

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE MADAM)

JUSTICE HOY)

FRIDAY, THE 26TH

DAY OF JUNE, 2009



BETWEEN:

TEXTRON FINANCIAL CANADA LIMITED

Applicant

- and -

BETA LIMITEE/BETA BRANDS LIMITED

Respondent

ORDER

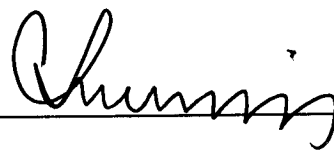
THIS MOTION, made by Mintz & Partners Limited (the “**Receiver**”) in its capacity as interim receiver and receiver of the undertaking, property and assets of Beta Limitee/Beta Brands Limited (the “**Debtor**”), for an order:

- (a) approving the activities of the Receiver as set out in the report of the Receiver dated June 16, 2009 (the “**Final Report**”);
- (b) approving the fees and disbursements of the Receiver and its counsel; and
- (c) discharging the Receiver as Receiver of the undertaking, property and assets of the Debtor;

was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Final Report, and the Affidavits of Daniel Weisz sworn June 16, 2009, Clifton Prophet sworn June 17, 2009 and Jeffrey Simpson sworn May 27, 2009 (the “**Fee Affidavits**”), filed, and on hearing the submission of counsel for the Receiver;


1. **THIS COURT ORDERS** that the activities of the Receiver, as set out in the Final Report, be and are hereby approved.
2. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out in the Fee Affidavits, be and are hereby approved.
3. **THIS COURT ORDERS** that the Receiver be and is hereby discharged as Receiver of the undertaking, property and assets of the Debtor and shall not be responsible for any costs or expenses in connection with the assets and property of the Debtor that are incurred or that accrue from and after June 26, 2009, provided however that notwithstanding its discharge: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all charges, approvals, protections and stays of proceedings in favour of the Receiver.
4. **THIS COURT ORDERS** that the Receiver shall be entitled to its fees and disbursements, including the fees and disbursements of its counsel, in respect of or in connection with the preparation of the Final Report and this Motion charged, in each case, at their standard hourly rates, to a maximum of \$15, 000.00.



Christina Irwin
Registrar, Superior Court of Justice

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

JUN 18 2009

PER / PAR. 

TEXTRON FINANCIAL
– Applicant –

v.

BETA
– Respondent –

ONTARIO
SUPERIOR COURT OF JUSTICE
(PROCEEDING COMMENCED AT TORONTO)

ORDER

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