

**SUPERIOR COURT
(COMMERCIAL DIVISION)**

Canada
Province of Québec
District of Montréal
No: 500-11-041305-117
Date: September 3, 2021

Presiding: The Honourable Louis J. Guoin, J.S.C.

In the matter of the plan of compromise or arrangement of:

1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. and Homburg Shareco Inc.)

Debtor

and

Homco Realty Fund (61) Limited Partnership

Mise-en-cause

and

Deloitte Restructuring Inc. (formerly known as Samson Bélair/Deloitte & Touche Inc.)

Monitor/Applicant

Order Approving the Notice of Final Deadline and Granting Ancillary Relief

HAVING READ the *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief* (the “**Application**”) of Deloitte Restructuring Inc. (the “**Monitor**”), in its capacity as monitor of 1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. (“**HI**”) and Homburg Shareco Inc. (“**Shareco**”) and Homco Realty Fund (61) Limited Partnership (“**Homco 61**”) pursuant to the *Companies’ Creditors Arrangement Act*, RSC 1985, c C-36 (the “**CCAA**”), the exhibits and the affidavit filed in support thereof;

GIVEN the Initial Order rendered on September 9, 2011 (as amended and extended from time to time, the “**Initial Order**”);

GIVEN the provisions of the CCAA;

THE COURT:

- [1] **GRANTS** the Application.
- [2] **DECLARES** that all capitalized terms used but not otherwise defined in the present Order (this “**Order**”) shall have the meanings ascribed to them in the HII/Shareco Plan (as defined below).

Service

- [3] **ORDERS** that any prior delay for the presentation of the Application is hereby abridged and validated so that the Application is properly returnable today and hereby **DISPENSES** with any further service thereof.
- [4] **PERMITS** service of this Order at any time and place and by any means whatsoever.

Definitions

- [5] **DECLARES** that the following terms in this Order shall, unless otherwise indicated, have the following meanings ascribed thereto:
- 5.1 “**Affected Creditors**” means, collectively, the “Affected Creditors” under the HII/Shareco Plan and the “Homco 61 Affected Creditors” under the Homco 61 Plan;
- 5.2 “**Bondholders with Missing or Incomplete Information**” means bondholders (or their successors) with Proven Claims who have not received the Final Distribution Payment(s) to which they are entitled, which payments could not be completed due to missing or incorrect information;
- 5.3 “**Change Request Form**” means the form attached to the Notice of Final Deadline to be completed by Bondholders with Missing or Incomplete Information.
- 5.4 “**Final Deadline**” means 5:00 p.m. (Montréal Time) on September 27, 2021;
- 5.5 “**Final Distribution**” means the final distribution under the Plans;
- 5.6 “**Final Distribution Payment**” means the payment to which Affected Creditors are entitled as part of the Final Distribution pursuant to the Plans;
- 5.7 “**HII/Shareco Plan**” means the Fifth Joint Amended and Restated Plan of Compromise and Reorganization of 1810040 Alberta Ltd. (formerly known as HI and Shareco) pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the *Business Corporations Act* (Alberta), R.S.A. 2000, c. B-9, as amended, dated June 30, 2014;
- 5.8 “**Notice of Final Deadline**” means the notice to be published on the Monitor’s website and sent to the Bondholders with Missing or Incomplete Information in accordance with paragraphs [8] and [9] of this Order which shall inform such

bondholders of the Final Deadline, being substantially in the form of **Schedule “A”** hereto;

5.9 **“Plans”** means, collectively, the HII/Shareco Plan and the Homco 61 Plan;

5.10 **“Proven Claim”** means a “Proven Claim” under the HII/Shareco Plan or “Homco 61 Proven Claim” under the Homco 61 Plan.

Extension of the Stay Period

[6] **EXTENDS** the Stay Period and the application of the Initial Order until October 29, 2021.

Notice of Final Deadline

[7] **APPROVES** the Notice of Final Deadline.

[8] **ORDERS** that the Monitor shall publish on its website at <http://www.deloitte.com/ca/homburg-invest>, on or before the day that is five days after the date of this Order, the Notice of Final Deadline.

[9] **ORDERS** that the Monitor shall send to each Bondholder with Missing or Incomplete Information, by email at their last known email address, if any, a copy of the Notice of Final Deadline.

[10] **DECLARES**, for greater certainty, that the Monitor shall not be required to publish the Notice of Final Deadline in any newspaper or any other forum.

[11] **ORDERS** that the right of Bondholders with Missing or Incomplete Information to receive a Final Distribution Payment who do not send to the Monitor a duly completed Change Request Form or who provide incomplete or unsatisfactory information in the Change Request Form by the Final Deadline shall be forever discharged and forever barred, without any compensation, notwithstanding any Applicable Laws to the contrary.

[12] **DECLARES** that any remaining amount after the Final Deadline, if any, will be treated pursuant to a final determination which will be sought from the Court at an ulterior date.

[13] **DECLARES**, for greater certainty, that the Final Distribution Payment to those bondholders for which a Final Distribution Payment has bounced and were returned to the Monitor net of bank fees charged by the applicable banks, shall be made net of such bank fees charged by the applicable banks, and **RATIFIES** any Final Distribution Payment made net of the fees charged by the applicable banks prior to the date of this Order.

General Provisions

[14] **RELIEVES** the Monitor from any duty to file a report in connection with the Application, including with respect to the extension of the Stay Period.

[15] **ORDERS** the provisional execution of this Order notwithstanding appeal, and without the requirement to provide any security or provision for costs whatsoever.

[16] **THE WHOLE** without costs.

The Honourable Louis J. Gouin, J.S.C.

Schedule A
Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the
Final Distribution Payment

See attached.

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NOTICE OF FINAL DEADLINE TO PROVIDE INFORMATION TO RECEIVE THE FINAL
DISTRIBUTION PAYMENT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Commercial Division)

(sitting as a Court designated pursuant to the *Companies'*
Creditors Arrangement Act, R.S.C. 1985, c. C-36, as
amended)

No.: 500-11-041305-117

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

1810040 ALBERTA LTD. (formerly known as
HOMBURG INVEST INC. and **HOMBURG
SHARECO INC.**)

Debtor

-and-

Homco Realty Fund (61) Limited Partnership

Mise-en-cause

-and-

Deloitte Restructuring Inc. (formerly known as **Samson
Bélair/Deloitte & Touche Inc.**)

Monitor

**NOTICE OF FINAL DEADLINE (SEPTEMBER 27, 2021)
TO PROVIDE INFORMATION TO RECEIVE THE FINAL DISTRIBUTION PAYMENT**

All capitalized terms not otherwise defined in this Notice shall have the meanings ascribed thereto in the Fifth Joint Amended and Restated Plan of Compromise and Reorganization of 1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. and Homburg Shareco Inc.) (“**HII**”) pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the *Business Corporations Act* (Alberta), R.S.A. 2000, c. B-9, as amended, dated June 30, 2014 (the “**Plan**”), a copy of which is available at <http://www.deloitte.com/ca/homburg-invest>.

TAKE NOTICE THAT, on March 25, 2021, Deloitte Restructuring Inc., in its capacity as Monitor of HII published the Notice of Final Distribution in the several Dutch and Canadian newspapers designated in the Plan, informing the Affected Creditors (including the bondholders) that the Monitor will proceed with the final distribution under the Plan on or after April 27, 2021 (the “**Final Distribution**”). As per the Notice of Final Distribution, all Affected Creditors who had not yet received a distribution from the Monitor in respect of their Proven Claims, or who were holding one or more uncashed cheques from the Monitor in respect of distributions on account of such Proven Claims, had to provide such information to the Monitor at the latest on April 26, 2021 (the “**Distribution Deadline**”) to participate to the Final Distribution. The Notice of Final Distribution, in accordance with

the Plan and the HII/Shareco Sanction and Vesting Order, further provided that, after the Distribution Deadline, the Proven Claims of any Affected Creditor with respect of unclaimed or uncashed distributions shall be forever discharged and forever barred, without any compensation therefore, notwithstanding any Applicable Laws to the contrary, and the Cash amount held by the Monitor would return to the Cash Pool or the Asset Realization Cash Pool pursuant to and in accordance with the Plan.

TAKE NOTICE THAT, on May 14, 2021, the Final Distribution payments under the Plan and the Homco 61 Plan were processed by the Monitor to all Affected Creditors and Homco 61 Affected Creditors with Proven Claims, including to all the bondholders (or their successors) who had provided banking information before the Distribution Deadline.

TAKE NOTICE THAT, following the Final Distribution, the bank processing the wire transfers advised the Monitor that several Final Distribution payments could not be completed due to closed bank accounts or incorrect banking information, and these wires were returned to the Monitor (net of the fees charged by the applicable banks).

TAKE NOTICE THAT, following the Final Distribution, the Monitor, with the support of Stichting Homburg Bonds in its capacity as trustee to the bondholders, has performed extensive work and communicated or tried to communicate with all the possible bondholders, or their successors, for which the Final Distribution payments could not be completed, and has since received missing information from some of them and processed such information in order to proceed with their Final Distribution payment (net of the fees charged by the applicable banks). Despite the work that have been completed by the Monitor and the Trustee, there is a number of cases that could not be resolved as of the date of this Notice of Final Deadline to Provide Information to Receive the Final Distribution Payment.

TAKE NOTICE THAT the Monitor needs updated information from those bondholders (or their successors) with Proven Claims or Homco 61 Proven Claims who have not yet received the Final Distribution payment(s) to which they are entitled, which payments could not be completed to this date due to missing or incorrect information (the “Bondholders with Missing or Incomplete Information”).

TAKE NOTICE THAT the Bondholders with Missing or Incomplete Information are required to send to the Monitor the attached “Change Request Form” together with the appropriate supporting documents according to their situation:

- Copy valid ID such as a passport (mandatory in all situations);
- Testament and death certificate and / or any other document supporting the eligibility of the individual requesting the changes;
- Extract of the chamber of commerce for those who are acting on behalf of a company;
- Extract of a bank statement if considered relevant to demonstrate the account owner and the banking information to use; and/or
- Any other relevant document to other situations, see instructions on the Form

TAKE NOTICE THAT the Bondholders with Missing or Incomplete Information must send to the Monitor, by email at homburginvestccaa@deloitte.ca, their duly completed Change Request Form along with the required supporting documents as soon as possible, but **no later than Monday, September 27, 2021**. The Monitor, during the month of October 2021, expects to proceed with the last Final Distribution payments (net of the fees charged by the applicable banks) to those Bondholders with Missing or Incomplete Information who will have submitted their complete and satisfactory by the deadline of September 27, 2021.

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TAKE NOTICE THAT in the event that the complete and satisfactory information is not provided to the Monitor by September 27, 2021, the right to the Final Distribution payments of Bondholders with Missing or Incomplete Information shall be forever discharged and forever barred, without any compensation therefore, notwithstanding any Applicable Laws to the contrary, and the pending amounts, if any, will be treated pursuant to a final determination which will be sought from the CCAA Court in the month of October 2021.

DATED at the City of Montreal in the Province of Quebec, Canada, this [3rd] day of September, 2021.

Schedule A

Homburg – Bondholder detail change request form

Please complete the following information (USE PRINT FORMAT OR CAPITAL LETTERS):

General Information

Customer ID:	
Company (in case):	
Last name:	
Initials:	
Address:	
Postal Code:	
City:	
Country:	
Phone:	
Email:	

Banking Information

Beneficiary:	
Bank Name:	
Bank City:	
Bank Country:	
Swiftcode:	
Account number:	
IBAN:	

SEE NEXT PAGE FOR THE LIST OF DOCUMENTS NECESSARY FOR THE CHANGE REQUEST.

Signature:

Date:

DOCUMENTS NECESSARY

- Copy of valid ID such as a passport (mandatory in all situation);
- Valid proof of identify which demonstrates your address;
- Testament and death certificate and / or any other document supporting the eligibility of the individual requesting the changes;
- Extract of the chamber of commerce for those who are acting on behalf of a company;
- Extract of a bank statement if considered relevant to demonstrate the account owner and the banking information to use; and
- Any other relevant document to other situations.

All situations:

- Copy of valid ID such as a passport
- Extract of the chamber of commerce for those who are acting on behalf of a company

Liquidation of a company:

- Extract of the chamber of commerce outlying the dissolution of the company, the name of the administrator, shareholder(s) and beneficiary(ies)
- Copy valid ID beneficiary

Death of original bondholder:

- Certificate of death
- Testament or “Verklaring van erfrecht”
- Copy valid ID of beneficiary

Any other relevant document to other situations.

Please send this form by email to: homburginvestccaa@deloitte.ca