



Court File No. CV-24-00002090-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM

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FRIDAY, THE 14TH

JUSTICE TRANQUILLI

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DAY OF AUGUST, 2026

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B E T W E E N:

DOUGLAS JOSEPH EDWARD HARDY and FRANCES JANET HARDY

Plaintiffs

- and -

ROBERT RANDALL HAWKEN, CHERYL ANN RUTH HAWKEN,
and AMSARAL HOLDINGS INC.

Defendants

ANCILLARY ORDER

**(Release of Holdback, Receiver's Approval of Activates,
Fee Approvals and Various Relief re Grand Bend Property)**

THIS MOTION, made by BDO Canada Limited ("**BDO**"), in its capacity as the court-appointed receiver (in such capacity, the "**Receiver**") without security, of the Net Proceeds (as defined in the Appointment Order of Justice Gorman dated March 21, 2025) from the sale of the real properties municipally known as 554 Waterloo Street, London, Ontario ("**554 Waterloo**"), 558 Waterloo Street, London, Ontario ("**558 Waterloo**"), and 10138 Edmonds Boulevard, Grand Bend, Ontario (the "**Grand Bend Property**") (554 Waterloo, 558 Waterloo and the Grand Bend Property are collectively referred to as the "**Properties**"), for the relief specified in the Notice of Motion, was heard

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this day by judicial video conference at the Ontario Superior Court of Justice, London, Ontario.

ON READING the Notice of Motion dated August 6, 2026, the First Report of the Receiver dated August 5, 2026 (the “**First Report**”) and its appendices, the Receiver’s Factum and Supplementary Factum, and on hearing the submissions of counsel for the Receiver and for those parties noted on the Participant Information Form, with no other parties on the Service List appearing or taking any position although properly served as appears from the Affidavits of Service, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for the service and filing of the Motion Record are abridged and validated, and that this motion is properly returnable today and dispenses with any further or other service on any other person.

SEALING OF CONFIDENTIAL APPENDICES

2. **THIS COURT ORDERS** that Confidential Appendices 1, 2 and 3 to the First Report are sealed pending the earlier of the completion of the purchase and sale of the Grand Bend Property or further Order of the Court.

APPROVAL OF FIRST REPORT AND ACTIVITIES OF THE RECEIVER

3. **THIS COURT ORDERS** that the First Report, and the activities and conduct of the Receiver as set out in the First Report are approved provided, however, that only the

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Receiver in its personal capacity only with respect to its own personal liability shall be entitled to rely upon or utilize in any way such approval.

4. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements as at July 15, 2026 as detailed at Appendix E of the First Report is approved.

FEE APPROVALS

5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out at Appendices F and G, respectively, of the First Report are approved, and authorizes payment of such fees and disbursements from the funds held by the Receiver.

RELEASE OF HOLDBACK FUNDS

6. **THIS COURT ORDERS** that G.M.S. Mortgage Investment Corporation forthwith release to the Receiver funds held back by its legal counsel from the sale of 554 Waterloo and 558 Waterloo in the amount \$21,795.48.

APPROVAL OF SALES PROCESS FOR THE GRAND BEND PROPERTY

7. **THIS COURT ORDERS** that the Receiver is authorized to take all steps necessary to sell the Grand Bend Property as authorized by the Case Conference Endorsement of Justice ten Cate dated July 22, 2025.

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8. **THIS COURT ORDERS** that Robert Randall Hawken (“**Hawken**”) and Cheryl Ann Ruth Hawken (“**Cheryl**”) produce the following documents to the Receiver within 10 business days from the date of written demand by the Receiver:

- i) Copies of all mortgage loan commitments in respect of the Grand Bend Property;
- ii) A current property insurance policy for the Grand Bend Property; and
- iii) Such further and other documents as the Receiver may request;

9. **THIS COURT ORDERS** that Cheryl, Hawken and anyone acting directly or indirectly through either of them shall provide to the Receiver and its agents including but not limited to realtors, appraisers, and any other third parties that the Receiver authorizes full and unimpeded access to the entirety of the Grand Bend Property including the interior, exterior and surrounding property perimeter within 2 calendar days’ written notice by the Receiver or its authorized agents to Cheryl and Hawken.

10. **THIS COURT ORDERS** that Cheryl and Hawken shall be restrained from in any way further encumbering, selling, leasing or otherwise marketing the Grand Bend Property.

11. **THIS COURT ORDERS** that within 45 days from today (being September 28, 2026 at 4 pm), Cheryl and Hawken shall give up to the Receiver and its authorized agents full possession and control of the Grand Bend Property, shall have removed all of their personal property from the Grand Bend Property, and left it in broom swept condition free

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from any trash or debris inside, outside and around the property boundaries, and shall not remove any of the appliances and fixtures necessary for the daily operation of the Grand Bend Property.

12. **THIS COURT ORDERS** that leave is granted to the Receiver to issue a Writ of Possession to the applicable Sheriff/Enforcement Office having jurisdiction over the Grand Bend Property, whose legal description and municipal address are set out below:

PIN: 43448-0165 (LT)

LT 24 PL 478; S/T L164995; LAMBTON SHORES

Municipal address: 10138 Edmonds Blvd., Grand Bend, Ontario

13. **THIS COURT ORDERS** that Hawken and Cheryl, and their respective agents and any related parties are prohibited from entering the Grand Bend Property after vacant possession is delivered to the Receiver under the terms of this Order.

DISCHARGE OF THE NOVAKOWSKI MORTGAGE

14. **THIS COURT ORDERS** that upon the completion of the purchase and sale of the Grand Bend Property, the charge/mortgage in favor Bernice and Gary Novakowski in the amount of \$92,491.00 registered as Instrument No. LA314530 on July 23, 2024 on title to the Grand Bend Property (the “**Novakowski Mortgage**”) shall be discharged from title to the Grand Bend Property and the net proceeds from the sale of the Grand Bend

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Property shall stand in the place and stead of the Grand Bend Property as security for the purposes of determining all claims, including the validity of the Novakowski Mortgage.

15. **THIS COURT ORDERS** that the Receiver shall hold back from the net proceeds of the sale of the Grand Bend Property an amount representing the value of the outstanding balance owing under the Novakowski Mortgage (the “**Novakowski Holdback**”), and the Novakowski Holdback shall not be released or distributed by the Receiver until such time as this Court has ruled upon the validity of the Novakowski Mortgage at a separate hearing to be scheduled on notice to all affected parties or the Receiver has resolved the ranking and priority payment of the Novakowski Mortgage relative to all other unsecured claims without opposition from any of the affected parties.

EFFECT, RECOGNITION AND ASSISTANCE OF OTHER COURTS

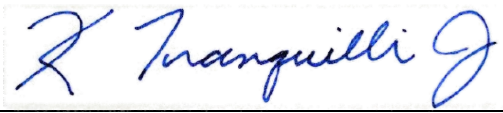
16. **THIS COURT REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States, or abroad, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order, or to assist the Receiver and its agents in carrying out the terms of this Order.

17. **THIS COURT ORDERS** that the Receiver be at liberty and is authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever

located, for the recognition of this Order and for assistance in carrying out the terms of this Order.

18. **THIS COURT ORDERS** that this Order and all of its provisions are effective from 12:01 a.m. Eastern Standard Time on the date of this Order without any need for entry and filing.

Date of issuance
(to be completed by registrar)



(Justice O. S. C. J.)

DOUGLAS JOSEPH EDWARD HARDY and
FRANCES JANET HARDY

- and -

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HAWKEN and AMSARAL HOLDINGS INC.

Plaintiffs

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PROCEEDING COMMENCED AT
LONDON

ANCILLARY ORDER

(Release of Holdback, Receiver's Approval of Activates, Fee
Approvals and Various Relief re Grand Bend Property)

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File No. G10042439