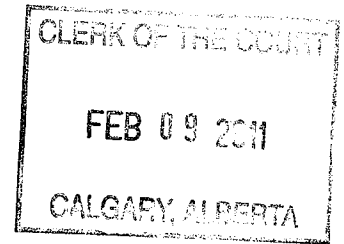


Clerk's stamp:



COURT FILE NUMBER: 1001-03215

COURT OF QUEEN'S BENCH OF  
ALBERTA

JUDICIAL CENTRE OF CALGARY

PLAINTIFF: FIRST CALGARY SAVINGS & CREDIT UNION  
LTD.

DEFENDANTS: PERERA SHAWNEE LTD., PERERA  
DEVELOPMENT CORPORATION, DON L.  
PERERA and SHIRANIE M. PERERA

PLAINTIFFS BY COUNTERCLAIM PERERA SHAWNEE LTD., DON L. PERERA and  
SHIRANIE M. PERERA

DEFENDANTS BY COUNTERCLAIM FIRST CALGARY SAVINGS & CREDIT UNION  
LTD. and DELOITTE & TOUCHE LLP

DOCUMENT: **ORDER**

**(Re: CondoSource Agreement)**

**OSLER, HOSKIN & HARCOURT LLP**

Barristers & Solicitors  
Suite 2500, 450 – 1st Street SW  
Calgary, AB T2P 5H1  
Solicitor: Christa Nicholson  
Telephone: (403) 260-7025  
Facsimile: (403) 260-7024  
File Number: 1121689

**DATE ON WHICH ORDER WAS PRONOUNCED:** Monday, February 9, 2011

**NAME OF JUDGE WHO MADE THIS ORDER:** Honourable Madam Justice Eidsvik

**ORDER**

**(Re: CondoSource Agreement)**

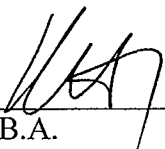
**UPON** the application, dated February 8, 2011 (the "**Application**") of Deloitte & Touche Inc., in its capacity as Court-appointed receiver and manager of Perera Development Corporation ("**PDC**") and Perera Shawnee Ltd. ("**PSL**", or when reference is being made to PDC and PSL collectively, the "**Debtor**"), and not in its personal capacity (the "**Receiver**"); **AND UPON** noting the Order issued by Madam Justice A. Kent on March 3, 2010 (the "**Receivership Order**"); **AND UPON** noting the Affidavit of Service of Kelly Des Rochers, sworn February 9, 2011 (the "**Affidavit of Service**"); **AND UPON** reading the Twelfth Report of the Receiver, dated January 18, 2011 (the "**Twelfth Receiver's Report**"), including the agreement entered into between the Receiver and CondoSource Inc. ("**CondoSource**"), dated December 27, 2010 respecting the marketing of units in "**Phase One**" of the condominium development in Southwest Calgary known as the "**Highbury**" (the "**Project**") (the "**CondoSource Agreement**"), including Schedule B thereto (the "**Proposed Contract**"), a copy of which is attached as Appendix "4" to the Twelfth Receiver's Report; **AND UPON** reading the Receiver's application filed January 19, 2011 regarding the Approval of the Proposed Contract (the "**Approval Application**"); **AND UPON** noting the Order issued by Madam Justice A. Kent on January 24, 2011 adjourning the Approval Application to be heard by Madam Justice A. Kent on Monday, January 31, 2011; **AND UPON** noting that on Monday, January 31, 2011, Madam Justice A. Kent adjourned the Approval Application as it related to the Proposed Contract to be heard before Madam Justice Eidsvik on Wednesday, February 9, 2011 at 2:00 p.m.; **AND UPON** reading the Thirteenth Report of the Receiver, dated February 8, 2011 (the "**Thirteenth Receiver's Report**"); **AND UPON** noting the Order (Re: Advice and Directions regarding Service) granted by Madam Justice A. Kent on October 29, 2010 (the "**Service Order**"); **AND UPON** hearing from counsel for the Receiver, and counsel for any other persons present; **IT IS HEREBY ORDERED AND DECLARED THAT:** *u* *is Mr. Todd Gow, CEO of CondoSource* *u*

1. The time for service of the Application and the Thirteenth Receiver's Report is abridged, the Application is properly returnable today, service of the Application and the Thirteenth Receiver's Report on the persons listed in Schedule "**B**" to the Application and on CondoSource (collectively, the "**Service List**") in the manner described in the Affidavit

of Service is good and sufficient, and service on any persons other than those on the Service List is dispensed with.

2. CondoSource is hereby required to immediately provide the Receiver with the names, contact and any other information including any database maintained by CondoSource in respect of each and every purchaser or potential purchaser of a unit in Phase One of the Project (collectively, the “Prospects”) that is in CondoSource’s possession or within CondoSource’s knowledge or control.
3. CondoSource is hereby required to immediately provide the Receiver with <sup>the access</sup> ~~the~~ access code to allow the Receiver to access to the internet connection in the sales center, which sales center is located in a unit in Phase One of the Project.
4. CondoSource is hereby required to immediately provide the Receiver with all keys, including key FOBs (which is a small hardware device that provides access to the underground garage and various access doors in Phase One) that provide access to the Project, including Phase One and any and all units or other areas of Phase One.
5. CondoSource is not licensed to trade in real estate as a real estate broker in Alberta pursuant to the *Real Estate Act*, R.S.A. 2000, c. R-5. The Receiver is not obligated to continue with the Approval Application to have the Proposed Contract approved, the Receiver is authorized to withdraw the Approval Application as it relates to the Proposed Contract, and the Receiver’s withdrawal of same is hereby confirmed.
6. This Order is made without prejudice to any and all rights that the Receiver may have vis-à-vis CondoSource including the Receiver’s right to claim, pursuant to the *Real Estate Act*, R.S.A. 2000, c. R-5, repayment of any commissions or other remuneration that it has paid to CondoSource (the “Commissions”).
7. This Order is made without prejudice to any rights that CondoSource may have to claim compensation with respect to (a) the work that CondoSource has undertaken in connection with sales of units in Phase One of the Project that resulted in the Commissions being paid or (b) the Prospects.

8. There shall be no costs of the Application or the Approval Application as it relates to the Proposed Contract.
9. Service of this Order in accordance with the Service Order to the persons listed on the Service List shall constitute good and sufficient service of this Order.

  
\_\_\_\_\_  
J.C.Q.B.A.