

Court File No. 31-OR-207269-T



THE HONOURABLE

MR. JUSTICE FARLEY

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY**

) TUESDAY, THE 31st DAY

) OF MAY, 2004

**IN THE MATTER OF THE BANKRUPTCY OF
FINCORE INDUSTRIES INC.
of the City of Toronto
in the Province of Ontario**

BANKRUPTCY ORDER

UPON the application of BDO Dunwoody Limited ("BDO") in its capacity as Monitor of Fincore Industries Inc. ("Fincore") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36, as amended (the "Monitor");

AND UPON reading the Motion Record of BDO returnable May 31, 2005 and upon reading the Fifth Report to the Court submitted by BDO in its capacity as Monitor and First Report to the Court submitted by BDO in its Capacity as Interim Receiver of Fincore dated May 24, 2005 and upon hearing submission of counsel for BDO, Fincore and other interested parties that the following act of bankruptcy has been committed:

- (a) Fincore has ceased to meet its liabilities generally as they become due.

1. **THE COURT HEREBY ORDERS** that Fincore Industries Inc. of the City of Toronto, Province of Ontario, be adjudged bankrupt by virtue of a Bankruptcy Order hereby made on this date.
2. **THE COURT FURTHER ORDERS** that BDO Dunwoody Limited, of the City of Toronto, Province of Ontario, be appointed as trustee of the estate of the bankrupt (the "Trustee").
3. **THE COURT FURTHER ORDERS** that the trustee shall forthwith give security in cash or by bond in accordance with subsection 16(1) of the *Bankruptcy and Insolvency Act* (Canada).
4. **THE COURT FURTHER ORDERS** that the costs of BDO shall be paid out of the estate of the said bankrupt upon taxation thereof.
5. **THE COURT FURTHER ORDERS** that the Interim Receiver's Charge (as defined in the Order of this Honourable Court dated April 14, 2005) and the Monitor's Charge (as defined in the Order of this Honourable Court dated September 15, 2004) continue to apply to the assets of Fincore as held by the Trustee and that the Trustee is authorized to make payments to satisfy such charges without the charge holders submitting a proof of claim in the bankruptcy.

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

MAY 31 2005

PER/PAR:

NB


JOSEPH P. VAN TASSEL
REGISTRAR

IN THE MATTER OF THE BANKRUPTCY OF FINCORE INDUSTRIES INC.
of the City of Toronto in the Province of Ontario

SI-OR-20769-T

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
(BANKRUPTCY)

Proceeding commenced at TORONTO

BANKRUPTCY ORDER

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Solicitors for BDO Dunwoody Limited,
in its capacity as Monitor and Interim
Receiver of Fincore Industries, Inc. and
999361 Ontario Inc.