

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

) THURSDAY, THE 16TH DAY

)

) OF AUGUST, 2018



S.F. Dunphy

AMERICAN IRON & METAL COMPANY INC.

Applicant

- and -

**1340923 ONTARIO INC. and
WAXMAN REALTY COMPANY INC.**

Respondents

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED, AND SECTION 101 OF THE
COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

**FIRST REPORT TO THE COURT OF A. FARBER & PARTNERS INC. IN ITS
CAPACITY AS COURT-APPOINTED RECEIVER OF 1340923 ONTARIO INC. AND
WAXMAN REALTY COMPANY INC.**

ORDER

(re: Ancillary Matters)

THIS MOTION, made by A. Farber & Partners Inc. ("**Farber**"), in its capacity as the Court-appointed receiver (in such capacity, the "**Receiver**"), without security, of all the assets, undertakings and properties of 1340923 Ontario Inc. ("**134Co**") and Waxman Realty Company Inc. ("**Waxman**", and together with 134Co, the "**Debtors**"), for an Order, *inter alia*: (i)

approving the report filed by Farber, in its capacity as the proposed Receiver, dated April 17, 2018 (the “**Proposed Receiver’s Report**”); (ii) approving the First Report of the Receiver dated August 3, 2018 (the “**First Report**”) and the activities of the Receiver set out therein; and (iii) approving the fees and disbursements of the Receiver and its counsel, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Proposed Receiver’s Report and the First Report, including the fee affidavits appended to the First Report on behalf of the Receiver and its counsel (the “**Fee Affidavits**”), and on hearing the submissions of the Receiver’s counsel and such other counsel as were present, no one appearing for any other person on the service list, although duly served as appears from the affidavit of service of Eunice Baltkois sworn August 3, 2018, filed,

1. **THIS COURT ORDERS** that the time for service and filing of the notice of motion and the motion record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Proposed Receiver’s Report be and is hereby approved.
3. **THIS COURT ORDERS** that the First Report and the activities of the Receiver described therein be and are hereby approved.
4. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel described in the Fee Affidavits be and are hereby approved.

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

6. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name 'A. D. S.' followed by a large flourish.

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ON / BOOK NO:
LE / DANS LE REGISTRE NO:

AUG 16 2018

PER / PAR:

A smaller handwritten signature in black ink, appearing to be the name 'M. M.'.

AMERICAN IRON & METAL COMPANY INC.

- and -

1340923 ONTARIO INC. and
WAXMAN REALTY COMPANY INC.

Applicant

Respondents

Court File No. CV-18-595577-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceedings commenced at Toronto

ORDER

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*Lawyers for A. Farber & Partners Inc., in its capacity as the Court-
appointed Receiver*