

Crawley, Peter

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Sent: June 9, 2021 11:52 AM
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Subject: [EXT] MATTA v. ALTMORE MORTGAGE INVESTMENT CORPORATION, Court File No. CV-21-00662471-00CL
Attachments: Matta v Altmore - Signed order - 2021-06-09.pdf

Below is the endorsement of Justice Dunphy. As well, a signed order is attached.

Style of Cause:

Court File No. CV-21-00662471-00CL ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST) BETWEEN: MONICA MATTA and MARK AMELLO Applicants -and- ALTMORE MORTGAGE INVESTMENT CORPORATION Respondent APPLICATION UNDER SECTION 248(3) OF THE BUSINESS CORPORATIONS ACT (ONTARIO) AND SECTION 101 OF THE COURTS OF JUSTICE ACT (ONTARIO)

Counsel:

MILLER THOMSON LLP Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON Canada M5H 3S1 Greg Azeff LSO#: 45324C gazeff@millerthomson.com Tel: 416.595.2660/Fax: 416.595.8695 Stephanie De Caria LSO#: 68055L sdecaria@millerthomson.com Tel: 416.595.2652/Fax: 416.595.8695 BDO CANADA LIMITED 25 Main Street West, Suite 805 Hamilton, Ontario L8P1H1 Peter Crawley pcrawley@bdo.ca Tel: 289.678.0243 / Fax: 905.570.0249 Clark Lonergan clonergan@bdo.ca Tel: 647 730 0934 / Fax: 416 865 0904 Interim Receiver

MONICA MATTA and MARK AMELLO 2550 Thomas Street, Unit 80 Mississauga, ON LSM 5N8 Email: monica_matta@hotmail.com Email: mark_amello@hotmail.com Applicants

PALLET VALO LLP Lawyers & Trade-Mark Agents 77 City Centre Drive, west Tower Suite 300 Mississauga, Ontario L5B 1M5 Monty Dhaliwal LSO#: 65124N mdhaliwal@pallettvalo.com Tel: 905 273-3300 gazeff@millerthomson.com; sdecaria@millerthomson.com; pcrawley@bdo.ca; lonergan@bdo.ca; mdhaliwal@pallettvalo.com; monica_matta@hotmail.com; mark_amello@hotmail.com; ian@mcsevney.com; ian@altmoremic.com

Endorsement: This endorsement and the order I am making today relate to the receivership order I made on May 25, 2021. Mr. McSeveney was present at that hearing and promised to co-operate with the receivership that I put in place at the end of that hearing. Unfortunately, chose to withhold his cooperation almost immediately thereafter. The Receiver has had limited success in finding the investors' funds that have gone missing but the Receiver has located very significant transfers of funds that have taken place – including material transfers to Mr. McSeveney and his wife from the corporate accounts. In all of the circumstances, I agree with the Receiver that the assets and accounts identified have been shown to be recipients of significant funds withdrawn in thus-far unexplained circumstances but which – given all that has been uncovered thus far as outlined in the Receiver's First Report plus my initial endorsement – raise a reasonable suspicion that investor funds may have been transferred to those accounts. An order expanding the receivership to the relevant corporate entities and freezing the identified accounts appears justified to me.

Ms. McSeveney has not yet been served. The only asset of hers being frozen at this time is a TFSA account which received an unexplained \$50,000 transfer (along with Mr. McSeveney). She needs to be served with the motion record, the order I am making today plus this endorsement without delay.

Order signed by me with minor alterations made by me during the course of the hearing. The copy of the May 25 order attached is to be attached to today's order as an appendix thereto.

S.F. Dunphy J

Justice Sean F. Dunphy
Superior Court of Justice
361 University Avenue
Toronto, ON
M5G 1T3

Please confirm receipt of the endorsement plus order.

Blind copies are provided to relevant Commercial Court Staff for their record purposes.

Daisy Ng
Judicial Assistant to Justices Low, Stinson, Horkins, Dunphy & Davies
Superior Court of Justice
Courthouse
361 University Avenue
Toronto, ON M5G 1T3

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