

Court File No. 07-CL-7077

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE
JUSTICE WILKINS

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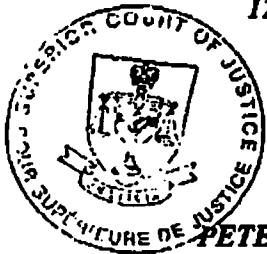
FRIDAY, THE 29TH DAY
OF JUNE, 2007

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., and SABOURIN AND SUN
GROUP OF COMPANIES INC.**

Respondents

ORDER

THIS MOTION made by the Applicants for an interlocutory injunction restraining the Respondents *Peter Sabourin, Sabourin and Sun Canada Inc., Sabourin and Sun Inc., Sabourin and Sun (BVI) Inc., and Sabourin and Sun Group of Companies* their servants and agents from transferring, assigning, selling, removing or otherwise disposing of their property, assets, and undertakings including the payment of any monies from bank accounts controlled by these Respondents pending the final disposition of this action, other than sales in the ordinary course of its business; an Order permitting the Applicants to register Certificates of Pending Litigation on the properties listed at Schedule "A" annexed hereto; an Order that the Respondents provide an accounting together with all Financial Statements and/or directions to financial institution for release

institution for release of all bank statements, transaction records and all financial accounting, bookkeeping; an Order for leave to dispense with the Applicants' filing of a Factum; an Order for the extension or abridgement of time prescribed by the Rules in the service/filing of the herein Notice of Motion was heard this day at 361 University Avenue, Toronto, Ontario.

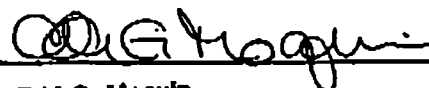
ON READING the Affidavit of the Applicant, William Brown sworn June 20th, 2007, the Notice of Application and hearing submissions from counsel for the parties.

1. **THIS COURT ORDERS** an interlocutory injunction restraining the Respondents *Peter Sabourin, Sabourin and Sun Canada Inc., Sabourin and Sun Inc., Sabourin and Sun (BVI) Inc., and Sabourin and Sun Group of Companies* their servants and agents from transferring, assigning, selling, removing or otherwise disposing of their property, assets, and undertakings including the payment of any monies from bank accounts controlled by these Respondents pending the final disposition of this action or by Order of this Court other than in the ordinary course of business.
2. **THIS COURT ORDERS** the Applicants to register on title Certificates of Pending Litigation on the properties listed at Schedule "A" annexed hereto.
3. **THIS COURT ORDERS** that this Order shall be in force for 10 days.
4. **THIS COURT ORDERS** that no findings have been made against any of the limited corporations who are not parties to the litigation at this time, and that any such corporation and/or any of the parties to this lawsuit may return on notice if further relief is necessary.

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

JUL 04 2007

PER/PAR: 



E.M.G. Moquin,
Registrar, Superior Court of Justice

SCHEDULE 'A'

(Legal Description, Municipal address)

Municipal Address: *Whispering Pines Golf Course, 451 Golf Course Road, Huntsville, ON*

Legal Description: *Part of Lot 15 in the 4th Concession, former Township of Chaffey, now Town of Huntsville, District Municipality of Muskoka, described in Schedule annexed hereto as "Property No. 1" – Description continued"*

Name: *Group Northern Properties Ltd., 166815 Ontario Inc.,*

Municipal Address: *157 Yonge Street, Burks Falls, ON*

Legal Description: *Lot 2, Plan 26, North Side of Yonge Street, Village of Burk's Falls, District of Parry Sound*

Name: *1684164 Ontario Ltd.,*

Municipal Address: *Almaguin Parklands Campground, Township of Armour*

Legal Description: *PCL 11173 SEC SS; PT LT 15 CPM 2 Armour PT 4, 42R6558; PT BROKEN LT 15 CON 1 Armour PT 3, 42R6558; Armour, District of Parry Sound (all of PIN 52144-0163); Secondly PCL 11174 SEC SS; PT LT 15 CON 2 Armour, Parts 1&2, 42R6558 except 42R10374, PT 1, 42R10647 & 42R13375; S/T LT251216; Armour, District of Parry Sound (all of PIN 52144-0162)*

Name: *1692373 Ontario Ltd.,*

Municipal Address: *20 Scotia Road, Emsdale, Ontario*

Legal Description: *Part of Lot 16, Concession 9, Township of Perry, District of Parry Sound, designated as Part 1, Plan 42R-15544 together with right-of-way over Part of Lot 16, Concession 9, Township of Perry, District of Parry Sound designated as Part 3, Plan 42R-6022*

Name: *1692374 Ontario Ltd.,*

Municipal Address: *RR #2, Burk's Falls, ON :*

Legal Description: *Remainder of Parcel 11669, Parry Sound South Section, Part Broken Lot 30, Concession 10 Township of Armour, District of Parry Sound, Registry: part Lot 29,*

Concession 10, designated as Firstly: Parts 4, 6, and 9, Plan 42R-14173, described in Schedule annexed hereto as "Property No. 2" – Description continued"

Name: 1670342 Ontario Ltd., cob Pickeral Lake Lodge

Municipal Address: 15467 Ontario Street, Burks Falls, Ontario

Legal Description: Part of Lot 37, Registrar's compiled Plan 315, Designated as Part 2, Plan 42R-15467, Township of Armour, District of Parry Sound

Name: 1681114 Ontario Ltd. cob Group West Ltd.

Municipal Address: 422 Lakeview Drive, Burks Falls, Ontario

Legal Description: Parcel 5825 in the Register for Parry Sound, South Section, being Part of Lots 16 & 17, Concession 12, Township of Ryerson, District of Parry Sound

Name: 1673227 Ontario Ltd., cob Birchwood Camp

Municipal Address: 4575 Highway No. 6, Dwight, ON

Legal Description: Part of Lot 9, Concession 13, Designated as Part 3, Plan 19R-7029, Township of McClintock, County of Haliburton (No. 19)

Name: 1668816 Ontario Ltd., cob Timber Trail Algonquin

Municipal Address: 1032 Oxtongue Lake Road, R.R. 1, Dwight, ON

Legal Description: Part of Lots 4 and 5, Concession 12, Township of McClintock, County of Haliburton, described in Schedule annexed hereto as "Property No. 3" – Description continued"

Name: 1689542 Ontario Ltd., cob Pines Cottage Resort

Municipal Address: 689 Evergreen Trail, Huntsville, ON

Legal Description: Part of Lot 32, Concession 9, and Part of Lot 32, Concession 10, Township of Stephenson (Now town of Huntsville) District Municipality of Muskoka, designated as part 12, Plan 35R-10294, as previously described in Instrument No. 318122 and in Schedule annexed hereto as "Property No. 4" – Description continued"

Name: 1695083 Ontario Ltd., cob Privilege Resorts International Inc.,



Schedule

Form 5 - Land Registration Reform Act, 1994

PROPERTY NO. 1

Legal Description continued

Additional Property Identifier(s) and/or Other Information

DESCRIPTION CONTINUED

That part of Lot 15, Concession 4, Township of Chaffey, now Town of Huntsville, more particularly described as follows:

BEING THAT PART of the said Lot 15, Concession 4, Township of Chaffey that lies south of the lands expropriated by Department of Highways by Instrument No. 6839, the southerly limit of which said Highway may be described as follows:

COMMENCING at a point in the easterly limit of said lot distant fourteen hundred and seventy-four and 94/100 feet (1474.94) measured South 21 degrees 10 minutes East thereon from the northeasterly angle of said lot;

THENCE South 49 degrees 01 minute West a distance of fourteen hundred and forty-two and 51/100 (1442.51) feet to a point in the westerly limit of said lot;

SUBJECT TO AN EASEMENT in favour of the Hydro Electric Power Commission of Ontario as set out and shown on a sketch attached to Instrument No. 5878 (Chaffey) and more particularly described as follows:

ALL THAT PART of Lot 15 lying east of line drawn parallel to and distant 16.5 feet measured westerly from and at right angles to a centre line and centre line produced of wood pole transmission line, which centre line may be located as follows:

COMMENCING at the south-west angle of Lot 16, Concession 4;

THENCE northerly along the western limit of said Lot 16, 149.1 feet;

THENCE South 10 degrees 24 minutes West 127.6 feet to the said point of commencement of the herein described centre line;

THENCE South 10 degrees 24 minutes West 53.2 feet more or less to the southern limit of said Lot 15.

~~RESERVE~~ ^{RESERVE} ~~TO THE GRANTOR~~ ^{RIGHT OF} IN INSTRUMENT NO. 13666 the right to remove from the lands hereinafter described such sand, gravel, and/or fill as he sees fit for a period expiring one year next following the date on which the New Provincial Highway is constructed and in use by the public on the lands immediately adjoining on the north of the lands hereby conveyed; the lands affected by the reservations hereinbefore set forth being described as follows:

COMMENCING at the northwesterly angle of the lands herein conveyed;

THENCE easterly along the northerly limit thereof, being also the southerly limit of the Highway lands described in Instrument No.

6839 a distance of three hundred (300.0) feet;

THENCE southerly and at right angles to said limit a distance of three hundred (300.0) feet;

THENCE westerly and parallel to said limit a distance of three hundred (300.0) feet;

THENCE northerly and at right angles to said limit a distance of three hundred feet (300.0) to the place of the beginning;

BRING THE LANDS MOST RECENTLY DESCRIBED in Instrument No. 26601.





Schedule Form B - Land

Do Proceas Software Inc. (416) 322-8111

PROPERTY NO. 2
Legal Description continued

Additional Property Identifier(s) and/or Other Information

Box 5 (Description) cont'd:

Secondly: Part of Lot 29, Concession 10, Township of Armour, more particularly described as follows:

Premising that the westerly limit of Lot 29 has a course of North 22 degrees 06 minutes 30 seconds west and relating all bearings herein thereto:

Commencing at the north west angle of Lot 29, Concession 10 of the said Township:

Thence south 22 degrees 06 minutes 30 seconds east along the westerly limit of said Lot 29, Concession 10 in the said Township a distance of 347.61 feet to an iron bar planted.

Thence continuing south 22 degrees 06 minutes 30 seconds east along the westerly limit of said Lot 29 a distance of 145.04 feet to an iron bar planted which point is the point of commencement of the lands hereinafter particularly described:

Thence in a direction north 67 degrees 53 minutes 30 seconds east a distance of 66 feet to an iron bar planted;

Thence in a direction south 81 degrees 45 minutes 50 seconds east a distance of 109.76 feet to an iron bar planted.

Thence north 68 degrees 53 minutes 30 seconds east a distance of 1,043.75 feet to an iron bar planted;

Thence south 21 degrees 02 minutes 35 seconds east a distance of 66 feet to a point;

Thence north 68 degrees 53 minutes 30 seconds west a distance of 1,203.28 feet to the westerly limit of Lot 29 Concession 10;

Thence north 22 degrees 06 minutes 30 seconds west 118.62 feet along the said westerly limit of Lot 29 Concession 10 to the said place of beginning. As described as Secondly in Instrument No. 75495 and outlined in red on Sketch attached to Instrument No. 44955.

Thirdly: All Lot 29, Concession 10 lying south of Part A, Plan PSR-1890 as described in Instrument No. 75495

All in the Township of Armour, District of Parry Sound

PROPERTY NO. 3

Legal Description continued

SCHEDULE AND DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of McClintock in the County of Haliburton and being composed of Part of Lots 4 and 5 in Concession 12 of the said Township which is shown outlined in red on a blueprint of plan of survey dated May 20, 1952 made by Maurice W. Fitz Maurice, O.L.S., and attached to instrument No. 276 and which said part is described as follows:

COMMENCING at the northeast angle of the said Lot 4;

THENCE south 20 degrees 39 minutes east, 2,160 feet along the easterly limit of the said Lot 4 to an iron post in the southeastern limit of Highway No. 60;

THENCE south 18 degrees 30 minutes west, 37.6 feet along the said southeasterly limit to the place of beginning of the lands herein described;

THENCE south 18 degrees 39 minutes west, 200 feet along the said southeastern limit;

THENCE south 51 degrees 10 minutes east, 747.9 feet to the highwater mark of the Ontonagon Lake;

THENCE in a general northeasterly direction, along the said highwater mark, 200 feet more or less to a point which is intersected by a line drawn on a bearing of south 50 degrees 50 minutes east from the place of beginning;

THENCE north 50 degrees 50 minutes west, 746.7 feet to the place of beginning.

TOGETHER WITH A RIGHT OF WAY over the southwest 6 feet of the lands to the southeast of the within described lands, to a depth of 440 feet from the southeastern limit of Highway No. 60;

AND SUBJECT to a right of way over the northeast 12 feet of the lands herein described to the same depth; these rights of way forming a mutual driveway for the use of the owners and occupants from time to time of the within described lands and the lands to the southeast of these lands.

As described in Instrument No. 268618



Form 8 - L

PROPERTY NO. 4

Legal Description continued

Additional Property Identifier(s) and/or Other Information

DESCRIPTION BOX 5 continued

Together with a right-of-way for all of the usual purposes in, over, along and upon that Part of Lot 32, Concession 10, Township of Stephenson, now Town of Huntsville, designated as Parts 1, 4, 5, 13 and 15 on Plan 35R-15655;

Together with a right-of-way for all of the usual purposes in, over, along and upon that Part of Lot 32, Concession 10, Township of Stephenson, now Town of Huntsville, and that Part of Lot 32, Concession 9, Township of Stephenson, now Town of Huntsville, designated as Part 14 on Plan 35R-15655

as previously described in instrument number 331457

BACKSHEET
(Form 4C under the Rules)

1261746 ONTARIO INC. et al

(Short title of proceeding)

Applicants

- and -

PETER SABOURIN, et al

Respondents

Court file no. 07-CL-7077

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL COURT
Proceeding commenced at TORONTO

ORDER

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

01/21/2008 14:31 FAX 416 863 4896

BOND ST CHAMBERS

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