

COURT NUMBER 23-1927123

ESTATE NUMBER 23-1927123

COURT FILE NUMBER 1590 of 2014

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE SASKATOON

DUPLICATE
ORIGINAL

IN THE MATTER OF THE PROPOSAL OF SYSTEM BUILT DEVELOPMENTS INC.
pursuant to Subsection 50.4(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3

ORDER
(Disbursement of Asset Sale Proceeds)

Before the Honourable Mr. Justice R.S. Smith in Chambers the 4th day of February, 2015.

On the Application of Jeffrey M. Lee, Q.C., and Mike Russell, counsel on behalf of System Built Developments Inc. ("SBDI"); and upon hearing from Jeffrey M. Lee, Q.C. and Mike Russell, on behalf of SBDI, and counsel present on behalf of any other interested parties; and on reading the Notice of Application on behalf of SBDI dated January 29, 2015, the Affidavit of Gaetan Blouin sworn January 29, 2015, and a proposed draft of this Order, all filed;

The Court orders:

Validation and Abridgment of Service

1. Service of the Notice of Application on behalf of System Built Developments Inc. ("SBDI") and the materials filed in support thereof (collectively, the "**Application Materials**") by electronic mail or facsimile upon those parties listed on the Service List established in these proceedings shall be and is hereby deemed to be good and valid and, further, shall be and is hereby abridged, such that service of such Application Materials shall be and is hereby deemed to be timely and sufficient.

Order Authorizing and Directing the NOI Trustee to Disburse Asset Sale Proceeds

2. Pursuant to subsection 187(5) of the *Bankruptcy and Insolvency Act* (the "**BIA**") and upon reviewing the Order of the Honourable Justice R.S. Smith dated November 21, 2014 (the "**Sale Approval Order**"), Deloitte Restructuring Inc., the Trustee appointed pursuant to the notice of intention to make a proposal to creditors (the "**NOI**") pursuant to section 50.4 of the BIA filed by SBDI in these proceedings, (the "**NOI Trustee**") shall be and is hereby authorized and directed to disburse the "net sale proceeds of the SBDI Asset Sales" referred to in paragraph 5 of the Sale Approval Order and presently held in trust by the NOI Trustee in the amount of \$50,841.25 (the "**Net Sale Proceeds**") as follows, namely:
 - (a) forthwith to Prairiewind Woodworking Machinery Imports, the sales consultant engaged by SBDI to conduct the SBDI Asset Sales to which the Net Sales Proceeds relate (the "**Sales Consultant**"), in the amount of \$8,878.54 in regard to sales commissions thereby earned by the Sales Consultant (the "**Commission Amount**"); and

- (b) forthwith upon determination by the Trustee of all Wages Claims (as that term is defined in the Claims Process Order dated January 26, 2015) in accordance with the Claims Process Order (each, a "Determined Wages Claim" and collectively, the "Determined Wages Claims"), to each Claimant (as that term is defined in the Claims Process Order) having a Determined Wage Claim in the amount of such Claimant's Determined Wage Claim, net of the Superintendent's levy pursuant to subsections 60(4) and 147 of the BIA.

Order Varying Paragraph 5 of the Sale Approval Order

3. Pursuant to section 187(5) of the BIA, paragraph 5 of the Sale Approval Order shall be and is hereby varied such that the reference contained therein to the "net sale proceeds of the SBDI Asset Sales" shall be interpreted to mean the net proceeds of the SBDI Asset Sales after payment by SBDI to the Sales Consultant (and any other sales consultant(s) engaged by SBDI) of the amount of any and all sales commissions earned by any such sales consultant(s) in regard to such SBDI Asset Sales, together with any other reasonable costs of such SBDI Asset Sales.

ISSUED at Saskatoon, in the Province of Saskatchewan, this ^{4th} day of February, 2015.



(Deputy) Local Registrar
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CONTACT INFORMATION AND ADDRESS FOR SERVICE

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