Colo. 2004); *Lyons*, 793 F. Supp. at 986; *In re Behrends*, 2017 WL 4513071, at \*19 (Bankr. D. Colo. Apr. 10, 2017); *In re Marriage of Allen*, 691 P.2d 749, 751 (Colo. App. 1984), *aff’d*, 724 P.2d 651 (Colo. 1986). The Hutchens Defendants’ new assertion as to what Lapedus supposedly said “[w]hen [he was] deposed in a related Canadian action” [DE 875 at 7], a case involving different parties and different counsel, is nothing more than hearsay. Presumably, this is not what this Court meant when it stated in the Rulings that it would consider “appropriate evidence.” [DE 859 at 11 n.4]<sup>7</sup>

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<sup>7</sup> During his November 2015 deposition in this case, taken in Toronto pursuant to letters rogatory issued by this Court, former accountant Lapedus was questioned at length by counsel for Plaintiffs and the Hutchens Defendants. During his deposition, Lapedus identified and gave testimony about the Hutchens Entities’ financial statements he had prepared and, among other things, described Sandy Hutchens’ diversion of funds to 33 Theodore Place and the Hutchens

The Hutchens Defendants spend a lot of effort seeking to explain that the money (\$617,500) diverted by Sandy Hutchens from 308 Elgin Street Inc. to the “Estate of Hutchens” in 2008 could not have been derived from U.S. borrowers’ fees. [DE 861 at 3 & Exhibit B at 282]<sup>8</sup> But, in so arguing, they misapprehend the equitable nature of the constructive trust remedy. *Lyons*, 793 F. Supp. at 986 (“[D]efendant received cash belonging to the Iowa Trust and the final judgment in this action merely requires defendant to reconvey a like amount of cash to plaintiff. The constructive trust doctrine simply does not require that the subject property be the same and, therefore, it is irrelevant that the property is fungible or commingled.”) (citing *Marriage of Allen*, 724 P.2d at 657). Moreover, the Hutchens Defendants offer no explanation for the \$ 61,000 transfer from First Central Holdings to the “Estate” in 2009 [DE 861, Exhibit G, listed under “shareholders’ advances”] or the transfers totaling \$ 43,500 from Canadian Funding to “E/O Hutchen[s]” in 2009. [DE 861, Exhibit H, listed under “shareholders’ advances”]

Tanya Hutchens’ assertion that 33 Theodore Place has been “held in trust” for the Hutchens children [DE 875 at 3] is belied by the above-referenced “net worth” statements manufactured by her husband during 2007, 2008, and 2009. When it was in the Hutchens

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Family’s “cottages.” [DE 861 at 3] The Hutchens Defendants had every opportunity and incentive to cross-examine Lapedus about his statements, but they failed to examine him about this topic.

Similarly, in May 2017, the Hutchens Defendants had every opportunity, when they brought current accountant Posner to testify on Day 8 of the trial, to ask him to explain why and how the Hutchens Entities made “shareholders’ advances” to persons and entities/ properties that were clearly not shareholders of those “lenders.” Again, they failed to do so. The trial record closed six months ago, and it is too late for the Hutchens Defendants to change the record.

<sup>8</sup> According to the “net worth” statements created by Sandy Hutchens, the “Estate of Judith Hutchens” was worth CAD \$ 107,964 in 2007. In 2008, it allegedly had US \$ 20.1 million on deposit in “Grand Cayman.” By 2009, it allegedly had US \$ 21.1 million on deposit in “Grand Cayman.” Roddy Decl., **Exhibits B, C & D**.

Defendants' interest to impress potential "co-lenders," loan brokers, and innocent borrowers with his family's supposed financial wherewithal, Sandy Hutchens listed 33 Theodore Place as just another valuable asset, with no qualifying or explanatory note as to any supposed "trust" arrangement. Plaintiffs' Exhibit No. 124 at Blaney 00806 (Roddy Decl., **Exhibit C**) & Plaintiffs' Exhibit No. 154 at Blaney 00857 (Roddy Decl., **Exhibit D**) (describing 33 Theodore Place as "Properties owned personally by Tanya Hutchens (Sandy).") Clearly, there was no mention of any "held in trust" arrangement.

Evidence presented at trial made clear that the Hutchens children received "Shareholders' Advances" from at least one of the Hutchens Entities – 308 Elgin Street Inc. Plaintiffs' Exhibit No. 107 at 285-288 [DE 861, Exhibit B (showing payments to "BH" [\$13,297], "DH" [\$12,157] and "JH" [\$12,774])] In his videotaped deposition that was shown to the jury, Sandy Hutchens admitted that these are his children's initials: **B**riana Hutchens, **D**aniel Hutchens, and **J**oshua Hutchens.<sup>9</sup> The same information can be gleaned from the January 2011 "Separation Agreement." Plaintiffs' Exhibit No. 221 at Hutchens 2015 000180 [DE 861, Exhibit D]. As this Court has already determined [DE 859 at 10], under these circumstances, it is appropriate to include the residence located at 33 Theodore Place, Thornhill, Ontario, in the constructive trust. *Lyons*, 793 F. Supp. at 986.

**5. This Court Should Overrule The Hutchens Defendants' Attempts To Contest This Court's Authority To Impose A Constructive Trust Under Section 1964 Of RICO**

Overruling the Hutchens Defendants' objections, this Court has already held that Section 1964(a) of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §

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<sup>9</sup> The children's initials provide the "JBD" for the "JBD Family Holdings, Inc." and "JBD Hutchens Family [sic] Holdings Inc." entities described on pages 4-5, *supra*.

1964(a), permits this Court to employ the equitable remedy of a constructive trust. [DE 859 at 8 (noting that a constructive trust “promote[s] the objectives of [§ 1964] (a) because it limits the violator’s ability to retain or conceal property traceable to monies extracted from the victim by fraud”)]<sup>10</sup> Without citing any authority, the Hutchens Defendants now assert that this Court cannot impose the constructive trust for the full amount of the \$24,239,101 partial Judgment entered by the Clerk [DE 860] but, rather, only for some lesser amount. [DE 875 at 5-6]<sup>11</sup> This argument ignores the Supreme Court’s recognition that “if Congress’ liberal-construction mandate is to be applied anywhere, it is in § 1964, where RICO’s remedial purposes are most evident.” *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 492 n.10 (1985). In its RICO decisions, the Supreme Court has repeatedly recognized that the treble damages provision contained in Section 1964 is “remedial in nature.” *Pacificare Health Sys., Inc. v. Book*, 538 U.S. 401, 406 (2003). Both “RICO and the Clayton Act [antitrust] are designed to remedy economic injury by providing for the recovery of treble damages, costs, and attorney’s fees.” *Id.* (quoting *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143, 151 (1987)); *Shearson/American Express Inc. v. McMahon*, 482 U.S. 220, 241 (1987) (noting “remedial function” of RICO’s treble damages provision).

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<sup>10</sup> The Hutchens Defendants’ accusation that this Court is “callously” violating their “due process rights” [DE 875 at 6] shows their determination to avoid post-Judgment enforcement proceedings. Their related assertion that Plaintiffs and Class members somehow “abandoned” the constructive trust *remedy* has already been already considered – and rejected – by this Court in the Findings. [DE 859 at 8] Their related assertion that they were somehow “unaware” that the equitable remedy of a constructive trust would be sought is belied by reference to Plaintiffs’ Amended Complaint [DE 175 (filed in 2012)] and the Opposition to Defendants’ Motion for Judgment on the Pleadings that Plaintiffs filed before trial. [DE 808 at 15-16 & n.14]

<sup>11</sup> Currently pending before this Court is Plaintiffs’ motion for an award of attorneys’ fees and pre-judgment interest [DE 865], which will likely result in a final Judgment in excess of the amount of the partial Judgment entered by the Clerk on September 26, 2017. [DE 860]

The Hutchens Defendants' argument also ignores the important public policies that are advanced by the availability of treble damages under RICO and federal antitrust laws. In the words of Judge Easterbrook:

Because frauds are concealable, trebling is important to produce proper incentives. If perpetrators pay what they took when they get caught, and keep the proceeds the rest of the time, then fraud is profitable. If victims recoup only what they lost, and face the burdens and uncertainties of the legal process plus the costs of their own counsel, then victory will not make them whole, and the shortfall may mean that victims will not vigorously investigate and litigate. Trebling addresses both halves of this equation.

*Mosler v. S/P Enters.*, 888 F.2d 1138, 1143-44 (7<sup>th</sup> Cir. 1989) (citation omitted).

In this case, only this Court's imposition of a constructive trust in the full amount of the partial Judgment and/or the final Judgment entered by the Clerk (*see* note 11, *supra*) will adequately compensate Plaintiffs and Class members, allow them to achieve the full and fair recovery to which they are entitled, and incentivize the Hutchens Defendants to put an end to this litigation, which has been pending in this Court for more than six and one-half years. *See, e.g., Yavuz v. 61MM, Ltd.*, 576 F.3d 1166, 1177 (10<sup>th</sup> Cir. 2009) (judgment creditor can be made whole by imposition of a constructive trust remedy); *Counihan v. Allstate Ins. Co.*, 194 F.3d 357, 361 (2d Cir. 1999) (constructive trust is properly imposed to make victims whole for loss of their money); *Chevron Corp. v. Donziger*, 974 F. Supp. 2d 362, 553 (S.D.N.Y. 2014) (same), *aff'd*, 833 F.3d 74 (2d Cir. 2016).

**B. The Hutchens Defendants' Submission Of Supplemental Evidence, Which Seeks To Remove The "Cottage" (1779 Cross Street) From The Constructive Trust, Should Be Overruled By This Court**

As is the case with 33 Theodore Place (*see* discussion above), the Hutchens Defendants claim that their summer residence, a lakefront cottage located at 1779 Cross Street, Innisfil, Ontario, is "held in trust" for the Hutchens children [DE 875 at 9-10] and, therefore, should not

have been included in the constructive trust imposed by this Court. [DE 859 at 12; *see also* DE 860] These arguments have already been made to (and, presumably, rejected by) this Court. In any event, Plaintiffs observe that no such qualifier or explanation about the property being “held in trust” was offered by the Hutchens Defendants when they made representations about their multi-million dollar assets in preparing and disseminating “net worth” statements to “co-lenders,” professionals, loan brokers, and borrowers during the Class Period in 2007, 2008 and 2009. Plaintiffs’ Exhibit No. 118 (Roddy Decl., **Exhibit B**) (listing “Assets”); Plaintiffs’ Exhibit No. 124 at Blaney 00806 (Roddy Decl., **Exhibit C**) (“JBD Family Holdings Inc. Real Estate Net Worth Value Listing”); and Plaintiffs’ Exhibit No. 154 at Blaney 00857 (Roddy Decl., **Exhibit D**) (listing “Cottege” [sic] located at 1779 Cross St. as “Properties owned personally by Tanya Hutchens (Sandy)”). No such qualifier about the property being “held in trust” was offered when Sandy and Tanya Hutchens entered into the January 2011 “Separation Agreement,” which listed the “personal cottage” located at 1779 Cross Street as marital property. [DE 861, Exhibit D at Hutchens 2015 000188]<sup>12</sup>

Consistent with accountant Lapedus’s November 2015 deposition testimony, the financial statement for 308 Elgin Street Inc. for the year ended December 31, 2008, reveals that a “shareholders’ advance” in the amount of \$ 100,626.22 was made to “1779 Cross.” [DE 861, Exhibit B at 288] The financial statement for First Central Holdings Inc. for the year ended December 31, 2009, reveals that a “shareholders’ advance” in the amount of \$ 50,000 was made to “1779 Cross.” [DE 861, Exhibit G] Of course, 1779 Cross St. was not a “shareholder” of

---

<sup>12</sup> In the 2007 “net worth” statement, the Hutchens Family “Summer Residence – Inisfil Ontario” was valued at \$650,000. In the 2008 “net worth” statement, “1779 Cross St Cottage” was valued at \$680,000. In the 2009 “net worth” statement, the property was valued at \$650,000. Roddy Decl., **Exhibits B, C & D**. In the 2011 “Separation Agreement,” the cottage was valued at \$750,000. [DE 861, Exhibit D at Hutchens 2015 000188]

either one of these Hutchens Entities – this was Sandy Hutchens’ diversion of borrowers’ fees to pay for and/or maintain an expensive lakefront cottage. Just as they did at trial, in their “Supplemental Evidence” the Hutchens Defendants offer no explanation for these diversions of borrowers’ fees to maintain an extravagant “summer home.”<sup>13</sup>

Given the facts and circumstances of this case, and the findings already made by this Court – namely, that “transferred funds” were diverted to the Hutchens children and to 1779 Cross Street as part of the advance fee loan fraud scheme [DE 859 at 10] – we respectfully submit that this valuable property should not be removed from the constructive trust so that it is available to satisfy the Hutchens Defendants’ multi-million dollar liability to the U.S. borrowers that they defrauded.

#### **IV. CONCLUSION**

Pursuant to Plaintiffs’ Supplemental Submission, the following entities/properties should be added to the constructive trust: Estate of Hutchens; 364 Morris Street Inc. (or the proceeds from its sale); 367-369 Howey Drive Inc.; 720 Cambrian Heights Inc. (or the proceeds from its sale); 33 Theodore Place; JBD Family Holdings Inc.; JBD Hutchens Family (sic) Holdings Inc.; and the boat docked at 1779 Cross Street. The Hutchens Defendants’ opposition to Plaintiffs’ Supplemental Submission should be rejected and their motion to remove 1779 Cross Street from the constructive trust should be denied.

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<sup>13</sup> An aerial view of this lakefront property and street front view (using the Google Maps program) shows an expensive “cottage” with a dock, a boat, and the Sea Doo personal watercraft that is listed on the constructive trust imposed by this Court. The 2008 financial statement for 308 Elgin Street Inc. reveals that “shareholders’ advances” paid for the boat (\$21,000) and the Sea Doo (\$7,771.90). [DE 861, Exhibit B at 285-286] This Court should add the “boat” to the constructive trust.



DATED: November 21, 2017

WILENTZ, GOLDMAN & SPITZER, P.A.

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**Co-Lead Counsel for Plaintiffs and the Class**

# APPENDIX 43



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BARRISTERS AND SOLICITORS

May 8, 2019

**BY EMAIL dnaymark@naymarklaw.com**

Daniel Naymark  
Naymark Law  
101 - 171 John Street  
Toronto, ON  
M5T 1X3

Dear Mr. Naymark:

**Re: A. Farber & Partners Inc., Receiver of Hutchens et al. (the "Receiver")**

You have requested our opinion concerning the Charge/Mortgages issued by Tanya (also known as Tatiana) Hutchens ("Tanya") to Meridian Credit Union Limited ("Meridian") and the Charge/Mortgage issued by Sandy Hutchens ("Sandy") to Ronald Henderson ("Ronald"). Tanya and Sandy are respondents in an Application with Court File No. CV-18-608271-00CL (the "Application").

In order to provide our opinion we reviewed and relied exclusively on copies of the following:

1. A Charge/Mortgage registered in the Simcoe land registry office as SC976633 on April 26, 2012 from Tanya to Meridian in the principal amount of \$85,000.00 (the "85K Mortgage") against the property with PIN 58069-0103 (LT) and legally described as LT 1 PL 978 INNISFIL; INNISFIL (the "1790 Cross Property"), obtained from Service Ontario;
2. A Charge/Mortgage registered in the Simcoe land registry office as SC1049629 on April 8, 2013 from Tanya to Meridian in the principal amount of \$300,000.00 (the "300K Mortgage") against the property with PIN 58069-0150 (LT) and legally described as PT N ½ LT 25 CON 6 INNISFIL AS IN RO1093173; S/T RO1093173; INNISFIL (the "1779 Cross Property"), obtained from Service Ontario;
3. A Charge/Mortgage registered in the Simcoe land registry office as SC1049631 on April 8, 2013 from Tanya to Meridian in the principal amount of \$200,000.00 (the "200K

Mortgage”) against the property with PIN 58072-0299 (LT) and legally described as LT 31, PL 657; INNISFIL (the “Simcoe Blvd. Property”), obtained from Service Ontario;

4. A Charge/Mortgage registered in the York Region land registry office as YR1844133 on June 27, 2012 from Tanya to Meridian in the principal amount of \$535,000.00 (the “535K Mortgage”) against the property with PIN 03251-0304 (LT) and legally described as PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593; VAUGHAN (the “Theodore Place Property”), obtained from Service Ontario; and
5. A Charge/Mortgage registered in the Sudbury land registry office as SD61982 on October 11, 2006 from Sandy to Ronald in the principal amount of \$100,000.00 (the “100K Mortgage”) against the property with PIN 73588-0383 (LT) and legally described as PCL 7614 SEC SES; LT 278 PL M128 MCKIM; GREATER SUDBURY (the “Clemow Property”), which you provided.

(Collectively, the “Mortgages”).

6. Parcel Registers obtained on April 29, 2019, provided by Service Ontario, Simcoe Land Registry Office (#51) for the 1790 Cross Property;
7. Parcel Registers obtained on April 26, 2019, provided by Service Ontario, Simcoe Land Registry Office (#51), for the 1779 Cross Property;
8. Parcel Registers obtained on April 26, 2019, provided by Service Ontario, Simcoe Land Registry Office (#51), for the Simcoe Blvd. Property;
9. Parcel Registers obtained on April 29, 2019, provided by Service Ontario, York Region Land Registry Office (#65), for the Theodore Place Property; and
10. Parcel Registers obtained on April 26, 2019, provided by Service Ontario, Sudbury Land Registry Office (#53), for the Clemow Property. The Parcel Register discloses a Land Registry Order on March 9, 2007 amending Owners’ Name Field by adding Judith Anne Hutchens – Estate ASIN.

(Collectively, the “Searches”).

The Searches discloses various Certificates of Pending Litigation.

In accordance with your instructions, we have not conducted the usual supplemental searches that are ordinarily conducted in real estate transactions; for instance, municipal work orders, realty tax arrears, writ searches, etc.

We express no opinion as to the priority of any of the Mortgages, the enforceability of any loans or obligations secured by the Mortgages, the specific payment provisions of the Mortgages, or title to the properties secured by the Mortgages. We express no opinion on the Application.

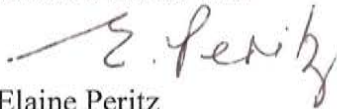
In our opinion, subject to the foregoing qualifications and the assumptions and qualifications set out in Schedule "A", attached hereto, each of the Mortgages is a valid and enforceable Charge/Mortgage against the Receiver to the extent of all monies advanced thereunder.

We have no reason to believe that any assumptions and qualifications set out in Schedule "A" may specifically apply with respect to the Mortgages. We invite your questions or comments should you have any concerns in this regard.

The opinions expressed herein are provided to and are for the sole purpose of A. Farber & Partners Inc. and may not be released to any other person or used for any other purpose without our express written consent.

Yours truly,

**Jaffe & Peritz LLP**

A handwritten signature in dark ink, appearing to read "E. Peritz", is written over the printed name.

Elaine Peritz

ESP:rb

**SCHEDULE "A"**

## Assumptions and Qualifications:

## 1. In rendering our opinion we have assumed the following:

- (a) the genuineness of all signatures on documents examined by us, the authenticity of all documents submitted to us as originals and the conformity to authentic original documents of all documents submitted to us as certified, conformed or photostatic copies;
- (b) the legal capacity of natural persons and the truth of the factual statements contained in all documents submitted to us;
- (c) the accuracy and currency of the indices and filing systems maintained at the public offices where we have searched or inquired;
- (d) the due execution, authorization and delivery of the documentation referred to herein by all parties and as of the date of this opinion no steps or actions have been taken to revoke, rescind or modify any such authorizations;
- (e) that the debtors have no legal defence against any of the secured parties for, without limitation, absence of legal capacity, fraud, by or to the knowledge of any of the secured parties, misrepresentation, undue influence or duress.

## 2. We express no opinion with respect to the debtors' title to assets.

## 3. All opinions with regard to the enforceable nature of the obligations evidenced by any agreement or document, which are the subject matter hereof, are subject to the following qualifications:

- (a) enforcement of an agreement may be restricted by any laws affecting or limiting the right of creditors to enforce any remedies available to them;
- (b) enforcement of an agreement might be affected or limited by any collateral agreements or arrangements relating thereto entered into among the parties thereto, of which we are not aware;
- (c) no opinion is given with respect to the availability of any particular remedy, equitable or otherwise. Without limiting the generality of the foregoing, no opinion is given that any particular provision of any of the agreement or document the subject matter hereof, may be specifically enforced; the enforceability of a party's obligations thereunder being



subject to the general principles of equity regardless of whether such enforceability is considered in a proceeding in equity or at law;

- (d) enforcement of an agreement may be limited by any applicable bankruptcy, reorganization, insolvency, moratorium or other law (including the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the "BIA")) affecting the enforcement of creditors' rights generally from time to time; and
  - (e) since specific performance and injunctive relief are equitable remedies and may only be granted in the discretion of a court of competent jurisdiction, such remedies may not be available where damages are considered adequate.
4. The security documents are only enforceable to the extent that monies have been advanced by the secured parties and/or other obligations owed by the debtors to the secured parties have been incurred.
  5. The opinions expressed herein are provided to and are for the sole purpose of A. Farber & Partners Inc. and may not be released to any other person or used for any other purpose, other than to the Superintendent as defined in the BIA.

# APPENDIX 44



## Report On Hutchens Buildings

This is an overall report on the state of building and issues viewed over the last week.

- All buildings are in a state of bad repair and have been neglected for many years.
- Pine St. has a bug and rodent problem; it seems to be out of control.
- All buildings have garbage outside including beds, furniture and garbage.
- Three buildings have had bins removed and garbage outside on ground (Howey, Regent and Serpentine). Howey and Regent have had by-law officers called to the buildings by neighbours. I received another call today April 7<sup>th</sup>, 2019. After speaking with the by-law officers, they have given till weds to have bins returned and remove beds at Regent St. I will remove beds Monday for by-law officers on Regent.
- The remaining bins are with the City of Sudbury. I will contact them to make sure they don't remove the bins.
- Moving forward the buildings should have the garbage in the hallways and outside removed.
- All hallways (including walls) should be cleaned as it appears they have not been cleaned in years. Also, the extra garbage (clothes, items, toys, old doors) should be removed. This is over and above just regular garbage clean up. The smell on Pine St. and Howey is overwhelming.
- Many vacant units are far from rentable and some have garbage and furniture still in units from past tenants.
- The first week has been a little difficult with hesitation from tenants and poor rent roll. It is believed within the week many more tenants will be paying their rent.
- For tenants that have not paid rent a N4-(Notice to evict for Non-payment of rent) should be given. This is just the start of the eviction process; it gives the tenants 14 days to pay after which we will have to take tenant to tribunal.
- Overall Howey should be sold first as it may not have any tenants in next few months and needs repair.
- It is recommended that tenant acknowledgements should be done for each unit.

See Below for Each Building

Thank you, Quentin Seeley

(705) 562- 7925

northkeyproperty@gmail.com



## **110 Pine St**

- Bug and Rodent problem throughout the building.
- Garbage outside gathering in piles.
- Smell in hallways overwhelming.
- Hallways need huge amount of cleaning and garbage removal.
- Vacant units need repair and removal of old tenants garbage and furniture, this may be partial problem with the smell in the building.
- All Units have issues ranging from floors, doors, plumbing, electrical, kitchen cupboards, missing drywall, leaking sewage pipes in units and many other issues.
- It is believed this building is not to fire code or has not had a fire check company there in sometime.

To understand issues, a full report for building can be done. If requested it can include all units or just vacant ones. Pictures of garbage will be sent Monday or Tuesday.

## **367 & 369 Howey**

- Cast Iron pipes for toilets leaking into lower apartments.
- Garbage outside gathering in piles.
- Smell in hallways overwhelming, carpets removed over the years.
- Hallways need huge amount of cleaning and garbage removal.
- Vacant units need repair and removal of old tenants garbage and furniture. Vacant units have striped bathrooms, need of repair and missing floors.
- All Units have issues ranging from floors, doors, plumbing, electrical, kitchen cupboards, missing drywall, leaking sewage pipes in units and many other issues.
- It is believed this building is not to fire code or has not had a fire check company there in sometime. Rear door closed with wood to prevent break-ins.
- All tenants are claiming to move within 2 months or sooner. It is believed by us that tenants are moving because tenants being forced to pay rent to live in a building that needs lots of work. One tenant also disturbs the rest of tenants and refuses to pay rent because of condition of his unit.

To understand issues a full report for building can be done. If requested it can include all units or just vacant. Pictures of garbage will be sent Monday or Tuesday.

### **331 Regent St**

- Garbage outside gathering in piles.
- Building in better shape than many.
- Upstairs are three units and one unit refuses to contact us.
- Hallways are in need of cleaning and garbage removal outside.
- The basements rooms are dorm like with make shift rooms and steel doors. The rooms have no unit numbers on them and it appears only 3 people live in the 12 rooms. There is a common washroom and kitchen for tenants in basement. Some vacant rooms have belonging or furniture to be removed.
- All units have issues ranging from floors, doors, plumbing, electrical, kitchen cupboards, missing drywall, and other issues.
- It is believed this building is not to fire code or has not had a fire check company there in sometime.

Overall this is the better building with fewer issues.

To understand issues a full report for building can be done. If requested it can include all units or just vacant. Pictures of garbage will be sent Monday or Tuesday.

### **3415-3419 Errington**

- Garbage outside gathering in piles.
- Smell in hallways and cleaning needed.
- Vacant units need repair and removal of old tenants garbage and furniture. Vacant apartments need of repair to missing floors, one has spray painted walls.
- All units have issues ranging from floors, doors, plumbing, electrical, kitchen cupboards, missing drywall, window issues (missing panes or cracked) and many other issues. Also water seepage for outside wall.
- It is believed this building is not to fire code or has not had a fire check company there in sometime.

Note: After inspection and interviews with tenants, Unit #5 at 3415(basement unit) has taken on water from foundation. The tenant has requested to move to a front vacant unit at 3419. Also unit #5 at 3419 has requested to move to the other vacant unit at front of 3419. This is due to issues in his apartment. To add to this, the police are there frequently because of disputes between Unit # 5 and Unit #7 at 3419. The issue would be resolved if Unit #5 move to front of building. Both vacant unit may not need as much work to occupy and would prevent losing two tenants for future sale.

To understand issues a full report for building can be done. If requested it can include all units or just vacant. Pictures of garbage will be sent Monday or Tuesday.

## **29 Laren St**

- Garbage outside gathering in piles.
- Hallways need cleaning.
- All units have issues ranging from floors, doors, plumbing, electrical, kitchen cupboards, missing drywall; Units 11-18 (Town Houses) have reported electrical problems, the roof leaked in some units and tenants concerned of mold that may appear due to water damage.
- It is believed this building is not to fire code but maybe close.

Note: The list of repairs could be high for the amount of units but issues may be quick to resolve in most units. This Location is most profitable.

To understand issues a full report for building can be done. If requested it can include all units or just vacant. Pictures of garbage will be sent Monday or Tuesday.

## **42 Clemow st**

- Hot water tank not working needs repair. Tenant has no hot water.
- Tenant promises to pay rent before end of the month. It is believed by us that late rent will cause tenant to be late again in May.
- An inspection of house would be quickly done with 24 hr. notice to tenant for more detail report.
- Property should be sold soon if possible.
- Advised to issue N4 (notice to evict for non-payment).

Thank you, Quentin Seeley

(705) 562-7925

northkeyproperty@gmail.com



# APPENDIX 45

**Consolidated Projected Cash Flow Statement**  
Hutchens et al.  
For the period ending July 26, 2019

	Actual		Projected										Total
	3-May-19	10-May-19	17-May-19	24-May-19	31-May-19	7-Jun-19	14-Jun-19	21-Jun-19	28-Jun-19	5-Jul-19	12-Jul-19	19-Jul-19	26-Jul-19
Receipts													
Rental Income													130,778
Real Property Sales	26,349	2,425	950	10,965	-	41,872	-	-	-	41,872	-	-	1,353,146
Provision for Non-Paying Tenants	-	-	-	(4,926)	-	(14,424)	-	-	-	(14,424)	-	-	(33,774)
Personal Property Sales	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Asset Recovery	714	-	-	-	-	-	-	-	-	-	-	-	714
HST Collected	364	-	-	-	-	364	-	-	-	364	-	-	1,092
HST Refund	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	27,426	2,425	950	6,039	-	27,812	-	-	-	27,812	-	-	1,451,956
Disbursements													
Insurance	(9,449)	-	-	(4,517)	(3,036)	-	-	-	-	(3,036)	-	-	(26,971)
Maintenance and Repairs	-	(1,034)	-	-	-	(44,000)	-	-	-	-	-	-	(45,034)
Property Tax	-	-	-	-	(9,946)	-	-	-	-	(9,946)	-	-	(61,484)
Cleaning	-	-	-	-	(15,000)	-	-	-	-	-	-	-	(15,000)
Waste	-	-	-	-	(900)	(28,769)	-	-	-	(900)	-	-	(30,669)
Utilities - Hydro	-	-	-	-	(5,525)	-	-	-	-	(5,525)	-	-	(11,050)
Utilities - Water	-	-	-	-	(2,884)	-	-	-	-	(2,884)	-	-	(5,767)
Utilities - Gas/HVAC	-	-	-	-	(3,575)	-	-	-	-	(3,575)	-	-	(7,150)
Condo Fees	-	-	-	-	-	-	-	-	-	-	-	-	-
Property Management and General Expense	(3,500)	-	-	(13,000)	-	-	-	(13,000)	-	-	-	(13,000)	(42,500)
Interest and Bank Charges	-	-	-	-	(500)	-	-	-	-	-	-	-	(1,000)
Tools and Supplies	-	-	-	-	(150)	-	-	-	-	(150)	-	-	(300)
HST Credits Paid	-	-	-	(1,690)	(1,694)	(11,410)	-	(1,690)	-	(1,694)	-	(1,690)	(19,869)
HST Remitted	-	-	-	-	-	-	-	-	-	-	-	-	-
Ascend Fees	-	-	-	(1,554)	-	-	-	-	-	-	-	-	(1,554)
Total Disbursements	(12,949)	(1,034)	-	(20,761)	(28,209)	(99,179)	-	(14,690)	-	(28,209)	-	(14,690)	(41,593)
Net Cash Flow from Operations	(14,477)	1,391	950	(14,722)	(28,209)	(71,367)	-	(14,690)	-	(398)	-	(14,690)	1,183,708
Interest on Receiver's Borrowings	-	-	-	-	-	-	-	-	-	-	-	-	-
Professional Fees - Receiver	-	-	-	-	-	(135,000)	-	-	-	(100,000)	-	-	(235,000)
Professional Fees - Receiver's Counsel	-	-	-	-	-	(80,000)	-	-	-	(60,000)	-	-	(140,000)
Closing Reserve for Professional Fees and Priority Payables	-	-	-	-	-	(27,950)	-	-	-	(20,800)	-	-	(48,750)
HST on Professional Fees	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Payable to Secured Lenders	-	-	-	-	(30,000)	-	-	-	-	(50,000)	-	-	(100,000)
Mareva - Legal Expenses	-	-	(10,000)	-	-	-	-	(10,000)	-	-	-	(10,000)	(30,000)
Mareva - Living Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Cash Flow	14,477	1,391	(9,050)	(14,722)	(78,209)	(314,317)	-	(24,690)	-	(231,198)	-	(24,690)	629,958
Consolidated Opening Balance	20,363	34,840	36,231	27,181	12,459	(65,750)	(380,068)	(380,068)	(404,758)	(404,758)	(635,955)	(635,955)	(660,645)
Consolidated Closing Balance	34,840	36,231	27,181	12,459	(65,750)	(380,068)	(380,068)	(404,758)	(404,758)	(635,955)	(635,955)	(660,645)	650,908
OK													
Cash Opening Balance	20,363	34,840	36,231	27,181	12,459	(65,750)	(380,068)	(380,068)	(404,758)	(404,758)	(635,955)	(635,955)	(660,645)
Receiver's Borrowings/Advances/(Repayments)	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Closing Balance	34,840	36,231	27,181	12,459	(65,750)	(380,068)	(380,068)	(404,758)	(404,758)	(635,955)	(635,955)	(660,645)	650,908
-													

**Disclosures:**

This forecast model was created exclusively for A. Foster & Partners Inc., in its capacity as court-appointed receiver (the "Receiver") over the assets, undertakings and property (the "Property") of Hutchens et al. (the "Debtors"). It is for the Receiver's sole benefit and use. Any work product, schedules, reports or documents that the Receiver may produce are not intended for general circulation or publication, nor should they be reproduced, relied upon by any party or used for any purpose, without the Receiver's prior written consent.

The Receiver's scope does not constitute an audit conducted in accordance with generally accepted auditing standards, an examination of internal controls or other attestation or review services in accordance with standards established by the Canadian Institute of Chartered Accountants ("CICA"). Accordingly, the Receiver does not express an opinion or any other form of assurance on the cash flow forecasts of the Debtors or any financial or other information or operating and internal controls of the Debtors. The cash flow forecasts are based primarily on the limited information supplied by the Debtors. The Debtors' information is not complete and the Receiver does not represent that the Debtors' information provided is accurate. The Debtors' information is not subject to checking or verification procedures, except to the extent expressly stated to form part of the scope of work.

The Receiver accepts no duty, obligation, liability or responsibility to any party. The Receiver makes no representation regarding the sufficiency of the cash flow forecasts for any purpose.

With respect to prospective financial information relative to the Debtors, the Receiver did not examine, compile or apply agreed-upon procedures to such information in accordance with standards established by the CICA, and the Receiver expresses no assurance of any kind on such information. There will usually be differences between estimated and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. The Receiver takes no responsibility for the achievement of predicted results.

# APPENDIX 46

**Subject:** Inspections of 1779 Cross St and 33 Theodore Place  
**Date:** Sunday, May 12, 2019 at 12:24:36 AM Eastern Daylight Time  
**From:** Sandy Hutchens  
**To:** Paul J. Denton  
**CC:** Phil Smith, dnaymark@naymarklaw.com, hrjones@rogers.com, Elizabeth Lentz  
**Attachments:** 4 Real Estate Agents cards.pdf, Phil Smith Letter dated August 28 2018 -Re S Hutchens tenancy's.pdf

I confirm that on Friday afternoon 4 Real Estate agents attended at the appointed time, I have attached a copy of there business cards , Since I thought only 3 were attending I only had 3 copies of Mr. Smith's letter dated August 28 /18 to provide. I undertook to email Ms Jones a copy of his letter which I have attached here as well, I have copied Ms.Jones accordingly. I am confident that Meridian advised you, However I felt it important that any listing for either 1779 Cross St or 33 Theodore place include the tenancy information, Mr Smith's letter provides sufficient information in this regard. Its important to note that Meridian is aware of my Tenancy at both properties that concludes on Dec 31 2020.

**Inspection at 33 Theodore Place on Monday May 13/19**

I was advised that there are similar inspections set for Monday at 12.00 noon, I was not given any notice from you. I am not available on Monday, but could make myself available on Wed May 15/19 between 12 noon and 2 PM. I take it that it was just an oversight that I was not notified

Please advise

Sandy Hutchens

On Thu, May 9, 2019 at 6:45 PM Sandy Hutchens <sandyhutchens0@gmail.com> wrote:  
Okay then 1 of them called me and its set for tomorrow at 1.30

Sandy

On Thu, May 9, 2019 at 3:10 PM Paul J. Denton <pdenton@farbergroup.com> wrote:

Sandy

Those realtors and their teams indicate they cover that area and property type.

Additionally one further realtor will now be coming through on Friday - Heather Jones of Lifestyle Realty Associates Inc.

regards



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**Sent:** Thursday, May 9, 2019 10:59 AM  
**To:** Paul J. Denton <[pdenton@farbergroup.com](mailto:pdenton@farbergroup.com)>  
**Cc:** Phil Smith <[psmith@dmlaw.ca](mailto:psmith@dmlaw.ca)>; [dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com)  
**Subject:** Re: 1779 Cross Street - Friday attendance

Thank you.

Don't you think that Local realtors would be advantages?

Sandy Hutchens

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Sandy

With respect to the attendance on Friday, the 3 real estate agents are listed below.

- Kash Vasal – HomeLife Woodbine Realty – 647-290-5274
- Ilan Joseph – Sutton Group Admiral Realty – 416 419-7001
- Shawn Zigelstein – Royal Le Page – 647-274-7355

Thanks



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Thanks -address is: 1220 Sheppard Avenue East, Suite 300, Toronto, Ontario, Canada M2K 2S5



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**Subject:** Re: Various Matters- Undertakings etc

First of all thank you what was the address again? I think it was Sheppard and Bayview? And here is my cell # 647 832 8383 no problem If you could send back which persons are coming etc On Friday 10th

Sandy Hutchens

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Arrangements are in place at our Sheppard Office for tomorrow. Please ask the receptionist – the 2 hard drives are there and the boxes can be left there.

Can I ask on Friday for the realtors (3 realty firms) will you be present at 1779 Cross noon to 3:00 re access. If so can I give them your cell # to ensure they can contact you if need be. I can provide their particulars as well

regards

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**Subject:** Re: Various Matters- Undertakings etc

Thanks much appreciated, I have Dr's appointments so this will also save me a lot of driving. Let me know

Sandy Hutchens

On Wed, May 8, 2019 at 12:04 PM Paul J. Denton <[pdenton@farbergroup.com](mailto:pdenton@farbergroup.com)> wrote:

Sandy

Understood - just need some one to shepherd these items to Sheppard and vice versa back to our downtown office

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**From:** Sandy Hutchens <sandyhutchens0@gmail.com>  
**Sent:** Wednesday, May 8, 2019 11:57 AM  
**To:** Paul J. Denton <pdenton@farbergroup.com>  
**Cc:** dneymark@naymarklaw.com; Phil Smith <psmith@dmlaw.ca>  
**Subject:** Re: Various Matters- Undertakings etc

I had called and spoke to the woman who was at my examination as per your direction regarding the hard drives, she advised that she would give them to Tanya at her previous examination which was Tanya's 2nd examination not yesterday's. So if they could be at your Sheppard office it would really be appreciated. I am going through issues with my circulation and feet, that's why I have a disabled parking sign and your downtown office for me to bring up the boxes will be difficult. It would be much easier at your Sheppard office.

Sandy

On Wed, May 8, 2019 at 11:45 AM Paul J. Denton <pdenton@farbergroup.com> wrote:

Sandy,

Let me review and revert.

We still have both hard drives here. They have been awaiting pick up for a good number of weeks.

regards

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**From:** Sandy Hutchens <sandyhutchens0@gmail.com>  
**Sent:** Wednesday, May 8, 2019 10:52 AM  
**To:** Paul J. Denton <pdenton@farbergroup.com>  
**Cc:** [dnaymark@naymarklaw.com](mailto:dnaymark@naymarklaw.com); Phil Smith <[psmith@dmlaw.ca](mailto:psmith@dmlaw.ca)>  
**Subject:** Various Matters- Undertakings etc

Paul

I am wondering if we could do the following;

1 I would like to drop off the 5 bankers boxes of Tax documentation and the 1 small box of back up to Jan Luistermans accounting ( the accounting was provided yesterday , this small box also has what cheque Book and cheque registers I found for the transactions at Meridian Credit Union by 480 Linda St Inc) tomorrow at your Sheppard St office,

2 If you did not give Tanya yesterday my hard Drive then i could pick it up while I am dropping off the above noted,

I could drop off and pick up early afternoon, Please advise

Sandy Hutchens

[This page intentionally left blank]

902 Lockhart Road, Unit H, Innisfil ON L9S 4V2

www.lifestylelara.ca

LR

**Heather Jones**

Sales Representative  
SRS



Lifestyle Realty  
ASSOCIATES INC. BROKERAGE



Cell: 705.241.1408  
Office: 705.436.3904 x 6239  
hrjones@rogers.com  
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 pmurphy@dmlaw.ca  
 \*Certified by the Law Society of Upper  
 Canada as a Specialist in Civil Litigation

G. F. STEWART, B.A., LL.B.  
 gstewart@dmlaw.ca

P.J. SMITH, B. Math, J.D.  
 psmith@dmlaw.ca

DONNELLY



MURPHY

M. J. DONNELLY, B.A., LL.B.  
 mdonnelly@dmlaw.ca

S. M. FEAGAN, B.A., B.Ed., M.A., LL.B.  
 sfeagan@dmlaw.ca

M.E. CULL, LL.B.  
 mcull@dmlaw.ca

T.C. DORE, B.B.A., J.D.  
 tdore@dmlaw.ca

August 28, 2018

Sandy Hutchens  
 33 Theodore Place  
 Thornhill, ON L4J 8E2

Re: Separation Agreement  
Our File No.: 18928

Please find enclosed a copy of your Separation Agreement, dated January 7, 2011, which I received from Steven Klenda.

The Agreement states in paragraph 7(c) that you are permitted to maintain an office at both 33 Theodore Place, Thornhill and 1779 Cross Street, Innisfil, from January 1, 2011 to December 31, 2015.

The Agreement further states, in that same subparagraph, that you have the option to renew your tenancy at those properties until December 31, 2020 subject to Tanya's right to raise rent and/or terminate your tenancy in writing within 90 days of December 31, 2015.

You have advised me that Tanya did not terminate your tenancy your tenancy within 90 days of December 31, 2015. You have further advised me that you did exercise your right to renew your tenancy, and accordingly pursuant to the Separation Agreement your tenancy does not expire until December 31, 2020.

Yours truly,  
**DONNELLY & MURPHY**

Philip J. Smith  
 PJS/esl  
 Enclosure

# **APPENDIX 47**

**Subject:** Re: Inspections of 1779 Cross St and 33 Theodore Place

**Date:** Monday, May 13, 2019 at 9:52:42 AM Eastern Daylight Time

**From:** Daniel Naymark

**To:** Phil Smith

**CC:** Paul Denton

Phil,

In case it was unclear from my email below, the visits to 33 Theodore are proceeding today as scheduled. There was no "oversight" in not clearing that time with Mr. Hutchens as he suggests in his email below. On May 1, in response to our request to schedule the realtor appointments, he advised (through you) that we should deal with Mrs. Hutchens with respect to Theodore because he is not in possession of it. That is what we did and will continue to do.

Daniel

--  
Daniel Naymark  
NAYMARK LAW  
t: (416) 640-6078 | f: (647) 660-5060  
dnaymark@naymarklaw.com

---

**From:** Daniel Naymark <dnaymark@naymarklaw.com>  
**Date:** Sunday, May 12, 2019 at 9:12 AM  
**To:** Phil Smith <psmith@dmlaw.ca>  
**Cc:** Paul Denton <pdenton@farbergroup.com>  
**Subject:** Fwd: Inspections of 1779 Cross St and 33 Theodore Place

Phil,

Apologies for the Mother's Day email but an urgent issue has developed. We received the email below from Mr. Hutchens late last night. I will not respond to him directly.

It appears from his email below that he has told agents (a) not to attend at the Theodore property as scheduled tomorrow; and (b) that he has a right to continue to occupy the Theodore and Cross properties post-sale. I do not need to explain to you the jeopardy to which he exposes himself by so doing. Without waiving any possible consequences of what he has done already, I ask that you please caution your client in strongest terms not to interfere further in the sales process.

Given that the assertion of continuing tenancy rights has only been made from Mr. Hutchens to these agents and not from you to me, I am proceeding on the assumption that it is not a position he is actually taking formally. If it is, he should bring a motion urgently and expect it will be opposed.

Daniel

--  
Daniel Naymark

NAYMARK LAW  
 t: (416) 640-6078 | f: (647) 660-5060  
 dnaymark@naymarklaw.com

---

**From:** Sandy Hutchens <sandyhutchens0@gmail.com>  
**Sent:** Sunday, May 12, 2019 12:24:36 AM  
**To:** Paul J. Denton  
**Cc:** Phil Smith; Daniel Naymark; hrjones@rogers.com; Elizabeth Lentz  
**Subject:** Inspections of 1779 Cross St and 33 Theodore Place

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Sandy

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Sandy

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**Subject:** Re: 1779 Cross Street - Friday attendance

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**Subject:** Re: Various Matters- Undertakings etc

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**From:** Sandy Hutchens <[sandyhutchens0@gmail.com](mailto:sandyhutchens0@gmail.com)>

**Sent:** Wednesday, May 8, 2019 10:52 AM

**To:** Paul J. Denton <[pdenton@farbergroup.com](mailto:pdenton@farbergroup.com)>

**Cc:** [dnaymark@namarklaw.com](mailto:dnamark@namarklaw.com); Phil Smith <[psmith@dmlaw.ca](mailto:psmith@dmlaw.ca)>

**Subject:** Various Matters- Undertakings etc

Paul

I am wondering if we could do the following;

1 I would like to drop off the 5 bankers boxes of Tax documentation and the 1 small box of back up to Jan Luistermans accounting ( the accounting was provided yesterday , this small box also has what cheque Book and cheque registers I found for the transactions at Meridian Credit Union by 480 Linda St Inc) tomorrow at your Sheppard St office,

2 If you did not give Tanya yesterday my hard Drive then i could pick it up while I am dropping off the above noted,

I could drop off and pick up early afternoon, Please advise

Sandy Hutchens

# APPENDIX 48

**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

**AFFIDAVIT OF PAUL DENTON**

I, Paul J. Denton, CA (NZ), CIRP, LIT of the City of Toronto, in the Province of Ontario, MAKE OATH AND STATE AS FOLLOWS:

1. I am a Managing Director and Licensed Insolvency Trustee at A. Farber & Partners Inc. and, as such, have knowledge of the matters to which I hereinafter depose.
2. On February 28, 2019, Justice Penny appointed A. Farber & Partners Inc. as interim receiver ("**Farber**" or the "**Receiver**"), (the '**Interim Appointment Order**') without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule "A" of the Interim Appointment Order, including certain real property (the "**Properties**")
3. On March 18, 2019, Justice Penny continued the Receiver's appointment, expanded the list of Properties over which it extended, and expanded the Receiver's powers to include control and management of certain of the properties that produced rental income (hereafter referred to as the "**March Order**").

4. Pursuant to paragraph 3 of the March 2019 Order, the Receiver was required to create Segregated Accounts (as defined therein) for each of the Properties as set out in Schedule B of the March 2019 Order.

5. Prior to April 1, 2019 all fees and expenses were charged to one account (hereinafter described as "**General Fees and Costs**"). Since April 1, 2019, fees and costs have continued to be charged to General Fees and Costs where not specifically allocable to any one Property.

6. In accordance with the March Order, where possible the Receiver recorded its fees and expenses (as did its legal counsel) on a Property by Property basis from April 1, 2019 going forward.

7. A summary of the fees and costs for the period October 9, 2018 to April 30, 2019 is attached as Exhibit 1. The total of the Receiver's fees as outlined in Exhibit 1 is \$277,213.00 together with, H.S.T. on fees of \$36,037.73 and disbursements (including HST) of \$12,049.89, the sum of which equals \$325,300.62. The average hourly rate in respect of time as outlined in Exhibit 1 is \$536.36.

8. The Receiver has rendered 15 invoices for the period of October 9, 2018 to April 30, 2019 in the total amount of \$325,300.62. A copy of the invoices rendered are attached as Exhibit 2.

9. This Affidavit is made in support of a motion to, *inter alia*, seek approval of the foregoing fees and disbursements as fair and reasonable.

SWORN BEFORE ME at the  
City of Toronto, in the  
Province of Ontario,  
this 15<sup>th</sup> day of May, 2019

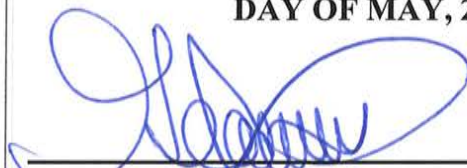
  
Commissioner for Taking Affidavits

**GEANINA SCHMIDT, A Commissioner, etc.,**  
Province of Ontario, for A. Farber & Partners Inc.  
Expires: April 6, 2021.

  
Paul J. Denton, CA (NZ), CIRP, LIT

**EXHIBIT 1**

**THIS IS EXHIBIT "1" TO  
THE AFFIDAVIT OF PAUL J. DENTON  
SWORN BEFORE ME THIS 15<sup>th</sup>  
DAY OF MAY, 2019**

  
A Commissioner, Etc.

**GEANINA SCHMIDT, A Commissioner, etc.,  
Province of Ontario, for A. Farber & Partners Inc.  
Expires: April 6, 2021.**

EXHIBIT 1

A. FARBER & PARTNERS INC.  
HUTCHENS ET AL

SUMMARY OF RECEIVER'S FEES

OCTOBER 9, 2018 TO APRIL 30, 2019

Property/Account	Invoice No.	Invoice Period	Hours	Fees	HST on Fees	Disbursements (Inc. HST)	Total Fees
General Client Account	15758	October 9, 2018 to March 31, 2019	273.70	134,371.50	17,468.30	1,642.20	\$ 153,482.00
General Client Account	TBA	April 1, 2019 to April 30, 2019	114.60	50,730.00	6,594.90	9,065.63	\$ 66,390.53
29 Laren Street	TBA	April 1, 2019 to April 30, 2019	18.00	7,303.00	949.39	108.00	\$ 8,360.39
3415 Errington Avenue	TBA	April 1, 2019 to April 30, 2019	16.30	7,008.00	911.04	97.80	\$ 8,016.84
3419 Errington Avenue	TBA	April 1, 2019 to April 30, 2019	16.70	6,918.50	899.41	100.20	\$ 7,918.11
331 Regent Street	TBA	April 1, 2019 to April 30, 2019	17.30	7,452.50	968.83	103.80	\$ 8,525.13
110-114 Pine Street	TBA	April 1, 2019 to April 30, 2019	16.80	6,939.50	902.14	100.80	\$ 7,942.44
1779 Cross Street	TBA	April 1, 2019 to April 30, 2019	15.20	6,663.50	866.26	91.20	\$ 7,620.96
367-369 Howey Drive	TBA	April 1, 2019 to April 30, 2019	17.30	7,307.00	949.91	103.80	\$ 8,360.71
33 Theodore Place	TBA	April 1, 2019 to April 30, 2019	15.60	6,773.50	880.56	93.60	\$ 7,747.66
1889 Simcoe Blvd	TBA	April 1, 2019 to April 30, 2019	14.80	6,381.00	829.53	88.80	\$ 7,299.33
1790 Cross Street	TBA	April 1, 2019 to April 30, 2019	15.80	7,005.50	910.72	94.80	\$ 8,011.02
1479 Maple Road	TBA	April 1, 2019 to April 30, 2019	14.30	6,402.00	832.26	85.80	\$ 7,320.06
17 Serpentine Street	TBA	April 1, 2019 to April 30, 2019	23.70	8,948.50	1,163.31	175.06	\$ 10,286.87
42 Clemow Avenue	TBA	April 1, 2019 to April 30, 2019	16.40	7,009.00	911.17	98.40	\$ 8,018.57
<b>Total</b>			<b>606.50</b>	<b>\$ 277,213.00</b>	<b>\$ 36,037.73</b>	<b>\$ 12,049.89</b>	<b>\$ 325,300.62</b>

Average Hourly Rate \$ 536.36

**EXHIBIT 2**

**THIS IS EXHIBIT "2" TO  
THE AFFIDAVIT OF PAUL J. DENTON  
SWORN BEFORE ME THIS 15<sup>th</sup>  
DAY OF MAY, 2019**



---

**A Commissioner, Etc.**

**GEANINA SCHMIDT, A Commissioner, etc.,  
Province of Ontario, for A. Farber & Partners Inc.  
Expires: April 6, 2021.**



150 York Street, Suite 1600  
 Toronto, ON, Canada, M5H 3S5  
 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: GENERAL CLIENT ACCOUNT**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Attend meeting at Miller Thomson to discuss properties, living and legal fee expenses, rental property update and consent order motion; Various calls and discussions with Daniel Naymark, Paul Denton regarding sale of property; Review of draft Consent order per discussions with counsel	Levy
04/01/2019	Consulting fees - Corporate Preparation for and attendance at Miller Thomson to meet with counsel for each of the Hutchens and the entities to review matters including: which properties to proceed for sale; funding of the professionals and general status of the property portfolio; update NS and MS on the meeting; review of property management status with NL and including alternative property management options; review alternative property management options; coordinate and meet with Tanya Hutchens to take possession of boxes and records; coordinate review of records with MS;	Denton
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll	Litwack



	schedule from information provided from previous property manager.	
04/01/2019	Banking - Corporate	Samoilov Discuss with P. Denton rental payment options; discuss with M. Stojanovic re. the same.
04/02/2019	Consulting fees - Corporate	Binelli Telephone call to Greater Sudbury Utilities.
04/02/2019	Consulting fees - Corporate	Odeh Prepared correspondence and couriered cheque payment to J. Cusmariu.
04/02/2019	Consulting fees - Corporate	Hendriks Meeting Denton and call to Herrema at RBC re process/contact for notifying banks of Court order to deliver documents re Hutchens and his aliases
04/02/2019	Consulting fees - Corporate	Levy Calls with Daniel Naymark regarding billing account set up, Tanya Hutchens examination, Draft Court Order update; Numerous discussions with Paul Denton regarding banking letters, information from Tanya Hutchens, BMO bank account information
04/02/2019	Consulting fees - Corporate	Denton Review NL property management proposal from Quentin Seeley re: Sudbury properties; meet with MS to confirm areas of focus of review of box records provided by TH; liaise with G Caplan re: contact with TH; draft and provide e-mail to TH re: banking and objective of get surplus funds paid over; liaise with legal counsel re: draft transitional order as well need for access to Hutchens BMO bank account and transfer of surplus funds; follow up bank contact at RBC for legal counsel letter; review of draft bank letters; coordinate laptop review with Sandy Hutchens and Froese; review of Roddy materials; review of fees to March 31, 2019; direct EO to review and update WIP in preparation for invoicing
04/02/2019	Consulting fees - Corporate	Sharma Reviewing documents shared by Tanya Hutchens
04/02/2019	Consulting fees - Corporate	Litwack Review and summary to P Denton regarding property management quote from North Key; reviewed cheque from BMO relating to transaction review; emails with North Key Property Management regarding rent collections and other matters relating to Sudbury properties; various follow up with contacts at various banks relating to requests for information on Hutchens bank accounts.

# FARBER

04/03/2019	Consulting fees - Corporate	Levy
04/03/2019	Consulting fees - Corporate	Denton Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview
04/03/2019	Consulting fees - Corporate	Sharma Reviewing documents shared by Tanya Hutchens and summarizing findings
04/03/2019	Consulting fees - Corporate	Litwack Various follow up with banks regarding having information requests processed; confirmation of computer pick up from Sandy; attended to various Purview property searches and reviews; follow up with property manager regarding status of rent collections and property issues; reviewing questions from Siskinds relating to consent order and provided email memo to counsel and team regarding treatment of professional fees and general administrative expenses.
04/03/2019	Administration - Corporate	Samoilov Discuss with N. Litwack and E. Odeh banking.
04/04/2019	Consulting fees - Corporate	Binelli Complete letter and email same to Greater Sudbury Utilities.
04/04/2019	Consulting fees - Corporate	Odeh Create new Ascend file for each of the properties in order for Lidia to open bank accounts for rental income and sales realizations. Prepare spreadsheet with breakdown of PSFX codes and emailed to Maria to create new PSFX codes for each property.
04/04/2019	Consulting fees - Corporate	Levy Review of numerous emails from Daniel Naymark, Noah Litwack and Paul Denton regarding Siskinds request for GARE explanation; Call with Daniel Naymark regarding consent Orders; Review of draft letter to Poulson, Spiro and Catherine Atchison
04/04/2019	Consulting fees - Corporate	Denton General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination;

compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening

04/04/2019	Consulting fees - Corporate	Sharma	Preparing for and attending Tanya Hutchens' examination
04/04/2019	Consulting fees - Corporate	Litwack	Emails with D Naymark regarding treatment of general administrative expenses and issues with former property manager; pick up and drop off of computers at forensic computer imaging (including travel time); email memo to P Denton regarding questions relating to properties for examination; reviewed rent collections and direction to staff regarding tracking same; various correspondence with property manager regarding potential urgent landlord tenant issues; attended to more Purview property searches; emails with counsel and team regarding drafting letter to D Brik.
04/05/2019	Consulting fees - Corporate	Binelli	Email correspondence with GSU.
04/05/2019	Consulting fees - Corporate	Odeh	Document Preparation including formatting.
04/05/2019	Consulting fees - Corporate	Levy	Review of numerous emails and correspondence from Daniel Naymark, Paul Denton, Terrence Liu
04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title;
04/05/2019	Banking - Corporate	Samoilov	Open a bank account; banking.
04/07/2019	Consulting fees - Corporate	Denton	Work on a global real estate purchase sale chronology

04/08/2019	Consulting fees - Corporate	Odeh	Update Ascend files from interview to main and saved ascend licenses into the N drive. Email sent regarding division of costs.
04/08/2019	Consulting fees - Corporate	Denton	Review of Siskinds Colorado materials; review of potential Receivers borrower lenders; review of e-mails re: waste management; review of DN email re: accountant Posner; review of Ascend charges; coordinate payment of property lawyer registration
04/08/2019	Consulting fees - Corporate	Litwack	Reviewed initial budget request from Sandy Hutchens; email memo regarding tax implications of receivership, property sales and rental income; memo to D Naymark regarding updated rent roll, update on rent collections and information for report to court; reviewed issues relating to insurance; reviewed near term cash requirements and critical expenses for funding.
04/08/2019	Banking - Corporate	Samoilov	Banking, posting.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails;
04/09/2019	Consulting fees - Corporate	Levy	Call with Daniel Naymark, Paul Denton, Megha Sharma, Noah Litwack; Call to James Zibbarras; Review of the draft Court Order from Siskinds; Review of numerous emails from counsel regarding timetable and response to Siskinds order; Call with Daniel Naymark to discuss Court Order
04/09/2019	Consulting fees - Corporate	Litwack	Correspondence with property manager regarding various property issues; call with team regarding same and other matters; reviewed cash requirements on urgent basis; followed up on rent collections; reviewed issues relating to constructive trust claims.

# FARBER

04/09/2019	Consulting fees - Corporate	Sharma	Preparing rent roll for the Innisfil properties
04/09/2019	Consulting fees - Corporate	Sharma	Writing to R Lapalme re the non-real that appear to be insured by Tanya Hutchens. Call on strategy with Naymark Law. Email to Sudbury Credit Union on the 625 Ash Street Account maintained with them.
04/10/2019	Consulting fees - Corporate	Binelli	Email correspondence to Greater Sudbury Hydro and water.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation;
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/10/2019	Banking - Corporate	Samoilov	Banking, posting.
04/11/2019	Consulting fees - Corporate	Binelli	Update website.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Denton	Work on receiver borrowings reaching out to Pillar Capital, Accord Financial, Hillmount, Harbour Mortgage, Clanton Capital and Pivot; review of BMO account to March 26; draft and send e-mail to Tanya Hutchens re: bank reconciliation information re: BMO account; call Tanya Hutchens and leave voice mail; review of e-mails from Deek insurance brokers on property coverage; call with NS re: projections and property management

issues; review of applicant's motion record served; review of Colorado materials; review of e-mails from DN; finalize analysis of 8 properties purchased by SH in 2006 via 1681071 Ontario Inc in preparation for examination of Sandy Hutchens April 12; review of segregated banking accounting structure; continue follow up of receiver's borrowing candidates and exchange of information;

04/11/2019	Consulting fees - Corporate Continued building cash flow forecast model; review of historical expense documents to forecast same.	Litwack
04/11/2019	Banking - Corporate Banking, posting.	Samoilov
04/12/2019	Consulting fees - Corporate Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.	Sharma
04/12/2019	Consulting fees - Corporate Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing	Denton
04/12/2019	Consulting fees - Corporate Continued drafting cash flow forecast model.	Litwack
04/12/2019	Banking - Corporate Banking, posting.	Samoilov
04/14/2019	Consulting fees - Corporate Review of e-mails over the weekend and planning for week of April 15	Denton
04/15/2019	Consulting fees - Corporate Open and sort mail; telephone and email correspondence to various utility companies.	Binelli
04/15/2019	Consulting fees - Corporate Memo to team regarding sorting mail and expense reviews for cash flow forecasting; continued formulating cash flow model.	Litwack
04/15/2019	Banking - Corporate Banking, posting.	Samoilov
04/16/2019	Consulting fees - Corporate Draft and provide e-mail to Tanya Hutchens re information requests of a week ago regarding in particular the BMO rent account; liaise with DN re information request status including Tanya Hutchens lack of response to a number of requests; follow up Receiver's borrowing expressions of interest including	Denton

call with EF Pillar Capital; review of cash flow template provided by NL liaise with insurance broker Randal LaPalme of Deek including obtaining the contacts for 5 to 6 insurers; call with DN re: priorities; coordinate review of different bank accounts and statements related to the flow of cash with MS in preparation for Tanya Hutchens;

04/16/2019	Consulting fees - Corporate	Levy
	Calls with Daniel Naymark regarding consent Order approval	
04/16/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; telephone and email correspondence to various utility companies.	
04/16/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; Telephone and Email correspondence with the various utility companies.	
04/16/2019	Consulting fees - Corporate	Litwack
	Reviewed photos from property manager regarding urgent maintenance requests; reviewed charges by City of Sudbury for garbage collection; call with property manager regarding maintenance.	
04/16/2019	Consulting fees - Corporate	Sharma
	Reviewing the bank statements for flow of funds analysis	
04/17/2019	Consulting fees - Corporate	Denton
	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact particulars; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report;	
04/17/2019	Consulting fees - Corporate	Binelli
	Email correspondence with GSU; open and sort mail; Prepare letters for various insurance companies.	
04/17/2019	Consulting fees - Corporate	Litwack



Call regarding various matters including division of labour relating to preparing receiver's report to court; obtained quotes for property management and urgent property repairs; finalized draft cash flow forecast for discussion purposes with team; review of same with P Denton and H Levy.

- |            |  |         |
|------------|--|---------|
| 04/17/2019 | Consulting fees - Corporate  | Sharma  |
|            | Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.   |         |
|            |  |         |
| 04/18/2019 | Consulting fees - Corporate  | Denton  |
|            | Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening |         |
|            |  |         |
| 04/18/2019 | Consulting fees - Corporate  | Binelli |
|            | Receive and sort mail; prepare and send letters to various insurance companies; Order Corporate search.  |         |
|            |  |         |
| 04/18/2019 | Consulting fees - Corporate  | Litwack |
|            | Updated cash flow forecast; reformatted according to discussions with team; review of term sheet for receiver's borrowings and inputs for cash flow forecast; emails with D Naymark regarding property searches.   |         |
|            |  |         |
| 04/21/2019 | Consulting fees - Corporate  | Denton  |
|            | Review of e-mails over Friday, Saturday and Sunday; work on asset listing for report   |         |
|            |  |         |
| 04/22/2019 | Consulting fees - Corporate  | Denton  |
|            | Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities  |         |



# FARBER

other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables

- |            |   |         |
|------------|---|---------|
| 04/22/2019 | Consulting fees - Corporate   | Sharma  |
|            | Call with and writing to CIBC Wood Gundy Call re the RRSPs maintained by Tanya and Sandy Hutchens. with T Liu on the flow of fund analysis. Reviewing and updating the website. Discussion with P Denton on Insurance.  |         |
|            |   |         |
| 04/22/2019 | Consulting fees - Corporate   | Litwack |
|            | Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.  |         |
|            |   |         |
| 04/22/2019 | Consulting fees - Corporate   | Schmidt |
|            | Update content on website engagement.   |         |
|            |   |         |
| 04/23/2019 | Consulting fees - Corporate   | Levy    |
|            | Review of the cash flow forecasts per property; Discussions with Paul Denton regarding Receiver borrowings and cash flow forecasts  |         |
|            |   |         |
| 04/23/2019 | Consulting fees - Corporate   | Denton  |
|            | Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury |         |
|            |   |         |
| 04/23/2019 | Consulting fees - Corporate   | Binelli |
|            | Email correspondence with Union Gas utility; Receive courier confirmations.   |         |
|            |   |         |
| 04/23/2019 | Consulting fees - Corporate   | Sharma  |
|            | Updating the banking transaction review with further details for BMO account  |         |
|            |   |         |
| 04/23/2019 | Consulting fees - Corporate   | Litwack |
|            | Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email   |         |

responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.

04/24/2019	Consulting fees - Corporate	Levy	Review of emails and status updates with Paul Denton; Questions to Noah Litwack regarding cash flow information
04/24/2019	Consulting fees - Corporate	Denton	Work on report sections; review various e-mails on insurance matters including Serpentine and Pine renewal issues; review of matters with HL; liaise with Hillmount (D Falcione) on receiver borrower terms; review of Pillar term sheet; call with Quentin Seeley on Sudbury property portfolio and major minor repairs required; review of e-mails with legal counsel DN; provide property chart in preparation for Tanya Hutchens examination; review of matters with MS re: banking analysis;
04/24/2019	Consulting fees - Corporate	Litwack	Correspondence and emails with Day Waste Management regarding various properties waste removal.
04/24/2019	Consulting fees - Corporate	Schmidt	Assist and sorting mail.
04/25/2019	Consulting fees - Corporate	Levy	Meeting with team to discuss sale of properties, court report, DIP lending facility and update on strategic initiatives and Hutchens examinations; Review of consent order and endorsement; Call with Daniel Naymark regarding status update
04/25/2019	Consulting fees - Corporate	Denton	Attendance at 9:30 hearing; follow up Quentin Seeley reporting from Sudbury; liaise with Hillmount re: receivers borrowing and next steps; attendance to insurance matters with MS
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/25/2019	Consulting fees - Corporate	Litwack	Drafted update to case website; finalized draft cash flow forecast for discussion with team and sharing with stakeholders; various discussions with P Denton regarding same.
04/25/2019	Consulting fees - Corporate	Schmidt	Update content on website engagement.

04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL
04/26/2019	Consulting fees - Corporate	Binelli	Order corporate search (29 Laren Street Inc.).
04/26/2019	Consulting fees - Corporate	Litwack	Reviewed S Hutchens budget for income request; revised cash flow forecast for stakeholders and potential lenders; email memo to team regarding updated notes to same; drafted schedule relating to cash requirements.
04/28/2019	Consulting fees - Corporate	Denton	Review of legal counsel e-mails over the weekend; review and provide recap to HL on Tanya Hutchens examination and investigative findings to date;
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim;
04/29/2019	Consulting fees - Corporate	Litwack	Follow up with D Naymark regarding updated budget for expenses of S Hutchens; followed up with various real estate agents regarding obtaining access to properties for viewing in advance of submitting a listing proposal; emails with P Denton and D Naymark regarding S Hutchens computer; finalized cash flow forecast

worksheets for prospective lenders; finalized first draft of portion of report to court on real estate control and cash flow update; created tracking list for parties interested in submitting offers on various properties; additional Purview property searches.

04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/29/2019	Consulting fees - Corporate	Schmidt	Update website engagement.
04/30/2019	Consulting fees - Corporate	Binelli	Email correspondence with utility company.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.
04/30/2019	Consulting fees - Corporate	Litwack	Reviewed current cash position and near-term forecast for cash position to address urgent property maintenance related matters; reviewed property management invoice for payment; various discussions with P Denton regarding sale process progress.
04/30/2019	Consulting fees - Corporate	Sharma	Discussion with P Denton on the bank statement review and findings from review of M Spiro's documents. Preparing summary sheet for the bank statements reviewed.
04/30/2019	Consulting fees - Corporate	Sharma	Preparing the global chart for insurance and tracking correspondence to insurance providers. Call with Randall and coordinating payment of insurance premiums.
04/30/2019	Banking - Corporate	Samoilov	Banking, posting.

# FARBER

Total for Services	\$ 50,730.00
HST on Fees	<u>6,594.90</u>
Subtotal	57,324.90

Expenses:

Legal fees (including HST)	7,727.06
Travel (including HST)	650.97
Photocopies, faxes, etc. (including HST)	687.60
Total Expenses ( <i>includes HST of \$968.06</i> )	<u>\$ 9,065.63</u>
Current Amount Due	<u>\$ 66,390.53</u>

HST#136800752RT0001

**A. FARBER & PARTNERS INC.**

**HUTCHENS ET AL**

**SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019**

Name	Total Hours	Rate Per Hour	Billing
H. Levy	15.00	\$595.00	\$8,925.00
J. Hendriks	0.30	\$550.00	\$165.00
P. Denton	31.80	\$550.00	\$17,490.00
N. Litwack	36.00	\$425.00	\$15,300.00
M. Sharma	17.00	\$350.00	\$5,950.00
A. Binelli	6.80	\$200.00	\$1,360.00
G. Schmidt	1.50	\$200.00	\$300.00
E. Odeh	2.30	\$200.00	\$460.00
L. Samoilov	3.90	\$200.00	\$780.00
<b>Total</b>	<b>114.60</b>		<b>\$50,730.00</b>



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May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 3415 ERRINGTON AVENUE**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma

# FARBER

04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	Denton
04/04/2019	Accounting Account Setup	Castillo
04/05/2019	Consulting fees - Corporate Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.	Denton
04/08/2019	Consulting fees - Corporate Review of building reports from North Key Property	Levy
04/09/2019	Banking - Corporate Open a new bank account; setup the bank account in Ascend.	Samoilov
04/09/2019	Consulting fees - Corporate Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.	Denton



# FARBER

04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate	Sharma	Reviewing the utilities bills for the cash flow analysis
04/15/2019	Banking - Corporate	Samoilov	Banking, posting.
04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.



# FARBER

04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.
04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate	Levy	Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/18/2019	Consulting fees - Corporate	Levy	Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet

and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.

- |            |  |         |
|------------|--|---------|
| 04/22/2019 | Consulting fees - Corporate  | Denton  |
|            | Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaison with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables. |         |
|            |  |         |
| 04/22/2019 | Consulting fees - Corporate  | Litwack |
|            | Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.   |         |
|            |  |         |
| 04/23/2019 | Consulting fees - Corporate  | Denton  |
|            | Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.   |         |
|            |  |         |
| 04/23/2019 | Consulting fees - Corporate  | Sharma  |
|            | Updating the banking transaction review with further details for BMO account.  |         |
|            |  |         |
| 04/23/2019 | Consulting fees - Corporate  | Litwack |
|            | Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.   |         |
|            |  |         |
| 04/25/2019 | Consulting fees - Corporate  | Denton  |
|            | Attendance at Tanya Hutchens examination.  |         |

04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for

# FARBER

4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

Total for Services	\$	7,008.00
HST on Fees		<u>911.04</u>
Subtotal		7,919.04
Photocopies, faxes, etc. (includes HST of \$11.25)	\$	<u>97.80</u>
Current Amount Due	\$	<u>8,016.84</u>

HST#136800752RT0001

## A. FARBER & PARTNERS INC.

### HUTCHENS ET AL

#### SUMMARY OF TIME INCURRED APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.90	\$595.00	\$535.50
P. Denton	6.10	\$550.00	\$3,355.00
N. Litwack	2.10	\$425.00	\$892.50
M. Sharma	5.40	\$350.00	\$1,890.00
A. Binelli	0.30	\$200.00	\$60.00
L. Samoilov	0.50	\$200.00	\$100.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>16.30</b>		<b>\$7,008.00</b>



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May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 3419 ERRINGTON AVENUE**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma

04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	Denton
04/04/2019	Accounting Account Setup	Castillo
04/05/2019	Consulting fees - Corporate Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.	Denton
04/08/2019	Consulting fees - Corporate Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS	Denton
04/09/2019	Banking - Corporate Open a new bank account; setup the bank account in Ascend.	Samoilov
04/09/2019	Consulting fees - Corporate Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy	Denton

Hutchens examination questions; review of consent order comments/ e-mails.

04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate	Sharma	Reviewing the utilities bills for the cash flow analysis
04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.



# FARBER

04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.
04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate	Levy	Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of



multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.

04/22/2019	Consulting fees - Corporate	Litwack
	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.	
04/23/2019	Consulting fees - Corporate	Litwack
	Reconciled rent deposits.	
04/23/2019	Banking - Corporate	Samoilov
	Banking, posting.	
04/23/2019	Consulting fees - Corporate	Denton
	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.	
04/23/2019	Consulting fees - Corporate	Sharma
	Updating the banking transaction review with further details for BMO account.	
04/23/2019	Consulting fees - Corporate	Litwack
	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.	
04/25/2019	Consulting fees - Corporate	Denton
	Attendance at Tanya Hutchens examination.	

# FARBER

04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of

# FARBER

Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

Total for Services	\$ 6,918.50
HST on Fees	<u>899.41</u>
Subtotal	7,817.91

Photocopies, faxes, etc. (includes HST of \$11.53)	\$ <u>100.20</u>
Current Amount Due	\$ <u>7,918.11</u>

HST#136800752RT0001

## A. FARBER & PARTNERS INC.

### HUTCHENS ET AL

#### SUMMARY OF TIME INCURRED APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.30	\$595.00	\$178.50
P. Denton	6.10	\$550.00	\$3,355.00
N. Litwack	2.40	\$425.00	\$1,020.00
M. Sharma	5.40	\$350.00	\$1,890.00
A. Binelli	0.30	\$200.00	\$60.00
L. Samoilov	1.20	\$200.00	\$240.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>16.70</b>		<b>\$6,918.50</b>



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 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 331 REGENT STREET**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma

04/04/2019	Consulting fees - Corporate	Denton
	General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	
04/04/2019	Accounting	Castillo
	Account Setup	
04/05/2019	Consulting fees - Corporate	Denton
	Liaison with Day Construction re: waste management and resumption of services as a high priority; provide court order	
04/05/2019	Consulting fees - Corporate	Denton
	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.	
04/08/2019	Consulting fees - Corporate	Denton
	Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS	
04/08/2019	Consulting fees - Corporate	Levy
	Review of building reports from North Key Property	
04/08/2019	Consulting fees - Corporate	Litwack
	Follow up with garbage collection contractor regarding invoicing and replacement of bins.	
04/09/2019	Consulting fees - Corporate	Litwack
	Responded to urgent maintenance issue; correspondence with property manager regarding same.	

# FARBER

04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	

	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.	
04/15/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; telephone and email correspondence to various utility companies.	
04/15/2019	Banking - Corporate	Samoilov
	Banking, posting.	
04/16/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; telephone and email correspondence to various utility companies.	
04/16/2019	Consulting fees - Corporate	Sharma
	Reviewing the bank statements for flow of funds analysis.	
04/17/2019	Consulting fees - Corporate	Denton
	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.	
04/17/2019	Consulting fees - Corporate	Sharma
	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.	
04/18/2019	Consulting fees - Corporate	Levy
	Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon	
04/18/2019	Consulting fees - Corporate	Denton
	Coordinating letters to insurers re: receivership	



proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.

04/22/2019	Consulting fees - Corporate	Sharma	Reviewing the utilities bills for the cash flow
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.
04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.



04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re

the same and review of bank statements.

04/30/2019 Consulting fees - Corporate Denton  
 Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

04/30/2019 Consulting fees - Corporate Denton  
 Liaise with Angie Hache mortgagee on 331 Regent; draft and forward e-mail with court orders and link to site; share e-mail provided to service list on property condition and status and Receiver recommendation that further properties be approved for sale given generating losses;

Total for Services	\$ 7,452.50
HST on Fees	<u>968.83</u>
Subtotal	8,421.33
Photocopies, faxes, etc. (includes HST of \$11.94)	<u>\$ 103.80</u>
Current Amount Due	<u><u>\$ 8,525.13</u></u>

HST#136800752RT0001

## A. FARBER &amp; PARTNERS INC.

HUTCHENS *ET AL*SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.50	\$595.00	\$297.50
P. Denton	6.70	\$550.00	\$3,685.00
N. Litwack	2.70	\$425.00	\$1,147.50
M. Sharma	5.60	\$350.00	\$1,960.00
A. Binelli	0.30	\$200.00	\$60.00
L. Samoilov	0.50	\$200.00	\$100.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>17.30</b>		<b>\$7,425.00</b>



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 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 110-114 PINE STREET**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma

04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	Denton
04/04/2019	Accounting Account Setup	Castillo
04/05/2019	Consulting fees - Corporate Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.	Denton
04/08/2019	Consulting fees - Corporate Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS	Denton
04/08/2019	Consulting fees - Corporate Review of building reports from North Key Property	Levy
04/09/2019	Banking - Corporate Open a new bank account; setup the bank account in Ascend.	Samoilov
04/09/2019	Consulting fees - Corporate Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders;	Denton

send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.

04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/10/2019	Banking - Corporate	Samoilov	Banking, posting.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Banking - Corporate	Samoilov	

Banking, posting.

04/16/2019	Consulting fees - Corporate Binelli Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate Sharma Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate Denton Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.
04/17/2019	Consulting fees - Corporate Sharma Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate Levy Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/18/2019	Consulting fees - Corporate Denton Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet

and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.

04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaison with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.
04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Lloyd-Key	Opened and organized mail.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.



# FARBER

04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/26/2019	Consulting fees - Corporate	Sharma	Drafting the letter to the insurer and sharing it with the Insurer for not cancelling the insurance coverage.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with

# FARBER

legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

04/30/2019 Consulting fees - Corporate Insurance related work Sharma

Total for Services	\$	6,939.50
HST on Fees		<u>902.14</u>
Subtotal		7,841.64

Photocopies, faxes, etc. (includes HST of \$11.60)	\$	<u>100.80</u>
Current Amount Due	\$	<u><u>7,942.44</u></u>

HST#136800752RT0001

## A. FARBER & PARTNERS INC.

### HUTCHENS ET AL

#### SUMMARY OF TIME INCURRED APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.60	\$595.00	\$357.00
P. Denton	6.00	\$550.00	\$3,300.00
N. Litwack	2.10	\$425.00	\$892.50
M. Sharma	5.30	\$350.00	\$1,855.00
A. Binelli	0.30	\$200.00	\$60.00
L. Samoilov	0.70	\$200.00	\$140.00
L. Lloyd-Key	0.80	\$200.00	\$160.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>16.80</b>		<b>\$6,939.50</b>



150 York Street, Suite 1600  
 Toronto, ON, Canada, M5H 3S5  
 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 1779 CROSS STREET**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of	Denton

e-mails through the evening.

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Consulting fees - Corporate	Levy	Calls with Cole Vegso and Daniel Naymark regarding consent order and constructive trust positions
04/05/2019	Accounting	Castillo	Account Setup
04/08/2019	Consulting fees - Corporate	Denton	Coordinate insurance cover with broker and brief MS
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss

cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.

04/10/2019	Consulting fees - Corporate	Litwack
	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.	
04/11/2019	Consulting fees - Corporate	Sharma
	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.	
04/11/2019	Consulting fees - Corporate	Litwack
	Continued building cash flow forecast model; review of historical expense documents to forecast same.	
04/12/2019	Consulting fees - Corporate	Sharma
	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.	
04/12/2019	Consulting fees - Corporate	Denton
	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.	
04/15/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; telephone and email correspondence to various utility companies.	
04/15/2019	Consulting fees - Corporate	Levy
	Discussions with Daniel Naymark regarding consent order for sale of properties	
04/16/2019	Consulting fees - Corporate	Binelli
	Open and sort mail; telephone and email correspondence to various utility companies.	
04/16/2019	Consulting fees - Corporate	Sharma
	Reviewing the bank statements for flow of funds analysis.	
04/17/2019	Consulting fees - Corporate	Denton
	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and	

presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.

04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/18/2019	Consulting fees - Corporate	Levy	Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding

undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.

- |            |  |
|------------|--|
| 04/22/2019 | Consulting fees - Corporate                      Litwack<br>Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.   |
| 04/22/2019 | Consulting fees - Corporate                      Levy<br>Review of the draft Consent Order and emails with Daniel Naymark regarding property sale, living and legal expenses   |
| 04/23/2019 | Consulting fees - Corporate                      Litwack<br>Calls and emails with various realtors requesting listing proposal in advance of court ordered sale process.   |
| 04/23/2019 | Consulting fees - Corporate                      Denton<br>Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.  |
| 04/23/2019 | Consulting fees - Corporate                      Sharma<br>Updating the banking transaction review with further details for BMO account.   |
| 04/23/2019 | Consulting fees - Corporate                      Litwack<br>Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property. |
| 04/24/2019 | Consulting fees - Corporate                      Litwack<br>Calls and emails with real estate agents regarding listing proposals for property.   |



# FARBER

04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/26/2019	Consulting fees - Corporate	Litwack	Follow up emails and calls with real estate agents regarding listing proposals.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and



information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

Total for Services	\$	6,663.50
HST on Fees		<u>866.26</u>
Subtotal		7,529.76

Photocopies, faxes, etc. (includes HST of \$10.49)	\$	<u>91.20</u>
Current Amount Due	\$	<u><u>7,620.96</u></u>

HST#136800752RT0001

**A. FARBER & PARTNERS INC.****HUTCHENS ET AL**

**SUMMARY OF TIME INCURRED**  
**APRIL 1, 2019 TO APRIL 30, 2019**

Name	Total Hours	Rate Per Hour	Billing
H. Levy	1.30	\$595.00	\$773.50
P. Denton	6.00	\$550.00	\$3,300.00
N. Litwack	2.00	\$425.00	\$850.00
M. Sharma	3.90	\$350.00	\$1,365.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	0.80	\$200.00	\$160.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>15.20</b>		<b>\$6,663.50</b>



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May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 367-369 HOWEY DRIVE**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/02/2019	Consulting fees - Corporate Addressed issue relating to hydro disconnect notice.	Litwack
04/03/2019	Consulting fees - Corporate Follow up with GSU regarding outstanding hydro and utility costs; reviewed and revised letter to same.	Litwack
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for	Denton

property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Consulting fees - Corporate	Denton	Liaison with Day Construction re: waste management and resumption of services as a high priority; provide court order re: powers
04/05/2019	Accounting Account Setup	Castillo	
04/08/2019	Consulting fees - Corporate	Denton	Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS
04/08/2019	Consulting fees - Corporate	Levy	Review of building reports from North Key Property
04/08/2019	Consulting fees - Corporate	Litwack	Follow up with garbage collection contractor regarding invoicing and replacement of bins; memo to D Naymark regarding status of property.
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental

collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.

04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Banking - Corporate	Samoilov	Banking, posting.
04/15/2019	Consulting fees - Corporate	Binelli	

# FARBER

	Open and sort mail; telephone and email correspondence to various utility companies.	
04/16/2019	Consulting fees - Corporate Open and sort mail; telephone and email correspondence to various utility companies.	Binelli
04/16/2019	Consulting fees - Corporate Reviewing the bank statements for flow of funds analysis.	Sharma
04/17/2019	Consulting fees - Corporate Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.	Denton
04/17/2019	Consulting fees - Corporate Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.	Sharma
04/17/2019	Consulting fees - Corporate Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon	Levy
04/17/2019	Consulting fees - Corporate Emailed pictures of property for insurance broker.	Litwack
04/17/2019	Banking - Corporate Banking.	Samoilov
04/18/2019	Consulting fees - Corporate Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens	Denton

examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.

- |            |   |
|------------|---|
| 04/22/2019 | <p>Consulting fees - Corporate                      Denton</p> <p>Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.</p> |
| 04/22/2019 | <p>Consulting fees - Corporate                      Litwack</p> <p>Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.</p>   |
| 04/22/2019 | <p>Consulting fees - Corporate                      Sharma</p> <p>Reviewing the utilities bills for the cash flow</p>   |
| 04/23/2019 | <p>Consulting fees - Corporate                      Denton</p> <p>Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.</p>  |
| 04/23/2019 | <p>Consulting fees - Corporate                      Sharma</p> <p>Updating the banking transaction review with further details for BMO account.</p>   |
| 04/23/2019 | <p>Consulting fees - Corporate                      Litwack</p> <p>Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding</p>   |

cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.

04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of

# FARBER

invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

04/30/2019 Banking - Corporate Samoilov  
Banking, posting.

Total for Services	\$	7,307.00
HST on Fees		<u>949.91</u>
Subtotal		8,256.91

Photocopies, faxes, etc. (includes HST of \$11.94)	\$	<u>103.80</u>
Current Amount Due	\$	<u><u>8,360.71</u></u>

HST#136800752RT0001

## A. FARBER & PARTNERS INC.

### HUTCHENS ET AL

### SUMMARY OF TIME INCURRED APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.60	\$595.00	\$357.00
P. Denton	6.40	\$550.00	\$3,520.00
N. Litwack	2.60	\$425.00	\$1,105.00
M. Sharma	5.40	\$350.00	\$1,890.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	1.10	\$200.00	\$220.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>17.30</b>		<b>\$7,307.00</b>





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May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 33 THEODORE PLACE**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding	Denton

the receivership and impacted properties; review of e-mails through the evening.

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Consulting fees - Corporate	Levy	Calls with Cole Vegso and Daniel Naymark regarding consent order and construtcive trust positions
04/05/2019	Accounting	Castillo	Account Setup
04/08/2019	Consulting fees - Corporate	Denton	Coordinate insurance cover with broker and brief MS
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including

review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.

04/10/2019	Consulting fees - Corporate Litwack Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate Sharma Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate Litwack Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate Sharma Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate Denton Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate Binelli Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate Levy Discussions with Daniel Naymark regarding consent order for sale of properties
04/16/2019	Consulting fees - Corporate Binelli Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate Sharma Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate Denton Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property

portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.

- |            |   |        |
|------------|---|--------|
| 04/17/2019 | Consulting fees - Corporate   | Sharma |
|            | Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.  |        |
| 04/18/2019 | Consulting fees - Corporate   | Levy   |
|            | Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon  |        |
| 04/18/2019 | Consulting fees - Corporate   | Denton |
|            | Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening. |        |
| 04/22/2019 | Consulting fees - Corporate   | Denton |
|            | Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities   |        |

other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.

04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/22/2019	Consulting fees - Corporate	Levy	Review of the draft Consent Order and emails with Daniel Naymark regarding property sale, living and legal expenses
04/23/2019	Consulting fees - Corporate	Litwack	Calls and emails with various realtors requesting listing proposal in advance of court ordered sale process.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/24/2019	Consulting fees - Corporate	Litwack	Calls and emails with real estate agents regarding listing proposals for property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.

04/25/2019	Consulting fees - Corporate Tanya Hutchens Examination and preparation.	Sharma
04/26/2019	Consulting fees - Corporate Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.	Denton
04/26/2019	Consulting fees - Corporate Follow up emails and calls with real estate agents regarding listing proposals.	Litwack
04/29/2019	Consulting fees - Corporate Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.	Denton
04/29/2019	Consulting fees - Corporate Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.	Sharma
04/30/2019	Consulting fees - Corporate Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to	Denton

# FARBER

DN; review of multiple e-mails with insurance broker;  
further review of completeness of real estate purchases  
and sales; liaise with potential listing agents and NL for  
4 Innisfil/ Thornhill properties; further in-depth review of  
Sandy examination as part of forensic mapping  
exercise; work on report section assets, liabilities.

04/30/2019      Banking - Corporate      Samoilov  
Banking, posting.

Total for Services	\$	6,773.50
HST on Fees		<u>880.56</u>
Subtotal		7,654.06

Photocopies, faxes, etc. ( <i>includes HST of 10.77</i> )	\$	<u>93.60</u>
Current Amount Due	\$	<u><u>7,747.66</u></u>

HST#136800752RT0001

## A. FARBER &amp; PARTNERS INC.

HUTCHENS *ET AL*SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	1.30	\$595.00	\$773.50
P. Denton	6.00	\$550.00	\$3,300.00
N. Litwack	2.20	\$425.00	\$935.00
M. Sharma	3.80	\$350.00	\$1,330.00
A. Binelli	0.40	\$200.00	\$80.00
L. Samoilov	0.90	\$200.00	\$180.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>15.60</b>		<b>\$6,773.50</b>





150 York Street, Suite 1600  
 Toronto, ON, Canada, M5H 3S5  
 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 1889 SIMCOE BLVD**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	Denton

# FARBER

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Accounting Account Setup	Castillo	
04/08/2019	Consulting fees - Corporate	Denton	Coordinate insurance cover with broker and brief MS
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.

# FARBER

04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital;

call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.

04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaison with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.
04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/22/2019	Consulting fees - Corporate	Levy	Review of the draft Consent Order and emails with Daniel Naymark regarding property sale, living and legal expenses

# FARBER

04/23/2019	Consulting fees - Corporate	Litwack	Calls and emails with various realtors requesting listing proposal in advance of court ordered sale process.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/24/2019	Consulting fees - Corporate	Litwack	Calls and emails with real estate agents regarding listing proposals for property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Litwack	Follow up emails and calls with real estate agents regarding listing proposals.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite

proposals; review of forensic investigation matters with MS; liaise with HL.

04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/29/2019	Consulting fees - Corporate	Litwack	Follow up with tenant regarding new court order and sale process.
04/30/2019	Consulting fees - Corporate	Litwack	Lengthy phone call with tenant at 1889 Simcoe Boulevard; discussions regarding court process, sale process, rent payments and other protocols; email follow up regarding same.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

Total for Services	\$ 6,381.00
HST on Fees	<u>829.53</u>
Subtotal	7,210.53

Photocopies, faxes, etc. (includes HST of \$10.22)	\$ <u>88.80</u>
Current Amount Due	<u>\$ 7,299.33</u>

HST#136800752RT0001

**A. FARBER & PARTNERS INC.****HUTCHENS ET AL**

**SUMMARY OF TIME INCURRED**  
**APRIL 1, 2019 TO APRIL 30, 2019**

<b>Name</b>	<b>Total Hours</b>	<b>Rate Per Hour</b>	<b>Billing</b>
H. Levy	0.30	\$595.00	\$178.50
P. Denton	6.10	\$550.00	\$3,355.00
N. Litwack	2.70	\$425.00	\$1,147.50
M. Sharma	3.90	\$350.00	\$1,365.00
A. Binelli	0.40	\$200.00	\$80.00
L. Samoilov	0.40	\$200.00	\$80.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>14.80</b>		<b>\$6,381.00</b>



150 York Street, Suite 1600  
 Toronto, ON, Canada, M5H 3S5  
 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 1790 CROSS STREET**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of	Denton



e-mails through the evening.

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Consulting fees - Corporate	Levy	Calls with Cole Vegso and Daniel Naymark regarding consent order and constructive trust positions
04/05/2019	Accounting	Castillo	Account Setup
04/08/2019	Consulting fees - Corporate	Denton	Coordinate insurance cover with broker and brief MS
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase

# FARBER

and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.

04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Levy	Discussions with Daniel Naymark regarding consent order for sale of properties
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of

Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.

04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate	Levy	Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/18/2019	Consulting fees - Corporate	Levy	Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding

undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.

04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/22/2019	Consulting fees - Corporate	Levy	Review of the draft Consent Order and emails with Daniel Naymark regarding property sale, living and legal expenses
04/22/2019	Consulting fees - Corporate	Sharma	Call with Randal on renewal of insurance policy
04/23/2019	Consulting fees - Corporate	Litwack	Calls and emails with various realtors requesting listing proposal in advance of court ordered sale process.
04/23/2019	Banking - Corporate	Samoilov	Banking, posting.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow

forecast and net cash flow per property.

04/24/2019	Consulting fees - Corporate	Litwack	Calls and emails with real estate agents regarding listing proposals for property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Litwack	Follow up emails and calls with real estate agents regarding listing proposals.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Consulting fees - Corporate	Litwack	Telephone and email correspondence with tenant regarding updated court order and sale process; lengthy discussion regarding process.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.
04/29/2019	Consulting fees - Corporate	Sharma	

Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.

04/30/2019 Consulting fees - Corporate Denton  
 Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.

Total for Services	\$	7,005.50
HST on Fees		<u>910.72</u>
Subtotal		7,916.22

Photocopies, faxes, etc. (includes HST of \$10.91)	\$	<u>94.80</u>
Current Amount Due	\$	<u><u>8,011.02</u></u>

HST#136800752RT0001

## A. FARBER &amp; PARTNERS INC.

HUTCHENS *ET AL*SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	1.40	\$595.00	\$833.00
P. Denton	6.20	\$550.00	\$3,410.00
N. Litwack	2.30	\$425.00	\$977.50
M. Sharma	4.20	\$350.00	\$1,470.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	0.50	\$200.00	\$100.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>15.80</b>		<b>\$7,005.50</b>



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 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 1479 MAPLE ROAD**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Contacted realtor regarding letter of opinion of value.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma
04/03/2019	Consulting fees - Corporate Followed up with realtor regarding valuation.	Litwack
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend	Denton



# FARBER

examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.

04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Consulting fees - Corporate	Levy	Calls with Cole Vegso and Daniel Naymark regarding consent order and construtive trust positions
04/05/2019	Accounting	Castillo	Account Setup
04/08/2019	Consulting fees - Corporate	Denton	Coordinate insurance cover with broker and brief MS
04/09/2019	Consulting fees - Corporate	Litwack	Researched historical and current listings.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss

cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.

04/10/2019	Consulting fees - Corporate Litwack Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate Sharma Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate Litwack Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate Sharma Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate Denton Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate Binelli Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate Levy Discussions with Daniel Naymark regarding consent order for sale of properties
04/16/2019	Consulting fees - Corporate Binelli Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate Sharma Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate Denton Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and

presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.

04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate	Levy	Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/18/2019	Consulting fees - Corporate	Levy	Numerous emails and discussions with Paul Denton and Daniel Naymark regarding consent Order to sell certain properties, corporate and property searches, Meridian security and legal opinion with Jaffe; Review of the term sheet from Hillmount and discussions thereon
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of

multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.

04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/22/2019	Consulting fees - Corporate	Sharma	Call with Randal on renewal of insurance policy
04/23/2019	Banking - Corporate	Samoilov	Banking, posting.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.

# FARBER

04/25/2019	Consulting fees - Corporate Tanya Hutchens Examination and preparation.	Sharma
04/26/2019	Consulting fees - Corporate Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.	Denton
04/29/2019	Consulting fees - Corporate Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.	Denton
04/29/2019	Consulting fees - Corporate Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.	Sharma
04/30/2019	Consulting fees - Corporate Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of	Denton

# FARBER

Sandy examination as part of forensic mapping  
exercise; work on report section assets, liabilities.

Total for Services	\$ 6,402.00
HST on Fees	<u>832.26</u>
Subtotal	7,234.26

Photocopies, faxes, etc. (includes HST of \$9.87)	\$ <u>85.80</u>
Current Amount Due	\$ <u>7,320.06</u>

HST#136800752RT0001

## A. FARBER & PARTNERS INC.

### HUTCHENS ET AL

#### SUMMARY OF TIME INCURRED APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	1.10	\$595.00	\$654.50
P. Denton	6.10	\$550.00	\$3,355.00
N. Litwack	1.70	\$425.00	\$722.50
M. Sharma	4.10	\$350.00	\$1,435.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	0.10	\$200.00	\$20.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>14.30</b>		<b>\$6,402.00</b>



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 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 17 SERPENTINE STREET**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma



04/03/2019	Consulting fees - Corporate Emails with counsel for commercial tenant; review with counsel and P Denton.	Litwack
04/04/2019	Consulting fees - Corporate General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.	Denton
04/05/2019	Consulting fees - Corporate Liaison with Day Construction re: waste management and resumption of services as a high priority; provide court order re: powers	Denton
04/05/2019	Accounting Account Setup	Castillo
04/05/2019	Consulting fees - Corporate Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.	Denton
04/08/2019	Consulting fees - Corporate Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS	Denton
04/08/2019	Consulting fees - Corporate Follow up with garbage collection contractor regarding invoicing and replacement of bins.	Litwack
04/09/2019	Banking - Corporate Open a new bank account; set up the bank account in Ascend; banking, posting.	Samoilov



04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy Hutchens examination questions; review of consent order comments/ e-mails.
04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.

# FARBER

04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate	Litwack	Correspondence with tenant on urgent maintenance request; forwarded same to property manager; call to confirm same.
04/15/2019	Consulting fees - Corporate	Sharma	Reviewing the utilities bills for the cash flow analysis
04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Levy	Review of cash flow forecast from Noah Litwack and discussions with Paul Denton, Noah Litwack thereon
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.
04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/18/2019	Consulting fees - Corporate	Lloyd-Key	Opened and organized mail.
04/18/2019	Consulting fees - Corporate	Litwack	Direction regarding corporate profile search on

corporate registered owner of property; review of same;  
review of HST requirements for this property.

04/18/2019	Banking - Corporate	Samoilov	Search for business number; discuss with P. Denton and N Litwack HST issues.
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.
04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.
04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager

in Sudbury.

04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.
04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Sharma	Drafting the letter from the receiver to the insurer and sharing it. Call with the RSA re expediting response to the letter.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/29/2019	Banking - Corporate	Samoilov	Review articles of incorporation and other corporate documents; discuss the same with N. Litwack; prepare application for HST BN; banking, posting.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal

counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April 25 Order and projected cash flow; follow up further Purview searches to confirm existence of further properties still held or purchased and solid historically from that included in Schedule B of the order; review of MS schedule of Spiro documents provided for properties; liaise with legal counsel to get copy of Atchison judgement claim.

04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.		
04/30/2019	Consulting fees - Corporate	Sharma	Insurance related correspondence and discussion with Randall		
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.		
			Total for Services	\$	8,948.50
			HST on Fees		<u>1,163.31</u>
			Subtotal		10,111.81
Expenses:					
Corporate Search (including HST)			32.86		
Photocopies, faxes, etc. (including HST)			142.20		
			Total Expenses ( <i>includes HST of \$20.14</i> )	\$	<u>175.06</u>
			Current Amount Due	\$	<u>10,286.87</u>

HST#136800752RT0001

## A. FARBER &amp; PARTNERS INC.

HUTCHENS *ET AL*SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.30	\$595.00	\$178.50
P. Denton	6.40	\$550.00	\$3,520.00
N. Litwack	3.00	\$425.00	\$1,275.00
M. Sharma	8.00	\$350.00	\$2,800.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	3.00	\$200.00	\$600.00
L. Lloyd-Key	1.80	\$200.00	\$360.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>23.70</b>		<b>\$8,948.50</b>



150 York Street, Suite 1600  
 Toronto, ON, Canada, M5H 3S5  
 T: 1.855.775.8777  
 F: 416.496.3839

May 7, 2019

Hutchens  
 Gary & Linda Stevens & 1174365 Alberta Ltd  
 c/o Justin Nepal Litigation  
 171 John Street, Suite 101  
 Toronto, ON M5T 1X3

**RE: 42 CLEMOW AVENUE**

Invoice No.

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**TO PROFESSIONAL SERVICES RENDERED BY A. FARBER & PARTNERS INC. for the period ended April 30, 2019:**

DATE	SERVICE	STAFF
04/01/2019	Consulting fees - Corporate Various calls with P Denton regarding current property management status and alternative property management options; drafted notices to tenants of all Sudbury properties regarding receivership and updated order of court relating to rents and other matters; drafted agent authorization letter; calls and emails with previous property manager regarding rent rolls; calls and emails with new property manager regarding collection of rents and status of properties; drafted preliminary rent roll schedule from information provided from previous property manager.	Litwack
04/02/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens.	Sharma
04/03/2019	Consulting fees - Corporate Call with Tanya Hutchens to review various matters including property management rentals and banking of same; details of Innisfil and Thornhill properties; review of matters with NL and MS re: property management matters and ongoing information requests; review of MS analysis of review of information in boxes; coordinate laptop receipt from S Hutchens and drop off at Froese; work on questions for TH examination; review with legal counsel overnight; work on overall property purchase and sale history and chronology using Purview.	Denton
04/03/2019	Consulting fees - Corporate Reviewing documents shared by Tanya Hutchens and summarizing findings.	Sharma



04/04/2019	Consulting fees - Corporate	Denton	General - Complete further preparation for examination of Tanya Hutchens; confer with D Neymark; review of matters with MS and NL to help formulate questions for property by property review under the examination; compile information that may be required; attend examination 2:00 to 5:00; review of property status update from Q Seeley with NL; review of draft letters to interested parties including Dina Brik; update HL; liaise with insurance broker and provide information regarding the receivership and impacted properties; review of e-mails through the evening.
04/05/2019	Consulting fees - Corporate	Denton	Coordinate return of laptops from Froese after call with Sandy Hutchens; attend Froese and pick up laptops; call with Quentin Seeley on property management issues and need for comprehensive reporting; coordinate banking matters with Farber Sudbury office - Tracy Rose; review 3/31 billing; liaison with insurance broker DL Deeks to confirm insurance cover status for each property; follow up RBC to direct Receiver letter re: whether Hutchens have bank account holdings; call Tanya Hutchens re: surplus proceeds and delivery of cheque to the Receiver; coordinate payment of J Cusmariu invoices re: registration of receivership order on title.
04/05/2019	Accounting Account Setup	Castillo	
04/08/2019	Consulting fees - Corporate	Denton	Review of Quentin Seeley property management report on Sudbury properties; review Sudbury property matters with NL, rental collections and services; coordinate insurance follow with insurer and MS
04/09/2019	Banking - Corporate	Samoilov	Open a new bank account; setup the bank account in Ascend.
04/09/2019	Consulting fees - Corporate	Denton	Work on 5 properties for sale analysis re: estimated value and equity after mortgage; review of cash flow template for consolidated cash flow and review with NL; call insurance broker with MS; follow up Sudbury rental collections; review of e-mails from Naymark and Siskinds; coordinate and participate on conference call at 3:30 with the team and legal counsel Naymark on priorities; review of potential Receiver borrower lenders; send e-mails to Hillmount and Pillar Capital; call realtor with 1573 Houston listing to confirm background; call Tanya Hutchen and send e-mail; work on Sandy



Hutchens examination questions; review of consent order comments/ e-mails.

04/10/2019	Consulting fees - Corporate	Denton	Work on canvassing parties to provide receivers borrowings including Hillmount, Accord, Pivot, Clanton Capital, Harbour mortgage; draft and provide real estate portfolio information and court order; review, discuss cash flow design and content with NL; work on SH purchase of 8 properties in 2006 via 1681071 Ontario Inc, in preparation for examination April 12, including review of 8 Purview searches and capturing purchase and sale information; deal with insurance broker DL Deeks through the day in property portfolio including deal on urgent basis with 110-114 Pine Street coverage which was facing cancellation.
04/10/2019	Consulting fees - Corporate	Litwack	Review of historical property purchases and sales; followed up with prospective lenders to receivership estate; started putting together cash flow model for projecting cash burn, expenses, borrowing requirements and eventual net realizations.
04/11/2019	Consulting fees - Corporate	Sharma	Reviewing materials for Sandy Hutchens examination shared by P. Smith in response to information request. Coordinating for segregation of rents collected. Call with Randall re insurance. Updating of website.
04/11/2019	Consulting fees - Corporate	Litwack	Continued building cash flow forecast model; review of historical expense documents to forecast same.
04/12/2019	Consulting fees - Corporate	Sharma	Sandy Hutchen's examination. Call with P Denton, N Litwack on the preparation of cash flow statement.
04/12/2019	Consulting fees - Corporate	Denton	Preparation for, travel and attend Sandy Hutchens examination commencing at 10:00 until 5:00, participate on call with B Cohen and K Thomson of Pivot re: potential receivers borrowing.
04/15/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/15/2019	Consulting fees - Corporate	Litwack	Call with property manager regarding hot water tank repair issue and non-payment of rent by tenant.
04/16/2019	Consulting fees - Corporate	Litwack	Call with property manager regarding hot water tank.

# FARBER

04/16/2019	Consulting fees - Corporate	Binelli	Open and sort mail; telephone and email correspondence to various utility companies.
04/16/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis.
04/17/2019	Consulting fees - Corporate	Denton	Liaise with K Lo of Froese re: laptops and computer drive imaging; review of cash flow with NL and presentation and line item inclusion; review briefly with HL and then instruct NL to provide draft cash flow to DN, TL; coordinate and deal with insurance for property portfolio including drafting of notice to RSA insurer of Pine Street to stay cancellation and provide Receiver contact; call with broker at Deek to identify priorities and contact particulars for other insurers; reach out to Q Seeley to obtain updated drive by on 42 Clemow Ave; liaise with DN and TL; review of e-mail from Q Seeley on Sudbury property by property repair, maintenance; follow up the Receivers borrowing candidates; provide property estimated valuation information to Pillar Capital; liaise with Clanton Capital; call with DN, TL and team at 4:00 on various project matters including planning for drafting of the Receivers Report.
04/17/2019	Consulting fees - Corporate	Sharma	Reviewing the bank statements for flow of funds analysis. Call with P Denton, N Litwack, D Naymark and T Liu on the steps going forward and preparation of report.
04/17/2019	Consulting fees - Corporate	Litwack	Direction to property manager regarding addressing rent issue and hot water tank issue.
04/17/2019	Banking - Corporate	Samoilov	Banking.
04/18/2019	Banking - Corporate	Samoilov	Banking, posting JE entry adjustment.
04/18/2019	Consulting fees - Corporate	Denton	Coordinating letters to insurers re: receivership proceeding and stay particulars in concert with AB; review of e-mails from insurance broker Deek regarding insurers; provide update to HL on work plan and court report planning; review of e-mails on the consent order; review of e-mails from legal counsel DN on various matters including rescheduling of the Tanya Hutchens examination; review of Dina Brik letter and properties of interest; coordinate Purview searches on same; with respect to potential receiver's borrowings continue to

canvass potential lenders including calls with Pivot and legal counsel, Noam Edell of Clanton Capital and Diane Falcione of Hillmount; review of Hillmount term sheet and provide to legal counsel, team for review; review of e-mails into the evening; commence asset; listing analysis for the report section; review of e-mails through the evening.

04/22/2019	Consulting fees - Corporate	Denton	Receipt and review of Sandy Hutchens; review of multiple e-mails from Randall LaPalme of DL Deeks including the need to address coverage requirements and premium payment of 7 properties in Innisfil/ Thornhill; liaise with legal counsel to confirm outstanding undertakings from Tanya Hutchens and send follow up request; call and NL and review progress on cash flow projection plus the status of gathering costs on utilities other costs with MS; review of the feedback from CIBC re: RRSP funds with MS; call with Pillar Capital re: potential receiver borrowing facility; work on report sections and tables.
04/22/2019	Consulting fees - Corporate	Litwack	Continued preparing draft cash flow forecast; various emails and discussions with P Denton and M Sharma regarding same; follow up with M Sharma regarding historical expenses; reviewed and revised cash flow model.
04/22/2019	Consulting fees - Corporate	Levy	Review of the draft Consent Order and emails with Daniel Naymark regarding property sale, living and legal expenses
04/23/2019	Consulting fees - Corporate	Litwack	Correspondence with property manager regarding hot water tank repair; Calls and emails with various realtors requesting listing proposal in advance of court ordered sale process.
04/23/2019	Consulting fees - Corporate	Denton	Work on court report sections and tables; commence coordination follow up real estate agents and appraisers including liaison with Meridian legal counsel; review of cash flow provided by NL on all properties; send copy of cash flow to legal counsel DN; follow up potential lenders for receiver's borrowings; review e-mails re: insurance and approve payments; field call from tenant in 3415 Errington; review matter with property manager in Sudbury.
04/23/2019	Consulting fees - Corporate	Sharma	Updating the banking transaction review with further details for BMO account.

# FARBER

04/23/2019	Consulting fees - Corporate	Litwack	Attempted to reconcile rent receipts from Tanya Hutchens; created revised schedule for cash flow forecast; drafted schedule of cash burn rate per property; email memo to team and counsel regarding cash flow forecasts for receivership properties and forecasts for properties yet to be added to the receivership; emails with A Binelli regarding Sudbury utility providers and responses to same; email responses to D Naymark regarding queries on cash flow forecast and net cash flow per property.
04/25/2019	Consulting fees - Corporate	Denton	Attendance at Tanya Hutchens examination.
04/25/2019	Consulting fees - Corporate	Sharma	Tanya Hutchens Examination and preparation.
04/26/2019	Consulting fees - Corporate	Denton	Review of follow up points from Tanya Hutchens examination with legal counsel; review of examination points with MS; review of updated cash flow for properties and global cash flow with NL; review of multiple e-mails from Q Seeley April 25 with NL; call Quentin Seeley on same; liaise with Royal LePage realtor in Sudbury and appraiser for the 42 Clemow property based on mortgage input; review of realtors liaised with on the Thornhill and Innisfil properties to invite proposals; review of forensic investigation matters with MS; liaise with HL.
04/26/2019	Consulting fees - Corporate	Litwack	Follow up emails and calls with real estate agents regarding listing proposals.
04/29/2019	Consulting fees - Corporate	Denton	Follow up property appraiser and potential listing agent; review of e-mails from each
04/29/2019	Consulting fees - Corporate	Litwack	Email and telephone correspondence with local realtor regarding listing proposal for 42 Clemow.
04/29/2019	Consulting fees - Corporate	Denton	Review of Sandy Hutchens examination of April 12 with particular focus on cash flows in and out of the various bank accounts and the source and use of funds, as well as review of various property purchases and sales including review of property purchases that did not close; review of draft e-mail by legal counsel DN to the service list re: the condition and status of properties, cash flow for each property; provide clarification to legal counsel on laptops, hard drives; review of the updated consolidated cash flow with NL; draft and provide e-mail to Hillmount as the potential Receiver's along with April

25 Order and projected cash flow; follow up further  
 Purview searches to confirm existence of further  
 properties still held or purchased and solid historically  
 from that included in Schedule B of the order; review of  
 MS schedule of Spiro documents provided for  
 properties; liaise with legal counsel to get copy of  
 Atchison judgement claim.

04/29/2019	Consulting fees - Corporate	Sharma	Reviewing documents shared by Michael Spiro and summarizing the findings. Discussion with P Denton re the same and review of bank statements.
04/30/2019	Consulting fees - Corporate	Denton	Review of Brett Moldaver letter re: Colorado Advocates claim for fees and supporting mortgage; follow up detailed supporting information; complete chart of invoices and fees; review of NL court report section and provide comments; review and e-mail exchanges with legal counsel DN regarding outstanding matters and information as well as investigation forensic approach given information gaps; review of e-mail from Siskinds re: request for all information and provide comments to DN; review of multiple e-mails with insurance broker; further review of completeness of real estate purchases and sales; liaise with potential listing agents and NL for 4 Innisfil/ Thornhill properties; further in-depth review of Sandy examination as part of forensic mapping exercise; work on report section assets, liabilities.
04/30/2019	Consulting fees - Corporate	Litwack	Reviewed invoice for hot water tank repair and directed payment of same; discussions with P Denton regarding same.

Total for Services	\$	7,009.00
HST on Fees		<u>911.17</u>
Subtotal		7,920.17
Photocopies, faxes, etc. (includes HST of \$11.32)	\$	<u>98.40</u>
Current Amount Due	\$	<u><u>8,018.57</u></u>

HST#136800752RT0001

## A. FARBER &amp; PARTNERS INC.

HUTCHENS *ET AL*SUMMARY OF TIME INCURRED  
APRIL 1, 2019 TO APRIL 30, 2019

Name	Total Hours	Rate Per Hour	Billing
H. Levy	0.20	\$595.00	\$119.00
P. Denton	6.60	\$550.00	\$3,630.00
N. Litwack	3.40	\$425.00	\$1,445.00
M. Sharma	4.00	\$350.00	\$1,400.00
A. Binelli	0.20	\$200.00	\$40.00
L. Samoilov	1.00	\$200.00	\$200.00
M. Castillo	1.00	\$175.00	\$175.00
<b>Total</b>	<b>16.40</b>		<b>\$7,009.00</b>

# APPENDIX 49

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

**AFFIDAVIT OF TERRENCE LIU**


I, Terrence Liu, of the City of Toronto, in the Province of Ontario, MAKE OATH AND STATE AS FOLLOWS:

1. I am a lawyer at Naymark Law and, as such, have knowledge of the matters to which I hereinafter depose. Naymark Law is acting as counsel for A. Farber & Partners Inc. in its capacity as court appointed Receiver (the "Receiver") of all the assets, undertakings and properties of the Respondents and certain related entities, pursuant to orders dated February 28 and March 18, 2019.
2. Naymark Law has prepared statements of accounts in connection with its mandate as counsel for the Receiver, detailing its services rendered and disbursements, namely:



- (a) A statement of account dated March 31, 2019, in the amount of \$92,700.05 (comprising fees of \$80,883.00, disbursements of \$1,173.75 and HST of \$10,643.30) in respect of the period ending March 31, 2019. Attached hereto and marked as **Exhibit "A"** is a copy of the statement of account. The hourly rates of Naymark Law lawyers for this invoice were \$550.00 and \$440.00 (\$491.99 on average); and
- (b) A statement of account dated April 30, 2019, in the amount of \$76,309.35 (comprising fees of \$63,701.00, disbursements of \$4,180.55 and HST of \$8,427.80) in respect of the period from April 1 to 30, 2019. Attached hereto and marked as **Exhibit "B"** is a copy of the statement of account. The hourly rates of Naymark Law lawyers for this invoice were \$550.00 and \$440.00 (\$498.44 on average).
3. The total fees in regards to the invoices listed in paragraph 2(a) and (b) above is \$144,584.00. The fees, disbursements and HST total \$169,009.40.
4. I make this affidavit in support of a motion to, *inter alia*, approve the attached accounts of Naymark Law and the fees and disbursements detailed therein, and for no improper purpose.

SWORN BEFORE ME at the City of  
Toronto, in the Province of Ontario on  
May 15, 2019

  
\_\_\_\_\_  
Commissioner for Taking Affidavits  
(or as may be)

  
\_\_\_\_\_  
TERRENCE LIU

Daniel Naymark

# Statement of Fees & Disbursements

<469>

In Account with

NAYMARK LAW

171 John Street, Suite 101  
Toronto, Ontario M5T 1X3  
Phone: (416) 640-6078 Fax: (647) 669-5060

Invoice Number: 2000640  
Invoice Date: March 31, 2019  
File Number: 10197

To: **A. Farber & Partners Inc.** *This is Exhibit A referred to in the affidavit of JUDGMENT 40 sworn before me, this 15th day of MAY 2019.* Matter: Sandy Hutchens and Tanya Hutchens  
Hylton Levy  
150 York Street, Suite 1600  
Toronto ON M5H 3S5 *[Signature]* A COMMISSIONER, ETC Contact: Daniel Naymark

Reference: **Sandy Hutchens and Tanya Hutchens**

OUR FEES - In connection with the above matter			Hours	Rate	Fees
Sep 27, 2018	DN	Call with H. Langer re status and next steps;	0.50	550.00	275.00
Sep 28, 2018	DN	Prepare for and attend meeting with J. Nepal, A. Hassan and T. Liu; Call with H. Langer;	0.80	550.00	440.00
Oct 5, 2018	DN	Call with C. Vegso re receivership parameters;	0.40	550.00	220.00
Oct 9, 2018	DN	Discuss receivership appointment legal analysis with J. Nepal, A. Hassan and T. Liu; Call with H. Levy re status and receivership;	0.80	550.00	440.00
Oct 9, 2018	TL	Meetings with A. Hassan, D. Naymark, and J. Nepal re: appointment of receiver;	2.50	440.00	1,100.00
Oct 10, 2018	DN	Call with H. Levy re next steps; Email to counsel group;	0.20	550.00	110.00
Oct 11, 2018	DN	Call with counsel and H. Levy re status and next steps; Call with H. Levy re next steps;	1.20	550.00	660.00
Oct 11, 2018	TL	Prepare for and attend conference call;	1.00	440.00	440.00
Oct 15, 2018	DN	Voicemails with H. Levy; Call with C. Snider re enforcement of foreign judgments against alter egos;	0.30	550.00	165.00
Oct 16, 2018	DN	Call with H. Levy re call with Meridian;	0.10	550.00	55.00
Oct 17, 2018	DN	Emails re Meridian response; Discuss same with J. Nepal and A. Hassan;	0.40	550.00	220.00
Oct 22, 2018	DN	Call with H. Levy re status and next	0.20	550.00	110.00

Continued on Page No. 2

In Account with  
**Naymark Law**  
 171 John Street, Suite 101  
 Toronto, Ontario M5T 1X3

Continued from Page No. 1

Invoice Number: **20006470>**  
 Invoice Date: **March 31, 2019**  
 File Number: **10197**

		steps; Discuss same with J. Necpal;			
Oct 25, 2018	DN	Review draft notice of motion for appointment; Provide comments re same; Email to H. Levy re same;	0.60	550.00	330.00
Oct 26, 2018	TL	Review draft notice of motion; Calls re motion materials;	0.80	440.00	352.00
Oct 26, 2018	DN	Review revised draft notice of motion; Emails re motion materials; Discussions re same with T. Liu and counsel for Stevens; Call re same with counsel for Stevens, T. Liu and P. Denton; Call re same with H. Levy;	1.10	550.00	605.00
Oct 29, 2018	DN	Call with P. Denton and emails re title info; Review H. Levy comments on draft notice of motion; Emails with H. Levy re same;	0.30	550.00	165.00
Oct 30, 2018	DN	Emails re title searches and motion materials;	0.30	550.00	165.00
Nov 1, 2018	DN	Call with H. Levy, P. Denton, J. Cooperman and J. Necpal; Emails re same; Discuss next steps with J. Necpal;	1.00	550.00	550.00
Nov 6, 2018	DN	Call with P. Denton re status;	0.10	550.00	55.00
Nov 15, 2018	DN	Call with H. Levy, P. Denton and J. Necpal re status and next steps; Discuss same with J. Necpal and A. Hassan; Arrange title searches;	0.80	550.00	440.00
Nov 16, 2018	DN	Emails re property searches;	0.10	550.00	55.00
Nov 17, 2018	DN	Review title searches; Emails re same; Review property summary from P. Denton;	0.70	550.00	385.00
Nov 19, 2018	DN	Review new title extracts; Email to J. Necpal, H. Levy et al. re same;	0.20	550.00	110.00
Nov 20, 2018	DN	Review property summary charts from P. Denton; Review bank statements; Emails re same; Review and consider draft motion materials; Discuss same and next steps with J. Necpal; Call with P.	1.30	550.00	715.00

Continued on Page No. 3



In Account with  
**Naymark Law**  
 171 John Street, Suite 101  
 Toronto, Ontario M5T 1X3

Continued from Page No. 2

Invoice Number: **2000646** **5471>**  
 Invoice Date: **March 31, 2019**  
 File Number: **10197**

		Denton and J. Necpal;			
Nov 21, 2018	DN	Call with H. Levy and P. Denton; Discuss scope of order with J. Necpal;	0.30	550.00	165.00
Nov 30, 2018	DN	Emails re next steps;	0.10	550.00	55.00
Dec 4, 2018	DN	Voicemail from P. Denton; Discuss status and timing with J. Necpal; Email to P. Denton, H. Levy and J. Necpal re call;	0.20	550.00	110.00
Dec 5, 2018	DN	Call with J. Necpal, H. Levy and P. Denton re status and next steps;	0.30	550.00	165.00
Dec 10, 2018	TL	Email to J. Necpal re: receiverships;	0.10	440.00	44.00
Dec 12, 2018	DN	Emails with H. Levy re status; Discuss same with J. Necpal;	0.10	550.00	55.00
Dec 20, 2018	DN	Call and emails with H. Levy, P. Denton and J. Necpal re status and next steps; Review judgment and ruling against S. Hutchens;	0.40	550.00	220.00
Jan 3, 2019	DN	Call and emails with P. Denton re status; Discuss same with J. Necpal; Emails re Meridian forbearance agreement; Email to J. Necpal and A. Hassan re Farber consent to appointment;	0.20	550.00	110.00
Jan 4, 2019	DN	Emails with J. Necpal re fresh proceeding;	0.10	550.00	55.00
Jan 9, 2019	DN	Emails with J. Necpal and P. Denton re materials and next steps;	0.10	550.00	55.00
Jan 10, 2019	DN	Review revised draft materials; Suggest edits to same; Emails re same; Call with H. Levy re same;	1.40	550.00	770.00
Jan 11, 2019	DN	Call and emails with H. Levy, P. Denton and J. Necpal re draft materials and next steps; Call with H. Levy, P. Denton and A. Nackan re same; Discuss same with J. Necpal; Review precedent orders from H. Levy;	1.10	550.00	605.00
Jan 17, 2019	DN	Call with H. Levy re status and next steps;	0.20	550.00	110.00
Jan 18, 2019	DN	Emails re Colorado plaintiff support and	0.10	550.00	55.00

Continued on Page No. 4

In Account with  
**Naymark Law**  
 171 John Street, Suite 101  
 Toronto, Ontario M5T 1X3

Continued from Page No. 3

Invoice Number: **20006472>**  
 Invoice Date: **March 31, 2019**  
 File Number: **10197**

		call;			
Jan 24, 2019	DN	Discuss application with J. Necpal; Review Greyhawk endorsement and factum; Emails re same;	0.40	550.00	220.00
Jan 29, 2019	DN	Review revised draft motion materials; Emails re same and call;	0.70	550.00	385.00
Jan 31, 2019	DN	Review letter of support from Colorado plaintiffs; Discuss materials and timing with J. Necpal;	0.20	550.00	110.00
Feb 4, 2019	DN	Emails re motion materials; Review same; Call with H. Levy re same; Discuss motion with J. Necpal;	0.40	550.00	220.00
Feb 5, 2019	DN	Discuss motion scheduling and motion materials with J. Necpal; Emails with J. Necpal, H. Levy and P. Denton re same;	0.30	550.00	165.00
Feb 6, 2019	DN	Review service list from A. Hassan; Emails re same;	0.20	550.00	110.00
Feb 7, 2019	DN	Emails re service list; Discuss same with J. Necpal and A. Hassan;	0.20	550.00	110.00
Feb 14, 2019	DN	Discuss status with J. Necpal and A. Hassan;	0.10	550.00	55.00
Feb 15, 2019	DN	Review and accept service of motion record;	0.20	550.00	110.00
Feb 19, 2019	DN	Meeting with J. Necpal and A. Hassan re status of service and relief to be sought;	0.60	550.00	330.00
Feb 20, 2019	DN	Discuss motion for interim relief with A. Hassan; Emails with H. Levy and P. Denton re same and next steps; Review Mareva motion materials;	0.60	550.00	330.00
Feb 21, 2019	DN	Attend chambers appointment; Discuss proposed relief with H. Levy, P. Denton and B. Moldaver; Discuss next steps with J. Necpal and A. Hassan; Review revised properties chart from P. Denton;	2.60	550.00	1,430.00

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Feb 22, 2019	DN	Discuss next steps with J. Necpal and A. Hassan; Review supplementary affidavit of H. Langer; Emails re same;	0.50	550.00	275.00
Feb 25, 2019	DN	Emails re Meridian position; Review and comment on draft factum; Discuss possible adjournment terms with J. Necpal and A. Hassan;	1.20	550.00	660.00
Feb 26, 2019	DN	Emails re adjournment and Meridian position;	0.20	550.00	110.00
Feb 27, 2019	DN	Emails re contested adjournment; Discuss same with J. Necpal; Call with H. Levy re same;	0.40	550.00	220.00
Feb 28, 2019	DN	Attend motion hearing; Review endorsement; Call and emails re next steps with H. Levy and P. Denton; Call with T. Liu re next steps;	3.10	550.00	1,705.00
Mar 1, 2019	DN	Review draft order; Emails re same; Review draft information request from P. Denton; Emails re same;	0.80	550.00	440.00
Mar 2, 2019	DN	Review and consider information request list; Emails re same; Review documents from K. Roddy re financial transactions and questions;	0.90	550.00	495.00
Mar 3, 2019	DN	Review information and records from K. Roddy and H. Langer; Prepare for and attend conference call with Farber reps, T. Liu and J. Necpal re work plan and information requests; Call with T. Liu re next steps; Emails re information requests;	2.20	550.00	1,210.00
Mar 3, 2019	TL	Review of materials; Prepare for and attend conference call;	1.50	440.00	660.00
Mar 4, 2019	DN	Review revised work plan and information request; Emails re same; Call with P. Denton re same;	0.70	550.00	385.00
Mar 4, 2019	TL	Review of interim receiver information request and underlying documents for that request;	1.30	440.00	572.00

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Mar 5, 2019	DN	Emails and calls re next steps, information requests, timetable and draft order; Revise draft work plan; Draft information requests;	3.60	550.00	1,980.00
Mar 5, 2019	TL	Review work plan and information request; Attend conference call with D. Naymark, J. Necpal, P. Denton, and M. Sharma; Prepare letters to B. Sachdeva, G. Caplan, and P. Smith;	1.40	440.00	616.00
Mar 6, 2019	DN	Prepare and send information requests; Emails re same and next steps;	1.30	550.00	715.00
Mar 6, 2019	TL	Review and service of information requests; Preparation of service list; Review of documents in preparation for upcoming examinations;	1.00	440.00	440.00
Mar 7, 2019	DN	Emails re next steps and property managers;	0.20	550.00	110.00
Mar 8, 2019	DN	Emails re various; Call with N. Litwack re site visits; Discuss next steps with T. Liu; Discuss status and next steps with J. Necpal; Call with J. Cusmariu re registering order;	1.50	550.00	825.00
Mar 8, 2019	TL	Meeting with D. Naymark re First Report, examinations, and asset investigations;	0.80	440.00	352.00
Mar 9, 2019	TL	Review of evidence of known and potential assets; Prepare examination of Tanya Hutchens; Conduct PPSA searches for known aliases of Sandy and Tanya Hutchens; Email with D. Naymark re additional information requests; Research re Sudbury property currently listed for sale;	4.10	440.00	1,804.00
Mar 9, 2019	DN	Emails re property sales and listings; Draft information request letters to banks and listing agent for 29 Laren Street;	1.40	550.00	770.00
Mar 10, 2019	TL	Prepare examination of Tanya Hutchens;	2.50	440.00	1,100.00
Mar 10, 2019	DN	Emails re information requests;	0.20	550.00	110.00

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Mar 11, 2019 TL	Finalize and send information requests to Meridian Credit Union, KEB Hana Bank Canada, and Budduchnist Credit Union; Email with Alexander Dumas re current listing of 29 Laren Street; Preparation of examination of Tanya Hutchens; Call with G. Caplan re: examination of Tanya Hutchens; Review additional documents including trust agreements, responses from G. Caplan to information request, and Separation Agreement; Preparation of First Report;	9.40	440.00	4,136.00
Mar 11, 2019 DN	Emails re various; Review T. Hutchens responses to information requests; Call with T. Liu re examination of T. Hutchens; Review and revise outline for same; Review trust agreements from B. Sachdeva; Review memo from N. Litwack re site visits;	1.80	550.00	990.00
Mar 12, 2019 TL	Review of sale documents re 29 Laren Street Inc; Review documents re Power of Sale of 19 Mountain Street; Review of memo by Noah Lidwack re Sudbury property visits; Prepare exhibits for examination of Tanya Hutchens; Finalize questions for examination of Tanya Hutchens; Prepare First Report; Conference call with P. Denton and M. Sharma re First Report; Review of additional documents from Necpal Litigation and Siskinds; Prepare letters to B. Brown and C. Perron; Acquire additional corporate profile searches;	10.50	440.00	4,620.00
Mar 12, 2019 DN	Emails re various; Draft report;	1.90	550.00	1,045.00
Mar 13, 2019 DN	Call with T. Liu re report and information requests; Emails re various; Review and revise draft report;	1.40	550.00	770.00

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Mar 13, 2019 TL	Prepare First Report; Send information request to Bruce Brown; Calls with Paul, Noah, and Megda; Review real estate listing materials; Review additional materials provided by Gary Caplan; Send letter to G. Caplan;	12.90	440.00	5,676.00
Mar 14, 2019 DN	Emails re various; Review productions from T. Hutchens; Review medical note and prescriptions from T. Hutchens; Review and revise draft report;	3.50	550.00	1,925.00
Mar 14, 2019 TL	Send information request to Heather Jones; Review additional documents; Prepare First Report;	10.80	440.00	4,752.00
Mar 15, 2019 TL	Prepare First Report; Calls and emails re same;	11.60	440.00	5,104.00
Mar 15, 2019 DN	Emails re draft report; Review and revise same; Calls with T. Liu, M. Sharma, N. Litwack and H. Levy re same and next steps; Emails with counsel re content of receivership extension order; Review motion record of T. Hutchens; Emails re same;	2.50	550.00	1,375.00
Mar 16, 2019 DN	Discuss receiver's report and upcoming request for extension of receivership with J. Nepal; Discuss upcoming hearing with T. Liu;	0.70	550.00	385.00
Mar 16, 2019 TL	Meet with D. Naymark re upcoming motion;	0.30	440.00	132.00
Mar 17, 2019 DN	Review article re sham trusts and fraudulent conveyance; Emails to Commercial List office re first report; Call with T. Liu re same;	0.50	550.00	275.00
Mar 17, 2019 TL	Call with D. Naymark re filing of first report;	0.10	440.00	44.00
Mar 18, 2019 DN	Emails with B. Moldaver re response to information request; Emails and call with T. Liu re filing of materials, hearing and counsel request re living expenses and legal fees; Review	1.30	550.00	715.00

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	endorsement of Penny J.; Review information from Siskinds re 193 Mountain St.; Call with H. Levy re status and next steps;			
Mar 18, 2019 TL	Filing First Report; Prepare for motion appearance; Email from J. Necpal re 193 Mountain; Attend motion for receivership; Email from Bruce Brown; Email and call with D. Naymark re: motion; Review and summary email re Endorsement of Justice Penny;	4.30	440.00	1,892.00
Mar 19, 2019 DN	Discuss draft order and next steps with T. Liu; Emails with Farber re same; Discuss living expense and legal fee carveout with J. Necpal and A. Hassan; Emails with Farber and respondents' counsel re same and call; Draft suggested edits to draft order; Emails to Farber and A. Hassan re same;	2.40	550.00	1,320.00
Mar 19, 2019 TL	Call with Megha Sharma re next steps; Initial review of documents from Meridian; Transcription of the Endorsement of Justice Penny; Discussion with Applicants counsel re draft order; Review of draft order of Applicants; Call with D. Naymark, M. Sharma, and H. Levy; Email and call with M. Sharma re Receiver's website;	2.00	440.00	880.00
Mar 20, 2019 DN	Emails re various; Revise draft order; Voicemails and call with R. Henderson; Call with D. Sinh (Budduchnist); Review Budduchnist transaction records; Call with H. Langer; Call with J. Zibarras, P. Smith, T. Liu and H. Levy re possible consent order; Call with G. Caplan and T. Liu re same;	2.90	550.00	1,595.00
Mar 20, 2019 TL	Review draft order; Correspondence re same; Review and send Meridian's documents; Conference call with	1.10	440.00	484.00

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Mar 21, 2019 DN	respondents counsel re Draft Order; Emails re various; Calls with G. Caplan and H. Levy re sale of properties; Prepare draft order re same; Review letter from M. Huneault re C. Atchison claim; Call with R. Henderson re Clemow property and discussions with S. and T. Hutchens;	1.80	550.00	990.00
Mar 22, 2019 DN	Emails re draft order and living and legal expenses; Discuss draft order with A. Hassan; Review H. Levy comments on draft living expenses order; Call with H. Levy re same and next steps; Emails re rent collection;	0.70	550.00	385.00
Mar 22, 2019 TL	Email re draft order and potential 9:30 chambers meeting with Justice Penny to address outstanding issues on draft order;	0.20	440.00	88.00
Mar 23, 2019 DN	Revise draft email re sale of properties and living and legal expenses; Emails re same and security opinion; Review and revise draft work plan;	1.40	550.00	770.00
Mar 24, 2019 DN	Emails with R. Henderson re draft sale order and sales process; Review and revise work plan;	0.90	550.00	495.00
Mar 25, 2019 DN	Meeting at Farber offices re next steps; Discuss draft sales order with A. Hassan; Call with H. Levy re same; Emails re various;	2.50	550.00	1,375.00
Mar 25, 2019 DN	42 Clemow - voicemail and email with R. Henderson;	0.10	550.00	55.00
Mar 25, 2019 DN	17 Serpentine - Emails re payment of rent;	0.10	550.00	55.00
Mar 25, 2019 DN	1479 Maple Road - Review offer to purchase from G. Caplan; Emails re same;	0.30	550.00	165.00
Mar 25, 2019 TL	Review of work plan; Meeting with Farber re work plan; Email with Megha Sharma	1.80	440.00	792.00

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	re Service List;			
Mar 26, 2019 DN	Emails re timetable; Discuss sale and living expenses order with A. Hassan; Emails re same and Meridian power of sale; Calls with P. Denton, H. Levy, and R. Vecchario re same; Follow-up information request letters;	2.00	550.00	1,100.00
Mar 26, 2019 DN	Emails with R. Henderson re sale of 42 Clemow;	0.10	550.00	55.00
Mar 26, 2019 TL	Draft correspondence to G. Gaplan re follow up information requests and scheduling examination; Review of documents; Preparation of information requests summary and list of action items;	2.70	440.00	1,188.00
Mar 27, 2019 DN	Attend chambers appointment; Discussions with counsel re settlement of various issues and next steps; Discuss next steps with H. Levy and P. Denton; Emails re various; Arrange registration of March 18th order on title; Review letter from B. Moldaver; Review Purview reports for new properties;	2.80	550.00	1,540.00
Mar 27, 2019 DN	42 Clemow - Emails and call with R. Henderson re status and next steps; Email to Farber re same;	0.30	550.00	165.00
Mar 28, 2019 DN	Discuss next steps with J. Necpal; Emails re income-producing properties, motion timetable and meeting of counsel; Call with H. Levy re next steps; Voicemail for J. Zibarras; Prepare next steps list; Review S. Hutchens responses to information request;	0.80	550.00	440.00
Mar 28, 2019 DN	42 Clemow - Review mortgage documentation from R. Henderson; Emails with R. Henderson and Farber re mortgage documentation and history;	0.40	550.00	220.00

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Mar 29, 2019 DN	Call with clients and T. Liu re next steps; Emails re various; Arrange registrations on title to new properties; Review rent rolls from G. Caplan; Review and revise draft letter to tenants; Review offer to property manager;	2.00	550.00	1,100.00
Mar 29, 2019 DN	42 Clemow - Emails with R. Henderson re 42 Clemow mortgage;	0.20	550.00	110.00
Mar 29, 2019 TL	Conference call with Farber re immediate next steps on income-producing properties; Prepare info request summary; Review of draft tenant notice;	0.40	440.00	176.00
Mar 30, 2019 DN	Emails re examination of S. Hutchens and upcoming meeting of counsel;	0.90	550.00	495.00
Mar 31, 2019 DN	Emails re next steps and Sudbury properties; Prepare for meeting of counsel;	0.60	550.00	330.00
Mar 31, 2019 DN	42 Clemow - review mortgage renewal document; Email with R. Henderson re same;	0.20	550.00	110.00
Mar 31, 2019 TL	Review of additional responses to information requests; Preparation of additional information requests;	1.60	440.00	704.00
<b>Total Fees</b>				<b>80,883.00</b>

**DISBURSEMENTS - Incurred on your behalf**

	<b>Qty</b>	<b>Each</b>	<b>Costs</b>
Nov 20, 2018 Property searches - non-taxable statutory fee			106.25
Nov 20, 2018 Centro Legal Works - Property Search fees (taxable)			522.00
Mar 18, 2019 Late cancellation (Tanya Hutchens examination cancelled same morning);			225.00
Mar 29, 2019 Centro Legal Works - Corporate searches			320.50
<b>Total Disbursements</b>			<b>1,173.75</b>

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Invoice Number: **20006481>**  
Invoice Date: **March 31, 2019**  
File Number: **10197**

HST Reg No: 803707447RT0001

GJE 4524

Subtotal: 82,056.75  
Harmonized Sales Tax: 10,643.30  
**Invoice Total: \$92,700.05**

**Billing Summary:**

Initials	Billed by	Total Hours	Rate	Total Billing
DN	Daniel Naymark	77.70	550.00	42,735.00
TL	Terrence Liu	86.70	440.00	38,148.00
<b>Total Billing</b>		<b>164.40</b>		<b>\$80,883.00</b>

Please make Cheque(s) payable to "Naymark Law"

*Invoices are payable when rendered.  
Interest on outstanding accounts at  
0.42% per month, 5% per annum.*

Per:



Signature: Daniel Naymark

E&OE



# Statement of Fees & Disbursements

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In Account with

NAYMARK LAW

171 John Street, Suite 101  
Toronto, Ontario M5T 1X3  
Phone: (416) 640-6078 Fax: (647) 660-5060

Invoice Number: 2000669

Invoice Date: April 30, 2019

File Number: 10197

This is Exhibit.....referred to in the

affidavit of.....

To: A. Farber & Partners Inc.  
Hylton Levy  
150 York Street, Suite 1600  
Toronto ON M5H 3S5

sworn before me, this.....Matter: Sandy Hutchens and Tanya  
day of.....20.13 Hutchens

.....Commissioner, Etc.: Daniel Naymark

Reference: Sandy Hutchens and Tanya Hutchens

OUR FEES - In connection with the above matter			Hours	Rate	Fees
Apr 1, 2019	DN	42 Clemow - Emails with R. Henderson and Farber re Henderson mortgage;	0.30	550.00	165.00
Apr 1, 2019	DN	Attend meeting of counsel; Discuss next steps with T. Liu; Review records from Siskinds; Revise draft order; Emails re various; Review and revise bank info request letters;	3.10	550.00	1,705.00
Apr 1, 2019	TL	Prepare for and attend meeting with applicants and respondents; Prepare additional information requests; Call from Tanya Hutchens re Farber contact info;	5.00	440.00	2,200.00
Apr 2, 2019	DN	Emails re various; Call with H. Levy and P. Denton re next steps; Review information and documents from P. Smith;	0.60	550.00	330.00
Apr 2, 2019	TL	Prepare information requests to major banks; Emails with Farber;	1.10	440.00	484.00
Apr 3, 2019	DN	Emails re various; Arrange court reporter booking of T. Hutchens examination; Review and revise draft information request letters; Calls with P. Denton, M. Sharma and T. Liu re examination of T. Hutchens; Review draft outline for same; Review letter from C. Vegso; Review summary of documents produced by T. Hutchens;	2.80	550.00	1,540.00

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Apr 3, 2019	TL	Review of letter and transcripts from Cole Vegso; Conference call with P. Denton, M. Sharma, and D. Naymark re examination of Tanya Hutchens; Preparation for examination of Tanya Hutchens; Emails with Farber re information requests;	5.10	440.00	2,244.00
Apr 4, 2019	DN	Emails and calls with P. Denton re examination of T. Hutchens; Review outline re same; Discuss same with T. Liu; Emails re further information request letters; Finalize and send same; Attend examination of T. Hutchens; Call with H. Levy re same and response to C. Vegso; Email to C. Vegso; Emails re property issues;	5.40	550.00	2,970.00
Apr 4, 2019	TL	Prepare for and attend examination of Tanya Hutchens; Review of additional documents from C. Vegso; Email to Paul Denton and Megha Sharma re Clarence Street and Kathleen Street; Finalize information requests to major banks;	5.10	440.00	2,244.00
Apr 5, 2019	DN	Call with H. Levy and C. Vegso re living and legal expenses order terms and Receiver calculations; Emails re same; Discuss T. Hutchens examination with J. Nepal; Voicemails with B. Poulson; Prepare for further examinations; Review records from K. Roddy; Emails re chambers appointment;	1.40	550.00	770.00
Apr 5, 2019	DN	1573 Houston - Call with A. Banack re interest in purchasing; Email to Farber re same;	0.30	550.00	165.00
Apr 5, 2019	TL	Call and email with John Karkoutlian; Fax information requests; Review of documents from J. Cusmariu; Email from D. Naymark re pro rata allocation; Email with CIBC;	0.60	440.00	264.00

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Apr 7, 2019	DN	Review living and legal expenses budget from S. Hutchens; Emails re same;	0.30	550.00	165.00
Apr 8, 2019	DN	Emails re various; Call with N. Litwack re status of properties and potential need for sale; Review information from R. LeBlanc (counsel for B. Poulson); Review report from Q. Seeley re property status; Review updated rental rolls; Call with H. Langer;	1.20	550.00	660.00
Apr 8, 2019	DN	42 Clemow - Emails with R. Henderson re status of sales order;	0.10	550.00	55.00
Apr 8, 2019	TL	Emails from counsel;	0.80	440.00	352.00
Apr 9, 2019	DN	Emails re various; Call with C. Vegso re sale and living expenses order; Call with H. Levy, P. Denton, M. Sharma, N. Litwack and T. Liu re status and next steps; Call with J. Zibarras and K. Brogan re living expenses and legal fees; Call with H. Levy re same and next steps; Review case and revised draft order from C. Vegso; Voicemails with G. Caplan re draft sales order; Prepare chart of projected equity in saleable properties; Prepare for examination of Sandy Hutchens; Review property spreadsheets from P. Denton;	5.00	550.00	2,750.00
Apr 9, 2019	DN	1573 Houston - Emails re status and potential sale;	0.10	550.00	55.00
Apr 9, 2019	TL	Call with M. Sharma; Emails with Farber group; Conference call with Farber;	1.20	440.00	528.00
Apr 10, 2019	DN	Call with C. Vegso re draft order; Voicemails from C. Vegso and G. Caplan re same; Emails re various;	0.40	550.00	220.00
Apr 11, 2019	DN	Calls with G. Caplan and H. Levy re draft order; Emails re same and S. Hutchens examination; Review draft 9:30 request form; Prepare for S. Hutchens examination;	8.10	550.00	4,455.00

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Apr 12, 2019	DN	Attend examination of S. Hutchens; Emails re next steps; Review records from M. Spiro; Call with J. Cusmariu re registration issue;	8.00	550.00	4,400.00
Apr 12, 2019	TL	Prepare for and attend examination of S. Hutchens;	7.00	440.00	3,080.00
Apr 13, 2019	DN	Emails re bank requests and living expenses/legal fees motion;	0.50	550.00	275.00
Apr 15, 2019	DN	Emails re various; Office conference with T. Liu re next steps; Review letter from M. Huneault re Atchison claim; Memo re key evidence from S. Hutchens examination; Call with H. Levy re next steps and draft order; Voicemails for K. Boyd and G. Caplan re draft order;	2.80	550.00	1,540.00
Apr 15, 2019	TL	Email to Phil Smith re Exhibits from examination of Sandy Hutchens; Review of transcript and preparation of undertakings from examination of Tanya Hutchens; Email from Scotia Bank re additional information; Review responses from major banks; Meet with D. Naymark re updated task list; Compile updated task list; Review of interim property manager's report; Email to Tina Tountas (Scotia bank) re follow up information;	3.90	440.00	1,716.00
Apr 16, 2019	DN	Call with P. Denton and N. Litwack re next steps; Review correspondence between receiver and T. Hutchens; Voicemails and call with B. Sachdeva re draft order; Emails re various; Discuss status and next steps with T. Liu; Review T. Hutchens undertakings;	1.10	550.00	605.00
Apr 16, 2019	TL	Prepare summary of information requests; Call with P. Denton and M. Sharma re re cash flow analysis; Discussion with D.	2.30	440.00	1,012.00

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	Naymark re cash flow analysis; Review of transcript of examination of Tanya Hutchens, dated April 4, 2019;			
Apr 17, 2019 DN	Emails re various; Office conference with T. Liu re T. Hutchens examination; Prepare for same; Review and revise draft insurer letter from P. Denton; Review revised draft order language from B. Sachdeva; Revise same; Review flow of funds analysis from M. Sharma; Call with Farber re next steps and report;	4.00	550.00	2,200.00
Apr 17, 2019 TL	Review of additional bank activity statements from Tanya Hutchens; Meet with D. Naymark re: examination of Tanya Hutchens; Prepare examination of Tanya Hutchens; Conference call with Farber re ongoing issues and preparation of Second Receiver's Report;	5.30	440.00	2,332.00
Apr 18, 2019 DN	Emails re various; Review new property searches; Revise draft letter to D. Brik;	0.60	550.00	330.00
Apr 18, 2019 DN	1479 Maple - Review 1479 Maple appraisal and offer to purchase; Emails re same;	0.20	550.00	110.00
Apr 18, 2019 TL	Update summary of information requests;	0.10	440.00	44.00
Apr 19, 2019 DN	Emails re draft order; Review Purview results for D. Brik properties; Finalize letter to D. Brik;	0.30	550.00	165.00
Apr 19, 2019 DN	1479 Maple - Emails re proposed sale;	0.10	550.00	55.00
Apr 20, 2019 DN	Emails re draft order and next steps;	0.20	550.00	110.00
Apr 21, 2019 DN	Emails re draft order and continued examination of T. Hutchens;	0.30	550.00	165.00
Apr 21, 2019 DN	1573 Houston - Emails with L. Banack re interest in purchasing Houston property;	0.10	550.00	55.00
Apr 22, 2019 DN	Emails re various; Voicemail and call	1.40	550.00	770.00

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		with P. Denton re cash flow analysis; Review draft undertakings chart for T. Hutchens;			
Apr 22, 2019	DN	1479 Maple - Review offer to purchase; Emails re same; Discuss same with P. Denton;	0.20	550.00	110.00
Apr 22, 2019	TL	Prepare undertakings from the examination of Tanya Hutchens held on April 4, 2019; Email to Tanya Hutchens (copying counsel) re contact information for Dina Brik; Call with M. Sharma re cash flow analysis;	3.20	440.00	1,408.00
Apr 23, 2019	DN	Discuss next steps with T. Liu; Emails re various; Review updated property cash flow analysis; Prepare for T. Hutchens examination;	0.90	550.00	495.00
Apr 23, 2019	TL	Review of financial statements from CIBC Wood Gundy;	1.30	440.00	572.00
Apr 24, 2019	DN	Emails re various; Prepare for T. Hutchens examination; Discuss same with T. Liu; Review Law Society affidavit re T. Hutchens misconduct application; Review documents from M. Spiro;	4.00	550.00	2,200.00
Apr 24, 2019	DN	1479 Maple - Call with M. Spiro;	0.30	550.00	165.00
Apr 24, 2019	TL	Call from Heather Jones; Review of bank statements; Prepare examination of Tanya Hutchens; Prepare materials for April 25 chambers appearance;	6.10	440.00	2,684.00
Apr 25, 2019	DN	Attend chambers appointment; Emails re various; Prepare for and attend examination of T. Hutchens; Call with H. Levy re status and next steps; Draft letter to Budduchnist Credit Union;	7.10	550.00	3,905.00
Apr 25, 2019	TL	Prepare for examination of T. Hutchens; Review of Justice Penny's Order; Email to B. Sachdeva exhibits from examination; Summary of key follow ups from examination;	5.50	440.00	2,420.00

Apr 25, 2019	TL	1479 Maple - Email to Farber re: new offer on 1479 Maple;	0.20	440.00	88.00
Apr 26, 2019	DN	Memo re investigative steps arising from T. Hutchens examination; Emails re various; Draft information request letter to J. Luistermans; Call with P. Denton and N. Litwack re status and next steps; Arrange title searches; Review letter from B. Moldaver; Review title search results;	1.70	550.00	935.00
Apr 27, 2019	TL	Email to Dina Brik;	0.10	440.00	44.00
Apr 27, 2019	TL	Summary of key follow ups from examination of Tanya Hutchens;	0.30	440.00	132.00
Apr 28, 2019	DN	Emails with T. Liu re S. Hutchens undertakings; Update action plan; Review and consider updated cash flow analysis from N. Litwack; Draft letter regarding further sales of properties and addition of new properties to receivership; Review and consider updated S. Hutchens living expenses budget; Emails re same;	2.40	550.00	1,320.00
Apr 29, 2019	DN	Finalize letter to service list re condition of properties, further sales and additional properties; Emails re various; Review and consider new property search results;	0.90	550.00	495.00
Apr 29, 2019	TL	Email with P. Denton re Atchison judgment;	0.10	440.00	44.00
Apr 30, 2019	TL	Emails with Farber; Review transcript of examination of Sandy Hutchens held on April 12, 2019; Prepare chart of undertakings from same; Review of documents provided by B. Moldaver;	5.60	440.00	2,464.00
Apr 30, 2019	DN	Emails re additional mortgagee and records from Adroit Advocates; Call and email with C. Vegso re proposed sales, claims process and M. Posner evidence;	1.70	550.00	935.00

*Continued on Page No. 8*

Naymark Law  
171 John Street, Suite 101  
Toronto, Ontario M5T 1X3

Continued from Page No. 7

Invoice Date:

April 30, 2019

File Number:

10197

<489>

Review and consider proposed S.  
Hutchens legal budget; Emails re  
various; Review correspondence from C.  
Vegso and B. Moldaver;

**Total Fees**

63,701.00

**DISBURSEMENTS - Incurred on your behalf**

	Qty	Each	Costs
Apr 2, 2019 March 2019 printing/copying costs;	48.00	0.25	12.00
Apr 4, 2019 Reliable Process Servers Inc. - Rush filing - First Report			110.00
Apr 12, 2019 Lyft - Car from S. Hutchens examination at Network North			24.82
Apr 15, 2019 Court reporter - Examination of Sandy Hutchens (Apr 12, 2019)			577.00
Apr 22, 2019 Transcripts - Sandy Hutchens examination;			2,345.40
Apr 26, 2019 Centro Legal Works - Title searches			344.20
Apr 30, 2019 Centro Legal Works - Title Searches			767.13
<b>Total Disbursements</b>			4,180.55

HST Reg No: 803707447RT0001

GJE 4647

Subtotal:	67,881.55
Harmonized Sales Tax:	8,427.80
<b>Invoice Total:</b>	<b>\$76,309.35</b>
Balance Fwd Mar 31, 2019:	92,700.05
<b>Balance Due:</b>	<b>\$169,009.40</b>

**Billing Summary:**

Initials	Billed by	Total Hours	Rate	Total Billing
DN	Daniel Naymark	67.90	550.00	37,345.00
TL	Terrence Liu	59.90	440.00	26,356.00
<b>Total Billing</b>		127.80		\$63,701.00

Please make Cheque(s) payable to "Naymark Law"

Invoices are payable when rendered.  
Interest on outstanding accounts at  
0.42% per month, 5% per annum.

Per:

  
Signature: Daniel Naymark

E&OE



# Statement of Fees & Disbursements

<490>

In Account with

NAYMARK LAW

171 John Street, Suite 101  
Toronto, Ontario M5T 1X3  
Phone: (416) 640-6078 Fax: (647) 660-5060

Invoice Number: 2000669

Invoice Date: April 30, 2019

File Number: 10197

To: **A. Farber & Partners Inc.**  
Hylton Levy  
150 York Street, Suite 1600  
Toronto ON M5H 3S5

Matter: Sandy Hutchens and Tanya Hutchens

Contact: Daniel Naymark

Reference: **Sandy Hutchens and Tanya Hutchens**

OUR FEES - In connection with the above matter			Hours	Rate	Fees
Apr 1, 2019	DN	42 Clemow - Emails with R. Henderson and Farber re Henderson mortgage;	0.30	550.00	165.00
Apr 1, 2019	DN	Attend meeting of counsel; Discuss next steps with T. Liu; Review records from Siskinds; Revise draft order; Emails re various; Review and revise bank info request letters;	3.10	550.00	1,705.00
Apr 1, 2019	TL	Prepare for and attend meeting with applicants and respondents; Prepare additional information requests; Call from Tanya Hutchens re Farber contact info;	5.00	440.00	2,200.00
Apr 2, 2019	DN	Emails re various; Call with H. Levy and P. Denton re next steps; Review information and documents from P. Smith;	0.60	550.00	330.00
Apr 2, 2019	TL	Prepare information requests to major banks; Emails with Farber;	1.10	440.00	484.00
Apr 3, 2019	DN	Emails re various; Arrange court reporter booking of T. Hutchens examination; Review and revise draft information request letters; Calls with P. Denton, M. Sharma and T. Liu re examination of T. Hutchens; Review draft outline for same; Review letter from C. Vegso; Review summary of documents produced by T. Hutchens;	2.80	550.00	1,540.00

Continued on Page No. 2

Apr 3, 2019	TL	Review of letter and transcripts from Cole Vegso; Conference call with P. Denton, M. Sharma, and D. Naymark re examination of Tanya Hutchens; Preparation for examination of Tanya Hutchens; Emails with Farber re information requests;	5.10	440.00	2,244.00
Apr 4, 2019	DN	Emails and calls with P. Denton re examination of T. Hutchens; Review outline re same; Discuss same with T. Liu; Emails re further information request letters; Finalize and send same; Attend examination of T. Hutchens; Call with H. Levy re same and response to C. Vegso; Email to C. Vegso; Emails re property issues;	5.40	550.00	2,970.00
Apr 4, 2019	TL	Prepare for and attend examination of Tanya Hutchens; Review of additional documents from C. Vegso; Email to Paul Denton and Megha Sharma re Clarence Street and Kathleen Street; Finalize information requests to major banks;	5.10	440.00	2,244.00
Apr 5, 2019	DN	Call with H. Levy and C. Vegso re living and legal expenses order terms and Receiver calculations; Emails re same; Discuss T. Hutchens examination with J. Necpal; Voicemails with B. Poulson; Prepare for further examinations; Review records from K. Roddy; Emails re chambers appointment;	1.40	550.00	770.00
Apr 5, 2019	DN	1573 Houston - Call with A. Banack re interest in purchasing; Email to Farber re same;	0.30	550.00	165.00
Apr 5, 2019	TL	Call and email with John Karkoutlian; Fax information requests; Review of documents from J. Cusmariu; Email from D. Naymark re pro rata allocation; Email with CIBC;	0.60	440.00	264.00

*Continued on Page No. 3*



Continued from Page No. 2

Apr 7, 2019	DN	Review living and legal expenses budget from S. Hutchens; Emails re same;	0.30	550.00	165.00
Apr 8, 2019	DN	Emails re various; Call with N. Litwack re status of properties and potential need for sale; Review information from R. LeBlanc (counsel for B. Poulson); Review report from Q. Seeley re property status; Review updated rental rolls; Call with H. Langer;	1.20	550.00	660.00
Apr 8, 2019	DN	42 Clemow - Emails with R. Henderson re status of sales order;	0.10	550.00	55.00
Apr 8, 2019	TL	Emails from counsel;	0.80	440.00	352.00
Apr 9, 2019	DN	Emails re various; Call with C. Vegso re sale and living expenses order; Call with H. Levy, P. Denton, M. Sharma, N. Litwack and T. Liu re status and next steps; Call with J. Zibarras and K. Brogan re living expenses and legal fees; Call with H. Levy re same and next steps; Review case and revised draft order from C. Vegso; Voicemails with G. Caplan re draft sales order; Prepare chart of projected equity in saleable properties; Prepare for examination of Sandy Hutchens; Review property spreadsheets from P. Denton;	5.00	550.00	2,750.00
Apr 9, 2019	DN	1573 Houston - Emails re status and potential sale;	0.10	550.00	55.00
Apr 9, 2019	TL	Call with M. Sharma; Emails with Farber group; Conference call with Farber;	1.20	440.00	528.00
Apr 10, 2019	DN	Call with C. Vegso re draft order; Voicemails from C. Vegso and G. Caplan re same; Emails re various;	0.40	550.00	220.00
Apr 11, 2019	DN	Calls with G. Caplan and H. Levy re draft order; Emails re same and S. Hutchens examination; Review draft 9:30 request form; Prepare for S. Hutchens examination;	8.10	550.00	4,455.00

Continued on Page No. 4

Apr 12, 2019	DN	Attend examination of S. Hutchens; Emails re next steps; Review records from M. Spiro; Call with J. Cusmariu re registration issue;	8.00	550.00	4,400.00
Apr 12, 2019	TL	Prepare for and attend examination of S. Hutchens;	7.00	440.00	3,080.00
Apr 13, 2019	DN	Emails re bank requests and living expenses/legal fees motion;	0.50	550.00	275.00
Apr 15, 2019	DN	Emails re various; Office conference with T. Liu re next steps; Review letter from M. Huneault re Atchison claim; Memo re key evidence from S. Hutchens examination; Call with H. Levy re next steps and draft order; Voicemails for K. Boyd and G. Caplan re draft order;	2.80	550.00	1,540.00
Apr 15, 2019	TL	Email to Phil Smith re Exhibits from examination of Sandy Hutchens; Review of transcript and preparation of undertakings from examination of Tanya Hutchens; Email from Scotia Bank re additional information; Review responses from major banks; Meet with D. Naymark re updated task list; Compile updated task list; Review of interim property manager's report; Email to Tina Tountas (Scotia bank) re follow up information;	3.90	440.00	1,716.00
Apr 16, 2019	DN	Call with P. Denton and N. Litwack re next steps; Review correspondence between receiver and T. Hutchens; Voicemails and call with B. Sachdeva re draft order; Emails re various; Discuss status and next steps with T. Liu; Review T. Hutchens undertakings;	1.10	550.00	605.00
Apr 16, 2019	TL	Prepare summary of information requests; Call with P. Denton and M. Sharma re re cash flow analysis; Discussion with D.	2.30	440.00	1,012.00

*Continued on Page No. 5*

		Naymark re cash flow analysis; Review of transcript of examination of Tanya Hutchens, dated April 4, 2019;			
Apr 17, 2019	DN	Emails re various; Office conference with T. Liu re T. Hutchens examination; Prepare for same; Review and revise draft insurer letter from P. Denton; Review revised draft order language from B. Sachdeva; Revise same; Review flow of funds analysis from M. Sharma; Call with Farber re next steps and report;	4.00	550.00	2,200.00
Apr 17, 2019	TL	Review of additional bank activity statements from Tanya Hutchens; Meet with D. Naymark re: examination of Tanya Hutchens; Prepare examination of Tanya Hutchens; Conference call with Farber re ongoing issues and preparation of Second Receiver's Report;	5.30	440.00	2,332.00
Apr 18, 2019	DN	Emails re various; Review new property searches; Revise draft letter to D. Brik;	0.60	550.00	330.00
Apr 18, 2019	DN	1479 Maple - Review 1479 Maple appraisal and offer to purchase; Emails re same;	0.20	550.00	110.00
Apr 18, 2019	TL	Update summary of information requests;	0.10	440.00	44.00
Apr 19, 2019	DN	Emails re draft order; Review Purview results for D. Brik properties; Finalize letter to D. Brik;	0.30	550.00	165.00
Apr 19, 2019	DN	1479 Maple - Emails re proposed sale;	0.10	550.00	55.00
Apr 20, 2019	DN	Emails re draft order and next steps;	0.20	550.00	110.00
Apr 21, 2019	DN	Emails re draft order and continued examination of T. Hutchens;	0.30	550.00	165.00
Apr 21, 2019	DN	1573 Houston - Emails with L. Banack re interest in purchasing Houston property;	0.10	550.00	55.00
Apr 22, 2019	DN	Emails re various; Voicemail and call	1.40	550.00	770.00

*Continued on Page No. 6*



		with P. Denton re cash flow analysis; Review draft undertakings chart for T. Hutchens;			
Apr 22, 2019	DN	1479 Maple - Review offer to purchase; Emails re same; Discuss same with P. Denton;	0.20	550.00	110.00
Apr 22, 2019	TL	Prepare undertakings from the examination of Tanya Hutchens held on April 4, 2019; Email to Tanya Hutchens (copying counsel) re contact information for Dina Brik; Call with M. Sharma re cash flow analysis;	3.20	440.00	1,408.00
Apr 23, 2019	DN	Discuss next steps with T. Liu; Emails re various; Review updated property cash flow analysis; Prepare for T. Hutchens examination;	0.90	550.00	495.00
Apr 23, 2019	TL	Review of financial statements from CIBC Wood Gundy;	1.30	440.00	572.00
Apr 24, 2019	DN	Emails re various; Prepare for T. Hutchens examination; Discuss same with T. Liu; Review Law Society affidavit re T. Hutchens misconduct application; Review documents from M. Spiro;	4.00	550.00	2,200.00
Apr 24, 2019	DN	1479 Maple - Call with M. Spiro;	0.30	550.00	165.00
Apr 24, 2019	TL	Call from Heather Jones; Review of bank statements; Prepare examination of Tanya Hutchens; Prepare materials for April 25 chambers appearance;	6.10	440.00	2,684.00
Apr 25, 2019	DN	Attend chambers appointment; Emails re various; Prepare for and attend examination of T. Hutchens; Call with H. Levy re status and next steps; Draft letter to Budduchnist Credit Union;	7.10	550.00	3,905.00
Apr 25, 2019	TL	Prepare for examination of T. Hutchens; Review of Justice Penny's Order; Email to B. Sachdeva exhibits from examination; Summary of key follow ups from examination;	5.50	440.00	2,420.00

Apr 25, 2019	TL	1479 Maple - Email to Farber re: new offer on 1479 Maple;	0.20	440.00	88.00
Apr 26, 2019	DN	Memo re investigative steps arising from T. Hutchens examination; Emails re various; Draft information request letter to J. Luistermans; Call with P. Denton and N. Litwack re status and next steps; Arrange title searches; Review letter from B. Moldaver; Review title search results;	1.70	550.00	935.00
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Apr 27, 2019	TL	Summary of key follow ups from examination of Tanya Hutchens;	0.30	440.00	132.00
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Apr 29, 2019	DN	Finalize letter to service list re condition of properties, further sales and additional properties; Emails re various; Review and consider new property search results;	0.90	550.00	495.00
Apr 29, 2019	TL	Email with P. Denton re Atchison judgment;	0.10	440.00	44.00
Apr 30, 2019	TL	Emails with Farber; Review transcript of examination of Sandy Hutchens held on April 12, 2019; Prepare chart of undertakings from same; Review of documents provided by B. Moldaver;	5.60	440.00	2,464.00
Apr 30, 2019	DN	Emails re additional mortgagee and records from Adroit Advocates; Call and email with C. Vegso re proposed sales, claims process and M. Posner evidence;	1.70	550.00	935.00

**Naymark Law**  
171 John Street, Suite 101  
Toronto, Ontario M5T 1X3

Continued from Page No. 7

Invoice Date:

April 30, 2019

File Number:

10197

<497>

Review and consider proposed S.  
Hutchens legal budget; Emails re  
various; Review correspondence from C.  
Vegso and B. Moldaver;

**Total Fees**

63,701.00

**DISBURSEMENTS - Incurred on your behalf**

	Qty	Each	Costs
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Apr 15, 2019 Court reporter - Examination of Sandy Hutchens (Apr 12, 2019)			577.00
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Apr 30, 2019 Centro Legal Works - Title Searches			767.13
<b>Total Disbursements</b>			4,180.55

HST Reg No: 803707447RT0001

GJE 4647

Subtotal:	67,881.55
Harmonized Sales Tax:	8,427.80
<b>Invoice Total:</b>	<b>\$76,309.35</b>
Balance Fwd Mar 31, 2019:	92,700.05
<b>Balance Due:</b>	<b>\$169,009.40</b>

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TL	Terrence Liu	59.90	440.00	26,356.00
	<b>Total Billing</b>	127.80		\$63,701.00

Please make Cheque(s) payable to "Naymark Law"

*Invoices are payable when rendered.  
Interest on outstanding accounts at  
0.42% per month, 5% per annum.*

Per:



Signature: Daniel Naymark

E&OE



STEVENSON *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

**AFFIDAVIT OF TERRENCE LIU**

**NAYMARK LAW**  
171 John Street, Suite 101  
Toronto, ON M5T 1X3

**Daniel Z. Naymark** LSO#: 56889G  
Tel: (416) 640-6078  
Fax: (647) 660-5060  
dnaymark@naymarklaw.com

**Terrence Liu** LSO#: 64130M  
Tel: (416) 640-2256  
Fax: (647) 660-5060  
tliu@naymarklaw.com

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

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

**SECOND REPORT OF THE RECEIVER**  
**VOLUME II OF II**

**NAYMARK LAW**  
171 John Street, Suite 101  
Toronto, ON M5T 1X3

**Daniel Z. Naymark** LSO#: 56889G  
Tel: (416) 640-6078  
Fax: (647) 660-5060  
dnaymark@naymarklaw.com

**Terrence Liu** LSO#: 64130M  
Tel: (416) 640-2256  
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tliu@naymarklaw.com

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