## Clerk's stamp:

**CLERK OF THE COURT** 

JAN 3 1 2011

CALGARY, ALBERTA

COURT FILE NUMBER:

1001-03215

COURT OF QUEEN'S BENCH OF

ALBERTA

JUDICIAL CENTRE OF CALGARY

PLAINTIFF: FIRST CALGARY SAVINGS & CREDIT UNION

LTD.

PERERA SHAWNEE LTD., PERERA DEFENDANTS:

DEVELOPMENT CORPORATION, DON L.

PERERA and SHIRANIE M. PERERA

PLAINTIFFS BY COUNTERCLAIM PERERA SHAWNEE LTD., DON L. PERERA and

SHIRANIE M. PERERA

FIRST CALGARY SAVINGS & CREDIT UNION DEFENDANTS BY COUNTERCLAIM

LTD. and DELOITTE & TOUCHE LLP

DOCUMENT:

**ORDER** 

(Re: Adjournments and Interim Relief)

I hereby certify this to be a true copy of

the original OCC

Dated this 31 day of 100

for Clerk of the Court

OSLER, HOSKIN & HARCOURT LLP

Barristers & Solicitors

Suite 2500, 450 – 1st Street SW

Calgary, AB T2P 5H1

Solicitor: Christa Nicholson Telephone: (403) 260-7025 Facsimile: (403) 260-7024 File Number: 1121689

DATE ON WHICH ORDER WAS PRONOUNCED: Monday, January 24, 2011

NAME OF JUDGE WHO MADE THIS ORDER: Honourable Madam Justice A. Kent

## **ORDER**

## (Re: Adjournments and Interim Relief)

**UPON** the three applications brought by Deloitte & Touche Inc., in its capacity as Courtappointed receiver and manager of Perera Development Corporation ("PDC") and Perera Shawnee Ltd. ("PSL", or when reference is being made to PDC and PSL collectively, the "Debtor"), and not in its personal capacity (the "Receiver") returnable on January 24, 2011 (the "Receiver's Reports Application", "Distribution Application" and "Approval Application"); AND UPON an application returnable on January 24, 2011 by the Canadian Association of Insolvency and Restructuring Professionals and the Alberta Association of Insolvency and Restructuring Professionals (collectively, the "Associations") for, among other things, an order granting the Associations status to intervene in the Receiver's Reports Application (the "Intervenor Application"); AND UPON noting the adjournment application of Don L. Perera and Shiranie M. Perera (collectively the "Guarantors") to have all matters adjourned to be heard at a later date; AND UPON noting the Order issued by Madam Justice A. Kent on March 3, 2010 (the "Receivership Order"); AND, UPON noting the filed Eleventh Report of the Receiver, dated January 13, 2011 (the "Eleventh Receiver's Report"); AND UPON noting the filed Affidavit of Sanjeeva Perera sworn January 23, 2010 (sic); AND UPON noting the filed Twelfth Report of the Receiver, dated January 18, 2011 (the "Twelfth Receiver's Report"); AND UPON noting the Order (Re: Advice and Directions regarding Service) granted by Madam Justice A. Kent on October 29, 2010 (the "Service Order"); AND UPON noting the Affidavit of Service of Kelly Des Rochers, sworn January 24, 2011 (the "Affidavit of Service"); AND UPON hearing from counsel for the Receiver, counsel for the Plaintiffs and counsel for the Guarantors and counsel for the Association, and counsel for any other persons present; IT IS **HEREBY ORDERED THAT:** 

- 1. The Receiver's Reports Application and the Intervenor Application are adjourned to be heard by the Honourable Madam Justice Eidsvik during the week of February 7, 2011.
- 2. The Distribution Application and Approval Application are adjourned to be heard by the Honourable Madam Justice A. Kent on Monday, January 31, 2011 at 9:30 a.m. and the Guarantors shall file and serve by Noon on Friday, January 28, 2011, any further Affidavit material and any Brief of Argument they may wish to file.

- 3. Until the Receiver's Reports Application is heard and determined,, the Receiver shall, in the interim, continue to report to this Court from time to time, which reporting need not be in affidavit form, and the Court may consider such reports as evidence unless otherwise ordered.
- 4. Service of this Order in accordance with the Service Order to the persons listed on the Service List and to any additional persons noted in the Affidavit of Service shall constitute good and sufficient service of this Order.
- 5. This Order may be approved as Order made in counterparts via facsimile or email.

J.C.Q.B.A.

APPROVED AS ORDER MADE THIS 3 DAY OF JANUARY, 2011

Per:

effrey D. Poole

Solicitor for Don L. Perera and Shiranie M. Perera

BORDEN LADNER GERVAIS LLP

Per:

Josef G.A. Kruger, O.C.

Solicitor/for First Calgary Savings & Credit Union Ltd.

FRASER MILNER CASGRAIN LLP

Per: David Mann / David LeGeyt

Solicitor for the Canadian Association of Insolvency and Restructuring Professionals and the Alberta Association of Insolvency and Restructuring Professionals

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