

Court File No. N/M/16/10

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
TRIAL DIVISION
JUDICIAL DISTRICT OF MIRAMICHI

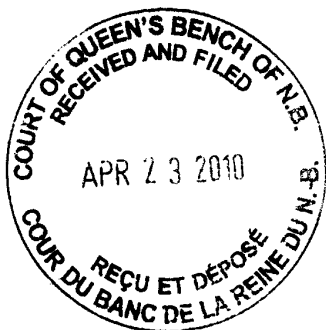
**IN THE MATTER OF THE COMPANIES'
CREDITORS ARRANGEMENT ACT, R.S.C. 1985,
c.C-36, AS AMENDED**

- and -

**IN THE MATTER OF ATCON CONSTRUCTION
INC., ATCON INDUSTRIAL SERVICES INC.,
ATCON MANAGEMENT SERVICES INC.,
ATCON CIVIL LTD., DYCON CONSTRUCTION
LTD., ATCON STRUCTURES INC. and
ENVIREM TECHNOLOGIES INC., all of which
are carrying on business in the Province of New
Brunswick**

BETWEEN:

**THE BANK OF NOVA SCOTIA, a Canadian
chartered bank with a registered office in the City of
Saint John, Province of New Brunswick**



APPLICANT

- and -

**ATCON CONSTRUCTION INC., ATCON
INDUSTRIAL SERVICES INC., ATCON
MANAGEMENT SERVICES INC., ATCON
CIVIL LTD., DYCON CONSTRUCTION LTD.,
ATCON STRUCTURES INC. and ENVIREM
TECHNOLOGIES INC., all of which are carrying
on business in the Province of New Brunswick**

RESPONDENTS

AND

*True
23 April 2010*

Court File No. N/M/17/10

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
IN BANKRUPTCY AND INSOLVENCY
JUDICIAL DISTRICT OF MIRAMICHI

IN THE MATTER OF THE RECEIVERSHIP OF:

**ATCON GROUP INC., ATCON HOLDINGS INC.,
ATCON PROPERTY HOLDINGS INC., ATCON
VENEER PRODUCTS INC, ATCON LOGISICS
INC., ATCON CONSTRUCTION INC., ATCON
MANAGEMENT SERVICES INC., ATCON CIVIL
LTD., DYCON CONSTRUCTION LTD., ATCON
STRUCTURES INC. AND ENVIREM
TECHNOLOGIES INC.**

**PURSUANT TO Section 33 of The *Judicature Act*,
R.S.N.B. 1973, Ch. J-2, Rule 41, Rules of Court, New
Brunswick and Section 243 of the *Bankruptcy and
Insolvency Act*, R.S.C. 1985, c. B-3**

BETWEEN:

**THE BANK OF NOVA SCOTIA, a Canadian
chartered bank with a registered office in the
City of Saint John, Province of New Brunswick**

APPLICANT

- and -

**ATCON GROUP INC., ATCON HOLDINGS INC.,
ATCON PROPERTY HOLDINGS INC., ATCON
VENEER PRODUCTS INC, ATCON LOGISICS
INC., ATCON CONSTRUCTION INC., ATCON
MANAGEMENT SERVICES INC., ATCON CIVIL
LTD., DYCON CONSTRUCTION LTD., ATCON
STRUCTURES INC. AND ENVIREM
TECHNOLOGIES INC., all of which are carrying
on business in the Province of New Brunswick**

RESPONDENTS

ORDER

*John
23 April 2016*

THIS MOTION, made by the Applicant, The Bank of Nova Scotia, was heard the 23rd day of April, 2010 at 673 King George Highway, Miramichi, New Brunswick.

ON READING the affidavit of Rocco Fabiano dated April 21, 2010, and on hearing the submissions of counsel for the Respondents, the Applicant, the Monitor, the Province of New Brunswick, Caterpillar Financial Services Limited, GE Canada Equipment Financing C.P., General Electric Canada Equipment Financing G.P., GE Canada Leasing Services Company, GE VFS Canada Limited Partnership, the Royal Bank of Canada and Key Equipment Finance:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record shall be and is hereby abridged and validated so that the motion is properly returnable today, and that any further service thereof is hereby dispensed with.

BANKRUPTCY

2. **THIS COURT ORDERS** that Ernst & Young Inc., as receiver of each of the Respondents (the “**Receiver**”), is authorized and directed to make an assignment in bankruptcy, in accordance with the *Bankruptcy and Insolvency Act* (the “**BIA**”) and section 3 of the Order of this Court dated March 2, 2010, as amended, forthwith in the name of and on behalf of the following Respondents:

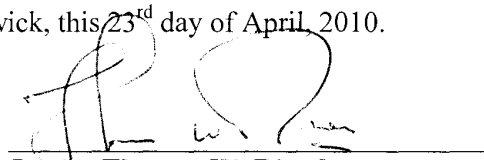
- i) Atcon Construction Inc.;
- ii) Atcon Management Services Inc.;
- iii) Atcon Civil Inc.;
- iv) Dycon Construction Inc.;
- v) Atcon Structures Inc.
- vi) Envirem Technologies Inc. (“**Envirem**”);
- vii) Atcon Group Inc.;

23 April 2010

- viii) Atcon Holdings Inc.;
- ix) Atcon Property Holdings Inc.;
- x) Atcon Veneer Products Inc.; and
- xi) Atcon Logistics Inc.

3. **THIS COURT ORDERS** that notwithstanding the foregoing, the Receiver's assignment in bankruptcy of Envirem shall be completed at such time as the Receiver determines is appropriate so as to not interfere with the completion of the Transaction, as such term is defined in the Order of this Court dated March 22, 2010.

Dated at Miramichi, New Brunswick, this 23rd day of April, 2010.



Justice Thomas W. Riordon,
Judge of the Court of Queen's Bench of New
Brunswick