

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE  
JUSTICE *Pattillo*

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*Tuesday*, THE *27*...  
DAY OF *October*, 2015

BETWEEN:



**GRACE AD SHADE, BEAVER VALLEY HOLDINGS LIMITED and  
PREMIERE SELF STORAGE INC.**

Applicants

and

**TDCI BRACEBRIDGE INC., CLIVE FIGUEIRA and CAROL TARBACK**

Respondents

**ORDER**

THIS MOTION, made by the Applicants and Lisa Wertheim-Brault, for Orders and Declarations relating to the charges/mortgages registered as instrument numbers MT64063 and MT135548 in the Land Registry Office for the Land Titles Division of Muskoka (No. 35), which charges/mortgages were discharged on consent on the terms set out in the Approval and Vesting Order of the Honourable Mr. Justice Spence given Thursday, the 30<sup>th</sup> of July, 2015 (the "Approval and Vesting Order"), subject to their claims being determined against a new charge as set out in paragraphs 3-7 of the Approval and Vesting Order (the "Disputed Charge"), such Disputed Charge being registered as instrument number MT156965 in Land Registry Office for the Land Titles

Division of Muskoka (No. 35) on August 26, 2015, being a mortgage given to BDO Canada Limited in its capacity as Court Appointed Receiver for TDCI Bracebridge Inc. (the "Receiver"), was heard this day in Chambers at 330 University Avenue, Toronto, Ontario.

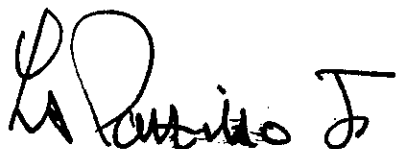
FURTHER TO the Approval and Vesting Order and on reading the Consent of the Receiver and of Melvyn D. Eisen, the Applicants and Lisa Wertheim-Brault, and on hearing the submissions of counsel for Melvyn Eisen, the Applicants and Lisa Wertheim-Brault, no other person being affected by the said Order:

1. THIS COURT ORDERS that the Disputed Charge, given by Aspire Muskoka Inc., Enliven Muskoka Inc., Cottages Muskoka Inc., to the Receiver pursuant to the Approval and Vesting Order shall be transferred to Melvyn D. Eisen and the Receiver shall execute all documents necessary to effect the transfer;
2. THIS COURT ORDERS that the Receiver be and is hereby discharged from any and all obligations in respect of the Disputed Charge and the Disputed Charge Proceeds, as such terms are defined, and obligations prescribed (together, the "**Disputed Charge Obligations**") in the Sale Approval and Vesting Order;
3. THIS COURT ORDERS AND DECLARES that there are no fees or disbursements payable to the Receiver or its legal counsel in respect of administering the Disputed Charge as contemplated in paragraph 6 of the Approval and Vesting Order;
4. THIS COURT ORDERS AND DECLARES that the Receiver is hereby released and discharged from any and all liability that the Receiver now has or may hereafter have

by reason of, or in any way arising out of, any acts or omissions of the Receiver while acting in fulfilment of the Disputed Charge Obligations, save and except for any gross negligence or wilful misconduct on the Receiver's part.

5. THIS COURT ORDERS AND DECLARES that none of the Applicants or Lisa Wertheim-Brault have any claim or interest in the Disputed Charge or any payments secured by the Disputed Charge; and,

6. THIS COURT ORDERS that the Motion brought herein by the Applicants and Lisa Wertheim-Brault with respect to their claims as to their respective mortgage interests holding a priority over a mortgage interest held by Melvin Eisen over the property held by TDCI Bracebridge Inc. be and is hereby deemed to have been abandoned, with prejudice, on a without costs basis and the date set for the hearing of that motion on January 14th is hereby vacated



(Signature of Judge)

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*PA* OCT 27 2015

GRACE ADSHADE et al  
Applicants

-and- TDCI BRACEBRIDGE INC. et al.  
Respondents

Court File No. CV-14-10678-00CL

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SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

**PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

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