

Court File No. CV-10-8556-00CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

THE HONOURABLE ) TUESDAY, THE 27<sup>TH</sup> DAY  
 )  
JUSTICE MORAWETZ ) OF JULY, 2010

BETWEEN:

BANK OF MONTREAL

Applicant

- and -

FINANCIAL TRANSPORT INC., FREIGHTLINER OF KINGSTON INC.,  
6181732 CANADA INC., GLOBAL TRANSPORT INSURANCE BROKERS INC.,  
JAIN TRUCK LEASE LTD. and 2105810 ONTARIO INC.

Respondents

APPLICATION UNDER Section 243 of the *Bankruptcy and Insolvency Act*, R.S.C 1985, c. B-3,  
and Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

**ORDER**

**THIS MOTION**, made by Deloitte & Touche Inc., in its capacity as court appointed Receiver (the “**Receiver**”) of the assets, undertakings and properties of Financial Transport Inc., (“**FTI**”) Freightliner of Kingston Inc. (“**FKI**”), 6181732 Canada Inc., Global Transport Insurance Brokers Inc. (“**GTIB**”), Jain Truck Lease Ltd. and 2105810 Ontario Inc. (collectively the “**Debtors**”) appointed pursuant to an Order dated February 4, 2010 (the “**Receivership Order**”), for an order, among other things, accepting and approving the Third Report of the Receiver dated July 9, 2010 (the “**Third Report**”), and the activities of the Receiver and its counsel described therein, and approving the disposition strategy with respect to the assets,

undertakings and properties of the Debtors, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Third Report, including the Exhibits thereto and on hearing the submissions of counsel for the Receiver and counsel for the Debtors, and counsel for \_\_\_\_\_, no one else attending although properly served as appears from the affidavit of service of Suzy Moniz, sworn July 14, 2010,

1. **THIS COURT ORDERS** that that Third Report of the Receiver dated July 9, 2010, be and is hereby accepted and approved, along with the activities of the Receiver and its counsel described therein.

2. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts & Disbursements for the period February 4 to June 30, 2010, which Statement is attached as Exhibit "O" to the Third Report, be and is hereby accepted and approved.

3. **THIS COURT ORDERS** that the disposition proposal with respect to the funds in GTIB's trust account, including as set out in paragraphs 72-75 of the Third Report, be and is hereby approved.

4. **THIS COURT ORDERS** that Quantum Sales & Leasing shall deliver the three vehicles that are the subject of its possessory lien claims under the *Repair and Storage Lien Act* ("RSLA") as described at paragraphs 37 and 38 of the Third Report of the Receiver or, alternatively, to give the Receiver access to possess the vehicles, provided that the recovery of vehicles by the Receiver shall not affect any possessory lien rights of Quantum Sales and Leasing.

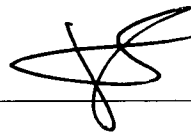
5. **THIS COURT ORDERS** that Pacific Heavy Truck Group shall deliver the vehicle that is the subject of its possessory lien claim under the RSLA, as described at paragraph 39 of the Third Report, to the Receiver or, alternatively, shall provide the Receiver access to take possession of the vehicle, provided that the recovery of vehicles by the Receiver shall not affect any possessory lien rights of Quantum Sales and Leasing.

6. **THIS COURT ORDERS** that title in the 2007 Freightliner X64102, as described in paragraph 42 of the Third Report, rests with FTI and hereby authorizes the Receiver to sell the 2007 Freightliner X64102 with full vesting of all right, title and interest in the vehicles in their respective purchasers.

7. **THIS COURT ORDERS** that the recipients of the cash advances set out at paragraphs 77-81 and Exhibits "K", "L", "M" and "N" of the Third Report shall deliver to the Receiver detailed written responses to the Receiver's requests for information explaining and outlining the details surrounding the cash advances, together with copies of all related and supporting documentation within 10 days from the date hereof.

8. **THIS COURT ORDERS** that the activities of the Receiver with respect to the Tomken Property, including as set out at paragraphs 86-99 of the Third Report, be and are hereby accepted and approved.

9. **THIS COURT ORDERS** that nothing in this Order shall prevent any party from requesting the trial of any issue in these proceedings.



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Joanne Nicoara  
Registrar, Superior Court of Justice

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ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

JUL 29 2010

PER / PAR: JS

**BANK OF MONTREAL**

- and -

**FINANCIAL TRANSPORT INC., FREIGHTLINER OF KINGSTON INC.,  
6181732 CANADA INC., GLOBAL TRANSPORT INSURANCE BROKERS  
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**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**ORDER**

**AIRD & BERLIS LLP**

Barristers and Solicitors

Brookfield Place, 181 Bay Street

Suite 1800, Box 754

Toronto, Ontario M5J 2T9

**D. Robb English (LSUC # 19862F1B)**

Direct: 416.865.4748

Fax: 416.863.1515

[renglish@airdberlis.com](mailto:renglish@airdberlis.com)

Solicitors for the Court-Appointed Receiver,  
Deloitte & Touche Inc.