



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  
RECEIVER'S ACTIVITIES AND DISCHARGE OF  
RECEIVER) (MURRAY AND CAROLYN  
HERBERT)**  
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT **MLT AIKINS LLP**  
2100, 222 – 3<sup>rd</sup> Ave. SW  
Calgary, AB T2P 0B4  
Attention: Ryan Zahara / Paul Olfert  
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File: 0128056.00009

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**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**

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**UPON THE APPLICATION** of BDO Canada Limited, in its capacity as the Court-appointed receiver (the “**Receiver**”) of certain property (the “**Herbert Property**”) of Murray Herbert and Carolyn Herbert (the “**Debtors**”) for an Order for the approval of the Receiver’s fees and disbursements, approval of the Receiver’s activities and discharge of the Receiver over certain property of the Debtors; **AND UPON** having read 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 Receiver, counsel for the Debtors 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 Receiver’s accounts for fees and disbursements and the accounts of the Receiver’s legal counsel, MLT Aikins LLP, for its fees and disbursements, as set out in Appendix E of the Third Report, are hereby approved without the necessity of a formal passing of accounts.
3. The Receiver’s activities, as set out in the Third Report and in all of its other reports filed herein, are hereby ratified and approved.
4. The Receiver’s Statement of Receipts and Disbursements, as set out in Appendix F of the Third Report, are hereby ratified and approved.
5. The Receiver’s Statement of Receipts and Disbursements respecting the \$140,000.00 holdback (the “**Holdback**”), as set out in Appendix G of the Third Report, are hereby ratified and approved.
6. The Receiver is authorized and directed to make the following distributions:
  - (a) To the Debtors, any funds remaining with the Receiver following the payment of all of the fees and disbursements of the Receiver and its legal counsel from the Holdback funds.

### **Discharge**

7. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof. The Receiver is hereby released and discharged from any

and all liability that the Receiver now has or may hereafter have, by reason of, or in any way arising out of, the acts or omissions of the Receiver while acting in its capacity as Receiver herein, save and except for any gross negligence or willful misconduct on the part of the Receiver. Subject to the foregoing, any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.

8. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver over the Herbert Property, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
9. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed Trustee employed by the Receiver confirming that all administrative matters associated with the Herbert Property have been completed, then the Receiver shall be discharged as Receiver of the Herbert Property, provided however, that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.
10. Upon filing of a certified copy of this Order, together with any applicable registration fees, the Registrar of Land Titles is hereby authorized, requested and directed to accept delivery of such certified copy of this Order as though it was an original and to register such interest authorizations, discharges and discharge statements of conveyance as may be required to discharge the Receivership Order – Murray and Carolyn Herbert dated April 2, 2025 registered as Registration Number 252 143 749 on June 3, 2025 against the titles to the Herbert Property. Without limiting the foregoing, the Registrar of Land Titles shall and is hereby authorized, requested and directed to forthwith discharge and expunge the Order registered in favour of BDO Canada Limited as Registration Number 252 143 749 against title to the following lands legally described as:
  - (a) Certificate of Title No. 252 189 441

MERIDIAN 4 RANGE 20 TOWNSHIP 43  
SECTION 24  
QUARTER NORTH EAST  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

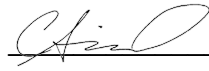
- (b) Certificate of Title No. 092 110 165

MERIDIAN 4 RANGE 20 TOWNSHIP 43  
SECTION 25  
QUARTER SOUTH EAST  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

- (c) Certificate of Title No. 252 189 447

MERIDIAN 4 RANGE 20 TOWNSHIP 43  
SECTION 26  
QUARTER SOUTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:  
2.53 HECTARES (6.25 ACRES) MORE OR LESS AS SHOWN ON  
RAILWAY PLAN 1983AJ AND BEING TAKEN FOR RIGHT OF WAY  
OF THE CANADIAN NORTHERN RAILWAY COMPANY  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

11. 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.
12. Service of this Order on any party not attending this application is hereby dispensed with.



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