

C121188



Clerk's Stamp:

Justice Sidnell  
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Dec 7, 2021

COURT FILE NUMBER	1601-11809
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF	THE TORONTO-DOMINION BANK
DEFENDANTS	REPERIO RESOURCES CORP. AND HEARTLAND AGGREGATES CORP.
DOCUMENT	<b><u>ORDER - RESTRICTED COURT ACCESS</u></b>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Borden Ladner Gervais LLP Centennial Place, East Tower Suite 1900, 520 3 <sup>rd</sup> Avenue SW Calgary, AB T2P 0R3 Attn: Kevin Barr Ph. (403) 232-9786 File No.:
DATE ON WHICH ORDER WAS PRONOUNCED	December 7, 2021
LOCATION WHERE ORDER WAS PRONOUNCED	Calgary, Alberta
NAME OF JUSTICE WHO MADE THIS ORDER	The Honourable Justice E.J. Sidnell

**UPON THE APPLICATION** by Deloitte Restructuring Inc. in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of the undertakings, property and assets of Reperio Resources Corp. (the "**Debtor**"); AND UPON reading the Second Report of the Receiver ("**Second Report**") and the Confidential Supplement to the Second Report of the Receiver (the "**Confidential Supplement**"); AND UPON reading the Affidavit of Karel Zambrano (Second Amending Agreement to the Asset Purchase Agreement) (the "**Amending Agreement Affidavit**"); AND UPON hearing submissions from counsel as to service; AND UPON hearing submissions of counsel to the Receiver;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. Part 6 Division 4 of the *Alberta Rules of Court*, Alta Reg 124/2010 does not apply to this application.
2. The Confidential Supplement shall be filed in Court of Queen's Bench of Alberta Action Number 1601-11809 and shall immediately be sealed by the Clerk of the Court, kept confidential and not form part of the public record, and not be available for public inspection until the earlier of the filing of a Receiver's Closing Certificates in respect of the sale of the Reperio Lands (as defined in the Application of the Receiver heard on December 7, 2021), May 31, 2022, or until otherwise ordered by this Court, after application brought upon seven days' notice to all interested parties, whereupon the Clerk of the Court shall remove the Confidential Supplement from the sealed envelope referred to below and place the Confidential Supplement on the public record. The

Confidential Supplement shall be sealed and filed in an envelope containing the following statement thereon:

THIS ENVELOPE CONTAINS THE CONFIDENTIAL SUPPLEMENT TO THE SECOND REPORT OF THE RECEIVER, WHICH SHALL BE SEALED UNTIL THE EARLIER OF THE FILING OF RECEIVER'S CLOSING CERTIFICATES IN RESPECT OF THE SALE OF THE REPERIO LANDS (AS DEFINED IN THE APPLICATION OF THE RECEIVER HEARD ON DECEMBER 7, 2021), MAY 31, 2022, OR UNTIL FURTHER ORDER OF THIS COURT AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICLY ACCESSIBLE EXCEPT AFTER THE FILING OF SUCH CLOSING CERTIFICATES, MAY 31, 2022, OR IN ACCORDANCE WITH SUCH ORDER.

3. The Amending Agreement Affidavit shall be filed in Court of Queen's Bench of Alberta Action Number 1601-11809 and shall immediately be sealed by the Clerk of the Court, kept confidential and not form part of the public record, and not be available for public inspection until the earlier of the filing of a Receiver's Closing Certificates in respect of the sale of the Reperio Lands (as defined in the Application of the Receiver heard on December 7, 2021), May 31, 2022, or until otherwise ordered by this Court, after application brought upon seven days' notice to all interested parties, whereupon the Clerk of the Court shall remove the Amending Agreement Affidavit from the sealed envelope referred to below and place the Confidential Supplement on the public record. The Amending Agreement Affidavit shall be sealed and filed in an envelope containing the following statement thereon:

THIS ENVELOPE CONTAINS THE AMENDING AGREEMENT AFFIDAVIT, WHICH SHALL BE SEALED UNTIL THE EARLIER OF THE FILING OF RECEIVER'S CLOSING CERTIFICATES IN RESPECT OF THE SALE OF THE REPERIO LANDS (AS DEFINED IN THE APPLICATION OF THE RECEIVER HEARD ON DECEMBER 7, 2021), MAY 31, 2022, OR UNTIL FURTHER ORDER OF THIS COURT AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICLY ACCESSIBLE EXCEPT AFTER THE FILING OF SUCH CLOSING CERTIFICATES, MAY 31, 2022, OR IN ACCORDANCE WITH SUCH ORDER.

  
Justice of the Court of Queen's Bench of Alberta