CLERK OF THE COURT Clerk's stamp:

COURT FILE NUMBER

1101-09473

COURT

**COURT OF QUEEN'S BENCH OF ALBERTA** 

JUDICIAL CENTRE

CALGARY

APPLICANT

**GERRY DUPAS** 

RESPONDENTS

PHILLIP PINCUS, in his capacity as Trustee of the PLATINUM INVESTMENT TRUST and PLATINUM

David W. Mann / Matt Lindsay / Robert Kennedy

**EQUITIES INC.** 

DOCUMENT

**EX PARTE ORDER** 

ADDRESS FOR SERVICE AND CONTACT **INFORMATION OF PARTY FILING THIS** 

Fraser Milner Casgrain LLP **Bankers Court** 

**DOCUMENT** 

15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street S.W.

Calgary, Alberta T2P OR8

Ph. (403) 268-7097 / 3037 Fax. (403) 268-3100

File No: 545811-1

DATE ON WHICH ORDER WAS PRONOUNCED:

August 30, 2012

NAMES OF JUDGE WHO MADE THIS ORDER:

THE HONOURABLE JUSTICE LOVECCHIO

## **EX PARTE ORDER**

UPON THE APPLICATION of Ernst & Young Inc. (the "Receiver"), in its capacity as Court appointed receiver of the undertakings, property and assets of Platinum Investment Trust; AND UPON HAVING READ the first report of the Receiver dated August 22, 2012 (the "First Report"), filed, and the Receivership Order granted in the within proceedings on June 8, 2012 (the "Receivership Order"); AND UPON HAVING READ the pleadings and proceedings herein; AND UPON HEARING COUNSEL for the Receiver, IT IS HEREBY ORDERED AND DECLARED THAT:

1. The Property, as that term is defined in the Receivership Order, shall and is hereby directed to include those loans and mortgages listed in Schedule "A" hereto, including all related property and

I hereby certify this to be a true copy of

the original\_\_\_\_

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security of any description related thereto. Nothing herein shall limit the generality of paragraph 2 of the Receivership Order.

- 2. The Registrar of the South Alberta Land Registration District is hereby directed to register this Order and the Receivership Order against those lands and premises described in Schedule "B" hereto, notwithstanding the requirements of Section 191(1) of the *Land Titles Act*, R.S.A. 2000, c. L-4.
- 3. The Receiver shall be at liberty to apply for such further advice, assistance and direction as may be necessary to give full force and effect to the terms of this Order.

J.C.Q.B.A.

## **SCHEDULE "A"**

- 1. Mortgage between 536 Varsity Estates Place Ltd. and Platinum Equities Inc. dated January 4, 2008 in the amount of \$240,000.00;
- 2. Promissory Note between Juan Ochoa and PMIC II Investments Ltd. in the sum of \$60,000.
- 3. Mortgage between Navigator Development Canmore Corporation and PMIC II Investments Ltd. dated March 30, 2007 in the amount of \$510,000.00;
- 4. Mortgage between Navigator Development Canmore Corporation and PMIC II Investments Ltd. dated June 28, 2006 in the amount of \$2,000,000.00;
- 5. Mortgage between Kamal Dhillon and Platinum Equities Inc. dated August 15, 2008 in the amount of \$111,500.00;
- 6. Mortgage between Kamal Dhillon and PIT General Partner Corp. dated June 19, 2008 in the amount of \$216,272.00;
- 7. Mortgage between Kamal Dhillon, Neil Dhillon, Kewal Dhillon and Parmjit Dhillon and PIT General Partner Corp. dated June 19, 2008 in the amount \$216,272.00;
- 8. Mortgage between Intreo Corporation and Accretive Asset Management Corp. dated February 11, 2009 in the amount of \$1,215,968.00;
- 9. Mortgage between 1506396 Alberta Ltd. and Accretive Asset Management Corp. dated January 6, 2010 in the amount of \$690,500.00;
- 10. Mortgage between Sukhwant Shergill and PMIC I Investments Ltd. dated February 28, 2007 in the amount of\$274,211.75;
- 11. Loan between Societe Bar & Grille Ltd. and 1576249 Alberta Ltd. in the sum of \$200,000.

## **SCHEDULE "B"**

- 1. PLAN 0513578
  BLOCK 3
  LOT 27
  EXCEPTING THEREOUT ALL MINES AND MINERALS
- 2. PLAN 3530AK
  BLOCK D
  LOT 14
  EXCEPTING THEREOUT ALL MINES AND MINERALS