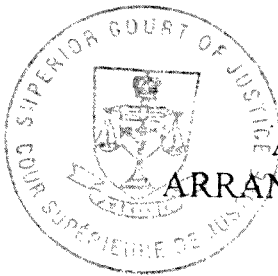


**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**THE HONOURABLE MR. ) MONDAY, THE 21<sup>ST</sup> DAY**  
**JUSTICE WILTON-SIEGEL ) OF JULY, 2008**  
**)**



IN THE MATTER OF THE *COMPANIES' CREDITORS*  
*ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF THE HARD-ROCK PAVING COMPANY LIMITED  
AND THE COMPANIES LISTED ON SCHEDULE "A"  
(collectively, the "Applicants")

**VESTING ORDER**

**THIS MOTION**, made by the Applicants (collectively "The Hard Rock Group" or the "Applicants") for the issuance of a vesting order to and in favour of 2178550 Ontario Ltd. which name was changed to Brennan Paving Limited by Articles of Amendment filed on July 14, 2008 (the "Purchaser") as described in the Monitor's Fourth Report dated July 17, 2008, was heard this day at 330 University Avenue, Toronto and which was served on all parties listed on Schedule "C".

**ON READING** the Notice of Motion, the Affidavit of David R. Semley sworn July 16, 2008, the Monitor's Fourth Report dated July 17, 2008, the Affidavit of Neil Mitchell sworn July 18, 2008, the Affidavit of Demetrios Yiokaris sworn July 18, 2008, the Affidavit of Tara Wishart sworn July 20, 2008, and on hearing the submissions of counsel for the Applicants, counsel for the BDO Dunwoody Limited (the "Monitor"), counsel for Caterpillar Financial Services Limited, counsel for GE Capital Canada ("GE"), counsel for the Labourers

International Union Local 837 and The International Union of Operating Engineers Local 793, counsel for Waterford Sand & Gravel Limited, and counsel for the Purchaser,

no one else appearing,

1. **THIS COURT ORDERS AND DECLARES** that upon the delivery of a Monitor's certificate to the Purchaser substantially in the form attached as Schedule "B" hereto (the "Monitor's Certificate"), all of the Applicants' right, title and interest in and to the Purchased Assets described in the Agreement of Purchase and Sale dated June 27, 2008 as amended and accepted by the Applicants on July 7, 2008 (the "Sale Agreement") and listed on Schedule "D" hereto shall vest absolutely in the Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "Claims") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of the Honourable Justice Spence dated May 12, 2008; (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Ontario), the *Repair and Storage Liens Act (Ontario)*, including, without limitation, those charges listed on Schedule "G" hereto; (all of which are collectively referred to as the "Encumbrances" which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule "F") and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

2. **THIS COURT ORDERS** that upon the registration in the Land Registry Office for the Land Titles Division of Niagara South (No. 59) of an Application for Vesting Order in the form prescribed by the *Land Titles Act* (Ontario), and/or the *Land Registration Reform Act* (Ontario), the Land Registrar is hereby directed to enter the Purchaser as the owner of the subject real property identified in Schedule D hereto (the "Real Property") in fee simple, and is hereby directed to delete and expunge from title to the Real Property all of the Claims listed in Schedule E hereto.

3. **THIS COURT ORDERS** that for the purposes of determining the nature and priority of Claims, the proceeds from the sale of the purchased assets (the "Proceeds") shall be paid to the Monitor to be held in trust pending an order for distribution of the Proceeds, and that the Proceeds shall stand in the place and stead of the purchased assets and that from and after the delivery of the Monitor's Certificate all Claims and Encumbrances shall attach to the Proceeds with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased Assets had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

4. **THIS COURT ORDERS AND DIRECTS** the Monitor to file with the Court a copy of the Monitor's Certificate, forthwith after delivery thereof.

5. **THIS COURT ORDERS** that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of

the Applicants and any bankruptcy order issued pursuant to any such applications; and

(c) any assignment in bankruptcy made in respect of the Applicants;

the vesting of the Purchased Assets in the Purchaser pursuant to this Order shall be binding on any trustee in bankruptcy that may be appointed in respect of the Applicants and shall not be void or voidable by creditors of the Applicants, nor shall it constitute nor be deemed to be a settlement, fraudulent preference, assignment, fraudulent conveyance or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

6. **THIS COURT ORDERS AND DECLARES** that the transactions contemplated by the Sale Agreement is exempt from the application of the *Bulk Sales Act* (Ontario).

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Applicants, the Monitor and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Monitor and its agents in carrying out the terms of this Order.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

JUL 22 2008

PER/PAR: SSP



---

Joanne Nicoara  
Registrar, Superior Court of Justice

**SCHEDULE "A"**

DIAMOND STONEBRIDGE CONTRACTING INC.

HARD-ROCK HIGHWAY MAINTENANCE INC.

HARD-ROCK CONSTRUCTION INC.

942355 ONTARIO LIMITED

942356 ONTARIO LIMITED

**Schedule “B” – Form of Monitor’s Certificate**

Court File No. 08-CL-7503

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

IN THE MATTER OF THE *COMPANIES’ CREDITORS  
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF THE HARD-ROCK PAVING COMPANY LIMITED  
AND THE COMPANIES LISTED ON SCHEDULE “A”  
(collectively, the “Applicants”)

**MONITOR’S CERTIFICATE**

**RECITALS**

A. Pursuant to an Order of the Court dated July 11<sup>th</sup>, 2008, the Court approved the agreement of purchase and sale made as of June 27<sup>th</sup>, 2008 (the “Sale Agreement”) between the Applicants and Brennan Paving Limited (the “Purchaser”) and authorized and approved and directed the Applicants to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the transactions contemplated in the Sale Agreement (the “Transactions”) for the conveyance of the Purchased Assets to the Purchaser in accordance with the Sale Agreement.

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Sale Agreement.

**THE MONITOR CERTIFIES** the following:

1. The Purchaser has paid and the Monitor has received the Purchase Price for the Purchased Assets payable on the Closing Date pursuant to the Sale Agreement;
2. The conditions to Closing as set out in the Sale Agreement have been satisfied or waived by the Applicants and the Purchaser; and
3. The Transactions have been completed to the satisfaction of the Applicants and the Monitor.
4. This Certificate was delivered by the Monitor at \_\_\_\_\_ [TIME] on \_\_\_\_\_ [DATE].

**BDO DUNWOODY LIMITED, in its  
capacity as Court appointed Monitor  
of the Applicants, and not in its  
personal capacity**

Per: \_\_\_\_\_  
Name:  
Title:

**Schedule C –List of Parties who were served with notice**

## SERVICE LIST

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6. **GLAHOLT LLP**  
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Lawrence Cement Inc.

21. **SACCO CONSTRUCTION LIMITED**

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25. **CANADA REVENUE AGENCY**

c/o Department of Justice  
Ontario Regional Office  
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26. **MINISTRY OF FINANCE (ONTARIO)**

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27. **MINISTER OF FINANCE**

Retail Sales Tax  
33 King Street West  
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29. **WORKPLACE SAFETY AND INSURANCE BOARD**

200 Front Street  
Toronto ON M5V 3J1

**Legal Department**

416-344-1000  
416-344-4684 fax

30. **MINISTER OF REVENUE**

Employer Health Tax  
Box 640  
33 King Street West  
Oshawa ON L1H 8P5

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31. **MINISTER OF LABOUR**

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Technical Support Section  
Water Resources  
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33. **MINISTRY OF NATURAL RESOURCES**

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519-826-4929 fax

34. **541760 ONTARIO LIMITED o/a B&C AUTO AND INDUSTRIAL**  
639 Main Street West  
PO Box 115  
Port Colborne ON L3K 5W1  
  
905-835-1632  
905-835-5688 fax
35. **ARCHER TRUCK SERVICES LTD.**  
260 Dunkirk Road  
St. Catharines ON L2R 7K6  
  
905-685-6532  
905-685-6119 fax
36. **ARCHER TRUCK CENTRE (WELLAND) LTD.**  
475 Prince Charles Drive South  
Welland ON L3B 5X1  
  
905-735-6661  
905-735-4733 fax
37. **ONTRAC EQUIPMENT SERVICES INC.**  
1655 Britannia Road East  
Mississauga ON L4W 1S5  
  
905-670-1655  
905-670-4129 fax
38. **TOROMONT INDUSTRIES LTD.**  
3131 Hwy 7 West  
Concord ON L4K 4B7  
  
416-667-5511  
416-667-5555 fax

39. **STRONGCO LIMITED PARTNERSHIP**  
1640 Enterprise Road  
Mississauga ON L4W 4L4
- 905-670-5100  
905-565-3865 fax
40. **724628 ONTARIO INC.**  
639 Main Street West  
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41. **FARR FORD LTD.**  
607 Niagara Street  
Welland ON L3C 1L9
- 905-732-1355  
905-732-4558 fax
42. **BLACK DIAMOND LP BY WAY OF ITS GENERAL PARTNER  
BLACK DIAMOND GROUP INC.**  
213 Bunting Road  
St. Catherines ON L2M 3Y2
- 905-641-3999  
905-641-2440 fax
43. **CRM SALES A DIVISION OF VOLVO ROAD MACHINERY  
LTD.**  
1075 Clark Boulevard  
Brampton ON L6T 3W4
- 905-791-3131  
905-791-8885 fax

44. **PHH VEHICLE MANAGEMENT SERVICES INC.**  
2233 Argentina Road  
Suite 400  
Mississauga ON L5N 2X7
- 905-286-5356  
905-286-5301 fax
45. **NATIONAL LEASING GROUP INC. (L# 2307003)**  
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Winnipeg MB R3T 0Y4
- 204-954-9029  
800-882-0560 fax
46. **CIT FINANCIAL LTD.**  
5035 South Service Road  
Burlington ON L7L 6M9
- 905-633-2400  
905-632-1332 fax
47. **NRB INC.**  
115 South Service Road West  
PO Box 129  
Grimsby ON L3M 4G3
- 888-893-9990  
905-945-2003 fax
48. **THE BANK OF MONTREAL**  
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Hamilton ON L8P 4V9
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905-526-2025 fax

49. **BUSINESS DEVELOPMENT BANK**

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St. Catharines ON L2R 7A7

905-988-2874  
905-988-2890 fax

50. **CANADIAN IMPERIAL BANK OF COMMERCE**

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P.O. Box 115  
Commerce Court Postal Station  
Toronto ON M5L 1E5

800-310-7560 fax

51. **KWIX-MIX MATERIALS LIMITED**

314 Lake Avenue North  
Hamilton ON L3K 5X7

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905-834-5160 fax

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Solicitors for David R. Semley

**SCHEDULE "D" – PURCHASED ASSETS**

**Real Property**

**LEGAL DESCRIPTION**

**P.I.N. 64457-0112**

Part Lot 27, Concession 1 Humberstone

As in RO254492

City of Port Colborne

Regional Municipality of Niagara

Land Titles Division of Niagara (No. 59)

Municipal address: 198 Welland Street, Port Colborne, Ontario L3K 5V8

**P.I.N. 64229-0138**

Part Lot 6, Concession 2 Niagara River Bertie

Part Lot 7, Concession 2 Niagara River Bertie

Part of the Road Allowance Between Lots 6 and 7, Concession 2 Niagara River Bertie

Designated as Parts 1, 2 & 3, Plan 59R-9348

Subject to RO707794

Town of Fort Erie

Regional Municipal of Niagara

Land Titles Division of Niagara (No. 59)

Municipal address: Part of Lots 6 and 7, Dunlop Street, Fort Erie, Ontario

## **Personal Property**

**COLD IN PLACE RECYCLING EQUIPMENT****Rollers**

1-30-332	Cat PS300B - R/T Asphalt
1-30-334	Cat CB634C - Dual Steel Vib.

**Pavers**

1-40-415	Caterpillar AP-1055/245 Track
1-40-416	Caterpillar Windrow Elevator

**Planing Equipment**

1-41-913	1986 Cat Profiler - PR750B
1-41-925	Cold in Place Recycle Plant

CONSTRUCTION AND PAVING CORE EQUIPMENT, PORT  
COLBORNE ASPHALT PLANT AND PORT COLBORNE OFFICE

Light Duty Trucks, Vans & Cars

1-10-189	1999 Ford F250 Pickup
1-10-190	1999 Ford F250 Pickup
1-10-204	2000 Ford F250 SuperCab
1-10-213	1998 GMC 1/2 Ton
1-10-216	2000 Ford 150 Pickup
1-10-218	2000 Ford 150 Ext.Cab
1-10-220	2001 Chevy Ton
1-10-222	2002 Ford 150 Ext.Cab
1-10-228	2002 GMC Silverado Pickup
1-10-230	2003 GMC Sonoma Ext.Cab Pickup
1-10-231	2003 GMC Sonoma Ext.Cab Pickup
1-10-233	2003 New Reg Cab Pickup
1-10-236	2003 Dodge 1500 Crew Cab Pickup
1-10-237	2003 New Reg Cab Pickup
1-10-239	2004 Silverado Ext. Cab Pickup
1-10-241	2004 Ford F250 Reg. Cab
1-10-242	2004 Ford F250 Reg. Cab
1-10-243	2004 Silverado Ext. Cab Pickup
1-10-244	2004 Silverado Ext. Cab Pickup
1-10-245	2004 Dodge 1500 Crew Pickup
1-10-247	Ford F-350 Flat Bed
1-10-248	Ford F-150 Ext Cab
1-10-249	Ford F-150 Ext Cab
1-10-250	Ford Explorer
1-10-251	Ford F-150 Ext Cab
1-10-252	2006 Ford F-150 Pickup
1-10-253	2006 Ford F-150 Ext Pickup 4x4
1-10-254	2007 Ford F-150 Ext Pickup
1-10-255	2006 Ford F-150 Pickup
1-10-256	2006 Ford F-250 Crew Cab Pickup
1-10-257	2006 Ford F-150 Pickup
1-10-258	2006 Ford F-150 Pickup
1-10-259	2007 Ford F-150 Ext Cab Pickup
1-10-260	2007 Ford F-150 Ext Cab Pickup
1-10-261	2006 Ford F-250 Pickup 4x4
1-10-262	2006 Ford F-250 Pickup 4x4
1-10-263	2004 Ford F150 super crew cab

- 1-10-963 2000 Ford Explorer
- 1-10-966 2000 Chrysler Intrepid
- 1-10-973 2002 Ford Windstar
- 1-10-977 2004 Ford Explorer
- 1-10-978 2004 Ford Explorer
- 1-10-981 2006 Ford 4 door pick up
- 1-10-985 2006 Chevy LTZ
- 1-10 173 1994 1 Ton Pick Up

Heavy Duty Trucks

- 1-20-222 1979 International - Road Snowplow
- 1-20-239 1984 International -Crash Truck
- 1-20-240 1988 Ford Tandem - Service
- 1-20-253 2000 International Triaxle
- 1-20-254 2000 International Triaxle
- 1-20-258 1989 Freightliner AMC
- 1-20-281 1991 International Single Axle - Crash
- 1-20-282 1991 International Single Axle - Crash
- 1-20-283 1992 International Single Axle - Crash
- 1-20-285 2005 International Tandem combo
- 1-20-286 2005 International Tandem combo
- 1-20-287 1997 Mack Tractor
- 1-20-291 2006 Kenworth Tandem
- 1-20-293 2006 Kenworth Tandem
- 1-20-246 1998 Mack Tractor (float)
- 1-20-273 1996 Ford L8000 Fuel Truck
- 1-20-296 2008 Mack Tractor
- 1-20-297 2008 Mack Tractor
- 1-20-298 2008 Mack Float Tractor
- 1-20-299 2008 Mack Triaxle steel box
- 1-20-300 2008 Mack Triaxle steel box
- 1-20-305 2008 Mack Triaxle (Boom Truck)

Trailers

- 1-26-266 1975 King Float
- 1-26-281 1989 Tusco 50 Tri-Axle Float
- 1-26-292 1987 Rodgers - Tri-Axle Float - 50 Ton
- 1-26-295 1997 30 Ton Tag Trailer
- 1-26-296 Eager Beaver 20XPT
- 1-26-301 2002 Paron Quad Axle Float - 60 T
- 1-26-302 1997 Trailmobile Flat Deck
- 1-26-303 Pace American Utility Trailer

1-26-304 Van Trailer Quarry  
 1-26-306 Trout River Live Bottom Trailer  
 1-26-307 Trout River Live Bottom Trailer  
 2-74-721 Job site trailer - 406  
 2-74-722 Design Space Office Trailer - 406  
 2-74-723 Mobile Lease Office Trailer - Thorld

#### Rollers

1-30-323 Bomag BW120 - Dual Steel Vib.  
 1-30-324 Dynapac CP21 R/T - Asphalt  
 1-30-331 Cat CB434C - Dual Steel Vib.  
 1-30-333 Cat PS300B - R/T Asphalt  
 1-30-335 Cat PS150B R/T - Asphalt  
 1-30-336 Cat CB214D - Dual Steel Vib.  
 1-30-337 Cat CB634C - Dual Steel Vib.  
 1-30-338 Cat CS423 Vib. Grade  
 1-30-339 2006 Cat 534D Dual Drum Asph Roller  
 1-30-340 2006 Cat 563 Vib Roller

#### Pavers

1-40-413 Cedarapids CR461R - Track 1997  
 1-40-414 Caterpillar AP-655C Track 2004  
 1-40-418 Cedarapids CR462R - Track

#### Rubber-Tired Loaders

1-50-524 2004 Cat IT-38  
 1-50-523 2005 Cat 966G Loader Asphalt Plant  
 1-50-527 2004 Cat 360B Telehandler  
 1-50-528 2005 Cat 360B Telehandler

#### Tractor Loaders

1-50-513 2004 Cat 248B SkidSteer  
 1-50-514 2005 Cat 248B SkidSteer  
 1-71-715 Kuboto Tractor

#### Tractor/Backhoes

1-54-560 2004 - Cat 420IT R/T Backhoe  
 1-54-561 2005 - Cat 420IT R/T Backhoe  
 1-54-562 2005 - Cat 420IT R/T Backhoe

1-54-563 2006 - Cat 420E IT R/T Backhoe

Excavators

1-53-537 2004 JD 330CLC  
1-53-538 2005 Cat 330CL  
1-53-539 2005 Cat 330CL  
1-53-540 2006 Cat 321CR

Graders

1-60-607 140G - Cat  
1-60-610 740 Champion Grader

Dozers

1-62-634 2005 JD 450H  
1-62-635 JD 850  
1-62-636 JD450

Cranes

2-66-602 1996 JLG 20 T crane for boom truck  
2-66-605 2007 Terex RT655

Planing & Pulverizing Equipment

1-41-912 2003 Wirtgen W 600 Mill  
1-41-920 1999 Wirtgen 1200F Mill  
1-41-922 2003 CMI - PR800 Mill  
1-41-924 2002 CMI - PR860 Mill  
1-41-926 2007 Wirtgen 1200 F Track Mill  
1-41-921 2000 CMI RS650

Traffic Control Equipment

1-74-789 Flashing Arrow Board  
1-74-790 Flashing Arrow Board  
1-74-791 Flashing Arrow Board  
1-74-792 Lombardi Flashing Arrow Board  
1-74-793 Flashing Arrow Board  
1-74-794 Lombardi Flashing Arrow Board  
1-74-796 Flashing Arrow Board - Bemis  
1-74-797 Flashing Arrow Board - Bemis

1-74-798 Flashing Arrow Board - Trafcon  
 1-74-805 Flashing Arrow Board - Lombardini  
 1-74-806 Flashing Arrow Board - Lombardini  
 1-74-833 1990 Flashing Arrow Board  
 1-74-834 1990 Flashing Arrow Board  
 1-74-835 1986 Flashing Arrow Board  
 1-74-836 1990 Flashing Arrow Board  
 1-74-837 1993 Flashing Arrow Board  
 1-74-839 SolarTech Arrow Board  
 1-74-840 SolarTech Arrow Board  
 1-74-841 SolarTech Arrow Board  
 1-74-842 SolarTech Arrow Board  
 1-74-845 2000 Vermac Message Board  
 1-74-847 2000 Vermac Message Board  
 1-74-902 2002 Vermac Message Board  
 1-74-903 2002 Vermac Message Board  
 1-74-904 Flashing Arrow Board  
 1-74-905 Flashing Arrow Board  
 1-74-906 SolarTech Arrow Board  
 1-74-915 Renco Attenuator  
 1-74-916 Renco Attenuator  
 1-74-920 Attenuator  
 1-74-921 Attenuator

#### Miscellaneous Equipment

1-74-741 PORTABLE WELDER - GRINDING CREW  
 1-74-742 BLUE START 6000 13 HP PORTABLE  
 1-74-747 TRAILER WITH BITCH SPRAYER  
 1-74-757 STEAM CLEANER  
 1-74-759 A.C. WELDER - QUARRY  
 1-74-760 400 AMP PORTABLE WELDER  
 1-74-761 OTC FLOOR CRANE  
 1-74-762 OTC FLOOR CRANE  
 1-74-763 A.C. WELDER - FORT ERIE PLANT  
 1-74-767 TITON DIESEL 8D WELDER - GRIND  
 1-74-773 GAS WELDER - GRINDING CREW  
 1-74-774 200 AMP ELECTRIC WELDER  
 1-74-781 CHAMPION 16 WELDER - MACK 1202  
 1-74-786 OTC 5 TON FLOOR JACK  
 1-74-787 DRILL PRESS  
 1-74-788 14" CHOPSAW  
 1-74-792 CURING COMPOUND SPRAYER  
 1-74-804 HEFTY CC/CV MIG WELDER

1-74-807 200 AMP. WELDER ELECTRIC GAS  
1-74-808 200 AMP. WELDER ELECTRIC GAS  
1-74-810 MIGMASTER 250 WELDER  
1-74-813 CALCIUM SPREADER  
1-74-818 HEATER KEROSENE FIRED  
1-74-821 LINCOLN ENGINE DRIVE GAS WELDE  
1-74-823 50 TON PRESS  
1-74-832 1988 LeROI DRESSER AIR COMPRES  
1-74-910 2" WATER PUMP(U PUMP)  
1-74-911 2" WATER PUMP  
1-74-913 300 GALLON FUEL TANK  
1-74-914 300 GALLON FUEL TANK  
1-74-919 LANDPRIDE POST HOLE AUGER  
1-74-922 HONDA 2 PORTABLE WELDER  
1-74-936 TCM LIFT TRUCK (AT SHOP)  
1-74-950 BRIDGE JACKING SYSTEM  
1-74-952 GAS PLATE TAMPER  
1-74-953 1000 Gallon Double Walled Tank  
1-74-954 1000 Gallon Double Walled Tank  
1-74-955 DIESEL PLATE TAMPER  
1-74-956 1998 ATLAS COPCO AIR COMPRESOR  
1-74-960 TELESCOPING TOWER LIGHT  
1-74-964 SMOKE CRAFT 15 ALASKAN 14'11"  
1-74-965 C-CONTAINER- 406 JOBSITE  
1-74-966 C-CONTAINER- 406 JOBSITE  
1-74-967 C-CONTAINER - milton  
1-74-968 C-CONTAINER - HENLEY BRIDGE  
1-74-973 MAGNUM LIGHT TOWER  
1-74-974 NIGHT BUSTER 4000 LIGHT TOWER  
1-74-975 KARCHER PRESURE WASHER  
1-74-978 WACKER BS50-4 JUMPING JACK  
1-74-979 POWER SCREED HD7070  
1-80-923 Portable Lab and Equipment  
1-74-945 Etco Forming System  
2-70-704 BRIDGE DECK FINISHER  
2-74-006 WELDER ELECTRIC PORTABLE  
2-74-709 FLYGT 10" SUBMERSIBLE PUMP  
2-74-710 FLYGT 10" SUBMERSIBLE PUMP  
2-74-711 FLYGT 4" SUBMERSIBLE PUMP  
2-74-713 FLYGT 3" BIBO SUBMERSIBLE PUMP  
2-74-714 FLYGT 3" BIBO SUBMERSIBLE PUMP  
2-74-715 FLYGT 3" SUBMERSIBLE PUMP  
2-74-717 LIFTING DEVICE C/W CHAIN ASSEM  
2-74-719 MARINER OUTBOARD

2-74-724 1996 PUTZMEISTER CONCRETE PUMP  
 2-74-726 ROCK GRAPPLE  
 2-74-727 20 HP MERCURY OUTBOARD  
 2-74-728 3" HOMELITE THRASH PUMP  
 1-75-011 12" plate tamper MVC88GH  
 1-80-703 read screening plant

#### Attachments

1-74-744 Hydraulic Hammer - Grinding Crew  
 1-74-917 Cat H70 Hammer 420  
 1-74-918 NPK E220 hammer (750 FT/LB)  
 1-74-951 2004 Cat CVP40 Hoe pack  
 1-74-957 Fork Attachment  
 1-74-959 Cat 320 Ditching Bucket 72"  
 1-74-961 BA25 Broom 420 Backhoe  
 1-74-962 BobCat Angle Broom  
 1-74-963 BobCat Angle Broom  
 1-74-976 BobCat Angle Broom  
 1-74-977 2007 Cat Pickup Sweeper Broom  
 1-75-004 CAT CVP110 Hoe Pack  
 2-74-703 Boom Extension for JD 892 1-53  
 2-74-704 Short Stick for 1-53-534  
 2-74-705 NPK G36W Hydraulic Crusher  
 2-74-725 Clam Bucket  
 72" Tilt Ditching Bucket 330 Boom 420  
 Skid Steer Grinding Attachment  
 1-74-733 PLOW

#### Generators

1-74-809 Honda es 650  
 1-74-812 4000 watt  
 1-74-822 1999 6500 generator  
 1-74-908 Honda  
 1-74-909 Honda  
 2-74-002 10kw  
 2-74-003 10kw  
 2-74-004 10kw  
 2-74-005 Hatz 15kw  
 2-74-007 Hats 15kw  
 1-80-717 Cat xq350 (quarry)

WINTER MAINTENANCE EQUIPMENT

(AVAILABLE AS INDIVIDUAL COMPONENTS OR EN-BLOC)

Heavy Duty Trucks

1-20-241	1987 MACK TRACTOR - ROAD
1-20-259	1990 INTERNATIONAL AMC
1-20-262	1993 INTERNATIONAL AMC
1-20-263	1994 INTERNATIONAL AMC
1-20-264	1994 FORD AMC
1-20-265	1994 INTERNATIONAL AMC
1-20-266	1995 INTERNATIONAL AMC
1-20-267	1995 INTERNATIONAL AMC
1-20-272	1992 INTERNATIONAL TANDEM
1-20-289	2006 INTERATIONAL TANDEM COMBO
1-20-304	2008 INTERATIONAL TANDEM COMBO

Winter Maintenance Equipment

1-74-753	6 CUBIC METRE SANDER UNIT
1-74-764	LONDON SNOW PLOW
1-74-765	LONDON PLOW
1-74-766	FRINK SNOW PLOW
1-74-768	6 CUBIC METRE SANDER UNIT
1-74-775	6 CUBIC METRE SANDER UNIT
1-74-776	6 CUBIC METRE SANDER UNIT
1-74-777	6 CUBIC METRE SANDER UNIT
1-74-814	10 CU. YD. SANDER/SPREADER
1-74-815	10 CU. YARD SANDER/SPREADER
1-74-829	1988 FRINK DUMP BOX
1-74-830	1991 LONDON 12 YARD SANDER
1-74-853	1985 cu yd LONDON SPREADER
1-74-857	1985 8 cu yd LONDON SPREADER
1-74-858	1985 8 cu yd LONDON SPREADER
1-74-859	1985 8 cu yd LONDON SPREADER
1-74-860	1975 FRINK SONOW PLOW
1-74-861	FRINK WING
1-74-862	1996 LONDON WING

1-74-863	1994 ALLISTON REVERSIBLE PLOW
1-74-864	1996 LONDON WING
1-74-865	1996 LONDON WING
1-74-866	1996 LONDON WING
1-74-867	1996 LONDON WING
1-74-868	1996 LONDON WING
1-74-869	VIKING PLOW
1-74-870	FRINK WING
1-74-871	FRINK ONE WAY
1-74-872	FRINK SK440
1-74-873	VIKING CIVES ONE WAY
1-74-874	1981 FRINK WING
1-74-875	1988 LONDON WING
1-74-876	1995 VIKING CIVES
1-74-877	1978 FRINK ONE WAY
1-74-879	1979 FRINK WING
1-74-880	1978 LONDON WING
1-74-881	FRINK REVERSIBLE
1-74-882	VIKING CIVES PLOW
1-74-884	PLOW LONDON
1-74-886	LONDON PLOW
1-74-887	WING LONDON
1-74-888	FRINK PLOW
1-74-890	LONDON PLOW
1-74-892	LONDON PLOW
1-74-893	LONDON PLOW
1-74-894	LONDON PLOW
1-74-895	REVIERSIBLE PLOW - FRINK
1-74-896	BATEMAN REVERSIBLE PLOW
1-74-897	SKIDSTEER PLOW BLADE
1-74-898	PUSH BOX W/ LOADER
1-74-899	FRINK 14' REVERSIBLE PLOW
1-74-900	FRINK WING
1-74-901	FRINK REVERSIBLE PLOW 12FT.
1-74-923	PLOW LONDON
1-74-924	WING
1-74-925	WING LONDON
1-74-926	WING LONDON

1-74-927	WING LONDON
1-74-928	PLOW LONDON
1-74-929	PLOW LONDON
1-74-930	1994 LONDON 8YD SANDER - REGIO
1-74-931	LONDON 8 YARD SANDER - REGION
1-74-932	1993 LONDON 8 YARD SANDER - RE
1-74-933	1993 LONDON 8 YARD SANDER - RE
1-74-934	1990 LONDON 8 YARD SANDER - RE
1-74-935	1994 LONDON 8 YARD SANDER - RE
1-74-937	1992 LONDON L615 8 YD SANDER
1-74-938	1992 LONDON L615 8YD SANDER
1-74-939	1992 LONDON L615 8YD SANDER
1-74-940	1992 LONDON L615 8YD SANDER
1-74-941	1992 LONDON L615 8YD SANDER
1-74-942	1992 LONDON L615 8YD SANDER
1-74-943	1990 LONDON L615 8YD SANDER
1-74-944	1991 LONDON L615 8YD SANDER
1-74-947	LONDON PLOW
1-74-948	FRINK PLOW
1-74-949	FRINK PLOW
1-74-969	11' FRINK POWER ANGLE PLOW
1-74-970	11' FRINK POWER ANGLE PLOW
1-74-971	14' FRINK POWER ANGLE PLOW
1-74-972	20' STORM PUSHER
1-74-980	VIKING V BODY 8 YARD SANDER
1-74-981	VIKING V BODY 8 YARD SANDER
1-74-982	VIKING V BODY 8 YARD SANDER
1-74-983	VIKING V BODY 8 YARD SANDER
1-74-984	VIKING V BODY 8 YARD SANDER
1-74-985	VIKING V BODY 8 YARD SANDER
1-74-986	PLOW HARNEES PORT COLBORNE
1-74-987	SANDER BODY PORT COLBORNE
1-74-988	LONDON PLOW
1-74-989	LONDON PLOW
1-74-990	LONDON PLOW
1-74-991	VIKING WING
1-74-992	VIKING WING
1-74-993	VIKING WING

1-74-994	VIKING WING
1-74-995	VIKING WING
1-74-996	LONDON WING
1-74-997	LONDON WING
1-74-998	LONDON WING
1-74-999	PLOW - REVERSIBLE
1-75-000	PLOW - REVERSIBLE
1-75-001	REVERSIBLE PLASTIC PLOW
1-75-002	LONDON WING
1-75-003	WING
1-75-005	ONE WAY PLOW
1-75-006	ONE WAY PLOW
1-75-007	ONEWAY PLOW
1-75-008	ONEWAY PLOW

## TRUCKING EQUIPMENT

(AVAILABLE AS INDIVIDUAL COMPONENTS OR EN-BLOC)

### Heavy Duty Trucks

1-20-232	1989 International - Tri-Axle
1-20-233	1989 International - Tri-Axle
1-20-234	1989 International - Service
1-20-257	1987 International AMC
1-20-260	1991 Ford AMC
1-20-270	2000 International Tack Truck
1-20-284	1987 International Tandem - AMC
1-20-290	1993 International Single Axle
1-20-292	2006 Kenworth Tandem
1-20-294	1987 Mack Tandem combo
1-20-295	1992 Inter Single Axle
1-20-303	1990 International 4900 6 ton
2-20-201	1996 Mack RD600 - Boom cab & chasis
1-20-255	2000 International Triaxle combo
1-20-256	2000 International Triaxle combo
1-20-271	2003 International Tractor -Float
1-20-275	2004 International Triaxle Alum. Box combo
1-20-276	2004 International Triaxle Alum. Box combo
1-20-277	2004 International Triaxle Alum. Box combo
1-20-278	2004 International Triaxle Steel Box combo
1-20-279	2004 International Triaxle Alum Box
1-20-280	2004 International Triaxle Steel Box

### Trailers

1-26-274	1984 Homemade - Lumber
1-26-277	1976 Allied T30 - PR105 Float
1-26-278	1987 Homemade - Flat Deck
1-26-284	1990 20 Ton Tag Along
1-26-285	Welder Trailer in Quarry

1-26-286	20 Ton Tag Along
1-26-287	Office Trailer - lock 6
1-26-291	1993 Hudson - Lumber Float
1-26-294	Mobilease - Office Site Trailer
1-26-297	1982 Triaxle Trailer
1-26-305	2002 Easy 158 Boat Trailer Quarry
3-26-261	12 Ton Tri-Axle Float Trailer - boom truck

SMALL VEHICLES

(AVAILABLE AS INDIVIDUAL COMPONENTS OR EN-BLOC)

Light Duty Trucks, Vans &  
Cars

1-10-172	1994 GMC Sierra
1-10-179	1998 Ford F150 1/2 Ton
1-10-183	1998 GMC 1500
1-10-188	1999 Ford F450 Crew Cab
1-10-193	1999 GMC Sierra Pick-up
1-10-200	1999 MTO 3057 C/C
1-10-215	1999 Ford 150 Pickup
1-10-219	2001 Ford 150 Ext.Cab
1-10-221	2001 Ford 150 Pickup
1-10-223	2002 GMC Silverado Ext.Cab
1-10-224	2002 GMC Silverado Pickup
1-10-225	2002 GMC Silverado Pickup
1-10-226	1996 Chev. Cargo Van - 3/4 Ton.
1-10-227	2002 GMC Silverado Pickup
1-10-229	2002 GMC Silverado Pickup
1-10-234	2003 New Ext. Cab Pickup
1-10-235	2003 New Ext. Cab Pickup
1-10-238	2004 Dodge 1500 Crew Pickup
1-10-240	1999 Ford F550 1 Ton Service
1-10-246	2004 Freestar Van
1-10-962	1999 GMC Jimmy
1-10-969	2001 Ford Explorer
1-10-980	2005 Ford Explorer
1-10-989	2005 Pontiac Montana
1-10-145	Chevy 1 Ton Quarry Service
1-10-202	1995 Ford Pick Up

## MISCELLANEOUS EQUIPMENT

(AVAILABLE AS INDIVIDUAL COMPONENTS OR EN-BLOC)

### Rollers

1-30-341 2000 Cat 563 Vib Roller

### Pavers

1-40-417 Bid Well Concrete Deck Finisher

### Rubber-Tired Loaders

1-50-512 1988 JD 644E

1-50-518 1991 Caterpillar 950F

1-50-522 JD 624H Loader

### Tractor Loaders

1-50-516 2004 Cat 226B SkidSteer

1-50-520 1995 Mustang 940

### Tractor/Backhoes

1-54-552 2000 - Cat 416C IT R/T Backhoe

1-54-553 2000 - Cat 416C R/T Backhoe

1-54-558 2000 - JD 310SE R/T Backhoe

1-54-559 2002 - Cat 420IT R/T Backhoe

### Excavators

1-53-535 2002 Cat 330CL

1-53-541 2002 Cat 345BL

### Dozers

1-62-631 1999 Cat D8R

1-62-632 2004 Cat D6N

1-62-633 2004 Cat D4G

### Rock Trucks

1-64-653 1999 Volvo A30C Art Truck

1-64-654 1999 Volvo A30C Art Truck

Cranes

2-66-604 1995 Sumitomo Crane - 80 T

Pulverizing Equipment

1-41-923 2000 CMI RS800 ( Exp. System )

Miscellaneous  
Equipment

1-74-005 Ground Heater  
1-74-006 Ground Heater

Miscellaneous Crushing  
and Screening  
Equipment

1-80-101 Gyratory Crusher  
1-80-105 Impact Crusher  
1-80-201 Tyler 5x16 Deck mid bins  
1-80-301 Simplicity 6x16 vib feeder  
1-80-601 eagle coarse washer - top bins  
1-80-711 tyler 4x10 3 deck screen plant  
1-80-608 24" x50' suncontract truss  
JCI 6x16 screen  
1-80-416 24" conveyor 90' barber greene  
1-80-903 # 7315 Electro magnet  
1-80-906 30" self cleaning magnet eriez  
1-80-920 teledyne breaker  
1-80-454 cr 30" x 60' stacker  
1-80-902 primary crusher vibrator

Attachments

2-74-702 Mitsui Model 1000 Rotary Grinder  
2-74-706 Kent KHB20G Hydraulic Breaker  
2-74-708 NPK H16X Hydraulic Breaker

Generators

1-80-715 Cat 3406c/350kw gen set (quarry)

Quarry Misc.

Trailers

2-74-718

Office Trailer - Quarry

Rubber-Tired Loaders

1-50-511

1987 Caterpillar 988B

1-50-517

1994 Caterpillar 980F

1-50-526

2006 JD 844E Loader

Rock Trucks

1-64-651

1998 Cat 771D

1-64-652

1995 Cat 769C

FORT ERIE ASPHALT PLANT

(TO BE REMOVED FROM SITE)

1-85-922

Barber Greene BE-51 5000 lb. Batch Plant complete with:

8 x 20 Dryer, Standard Havens Baghouse Gencor AF40  
Burner and Repete Batch controls Gencor Hyway Heater  
Standard Havens Baghouse new 1992 controls 1996

4 Asphalt cement tanks

### Port Colborne Asphalt Plant

General Description: Barber Greene Model BE65 installed new in 1978. Overall Production Capacity: 200-250 mtpH

Cold Feed	6 bin cold feed system. Each Bin has 52 ton capacity and is equipped with variable speed TASC drive. Collecting conveyor is also TASC controlled. 4. bins are stationary and 2 are semi portable.
Dryer	New (2008) 8'x36' Barber -Greene styled dryer.
Burner	Gencor Ultra Flame II
Primary Collector	CMI 10' diameter primary dust collector Model
Baghouse	CMI RA220 Fabric dust collector. 66.269 cfm (max). 2 x 125 horsepower fan
Hot Elevator	AE120 with Bypass chute
Tower	Model BE65x542. Upgraded to 10,000 lb pugmill
Screen	5x14 31/2 deck Higher production uses by-pass chute.
Hot Bins	4 Hot Material Bins. 85 tons total capacity. #1=35 tons, #2=13 tons, #3=11 tons, #4=16 ton
Recycle System	Thor recycle system Single bin with scalping screen and surge hopper. System was designed to match plant capacity. Has recycled up to 40%. Normally 10-20% range. Feed directly into weigh hopper at an incremental rate of approx 300 tph
Aggregate Weigh Hopper	Electronic Load Cells Load Cells installed. Eliminated need for plant mounted scale heads. Digital read out in control room. Tied to computer batching system.
Liquid Asphalt Weigh "Bucket"	Electronic Load Cells Load Cells installed. Eliminated need for plant mounted scale heads. Digital read out in control room. Tied to computer batching system
Controls	WEM Computer control system installed new in 2006. Includes automatic silo load out system and truck ticket printer.
Drag Slat Conveyor	Bituma
Hot mix Storage Silos	2x250 ton Standard Havens 10'x100' truck scale.

**INTANGIBLES**

The names, logos, and goodwill associated with the businesses of The Hard Rock Group.

The customer lists, supplier lists, and contact names of The Hard Rock Group, including without limitation, all files, which shall include all contracts between The Hard Rock Group and its customers and suppliers.

## **SCHEDULE "E"**

### **DOCUMENTS TO BE EXPUNGED FROM TITLE**

#### **P.I.N. 64457-0112**

1. Instrument No. SN198289 registered on February 15, 2008 is a Charge in favour of David Roy Semley securing the principal sum of \$1,500,000.00.

#### **P.I.N. 64229-0138**

1. Instrument No. SN198289 registered on February 15, 2008 is a Charge in favour of David Roy Semley securing the principal sum of \$1,500,000.00.

## SCHEDULE "F"

### PERMITTED ENCUMBRANCES

#### P.I.N. 64457-0112

None.

#### P.I.N. 64229-0138

1. Instrument No. BB40316 registered on February 9, 1966 is Bylaw No. 783 of the Town of Fort Erie;
2. Instrument No. BB99942 registered on April 18, 1969 is an Order of the Department of Municipal Affairs.
3. Instrument No. RO106181 registered on July 31, 1969 is Bylaw No. 2308-69 of the Corporation of the Township of Bertie.
4. Instrument No. RO110929 registered on October 24, 1969 is an Order of the Department of Municipal Affairs.

Schedule G – PPSA and RSLA registrants  
**HARD-ROCK PAVING COMPANY LIMITED**

**RSLA Creditors**

1. 541760 Ontario Limited O/A B&C Auto and Industrial
2. Archer Truck Services Ltd.
3. Archer Truck Centre (Welland) Ltd.
4. Ontrac Equipment Services Inc.
5. Toromont Industries Ltd.
6. Strongco Limited Partnership
7. 724628 Ontario Inc.
8. Farr Ford Ltd.

**PPSA Creditors**

1. The Guarantee Company of North America
2. Black Diamond LP by way of its general partner Black Diamond Group Inc
3. GE Canada Leasing Services Company
4. GE Canada Equipment Financing G.P.
5. General Electric Canada Equipment Finance G.P.
6. GE Canada Asset Financing Inc.
7. General Electric Capital Canada Inc.
8. David Roy Semley
9. CRMSALES. A division of Volvo road machinery Ltd
10. GE Canada Equipment Financing G.P.
11. GE Capital Canada Leasing Trust
12. GE Capital Canada Leasing Services Inc.
13. Caterpillar Financial Services Limited
14. Xerox Canada Ltd
15. PHH Vehicle Management Services Inc
16. National Leasing Group Inc L# 2307003
17. CIT Financial Ltd.
18. NRB Inc

**942355 ONTARIO LIMITED**

1. The Guarantee Company of North America
2. Caterpillar Financial Services Limited

**942356 ONTARIO LIMITED**

1. The Guarantee Company of North America
2. Caterpillar Financial Services Limited

**DIAMOND STONEBRIDGE CONTRACTING INC.**

1. The Guarantee Company of North America
2. David Roy Semley
3. GE Canada Equipment Financing G.P.
4. Caterpillar Financial Services Limited

**DSC EQUIPMENT RENTALS LIMITED**

1. Caterpillar Financial Services Limited

**851834 ONTARIO LIMITED**

1. Caterpillar Financial Services Limited

## **HARD-ROCK CONSTRUCTION INC**

1. The Guarantee Company of North America
2. David Roy Semley
3. GE Canada Equipment Financing G.P.
4. Caterpillar Financial Services Limited

## **HARD-ROCK PAVEMENT RECYCLING INC.**

1. Caterpillar Financial Services Limited

## **HARD-ROCK REMEDIATION SERVICES LIMITED**

1. Caterpillar Financial Services Limited

## **HARD-ROCK HIGHWAY MAINTENANCE INC.**

1. The Guarantee Company of North America
2. David Roy Semley
3. GE Canada Equipment Financing G.P.

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED.

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF THE HARD ROCK PAVING  
COMPANY LIMITED AND THE COMPANIES LISTED ON SCHEDULE "A"

Applicants

Court File No. 08-CL-7503

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**ONTARIO**

**SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding commenced at TORONTO

**VESTING ORDER**

**MINDEN GROSS LLP**

Barristers and Solicitors

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