

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
[COMMERCIAL LIST]**

THE HONOURABLE ) THURSDAY, THE 11<sup>th</sup> DAY  
JUSTICE MESBUR ) OF APRIL, 2013

**B E T W E E N:**

**PEOPLES TRUST COMPANY**

Applicant

- and -

**ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY**

Respondent

**O R D E R**

**THIS MOTION** made by Deloitte & Touche Inc., in its capacity as Receiver and Manager over all of the current and future assets, undertakings and properties of the Respondent (in that capacity, the “**Receiver**”) for an order directing the Korean (Toronto) Credit Union Limited (“**KCU**”) to pay to the Receiver, without set-off, contra or other deduction, all amounts that were standing to the credit of Rose of Sharon (Ontario) Retirement Community (“**Rose**”) as at the date of the appointment of the Receiver (September 27, 2011) in bank accounts held by Rose with KCU, plus any deposits made to the credit of Rose on or by September 29, 2011, net of any banking charges levied against those funds that are approved by the Receiver, being a total of \$204,459.21 as of October 31, 2011 (the “**Rose KCU Funds**”).

**ON READING** the Receiver's Motion Record dated February 22, 2013 and the Third Report of the Receiver dated February 19, 2013 (the "**Third Report**"), on hearing submissions from the lawyer for the Receiver and on reading the consent of the lawyer for KCU, filed,

1. **THIS COURT DECLARES** that KCU has no right or interest in, or entitlement to, the Rose KCU Funds, and any right or interest in, or entitlement to, the Rose KCU Funds that KCU may have ever had, be and is hereby extinguished.

2. **THIS COURT ORDERS** that on or before May 15, 2013, KCU deliver to counsel for the Receiver certified funds or a bank draft in the amount of \$189,406.11 payable to Deloitte & Touche Inc. (the "**First Payment**").

3. **THIS COURT ORDERS** that on or before August 15, 2013, KCU deliver to counsel for the Receiver certified funds or a bank draft in the amount of \$15,053.10 payable to Deloitte & Touche Inc. (the "**Second Payment**").

4. **THIS COURT ORDERS** that if the First Payment is not made by May 15, 2013, the Rose KCU Funds in their entirety shall be immediately due and payable by KCU to the Receiver.

5. **THIS COURT ORDERS** that there be no costs of this motion if the First Payment and the Second Payment are made by May 15, 2013 and August 15, 2013, respectively.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO.  
LE / DANS LE REGISTRE NO.:



APR 11 2013



---

**PEOPLES TRUST COMPANY**

and

**ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY**

Applicant

Respondent

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

Proceeding Commenced at **TORONTO**

**ORDER**

**BLANEY McMURTRY LLP**  
Barristers and Solicitors  
1500 — 2 Queen Street East  
Toronto, ON M5C 3G5

**Eric Golden (LSUC #38239M)**  
(416) 593-3927 (Tel)  
(416) 593-5437 (Fax)

Lawyers for Deloitte & Touche Inc., in its capacity as court  
appointed receiver and manager of Rose of Sharon  
(Ontario) Retirement Community