

Supreme Court of Nova Scotia

JUN 29 2012



Between
CONCENTRA FINANCIAL SERVICES ASSOCIATION

Plaintiff

and

101 WATER STREET YARMOUTH INVESTMENTS
INCORPORATED and 2005897 ONTARIO LIMITED

Defendants

ORDER DISCHARGING RECEIVER

sgd
MJW
J.

BEFORE THE HONOURABLE JUSTICE MICHAEL J. WOOD IN CHAMBERS

WHEREAS an Order was issued, dated March 24, 2011, appointing BDO Canada Limited (the "Receiver") as a Receiver and Manager of the real property assets Defendant, 101 Water Street Yarmouth Investments Incorporated.

UPON reading the Affidavit of Paul Goodman sworn to on June 20, 2012 and the other materials on file herein.

AND UPON HEARING Gavin MacDonald on behalf of the Receiver and Plaintiff, it is hereby ordered that:

APPROVAL OF ACTIVITIES AND ACCOUNTS

1. The activities of BDO Canada Limited, in its capacity as Court-appointed Receiver of the assets and undertakings of 101 Water Street Yarmouth Investments Incorporated, as set out in the report of September 26, 2011, the Affidavit of Paul Goodman on file herein, and Mr. Goodman's oral testimony given in chambers on June 28, 2012, are hereby approved;
2. The fees and disbursements of the Receiver as set forth in Exhibit "A" to the Affidavit of Paul Goodman, are hereby approved;
3. The balance of funds in trust (if any) after payment of the fees and disbursements of the Receiver shall be paid by the Receiver to the Plaintiff.

RECEIVER'S DISCHARGE

4. The Receiver is hereby discharged as Receiver of the real property assets of 101 Water Street Yarmouth Investments Incorporated, provided, however, that notwithstanding its discharge herein, the Receiver shall:
- (a) Remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and
 - (b) Continue to have the benefit of all Orders made in these proceedings, including all approvals, protections, and stays of proceedings in favour of BDO Canada Limited as Receiver.

RELEASE OF RECEIVER

5. The Receiver is hereby released and discharged from any and all liabilities that the Receiver now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of the Receiver while acting in its capacity as Receiver, save for any negligence or willful misconduct by the Receiver.

DEFICIENCY

6. The approval of the fees and disbursements of the Receiver in this order is made solely for the purpose of discharging the Receiver. This approval is not determinative in the context of any subsequent motion by the Plaintiff for assessment of deficiency judgment.

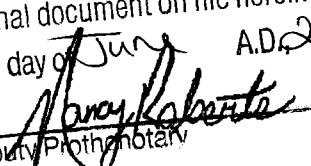
DATED at Halifax, in the Province of Nova Scotia, this 29 day of June, 2012.

NANCY ROBERTS
Deputy Prothonotary



The Prothonotary

IN THE SUPREME COURT OF NOVA SCOTIA
I hereby certify that the foregoing document,
identified by the Seal of the Court, is a true
copy of the original document on file herein.
Dated the 29 day of June A.D. 2012



Deputy Prothonotary

NANCY ROBERTS
Deputy Prothonotary