COURT FILE NUMBER

1501-00955

COURT

COURT OF QUEEN'S BENCH

OF ALBERTA

IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended

**APPLICANTS** 

LUTHERAN CHURCH – CANADA, THE
ALBERTA – BRITISH COLUMBIA DISTRICT,
ENCHARIS COMMUNITY HOUSING AND
SERVICES, ENCHARIS MANAGEMENT AND
SUPPORT SERVICES, AND LUTHERAN

CHURCH – CANADA, THE ALBERTA – BRITISH COLUMBIA DISTRICT INVESTMENTS LTD.

DOCUMENT

**ORDER (Authorize Payments, Amend Order)** 

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF

PARTY FILING THIS

**DOCUMENT** 

Bishop & McKenzie LLP Barristers & Solicitors 1700, 530 - 8<sup>th</sup> Avenue SW Calgary, Alberta T2P 3S8

Attention: Francis N. J. Taman / Ksena J. Court

Telephone: 403-237-5550

Fax: 403-243-3623

File No.: 103,007-003

DATE ON WHICH ORDER WAS PRONOUNCED:

**THURSDAY, NOVEMBER 5, 2015** 

LOCATION WHERE ORDER WAS PRONOUNCED:

CALGARY, ALBERTA

CLERICORTHE COURT

NOV U 6 2015

JUDICIAL CENTRE OF CALGARY

NAME OF JUSTICE WHO MADE THIS ORDER:

JUSTICE G. A. CAMPBELL

**UPON THE APPLICATION** of Lutheran Church — Canada, the Alberta — British Columbia District (the "District"), EnCharis Community Housing and Services, EnCharis Management and Support Services, and Lutheran Church — Canada, the Alberta — British Columbia District Investments Ltd. ("DIL") (collectively the "Applicants"); **AND UPON HAVING** 

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**READ** the Application, the Affidavits of Cameron Sherban; **AND UPON READING** the Reports of the Monitor; **AND UPON HEARING** counsel for the Applicants, counsel for the Monitor, and other interested parties;

## IT IS HEREBY ORDERED AND DECLARED THAT:

## **SERVICE**

- 1. Service of notice of the application for this Order, and all supporting materials, as set out in the Affidavit of Charlene Everett respecting the Application filed October 26, 2015 is good and sufficient, and the time for notice hereof is shortened to the time actually given.
- 2. All capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Initial Order granted by the Honourable Justice K.D. Yamauchi in this Action dated January 23, 2015 (the "Initial Order").

## PAYMENTS TO EFT AFFECTED DEPOSITORS

3. The District is hereby permitted to, as soon as is practicable, make payment to those District Depositors who had a withdrawal from their accounts by way of electronic funds transfer ("EFT") between March 1, 2014 and the date of the Initial Order, the amount of those withdrawals being net of any amounts paid to those District Depositors during the same period.

## AMENDMENT TO ORDER

- 4. The Order (Extend Stay, Approve Payments) granted by the Honourable Justice B.E.C. Romaine on August 28, 2015 is hereby amended to add the following paragraph:
  - "12. Notwithstanding the foregoing, with respect to any DIL Depositor who has a Registered Retirement Income Fund ("RRIF") or Locked in Income Fund ("LIF") account, DIL is hereby authorized to transfer such DIL Depositor's Individual Pro-rata Share to another RRIF or LIF account (as the case may be) chosen by the DIL Depositor upon being provided with appropriate transfer documentation from the DIL Depositor before December 31, 2015."

- 5. The Order (Extend Stay, Approve Payments) granted by the Honourable Justice B.E.C. Romaine on August 28, 2015 is hereby amended to delete paragraph 10 and replace it with:
  - "10. The Individual's Pro-rata Share shall be calculated as:

((DIL Depositor's claim / total Proven Claims) x (DIL Transfer Funds + total amount received by all DIL Depositors from the Emergency Funds + total amount received by all DIL Depositors as RRIF or LIF Minimum Payments)) – any amount the DIL Depositor has received from the Emergency Fund – any amount the DIL Depositor has received as a RRIF or LIF Minimum Payment".

Justice of the Court of Queen's Bench of Alberta