



Court File No. CV-25-00000286-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE E. ten Cate

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FRIDAY, THE 25th DAY

OF JULY, 2025

B E T W E E N:

G.M.S. MORTGAGE INVESTMENT CORPORATION

Plaintiff

and

AMSARAL HOLDINGS INC., ROBERT RANDALL HAWKEN
and CHERYL HAWKEN

Defendants

**ORDER
(MOTION TO SET ASIDE MAREVA ORDER)**

THIS MOTION made by the Plaintiff, pursuant to Rules 1.04, 37, 39.01, 40, and 59.06(2) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, for an Order setting aside the Honourable Justice K.A. Gorman's Order rendered on October 25, 2024, and the Honourable Justice E. ten Cate's Order rendered on November 25, 2024 (the "**Mareva Orders**") as they relates exclusively to 558 Waterloo Street, London, Ontario.

ON READING the Motion Record of the Plaintiff, filed and served on July 18, 2025, and on hearing the submissions of counsel for Plaintiff, and on reading the Consent of all other affected parties:

1. **THIS COURT ORDERS** that the Land Registry Office in Middlesex County (LRO # 33) is to delete, discharge, and expunge the registration of Instrument No. ER1601076 from title to lands legally described as "PT LT 1 PLAN 168(E) & PT LT 8 PLAN 173(E), PTS 2, 3 & 4 33R6715 AS IN 815907; T/W 815907 LONDON, identified as PIN 08270—0088 (LT), and municipally known as 558 Waterloo Street, London, Ontario (the "**Property**") which is to be undertaken and deleted upon the completion of the sale of the Property by the Plaintiff on July 31st, 2025 or as soon thereafter as the Plaintiff may complete the sale of the Property, whichever comes later. If, for any reason, the sale of the Property is not completed, Instrument No. ER1601076 shall remain on title to the Property.
2. **THIS COURT ORDERS** that the Mareva Orders shall remain in effect in their entirety save and except for their application to the Property. For greater clarity, the Mareva Orders will continue to apply with respect to the additional lands (properties municipally known as 554 Waterloo Street, London, Ontario, and 10138 Edmunds Blvd, Grand Bend, Ontario) currently undergoing Sale under Mortgage proceedings commenced by the Plaintiff.
3. **THIS COURT ORDERS** that the Plaintiff shall be entitled to retain its costs associated with the Sale under Mortgage of the Property, including the costs of this Motion, from the proceeds of the sale, subject to the terms of the Receivership Order of Justice K.A. Gorman, dated March 21, 2025 and/or subject to the right to have the costs assessed.

4. **THIS COURT ORDERS** that the Plaintiff shall provide a full accounting of all receipts, disbursements and costs relating to the enforcement of the Mortgage and sale of the Property to the Receiver, BDO Canada Limited, within 21 days of closing; *and*
5. **THIS COURT ORDERS** that compliance with the provisions of Rule 72.03(2)(c)(ii) of the *Rules of Civil Procedure* be and are hereby waived as this Order is on consent.



Justice E. ten Cate

G.M.S. MORTGAGE INVESTMENT CORPORATION
Plaintiff

-and-

AMSARAL HOLDINGS INC., HAWKEN and HAWKEN.

Defendants

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PROCEEDING COMMENCED AT
LONDON

ORDER

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