

IN THE COURT OF APPEAL

IN THE MATTER OF: The Appointment of a Receiver pursuant to
Section 243 of the *Bankruptcy and Insolvency*
Act, R.S.C. 1985, c. B-3, as amended, and
Section 55 of *The Court of Queen's Bench Act*,
C.C.S.M. c. C280

BETWEEN:

ROYAL BANK OF CANADA,
(Plaintiff) Respondent,

- and -

KELLER & SONS FARMING LTD. and KELLER HOLDINGS LTD.,
(Defendants).

AND BETWEEN:

SHILO FARMS LTD. and MARCUS KELLER,
Appellants,

- and -

ERNST & YOUNG INC., in its capacity as Receiver of the undertaking,
property and assets of the Debtors, and not in its personal capacity,
(Applicant) Respondent.

CERTIFICATE OF DECISION

✓ Thompson Dorfman Sweatman LLP
201 Portage Avenue, Suite 2200
Winnipeg MB R3B 3L3
(Matter No. 0138084 RAM)
(Arthur J. Stacey: 204-934-2537)
(Ross A. McFadyen: 204-934-2378)
(Facsimile: 204-934-0538)

IN THE COURT OF APPEAL

THE HONOURABLE	)	Monday, the 2 nd day of
MADAM JUSTICE STEEL	)	May, 2016
	)	
THE HONOURABLE	)	
MADAM JUSTICE	)	
CAMERON	)	
	)	
THE HONOURABLE	)	
MADAM	)	
JUSTICE LeMAISTRE	)	

JUDGES OF APPEAL

IN THE MATTER OF: The Appointment of a Receiver pursuant to Section 243
of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-
3, as amended, and Section 55 of *The Court of Queen's
Bench Act*, C.C.S.M. c. C280

BETWEEN: ROYAL BANK OF CANADA, (Plaintiff) Respondent,

- and -

KELLER & SONS FARMING LTD. and KELLER HOLDINGS LTD.,
(Defendants).

AND BETWEEN: SHILO FARMS LTD. and MARCUS KELLER, Appellants,

- and -

ERNST & YOUNG INC., in its capacity as Receiver of the undertaking, property and assets of the Debtors, and not in its personal capacity,
(Applicant) Respondent.

CERTIFICATE OF DECISION

The appeal of the Appellants from the Order of the Honourable Mr. Justice Chartier of the Court of Queen's Bench, Winnipeg Centre, pronounced on the 15th day of April, 2016, was heard by this Court on this day in the presence of counsel for the Appellants, counsel for the Respondents and counsel for the proposed purchasers (identified in the Reasons for Decision of Mr. Justice Chartier as the Adriaansen Group) and, after considering the Record and the factums, and upon hearing the submissions of counsel, this Court did order:

1. That the appeal of the Appellants be and is hereby dismissed, with costs to the Respondent Ernst & Young Inc., in its capacity as Receiver of the undertaking, property and assets of the Debtors.

CERTIFIED this 12TH day of May, 2016.

G. SOPER

Deputy Registrar of
The Court of Appeal

CONSENT AS TO FORM:

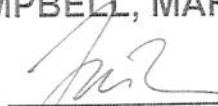
TAPPER CUDDY LLP

Per: _____

Richard W. Schwartz,
Lawyers for Appellant, Shilo Farms Ltd.

CONSENT AS TO FORM:

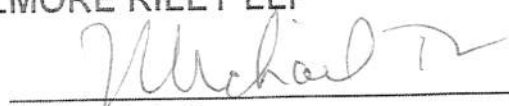
CAMPBELL, MARR LLP

Per: 

Faron J. Trippier,
Lawyers for the Appellant, Marcus Keller

CONSENT AS TO FORM AND CONTENT:

FILLMORE RILEY LLP

Per: 

Michael J. Dow,
Lawyers for the Respondent, Royal Bank of Canada

CONSENT AS TO FORM AND CONTENT:

MEIGHEN HADDAD LLP

Per: 

David E. Swayze,
Lawyers for the proposed purchasers, the Adriaansen Group