

ONTARIO
SUPERIOR COURT OF JUSTICE
Commercial List

The Honourable)
MR. JUSTICE CUMMINGS)

MONDAY, the 27th day
NOVEMBER, 2007

BETWEEN:



1261746 ONTARIO INC., WILNOR HOLDINGS LTD., LIGHTHOUSE EQUITIES LTD., WILLIAM H. BROWN AND ROBERT HART

Applicants

-and-

PETER SABOURIN, SABOURIN AND SUN CANADA INC., SABOURIN AND SUN INC., SABOURIN AND SUN (BVI) INC., SABOURIN AND SUN GROUP OF COMPANIES INC., GROUP NORTH PROPERTIES LTD., WHISPERING PINES GOLF COURSE LIMITED, 166815 ONTARIO INC., 1684164 ONTARIO LTD., 1692373 ONTARIO LTD., 1692374 ONTARIO LTD., ALMAGUIN PARKLANDS INC., 1670342 ONTARIO LTD., CARRYING ON BUSINESS AS PICKERAL LAKE LODGE LIMITED, 1681114 ONTARIO LTD., CARRYING ON BUSINESS AS GROUP WEST LTD., 1673227 ONTARIO INC., CARRYING ON BUSINESS AS BIRCHWOOD CAMP, 1689542 ONTARIO LTD., CARRYING ON BUSINESS AS PINES COTTAGE RESORT, 1695083 ONTARIO LTD., CARRYING ON BUSINESS AS PRIVILEGE RESORTS INTERNATIONAL INC., CAMDETON TRADING LIMITED, VECTOR FINANCIAL SERVICES LIMITED, HANNA MINSKY, RISA SHARE, HOWIS SHARE, TAMARA WEISZ SHERRI WEISZ, ROBERT WEISZ, FLORENE SHUBER, CIBC TRUST CORPORATION AS TRUSTEE FOR SDRRSP NO. 19499 AND CITIZENS BANK OF CANADA

Respondents

J U D G M E N T

THIS APPLICATION and motion for Summary Judgment against the Respondents was heard

this day at 330 University Avenue, Toronto, Ontario in the presence of counsel for all parties.

ON READING THE “FRESH” AMENDED NOTICE OF APPLICATION AND THE EVIDENCE FILED BY THE PARTIES, motion for Summary Judgment and on hearing the submissions of counsel for the parties.

1. **THIS COURT ORDERS AND ADJUDGES** that the Applicants claim as against the Respondents PETER SABOURIN, SABOURIN AND SUN CANADA INC., SABOURIN AND SUN INC., SABOURIN AND SUN (BVI) INC., SABOURIN AND SUN GROUP OF COMPANIES INC., are hereby jointly and severally liable to the Applicant William Brown, 1261746 Ontario Inc., and Wilnor Holdings Ltd., in the amount of **One Million Three Thousand and Seven Hundred and Seventy-Four (\$1,003,744.00 Canadian Dollars)**, plus pre-judgment interest at the rate of 5.3% from June 2002 to November 27th, 2007 in the amount of Two Hundred Eighty-Eight Thousand and One Hundred and Fifty-Eight (\$288,158.00) for a total amount of **One Million Two Hundred and Ninety-One Thousand and Nine Hundred and Two (\$1,291,902.00) Canadian Dollars**.

2. **THIS COURT ORDERS AND ADJUDGES** that the Applicants claim as against the Respondents PETER SABOURIN, SABOURIN AND SUN CANADA INC., SABOURIN AND SUN INC., SABOURIN AND SUN (BVI) INC., SABOURIN AND SUN GROUP OF COMPANIES INC., are hereby jointly and severally liable to the Applicant Robert Hart and Lighthouse Equities Ltd., in the amount of **Four Hundred Twenty-Five Thousand and Six Hundred and Forty-Six (\$425,646.00 Canadian Dollars)** plus pre-judgment interest at the rate of 5.3% from June 2002 to November 27th, 2007 in the amount of One Hundred Twenty-Two Thousand and One Hundred and Ninety-Six (\$122,196.00) for a total amount of **Five Hundred and Forty-Seven Thousand and Eight Hundred and Forty-Two (\$547,842.00) Canadian Dollars**.

3. **THIS COURT ORDERS AND ADJUDGES** costs as against the Respondents PETER SABOURIN, SABOURIN AND SUN CANADA INC., SABOURIN AND SUN INC., SABOURIN AND SUN (BVI) INC., SABOURIN AND SUN GROUP OF COMPANIES INC., in the amount

of \$30,701.13 including disbursements and GST.

THIS JUDGMENT BEARS INTEREST AT THE RATE OF 6% PERCENT PER ANNUM
FROM THE DATE OF THE JUDGMENT.

Dec. 21, 2007

Peter A. Cumming J.

(Judge's Signature)

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

DEC 04 2007

PER/PAR: *CL*

1261746 ONTARIO INC. et al

- and -

PETER SABOURIN, et al

Applicants

Respondents

(Short title of proceeding)

Court file no. 07-CL-7077

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL COURT
Proceeding commenced at TORONTO

JUDGMENT

DYE & DURHAM COMPUTERIZED FORMS
SERVICE

DANSON, ZUCKER AND CONNELLY
Barristers and Solicitors
70 Bond Street, Ste. 500
TORONTO, Ontario M5B 1X3

SYMON ZUCKER
Tele. (416) 863-9955
Fax. (416) 863-4896
Law Society Registration No. **15832C**

Solicitors for the Applicants