

No. S144832
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

KATZIE COAST MARINE SERVICES INC.
KATZIE COAST MARINE OPERATIONS (2009) INC.
COAST MARINE SERVICES 2004 LTD.
0818987 B.C. LTD.
COAST MARINE SERVICES INC.
KATZIE FIRST NATIONS BAND

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE)
) THE HONOURABLE MR. JUSTICE)
) DLEY) November 5, 2015
)
)

ON THE APPLICATION OF Deloitte Restructuring Inc. (“**Deloitte**”) in its capacity as Court-appointed receiver and manager (the “**Receiver**”) of the assets, undertakings and properties of Katzie Coast Marine Services Inc., Katzie Coast Marine Operations (2009) Inc., Coast Marine Services 2004 Ltd., 0818987 B.C. Ltd. and Coast Marine Services (collectively, the “**Group**”) coming on for hearing at Vancouver, British Columbia on this day and on hearing Danielle Toigo, counsel for the Receiver; AND UPON READING the material filed, including the Receiver’s Third Report to the Court dated October 21, 2015 (the “**Third Report**”);

THIS COURT ORDERS AND DECLARES THAT:

1. The activities of the Receiver as set out in the Third Report are hereby approved.
2. The Receiver's statement of receipts and disbursements, in the form attached as Appendix B to the Third Report, is hereby approved.
3. The fees and disbursements of the Receiver in the amount of \$88,796.95, as set out in the Third Report and Affidavit #1 of Huey Lee sworn October 22, 2015, are hereby approved.
4. The fees and disbursements of the Receiver's legal counsel, Fasken Martineau DuMoulin LLP ("**FMD**"), in the amount of \$103,782.34, as set out in the Third Report and Affidavit #1 of Kibben Jackson affirmed October 22, 2015, are hereby approved.
5. The Receiver is hereby authorized and directed to remit to Canada Revenue Agency the amount of \$22,768.11 (the "**Deemed Trust Claim Payment**").
6. After payment of (i) the Deemed Trust Claim Payment, (ii) the fees of the Receiver as herein approved, and (iii) the fees and disbursements of FMD as herein approved, the Receiver shall pay to the Petitioner all funds remaining in its hands, subject to the Receiver maintaining sufficient funds to complete the administration of the receivership.
7. Upon payment of the amounts set out in paragraph 6 hereof and upon the Receiver filing a certificate certifying that it has completed the remaining outstanding activities described in the Third Report, the Receiver shall be discharged as Receiver of the assets, undertaking and property of the Group, provided 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 Deloitte Restructuring Inc. in its capacity as Receiver.
8. Deloitte, in its capacity as Receiver, shall incur no liability or obligation as a result of its appointment or the carrying out of the provisions of the Order of The Honourable Justice Savage made June 26, 2014, appointing the Receiver, save and except:

- (a) any gross negligence or wilful misconduct on its part; or
- (b) amounts in respect of obligations imposed specifically on receivers by applicable legislation.

Nothing in this Order shall derogate from the protections afforded Deloitte, in its capacity as Receiver, by section 14.06 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “**BIA**”), or by any other applicable legislation.

9. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the BIA and regulations thereto, any other applicable enactment or any other Order of this Court.

10. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body, wherever located, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

11. Endorsement of this Order by counsel appearing on this application, other than counsel for the Receiver, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

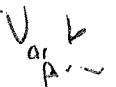


Signature of Danielle Toigo
Lawyer for Deloitte Restructuring Inc.

BY THE COURT



REGISTRAR



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