



COURT FILE NUMBER 2401-01216
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF ATB FINANCIAL
DEFENDANTS APEX NUTRI-SOLUTIONS INC. 2175551
ALBERTA LTD. STEVEN HERBERT, DAVID
HERBERT, MURRAY HERBERT AND CAROLYN
HERBERT
APPLICANT BDO CANADA LIMITED, in its capacity as receiver
and manager or APEX NUTRI-SOLUTIONS INC.,
2175551 ALBERTA LTD., and certain property of
MURRAY HERBERT AND CAROLYN HERBERT
DOCUMENT **ORDER (APPROVAL OF RECEIVER'S FEES
AND DISBURSEMENTS, APPROVAL OF
RECEIVERS ACTIVITIES AND DISCHARGE OF
INTERIM RECEIVER)**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT **MLT AIKINS LLP**
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Calgary, AB T2P 0B4
Attention: Ryan Zahara / Paul Olfert
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File: 0128056.00009

DATE ON WHICH ORDER WAS PRONOUNCED: AUGUST 25, 2025
LOCATION WHERE ORDER WAS PRONOUNCED: CALGARY, ALBERTA
NAME OF THE JUSTICE WHO MADE THIS ORDER: JUSTICE C.D. SIMARD

UPON THE APPLICATION of BDO Canada Limited (the “**Interim Receiver**”), in its capacity as the Court-appointed interim receiver of the undertaking, property and assets of Apex Nutri-Solutions Inc. (the “**Debtor**”) pursuant to the Interim Receivership Order dated February 20, 2025 (the “**Interim Receivership**”) for approval of the Interim Receiver’s fees and disbursements, approval of the Receiver’s activities, and discharge as court-appointed interim receiver pursuant to the Interim Receivership; **AND UPON** having read the Interim Receivership Order dated February 20, 2025, the Receivership Order dated April 2, 2025,

the Application, and the Third Report of the Receiver dated August 14, 2025 (the “**Third Report**”); **AND UPON** hearing from counsel for the Interim Receiver, counsel for the Debtor and any other interested person; **AND UPON** being satisfied that it is appropriate to do so, **IT IS ORDERED THAT:**

Service

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.

Activities, Fees and Disbursements

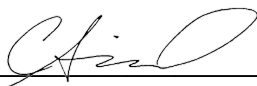
2. The Interim Receiver’s accounts for fees and disbursements and the accounts of the Interim Receiver’s legal counsel, MLT Aikins LLP, for its fees and disbursements incurred in the Interim Receivership, as set out in Appendix D of the Third Report, are hereby approved without the necessity of a formal passing of accounts.
3. The Interim Receiver’s activities in relation to the Interim Receivership, as set out in the Third Report and in all of its other reports filed herein, are hereby ratified and approved.

Discharge of Interim Receiver

4. On the evidence before the Court, the Interim Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the Interim Receivership up to and including the date hereof. The Interim Receiver is hereby released and discharged from any and all liability that the Interim Receiver now has or may hereafter have, by reason of, or in any way arising out of, the acts or omissions of the Interim Receiver while acting in its capacity as Interim Receiver herein, save and except for any gross negligence or willful misconduct on the part of the Interim Receiver. Subject to the foregoing any claims against the Interim Receiver in connection with the performance of its duties as interim receiver of the Debtor are hereby stayed, extinguished and forever barred.
5. No action or other proceedings shall be commenced against the Interim Receiver in any way arising from or related to its capacity or conduct as Interim Receiver of the Debtor,

except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.

6. The Interim Receiver shall be discharged as Interim Receiver of the Debtor, provided however, that notwithstanding its discharge herein, (a) the Receiver shall remain interim receiver of the Debtor for performance of such incidental duties as required to complete the administration of the interim receivership (including, without limitation, tasks the Receiver requires to be completed in order to administer the Interim Receiver's Borrowings) and (b) the Interim Receiver shall continue to have the benefit of the provisions of all Orders made in the Interim Receivership, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as interim Receiver of the Debtor.
7. The Receiver shall continue as Court-appointed Receiver of the undertaking, property and assets of the Debtor pursuant to the Receivership Order dated April 2, 2025.
8. This Order shall be served on all parties on the Service List and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
9. Service of this Order on any party not attending this application is hereby dispensed with.



The Honourable Justice C.D. Simard
Justice of the Court of King's Bench of Alberta