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ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at Toronto

MOTION RECORD
(Returnable March 7, 2011)

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Mar 7/11

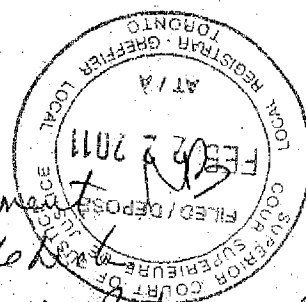
- R. English, for Receiver.
- D. Bowassa, for BMO
- P. Huzar, for Hightech
- M. Koplowitz, for CJA

Solo

I am satisfied that the proposed sale of the Tanker Pd property is fair and reasonable in all the circumstances, and I therefore grant the relief requested, and I have signed the Approval and Working Order.

Approval of Fifth and Supplementary Report and Crew Chief claim

Having read the Receiver's 5th Report and Supplement, I approve them, the Interim Statement of Receipts and Disbursements and the expenditure of the Crew Chief claim, \$455,900.00. I have signed the draft order in that regard.

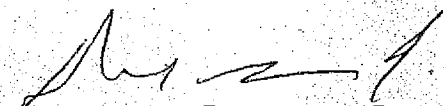


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Hightech Claims and Trailer "2360"

Para. 18 of the 5th Report refers to a trailer, the last 4 digits of the VIN being, "2360". The trailer is in the possession of Hightech. I have read the affidavit of Mr. Gihota sworn Mar 4/11. Whatever confusion may have existed in Hightech's mind, the December 14/10 order of Popall J was clear and Hightech's counsel quickly had notice of that Order. Hightech should not have set on its hands. That said, I am not satisfied ^{beyond a reasonable doubt} that Hightech's failure to deliver up possession of the trailer was wilful and I therefore do not find Hightech in contempt. However, Hightech now has a clear understanding of the situation and I order Hightech to deliver the 2360 trailer up to Ritchie Bros no later than 5pm tomorrow, Tuesday, March 8/11, at Hightech's own expense. Hightech shall deliver the trailer to Ritchie at 3 Manchester Court, Bolton, Ontario, L7R 2Y1, contact person Brandon Wong, 416.601.5920.

Although I have not found Hightech in contempt, it has put the Receiver to unnecessary expenses. Hightech therefore shall pay the Receiver costs of this matter fixed at \$3,000.00 within 30 days of the date of this Order.


P.H. BROWN J.