

**Supreme Court of Nova Scotia**

**Between:**

**Canadian Imperial Bank of Commerce, a  
chartered bank**

**Plaintiff**

- and -

**3304051 Nova Scotia Limited, a body corporate**

**Defendant**

**Order**

**BEFORE THE Honourable \_\_\_\_\_ in Chambers:**

**UPON MOTION** of Deloitte Restructuring Inc. (the “Receiver”), in its capacity as Court-appointed Receiver of all of the assets, undertakings and properties of 3304051 Nova Scotia Limited (the “Company”), for an order:

1. abridging the time for service so that this motion is properly returnable on June 30, 2021;
2. approving the actions of the Receiver;
3. taxing and approving the accounts and expenses of the Receiver and its legal counsel;
4. authorizing distribution of funds; and
5. discharging the Receiver, subject to conditions.

**AND UPON** reading the Receiver’s Third Report dated June 18, 2021 and other materials on file herein;

**AND UPON** hearing Marc Dunning on behalf of the Receiver and Bruce Clarke, QC., on behalf of the Plaintiff, Canadian Imperial Bank of Commerce (“CIBC”);

**IT IS HEREBY ORDERED** that:

1. The time for service of the Notice of Motion is hereby abridged and validated so that this motion is properly returnable today and further service thereof is hereby dispensed with;
2. The activities of the Receiver up to June 18, 2021 be and the same are hereby approved;
3. The fees and disbursements of the Receiver and its legal counsel, Wickwire Holm, as set

out in the Receiver's Third Report, be and same are hereby taxed and approved;

4. A distribution by the Receiver to CIBC in the amount of \$3,344,219 be and same is hereby approved;
5. The Receiver be and is hereby discharged subject to the following conditions:
  - a. the Receiver shall perform such further duties as may be required to complete the administration of the receivership herein and as set out in the Receiver's Third Report;
  - b. the Receiver shall distribute the remaining funds held as set out in the Receiver's Third Report;
  - c. upon completion of the activities set out in a and b above the Receiver shall file a certificate with the Court in the form attached as Schedule "A" confirming that such activities have been completed at which time the Receiver shall be fully and finally discharged;
  - d. up to the time of discharge the Receiver shall continue to have the benefit of all orders made in these proceedings, including all approvals, protections, and stays of proceedings in favour of the Receiver.

Dated at Halifax, Nova Scotia this 30<sup>th</sup> day of June, 2021.

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**Prothonotary**

**Schedule "A"**

**Receiver's Certificate of Discharge**

2021

Hfx No. 503367

**Supreme Court of Nova Scotia**

**Between:**

**Canadian Imperial Bank of Commerce, a  
chartered bank**

Plaintiff

- and -

**3304051 Nova Scotia Limited, a body corporate**

Defendant

**Receiver's Certificate of Discharge**

**RECITALS:**

- A. Pursuant to an Order of the Supreme Court of Nova Scotia issued February 11, 2021, Deloitte Restructuring Inc. (the "Receiver") was appointed receiver of all of the assets, undertakings and properties of 3304051 Nova Scotia Limited (the "Company"); and
- B. Pursuant to an Order of the Supreme Court of Nova Scotia issued June 30, 2021, the Receiver was discharged subject to satisfying the following conditions:
  - 1. the Receiver shall perform such further duties as may be required to complete the administration of the receivership and as set out in the Receiver's Third Report;
  - 2. the Receiver shall distribute the remaining funds held in trust by the Receiver as set out in the Receiver's Third Report; and
  - 3. upon completion of the above activities the Receiver shall file a certificate with the Court in this form confirming that such activities have been completed at which time the Receiver shall be fully and finally discharged.

**THE RECEIVER CERTIFIES** as follows:

1. The Receiver has performed all duties required to complete the administration of the receivership and as set out in the Receiver's Third Report. Specifically, the Receiver has:
  - i. xx
  - ii. xx
  
2. The Receiver has distributed the remaining funds held by the Receiver as set out in the Receiver's Third Report as follows:
  - i. xx
  - ii. xx
  
3. The Receiver hereby certifies that the administration of the receivership is complete and upon filing this Certificate with the Supreme Court of Nova Scotia the Receiver is and shall be discharged as receiver of all of the assets, undertakings and properties of the Company.

Dated the \_\_ day of \_\_\_\_\_, 2021

Deloitte Restructuring Inc. in its capacity as Court-appointed Receiver of 3304051 Nova Scotia Limited and not in its personal capacity

Per: \_\_\_\_\_

Name:

Title: