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23, 2024

COURT FILE NUMBER

2201-09184

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

PLAINTIFF

ATB FINANCIAL

DEFENDANTS

MALGORZATA NOWAK PROFESSIONAL  
CORPORATION, SANITAS LIMITED and  
MALGORZATA NOWAK

APPLICANT

BDO CANADA LIMITED, in its capacity as  
the Court-appointed Receiver and manager  
of MALGORZATA NOWAK  
PROFESSIONAL CORPORATION and  
SANITAS LIMITED

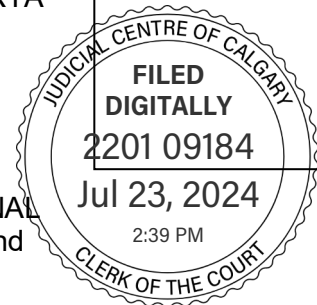
DOCUMENT

**ORDER REVIVING MALGORZATA  
NOWAK PROFESSIONAL  
CORPORATION AND APPROVING  
RECEIVER'S ACTIVITIES AND INTERIM  
STATEMENT OF RECEIPTS AND  
DISBURSEMENTS**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

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Clerk's Stamp



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**DATE ON WHICH ORDER WAS PRONOUNCED: JULY 23, 2024**

**LOCATION WHERE ORDER WAS PRONOUNCED: CALGARY, ALBERTA**

**NAME OF JUSTICE WHO MADE THIS ORDER: JUSTICE B.E.C. ROMAINE**

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**UPON THE APPLICATION** by BDO Canada Limited, in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) of the undertakings, property and assets of Malgorzata Nowak Professional Corporation (operating as Sanitas Dental Health) and Sanitas Limited (collectively, the “**Debtors**”) for an order approving the Receiver’s activities to date, as set

out in the First Report of the Receiver dated July 16, 2024 (the “**First Report**”) and the Confidential Supplement to the First Report (the “**Confidential Supplement**”);

**AND UPON HAVING READ** the Receivership Order dated January 11, 2024 (the “**Receivership Order**”), the First Report, the Confidential Supplement, and the Affidavit of Service of Olia Kaluhina, sworn July 22, 2024; **AND UPON HEARING** the submissions of counsel for the Receiver and all other interested parties present;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

**SERVICE**

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, 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.

**TEMPORARY REVIVAL OF MALGORZATA NOWAK PROFESSIONAL CORPORATION**

2. The Receiver is declared to be an “interested person” as defined in section 206.1 of the Alberta Business Corporations Act, RSA 2000, c B-9 (the “**ABCA**”).
3. Malgorzata Nowak Professional Corporation (“**Nowac PC**”) is hereby revived under section 210 of the ABCA to permit the Receiver to sell certain Nowak PC assets to H.R. Herchen Professional Corporation (“**Herchen**”) pursuant to an asset purchase agreement dated effective as of July 16, 2024, between the Debtors, by and through the Receiver, as Vendor, and Herchen, as Purchaser (the “**Herchen APA**”).
4. The revival of Nowak PC noted in paragraph 3 above shall be effective until the Herchen APA is closed, or upon further order of the Court.
5. The Receiver shall provide notice to the Alberta Corporate Registrar when the Herchen APA is closed and notice when the Receiver is discharged.
6. The Receiver shall have no obligation to file Nowak PC’s delinquent and future annual returns or take any other steps on behalf of Nowak PC.

**APPROVAL OF RECEIVER'S ACTIVITIES**

7. The Receiver's interim statement of receipts and disbursements, as set out in Appendix "B" of the First Report, are hereby approved.
8. The Receiver's activities, as set out in the First Report, are hereby ratified and approved.



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Justice of the Court of King's Bench of Alberta