

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO: 500-11-041305-117

DATE: December 14, 2012

PRESIDING: THE HONOURABLE LOUIS J. GOUIN, J.S.C.

IN THE MATTER OF THE PLAN OF COMPROMISE OR ARRANGEMENT OF:

HOMBURG INVEST INC.
HOMBURG SHARECO INC.
CHURCHILL ESTATES DEVELOPMENT LTD.
INVERNESS ESTATES DEVELOPMENT LTD.
CP DEVELOPMENT LTD.
NORTH CALGARY LAND LTD.

Debtors / Petitioners

- and -

HOMCO REALTY FUND (52) LIMITED PARTNERSHIP
HOMCO REALTY FUND (88) LIMITED PARTNERSHIP
HOMCO REALTY FUND (89) LIMITED PARTNERSHIP
HOMCO REALTY FUND (92) LIMITED PARTNERSHIP
HOMCO REALTY FUND (94) LIMITED PARTNERSHIP
HOMCO REALTY FUND (96) LIMITED PARTNERSHIP
HOMCO REALTY FUND (105) LIMITED PARTNERSHIP
HOMCO REALTY FUND (121) LIMITED PARTNERSHIP
HOMCO REALTY FUND (122) LIMITED PARTNERSHIP
HOMCO REALTY FUND (142) LIMITED PARTNERSHIP
HOMCO REALTY FUND (190) LIMITED PARTNERSHIP
HOMCO REALTY FUND (191) LIMITED PARTNERSHIP
HOMCO REALTY FUND (199) LIMITED PARTNERSHIP

Mises-en-cause

SAMSON BÉLAIR/DELOITTE & TOUCHE INC.

Monitor

ORDER GRANTING EIGHTH EXTENSION AND AMENDING THE INITIAL ORDER
(HOMCO 190 AND HOMCO 191)

[1] The Petitioners present a *Motion to extend the stay period and to amend the Initial Order (Homco 190 and Homco 191)* dated December 11, 2012 (the

"Motion") pursuant to sections 11 and 11.02 of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 ("**CCAA**");

[2] **CONSIDERING** the Motion and affidavit in support thereof, and the representations of counsel;

[3] **CONSIDERING** the Monitor's Eighteenth Report dated December 12, 2012;

[4] **CONSIDERING** the provisions of the CCAA;

FOR THESE REASONS, THE COURT:

[5] **GRANTS** the *Motion to extend the stay period and to amend the Initial Order (Homco 190 and Homco 191)* (the "**Motion**");

[6] **DECLARES** that as of the date of this Order, each of Homco Realty Fund (190) Limited Partnership ("**Homco 190**") and Homco Realty Fund (191) Limited Partnership ("**Homco 191**") shall be deemed to be Applicant Partnerships under the Initial Order rendered in the present file on September 9, 2011, as amended (the "**Initial Order**");

[7] **DECLARES** that the Claims Process Order rendered in the present file on April 30, 2012 (the "**Claims Process Order**") applies *mutatis mutandis* to Homco 190 and Homco 191 provided that, as regards Homco 190 and Homco 191 only:

- (a) All references in the Claims Process Order to "HII Group" or "HII Group Entity", shall be deleted and replaced with "Homco 190" and/or "Homco 191" as the circumstances require;
- (b) The definition of "Claims Bar Date" in paragraph [6.11] of the Claims Process Order shall be amended as follows:

[6.11] "Claims Bar Date" means 5:00 p.m. (Eastern Prevailing Time) on January 18, 2013 or, for Creditors with Subsequent Restructuring Claims, the later of (i) January 18, 2013 at 5:00 p.m. (Eastern Prevailing Time) or (ii) fifteen (15) Calendar Days after the date of receipt by the Creditor of a notice of disclaimer, resiliation, repudiation, termination or restructuring by Homco 190 or Homco 191 of any contract, lease or other agreement, including any employment agreement, provided that neither Homco 190 nor Homco 191 shall send any such notice after the date that is thirty (30) Calendar Days prior to the meeting of creditors to be held in respect of the Plan; or such other date as may be ordered by the Court;

- (c) The following definitions shall be added to the Claims Process Order, immediately after paragraph [6.26]:

[6.26.1] "Homco 190" means Homco Realty Fund (190) Limited Partnership;

[6.26.2] "Homco 191" means Homco Realty Fund (191) Limited Partnership;

(d) Paragraphs [11], [12] and [13] of the Claims Process Order shall be amended as follows:

[11] **ORDERS** that the Monitor shall cause a Claims Package to be sent to each Known Creditor by regular prepaid mail on or before December 19, 2012;

[12] **ORDERS** that on a Business Day, on or before December 19, 2012, the Monitor shall cause to be published the Notice to Creditors in the Halifax Chronicle Herald;


[13] **ORDERS** that the Monitor shall cause the Claims Package, which includes the Notice to Creditors, to be posted on the Website on or before December 19, 2012;

[8] **EXTENDS** the Stay Period (as defined in the Initial Order and as extended from time to time) to February 8, 2013, the whole subject to the terms of the Initial Order;

[9] **PRAYS ACT** of the Monitor's Eighteenth Report dated December 12, 2012;

[10] **ORDERS** provisional execution of this Order, notwithstanding appeal;

[11] **THE WHOLE WITHOUT COSTS.**



LOUIS J. GOUIN, J.S.C.

Hearing date : December 14, 2012

Me Martin Desrosiers
Me Sandra Abitan
Me Julien Morissette
Osler, Hoskin & Harcourt LLP
Counsel to Petitioners