

COURT FILE NUMBER: **1501-11817**
COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE: **CALGARY**
PLAINTIFFS / RESPONDENTS: **EASYLOAN CORPORATION AND MIKE TERRIGNO**
DEFENDANTS / APPLICANTS: **BASE MORTGAGE & INVESTMENTS LTD. AND BASE FINANCE LTD., ARNOLD BREITKRUETZ , SUSAN BREITKRUETZ, SUSAN WAY AND GP ENERGY INC.**

DOCUMENT: **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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File: 15047-002

**Counsel for the Receiver,
BDO Canada Limited**

DATE ON WHICH THIS ORDER WAS PRONOUNCED: **April 13, 2017**

LOCATION OF HEARING: **Calgary, Alberta**

NAME OF MASTER WHO MADE THIS ORDER: **Master J.T. Prowse, Q.C.**

UPON the Application of the Receiver BDO Canada Limited, and upon reading the Fourth Report of the Receiver dated April 10, 2017, filed, and the Confidential Supplementary Report to the Fourth Report of the Receiver dated April 10 2017, and the previous orders herein, and upon hearing from counsel for the interested parties;

IT IS HEREBY ORDERED THAT:

1. The time for service of this application and the Fourth Report of the Receiver is abridged, and service thereof is deemed good and sufficient.

2. The actions of the Receiver in the administration of these receivership proceedings to date, as described in the Fourth Report of the Receiver, are approved.

3. The Receiver is hereby authorized to immediately sell the following properties, in accordance with the Receiver's recommendations as set out in the Fourth Report of the Receiver, filed, and the Confidential Supplementary Report to the Fourth Report of the Receiver:

a) 724-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 1693AF

Block 24

The easterly 50 feet throughout of all that portion of Lot B
Which is shown on Plan 1559EO and thereon outlined in red
Excepting thereout all mines and minerals

b) 735-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 3701GA

Block 27

Lot 9

Reserving unto Her Majesty all coal

c) 728-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 1559EO

The west 50 feet of the south 120 feet of the parcel

Excepting thereout all coal

d) 63 Suncastle Bay SE, Calgary, Alberta.

Legal Description:

Plan 8410877

Block 26

Lot 20

Excepting thereout all mines and minerals

(the "Properties")

And for greater clarity, the Receiver is authorized to sell the Properties under the terms of the "Bundle Offer" to 2025876 Alberta Ltd., as referred to in the Fourth Report of the Receiver and the Confidential Supplementary Report to the Fourth Report of the Receiver.

4. The Royal Bank of Canada as Mortgagee of the respective lands shall within 7 days disclose to the Receiver BDO Canada, the amounts outstanding inclusive of principal, interest and costs plus *per diem* interest until payout of amounts owing on their respective mortgages which are instruments:

<u>Property</u>	<u>Registration No.</u>	<u>Address of Bank</u>
724-55 Avenue SW, Calgary, Alberta	051 142 229	Royal Bank of Canada 5104 Donnelly Crescent Regina Saskatchewan S4X 4C9
735-55 Avenue SW, Calgary, Alberta	091 172 341	Royal Bank of Canada 180 Wellington Street West Toronto Ontario M5J 1J1
728-55 Avenue SW, Calgary, Alberta;	131 029 632	Royal Bank of Canada 10 York Mills Road 3 rd Floor Toronto Ontario M2P 0A2
63 Suncastle Bay SE, Calgary, Alberta	101 347 313	Royal Bank of Canada 180 Wellington Street West Toronto Ontario M5J 1J1

5. The Mortgagees shall not advance any further funds to any person, corporation or entity based upon security under the respective mortgages.
6. The sale of each of the specified properties herein is conditional on the Receiver obtaining and being satisfied about the amounts due to the mortgagees registered on the respective titles, and to the Receiver then determining whether it wishes to proceed with the sale of the respective properties.

7. All other offers are hereby rejected and all deposits received from any other offerors shall be returned to them immediately.
8. Compliance with Rule 9.34(4) and the requirement for service of documents prior to entry of this Order, set out in Rule 9.35(1)(a), are hereby waived.
9. The Purchaser shall, on or before the 15th day of May (the "Closing Date") either pay to the Receiver the adjusted purchase price, or enter into reasonable conveyancing arrangements with the Receiver's counsel to assure payment of the adjusted purchase price, and upon doing so the Purchaser is entitled to obtain possession of the properties pursuant to paragraph 3 of this Order.
10. The Defendants, any tenants, and any other occupants shall, on or before the 15th day of May deliver up to the Purchaser vacant possession of the properties. Service of this Order may be made on the occupants by posting same on the main entrance door to the properties. A Civil Enforcement Agency has authority, after service of this Order has been effected, to evict any occupant of the properties on the later of the aforesaid date or 30 days after posting has occurred.
11. Upon written confirmation from the Receiver that it has received or is satisfied that it will receive payment from the Purchaser, the Registrar of Land Titles shall cancel the existing certificate of title to the properties and shall issue a new certificate of title in the name of:

2025876 Alberta Ltd.

(or such other transferee as directed by the Receiver's counsel in correspondence sent to the Registrar of Land Titles at the time this Order is submitted for registration) free and clear of all mortgages and all subsequent encumbrances, but subject to:

- a) 63 Suncastle Bay SE, Calgary, Alberta.

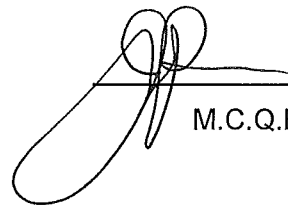
Legal Description:

Plan 8410877
Block 26

Lot 20
Excepting thereout all mines and minerals

841 139 168	16/08/1984	Utility Right of Way
851 071 423	03/05/1985	Encumbrance
861 045 883	18/03/1986	Restrictive Covenant

12. Any interest in the properties of the Defendants anyone claiming through the Defendants, or any other subordinate encumbrancer is hereby extinguished.
13. The said purchase does not include unattached goods. On or before April 19, 2017, the Defendants shall provide to the Receiver's lawyer a written description of all appliances they propose to remove from the property and shall not remove any that the Receiver objects to, *without the Defendants applying for leave of the Court.*
14. Pursuant to s. 191(2) of the *Land Titles Act*, the Registrar of Titles shall cancel the certificates of title for the Properties, terminate the Defendants' interests in the Properties, and register this Order and the transfers in favour of the purchaser forthwith notwithstanding the requirements of s-s. 191(1) of the *Land Titles Act*.
15. The Confidential Supplementary Report to the Fourth Report of the Receiver is sealed, and shall not be available to be inspected or copied by anyone without the written consent of the Receiver or further order of this court.


M.C.Q.B.A