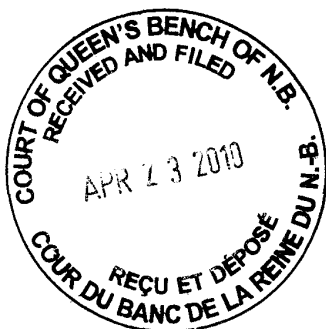


N/M/16/10

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

ORDER

THIS MOTION, made by Ernst & Young Inc. in its capacity as Court-appointed monitor of the Respondents in these proceedings (the "**Monitor**"), was heard this day at 673 King George Highway, Miramichi, New Brunswick.

*Jepp
23 Apr 2010*

ON READING the Notice of Motion and the Fifth Report of the Monitor dated April 22, 2010 (the "**Fifth Report**"), and on hearing the submissions of counsel for the Monitor and such other counsel in attendance,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Fifth Report 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.

STAY PERIOD EXTENDED

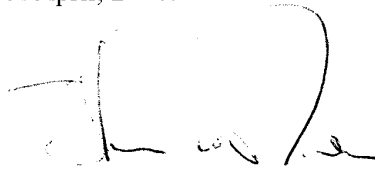
2. **THIS COURT ORDERS** that the Stay Period, as defined in the Initial Order of The Honourable Mr. Justice Riordon dated March 2, 2010, with respect to Envirem Technologies Inc. be and is hereby extended to April 30, 2010.

MARCH 22, 2010 ORDER

3. **THIS COURT ORDERS** that paragraph 6 of the Order of The Honourable Mr. Justice Riordon dated March 22, 2010 is hereby deleted in its entirety and replaced with the following:

THIS COURT ORDERS that notwithstanding any other provision of this Order or the Initial Order and on being satisfied that the Monitor, the Applicant and their counsel have consented to the following, the Directors Charge, the Administration Charge and the DIP Lender's Charge created by the Initial Order shall not apply to the equipment provided to the Companies by virtue of a lease or financing agreement, of 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, Royal Bank of Canada, Key Equipment Finance, De Lage Landen Financial Services Canada Inc. or Komatsu International (Canada) Inc.

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



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