

COURT FILE NUMBER 2101-01130
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF BANK OF MONTREAL
DEFENDANTS EAGLESMED GROUP INC., CHRIS MUSAH PROFESSIONAL CORPORATION, CHRISTOPHER MUSAH (also known as CHRIS MUSAH), CHARLES FRANKLIN JOHNSON PROFESSIONAL CORPORATION, CHARLES FRANKLIN JOHNSON, YETUNDE KASUMU MEDICAL PROFESSIONAL CORPORATION and YETUNDE KASUMU
APPLICANT DELOITTE RESTRUCTURING INC., in its capacity as Court-appointed Receiver and Manager of EAGLESMED GROUP INC. and CHRIS MUSAH PROFESSIONAL CORPORATION
DOCUMENT **APPLICATION (DISCHARGE OF RECEIVER)**



C101874

Oct 31, 2023
COM

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

CASSELS BROCK & BLACKWELL LLP

3810, Bankers Hall West
888 3rd Street SW
Calgary, AB T2P 5C5

File No: 49073-9

Attention: Danielle Marechal / Kara Davis

P: 403 351 2921 / 587 441 3065

E: dmarechal@cassels.com / kdavis@cassels.com

NOTICE TO RESPONDENT(S): See Service List attached hereto as **Schedule "A"**.

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: **Tuesday, October 31, 2023**

Time: **2:00 p.m.**

Where: **Calgary Courts Centre, 601 5th St SW, Calgary, AB (via Webex)**

Before Whom: **The Honourable Justice R.A. Neufeld**

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Deloitte Restructuring Inc. (“**Deloitte**”) in its capacity as receiver and manager (in such capacity, the “**Receiver**”) of the assets, properties and undertakings of Eaglesmed Group Inc. (“**Eaglesmed**”) and Chris Musah Professional Corporation (“**CMPC**” and together with Eaglesmed, the “**Debtors**”), seeks, *inter alia*, the following:
 - a. an order substantially in the proposed form attached hereto as **Schedule “B”**:
 - i. if necessary, abridging the time for service of this Application and supporting fifth report of the Receiver, dated October 23, 2023 (the “**Fifth Report**”) and declaring service to be good and sufficient;
 - ii. approving the accounts of the Receiver and its legal counsel, Cassels Brock & Blackwell LLP (“**Cassels**”), for professional fees and disbursements as set out in the Fifth Report;
 - iii. approving and ratifying the activities and conduct of the Receiver since its last report, including the Fifth Report and the final statement of receipts and disbursements set out therein;
 - iv. approving a final distribution to Bank of Montreal (“**BMO**”);
 - v. authorizing the Receiver to destroy the Debtors’ books and records if not claimed within 30 days of the Receiver’s discharge;
 - vi. dismissing the Alleged Trust Claim (as defined in the Fifth Report) or in the alternative, declaring it need not be determined given that there will be no residual estate proceeds following payment of the remaining costs of administration and amounts owing to BMO;
 - vii. discharging the Receiver as the court appointed receiver and manager of the assets, undertakings and properties of the Debtors and declaring that the Receiver has satisfied its obligations under and pursuant to the terms of the receivership order granted in the within proceedings on February 16, 2021, up to and including the date hereof; and
 - viii. declaring that the Receiver is not liable for any act or omission on its party, including without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except the usual exclusions, and declaring that any claims against the Receiver in connection with the performance of its duties are stayed, extinguished and forever barred; and

b. such further and other relief as this Honourable Court deems just.

Grounds for making this application:

Background

1. Pursuant to an Order of this Honourable Court (the “**Receivership Order**”) pronounced on February 12, 2021 (the “**Date of Receivership**”), Deloitte was appointed as receiver and manager of the undertakings, assets and properties of Eaglesmed Group Inc. (“**Eaglesmed**”) and Chris Musah Professional Corporation (“**CMPC**” and together with Eaglesmed, the “**Debtors**”).
2. Eaglesmed was a private Alberta corporation and operated as a comprehensive medical facility at a leased premise in Calgary but ceased operations prior to the Date of Receivership. Dr. Christopher Musah is the sole director and primary voting shareholder of Eaglesmed.
3. CMPC was a private medical corporation. Dr. Musah was the sole director and voting shareholder of CMPC. CMPC was a holding company for revenues earned by Dr. Musah and was the registered owner of five investment properties.
4. On May 4, 2021, this Honourable Court granted orders, *inter alia*:
 - (a) approving an amendment to the Receivership Order;
 - (b) approving the sale of Eaglesmed’s assets;
 - (c) approving the sale process of four of the CMPC investment properties; and
 - (d) approving the conduct and activities of the Receiver.
5. On February 17, 2022, this Honourable Court granted orders, *inter alia*:
 - (a) approving the sale the property located at #703 10 Shawnee Hill SW, Calgary, Alberta; and approving the conduct and activities of the Receiver; and
 - (b) unless the Debtors filed and served an application with evidence supporting the Alleged Trust Claim, the Receiver was authorized to make one or more distributions to BMO up to \$2,500,000; and
 - (c) any hearing of the Alleged Trust Claim shall be heard within 45 day of filing same.
6. On May 12, 2022, this Honourable Court granted orders, *inter alia*:

- (a) approving the sale of the property located at #702 10 Shawnee Hill SW, Calgary, Alberta; and approving the conduct and activities of the Receiver; and
 - (b) authorizing the Receiver to pay the outstanding costs of administration of the receivership without prejudice to the outcome of the Alleged Trust Claim and any arguments regarding the allocation of amounts secured by the Receiver's Charge or Receiver's Borrowing Charge (both as defined in the Receivership Order).
7. On June 29, 2022, this Honourable Court granted orders, *inter alia*, approving the sale of the Pine Lake Property; and approving the conduct and activities of the Receiver.
8. Terms not otherwise described herein shall have the meaning ascribed to them in the Fifth Report.

Actions of the Receiver

9. The Receiver has acted diligently since its appointment and has undertaken those activities described further in the Fifth Report, which actions are lawful, proper and consistent with the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 and the Receiver's powers and duties under the Receivership Order.

Final Distribution

10. The Receiver previously issued an interim distribution to the Debtor's primary secured lender, BMO, in the approximate amount of \$976,968.
11. After payment of the remaining costs of administration including the professional fees, the Receiver is seeking to make a final distribution to BMO in the estimated amount of \$123,000.

Books & Records

12. Despite repeated requests, Dr. Musah has not advised whether he would like the books and records of the Debtors returned upon the Receiver's discharge and accordingly, the Receiver is seeking to destroy them if not claimed within 30 days of its discharge.

Alleged Trust Claim

13. As further set out at paragraphs 26 to 41 of the Fifth Report, Dr. Musah has asserted a claim that his children hold the beneficial interest in the Alleged Trust Properties in priority to the BMO Mortgages (as defined in paragraph 26 of the Fifth Report).

14. Pursuant to an order granted on February 16, 2022, setting a deadline for the adjudication of the Alleged Trust Claim (as defined in the Fifth Report), Dr. Musah filed materials seeking a declaration that the Alleged Trust Properties were subject to a valid trust and that any proceeds after payment of the BMO mortgages should be paid to the benefit of Dr. Musah's children.
15. The Alleged Trust Properties were purchased in part, with funds loaned to the Debtors by BMO and secured by the BMO Mortgages and registered at Alberta Land Titles against certificates of title of the Alleged Trust Properties.
16. The Trust Agreement was not registered against the certificates of title of the Alleged Trust Properties.
17. The Debtors did not dispute the validity of the BMO Mortgages, but rather claimed that any equity in the Alleged Trust Properties over and above the BMO Mortgages must be held in trust for the beneficiaries under the Alleged Trust Agreement, notwithstanding the Debtors also granted BMO general security interests, which BMO perfected.
18. Pursuant to certain standard mortgage terms incorporated into the BMO Mortgages, any costs of administration incurred in these receivership proceedings including professional fees that are not paid from the Debtor's estates will ultimately have to be repaid by BMO and accordingly, are a cost of enforcement that the Debtors are required to pay under the BMO Mortgages.
19. There will be no equity in the Alleged Trust Properties once the costs of administration of these proceedings are paid and it is anticipated that BMO will face a shortfall in recovery of the indebtedness owing to it.
20. Further, the Receivership Order prescribes a Receiver's Charge (as defined in the Receivership Order), which forms a first priority charge on all property of the Debtors' that is in priority to all security interests, trusts, deemed trusts, liens charges and encumbrances.
21. Dr. Musah has been unresponsive since December 2022 and has failed to have the Alleged Trust Claim adjudicated in a timely manner.
22. For the above reasons, the Receiver respectfully submits that the Alleged Trust Claim should be dismissed, or in the alternative, it need not need be determined, as there will be no equity in the Debtors' estate to distribute.

Approval of Fees and Disbursements of the Receiver and its Legal Counsel

23. The accounts of the Receiver for the period of May 19, 2022 to August 11, 2023, total approximately \$40,820 excluding GST, plus work-in-progress to October 10, 2023 of approximately \$4,250.
24. The accounts for the Receiver's legal counsel, Cassels, for the period of June 1, 2022 to August 30, 2023, total approximately \$56,098 excluding GST, plus work-in-progress to October 13, 2023 of approximately \$8,000.
25. Estimated professional fees of the Receiver and Cassels necessary through to the completion of the administration of the receivership as set out in the Fifth Report, are approximately \$10,000 each, excluding GST.
26. The invoices rendered by the Receiver and its counsel are reasonable and were validly incurred in accordance with the provisions of the Receivership Order.

Discharge of Receiver and Final Distribution

27. Since its appointment, the Receiver has performed its mandate as receiver and manager under the Receivership Order, including attempts to liquidate the Debtors' assets, and there is no further property in the Receiver's control remaining to be realized upon.
28. The Receiver has acted honestly and in good faith and has dealt with the property, assets, and undertakings and carried out the Receiver's mandate in a commercially reasonable manner. Given that there are no further realizable assets remaining in the estate of the Debtors the Receiver is seeking its discharge.

Material or evidence to be relied on:

1. Receivership Order, pronounced and filed February 16, 2021.
2. First Report of the Receiver, dated April 26, 2021 and filed April 27, 2021.
3. Notice of Withdrawal of Lawyer of Record, file April 28, 2021.
4. Order Approving the Sales Process and Actions of the Receiver, pronounced and filed on May 4, 2021.
5. Approval and Vesting Order, pronounced and filed on May 4, 2021.
6. Order Amending the Receivership, pronounced and filed May 4, 2021.
7. Second Report of the Receiver, dated February 7, 2022 and filed February 8, 2022.
8. Approval and Vesting Order, pronounced and filed on June 16, 2022.

9. Order Approving the Actions of the Receiver, pronounced and filed February 17, 2022.
10. Affidavit of Chistopher Musah, sworn April 7, 2022.
11. Third Report of the Receiver, dated May 3, 2022 and filed May 4, 2022.
12. Order Approving the Actions of the Receiver, pronounced and filed May 13, 2022.
13. Approval and Vesting Order, pronounced and Romaine filed June 16, 2023.
14. Fourth Report of the Receiver, dated and filed June 20, 2022.
15. Order Approving Actions of Receiver, pronounced and filed June 29, 2022.
16. Approval and Vesting Order, pronounced and filed June 29, 2022.
17. Notice of Withdrawal of Lawyer of Record, filed December 9, 2022.
18. Fifth Report of the Receiver, dated and filed October 23, 2023.
19. Affidavit of Service to be sworn and filed in these proceedings; and
20. Such further and other materials as counsel may advise and this Honourable Court may permit.

Applicable rules:

21. *Rules 1.2, 1.3, 1.4, 6.1, 6.2, 6.3 and 6.47.*

Applicable Acts and regulations:

22. *Bankruptcy and Insolvency Act, RSC 1985, c B-3.*
23. *Judicature Act, RSA 2000, c J-2.*
24. *Personal Property Security Act, RSA 2000, c P-7.*
25. Such further and other acts and regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

26. None

How the application is proposed to be heard or considered:

27. Commercial List – Remotely (via Webex).

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

Counsel/Party	Method of Delivery	Role
<p>Dentons Canada LLP 1500, Bankers Court 850 2nd Str SW Calgary, AB T2P 0R8</p> <p>Attn: Derek Pontin</p> <p>Email: derek.pontin@dentons.com</p>	Email	Counsel to Bank of Montreal
<p>Eaglesmed Group Inc. 2630 Evercreek Bluffs Way SW Calgary, AB T2Y 4V7</p> <p>Attn: Dr. Christopher Musah</p> <p>Email: chrismusah@gmail.com chris.dr.musahspractice@gmail.com</p>	Email	Debtor
<p>Chris Musah Professional Corporation c/o Registered Office 6403, 1811 Lake Fraser Dr. SE Calgary, AB T2J 7J1</p> <p>c/o prior Registered Office 315, 12445 Lake Fraser Dr. SE Calgary, AB T2J 7A4</p> <p>Attn: Dr. Christopher Musah</p> <p>Email: chrismusah@gmail.com chris.dr.musahspractice@gmail.com</p>	Email, Courier, Registered Mail & Regular Mail	Debtor
<p>Dr. Christopher Musah 2630 Evercreek Bluffs Way SW Calgary, AB T2Y 4V7</p> <p>215, 12445 Lake Fraser Dr. SE Calgary, AB T2J 7A4</p> <p>Email: chrismusah@gmail.com chris.dr.musahspractice@gmail.com</p>	Email	Defendant
<p>Harper Lee Law 300, 4503 Brisebois Dr NW Calgary, AB T2L 2G3</p> <p>Attn: Harper-Lee Overli</p> <p>Email: hlo@harperleelaw.com</p>	Email	Counsel to Defendants, Charles Franklin Johnson Professional Corporation and Dr. Charles Johnson

Counsel/Party	Method of Delivery	Role
Code Hunter LLP 850, 440 2 nd Ave SW Calgary, AB T2P 5E9 Attn: Chad Babiuk Email: chad.babiuk@codehunterllp.com	Email	Counsel to Defendants, Yetunde Kasumu Medical Professional Corporation and Dr. Yetunde Kasumu
CWB National Leasing Inc. 1525 Buffalo Place Winnipeg, MB R3T 1L9 Attn: Caroline Thomas Email: debt enforcement@cwbnationalleasing.com caroline.thomas@cwbnationalleasing.com	Email	Creditor of Eaglesmed Group Inc. and Chris Musah Professional Corporation (AB PPR security agreement reg. no. 17011115241)
RCAP Leasing Inc. 300, 5575 North Service Rd Burlington, ON L7L 6M1 Email: cms_alberta_notification@teranet.ca ; rcap.collections@rcapleasing.com	Email	Creditor of Eaglesmed Group Inc. (AB PPR security agreement reg. no. 20020521219)
10460010 Canada Inc. c/o Colliers REMS 900 Royal Bank Building 335 8th Ave SW Calgary, AB T2P 1C9 Attn: Craig Shein Email: Craig.Shein@colliers.com	Email	Former Landlord; Creditor of Eaglesmed Group Inc. (AB PPR security agreement reg. no. 21021027605)
Swainson Miki Peskett LLP 2800, 10104 103 Ave NW Edmonton, AB T5J 0H8 Attn: Christopher Young Email: cyoung@smpllp.ca	Email	Counsel to Colliers REMS
BMO Harris Investment Management Inc. c/o BMO Financial Group Attn: Valerie Quintal Email: Valerie.Quintal@bmo.com	Email	Intermediary to Control Agreement

Counsel/Party	Method of Delivery	Role
BMO Trust Company c/o BMO Financial Group Attn: Valerie Quintal Email: Valerie.Quintal@bmo.com	Email	Intermediary to Control Agreement
M. Akinsipe Medical Professional Corporation Attn: Dr. Mercy Akinsipe Email: mercyakinsipe@gmail.com	Email	Unsecured Creditor
Norton Rose Fulbright 3700, 400, 3rd Ave SW Calgary, AB T2P 4H2 Attn: Lindsay Bec Michael MacIsaac Email: lindsay.bec@nortonrosefulbright.com michael.macisaac@nortonrosefulbright.com	Email	Counsel to TELUS Health Solutions Inc. and TELUS Communications Inc., a Creditor
Iris Khumalo-Musah 16157 Shawbrooke Road SW Calgary, AB T2Y 3C1	Courier	Plaintiff in Court File No: 4801-178248; Land Titles Registrant of Certificate of Lis Pendens (Inst. No. 182 170 839)
Canada Revenue Agency 220 4th Ave SE Calgary, AB T2G 0L1 Surrey National Verification and Collection Centre 9755 King George Blvd Surrey, BC V3T 5E1 Fax: 1 833 697 2389	Courier & Fax	Creditor
Department of Justice Canada 300 Epcor Tower 10423 101 Street NW Edmonton, AB T5H 0E7	Courier	Counsel to Canada Revenue Agency

SCHEDULE "B"

COURT FILE NO.: 2101-01130
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT BANK OF MONTREAL



RESPONDENTS EAGLESMED GROUP INC., CHRIS MUSAH PROFESSIONAL CORPORATION, CHRISTOPHER MUSAH, ALSO KNOWN AS CHRIS MUSAH, CHARLES FRANKLIN JOHNSON PROFESSIONAL CORPORATION, CHARLES FRANKLIN JOHNSON, YETUNDE KASUMU MEDICAL PROFESSIONAL CORPORATION and YETUNDE KASUMU

DOCUMENT **DISCHARGE ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Cassels Brock & Blackwell LLP
Suite 3810, Bankers Hall West
888 3rd St SW
Calgary, AB T2P 5C5
Telephone: 403 351 2921 / 587 441 3065

File No.: 49073-9

Attention: Danielle Marechal / Kara Davis

DATE ON WHICH ORDER WAS PRONOUNCED: October 31, 2023

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, AB

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice R.A. Neufeld

UPON THE APPLICATION of Deloitte Restructuring Inc. ("**Deloitte**") in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of Eaglesmed Group Inc. ("**Eaglesmed**") and Chris Musah Professional Corporation ("**CMPC**" and together with Eaglesmed, the "**Debtors**") for an order, among other things: (a) approving the Receiver's conduct and activities; (b) approving the professional fees and disbursements; (c) approving a final distribution of proceeds; (d) dismissing the Alleged Trust Claim (defined herein) or in the alternative determining it need not be adjudicated; and discharging the Receiver; **AND UPON** having read the Receiver's Fifth Report dated October 23, 2023 (the "**Fifth Report**"); **AND UPON** hearing submissions counsel for the Receiver and any other parties in attendance; **AND UPON** being satisfied that it is appropriate to do so, **IT IS HEREBY ORDERED AND DECLARED THAT:**

Service

1. Service of notice of this application (the “**Application**”) and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.

Conduct, Activities & Professional Fees of the Receiver

2. The Receiver's conduct and activities as set out in the Fifth Report and in all prior reports filed herein, and the final statement of receipts and disbursements attached to the Fifth Report, are hereby ratified and approved.
3. The professional fees and disbursements of the Receiver, as set out in the Fifth Report are hereby approved without the necessity of a formal assessment of its accounts.
4. The professional fees and disbursements of the Receiver's legal counsel, Cassels Brock & Blackwell LLP, as set out in the Fifth Report are hereby approved without the necessity of a formal assessment of its accounts.

Final Distribution

5. After payment of the professional fees referenced in paragraphs 3 and 4 herein and any other remaining costs of administration, the Receiver is authorized and directed to distribute all remaining proceeds of the Debtors' estates, to Bank of Montreal.
6. Payment of the costs of administration of the within proceedings including but not limited to, the professional fees and all distributions made by the Receiver, shall be final and are no longer subject to the Alleged Trust Claim (defined herein at paragraph 9).
7. For further clarity, the relief in paragraph 6 shall be granted notwithstanding:
 - (a) paragraph 3 of the Order Amending Receivership Order, pronounced and filed May 4, 2021;
 - (b) paragraph 7 of the Order Approving Sales Process, Actions of Receiver, etc., pronounced and filed May 4, 2021;
 - (c) paragraphs 8 and 9 of the Order Approving Actions of Receiver, Professional Fees, etc., pronounced February 16, 2022 and filed February 17, 2022 (the “**February 2022 Order**”); and

- (d) paragraphs 5 and 6 of the Order Approving Actions of Receiver, Professional Fees, etc., pronounced May 12, 2022 and filed May 13, 2022.

Books & Records

8. Subject only to Dr. Christopher Musah providing notice to the Receiver in writing of their intention to retrieve the corporate books and records of the Debtors (the “**Records**”) and arranging a mutually agreeable pick-up time with the Receiver at Dr. Musah’s sole expense within 30 days of the date of this Order, the Receiver shall be at liberty to destroy and dispose of the Records.

Trust Claim

9. The Alleged Trust Claim, as defined in the February 2022 and further detailed in the Fifth Report and previous reports of the Receiver, is hereby dismissed and extinguished.
10. For further clarity, Dr. Musah, the beneficiaries of the Alleged Trust Claim and any other person with an interest in the Alleged Trust Claim, are forever barred from bringing a claim in relation to the Alleged Trust Claim against the Receiver, the Debtors’ estates or any party to which a distribution was made in the course of these proceedings.

Discharge

11. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any in fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
12. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on notice to the Receiver, and upon such terms as this Court may direct.
13. Upon the Receiver filing with the Court, a Receiver’s certificate substantially in the form attached hereto as **Appendix “A”** (the “**Discharge Certificate**”), confirming all matters set out in paragraph 5 of this Order has been completed, Deloitte shall be discharged as Receiver of the Debtors, provided however, that notwithstanding its discharge herein:

- (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 approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.
14. This Order must be served only upon those interested parties attending or represented at the Application and service may be effected by Facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
15. Service of this Order on any party not attending this application is hereby dispensed with.

Justice of the Court of King's Bench of Alberta

APPENDIX "A"

See attached Receiver's Certificate.

COURT FILE NUMBER 2101-01130

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF BANK OF MONTREAL

DEFENDANTS EAGLESMED GROUP INC., CHRIS MUSAH PROFESSIONAL CORPORATION, CHRISTOPHER MUSAH (also known as CHRIS MUSAH), CHARLES FRANKLIN JOHNSON PROFESSIONAL CORPORATION, CHARLES FRANKLIN JOHNSON, YETUNDE KASUMU MEDICAL PROFESSIONAL CORPORATION and YETUNDE KASUMU

APPLICANT DELOITTE RESTRUCTURING INC., in its capacity as Court-appointed Receiver and Manager of EAGLESMED GROUP INC. and CHRIS MUSAH PROFESSIONAL CORPORATION

DOCUMENT **RECEIVER'S CERTIFICATE**

Clerk's Stamp

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

CASSELS BROCK & BLACKWELL LLP

3810, Bankers Hall West
888 3rd Street SW
Calgary, AB T2P 5C5

File No: 49073-9

Attention: Danielle Marechal / Kara Davis

P: 403 351 2921 / 587 441 3065

E: dmarechal@cassels.com / kdavis@cassels.com

RECITALS

- A. Pursuant to an Order of the Court of King's Bench of Alberta, (the "**Court**") pronounced February 12, 2021, Deloitte Restructuring Inc. ("**Deloitte**") was appointed as receiver (in such capacity, the "**Receiver**") of the undertakings, property and assets of Eaglesmed Group Inc. ("**Eaglesmed**") and Chris Musah Professional Corporation ("**CMPC**" and together with Eaglesmed, the "**Companies**").
- B. Pursuant to an Order of the Court pronounced October 31, 2023 (the "**Discharge Order**"), Deloitte was discharged as Receiver of the Companies, to be effective upon the filing of a

certificate confirming the completion of all matters set out in paragraph 5 of the Discharge Order; provided that, notwithstanding its discharge:

- a. Deloitte shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership of the Companies; and
- b. Deloitte shall continue to have the benefit of the provisions of all orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Deloitte in its capacity as Receiver.

THE RECEIVER CERTIFIES the following:

- 1. The Receiver's remaining obligations and that all matters set out in paragraph 5 of the Discharge Order have been completed to the satisfaction of the Receiver.

This Certificate was delivered by the Receiver on _____, 2023.

DELOITTE RESTRUCTURING INC., in its capacity of Receiver of the undertakings, property and assets of EAGLESMED GROUP INC. AND CHRIS MUSAH PROFESSIONAL CORPORATION

Per:

Name: [●]

Title: [●]