

COURT FILE NUMBER 1703 20802

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

PLAINTIFF AGRICULTURE FINANCIAL SERVICES CORPORATION

DEFENDANTS ALL 4 WATER CORP., FOUR WINDS HOTELS MANAGEMENT CORP., R. HOYDA MANAGEMENT CORP., RONALD ALEXANDER HOYDA and ROSEMARIE HOYDA

DOCUMENT **ORDER FOR FINAL DISTRIBUTION, APPROVAL OF RECEIVER'S FEES AND DISBURSEMENTS, APPROVAL OF RECEIVER'S ACTIVITIES AND DISCHARGE OF RECEIVER**

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DATE ON WHICH ORDER WAS PRONOUNCED: August 31, 2020

LOCATION WHERE ORDER WAS PRONOUNCED: Law Courts Building, Edmonton

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice J. Goss

UPON THE APPLICATION by Ernst & Young Inc. in its capacity as the Court-appointed receiver and receiver and manager (the "Receiver") of the undertakings, property and assets of Four Winds Hotels Management Corp. and R. Hoyda Management Corp. (collectively, the "Debtor"), for an Order for the final distribution of proceeds, approval of the Receiver's fees and disbursements, approval of the Receiver's activities and discharge of the Receiver; **AND UPON HAVING READ** the Receivership Order dated October 30, 2017 (the "Receivership Order"), the Fourth Report of the Receiver dated August 18, 2020 (the "**Fourth Report**"); **AND UPON HEARING** the submissions of counsel for the Receiver, and such other parties as who appeared and made submissions; **AND UPON BEING ADVISED** that notice of this application was given to the Service List; **AND UPON** being satisfied that it is appropriate to do so, **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.

ACTIVITIES OF THE RECEIVER

2. The Receiver's activities as set out in the Receiver's Fourth Report and in all of its other reports filed herein, and the Statement of Receipts and Disbursements as attached to the Receiver's Fourth Report, are hereby ratified and approved.

ACCOUNTS AND FINAL DISTRIBUTION

3. The Receiver's accounts for fees and disbursements, as set out in the Receiver's Fourth Report are hereby approved without the necessity of a formal passing of its accounts.
4. The accounts of the Receiver's legal counsel Miller Thomson LLP, for its fees and disbursements, as set out in the Receiver's Fourth Report are hereby approved without the necessity of a formal assessment of its accounts.
5. The Scheme of Distribution set out in Schedules C and D of the Fourth Report are hereby approved and the Receiver is authorized and directed to make the distributions as proposed in the Fourth Report.

DISCHARGE

6. 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, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any in fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
7. 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, except with

prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.

8. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed Trustee employed by the Receiver confirming that all matters set out in paragraph 5 of this Order have been completed then the Receiver shall be discharged as Receiver of the Debtor, 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.

MISCELLANEOUS MATTERS

9. The sealing of the Confidential Supplement to the Third Report dated September 20, 2019, as sealed by Order of Justice J.S. Little on Monday, September 30, 2019 is hereby terminated.
10. The Receiver is hereby authorized to the Receiver to contact the former directors and officers of the Defendant Corporations regarding taking custody of the books and records of the Defendant Corporations, and in the event no interested party advises the Receiver within 30 days following receipt of notice, the Receiver is authorized to have the records of Four Winds and RHMC destroyed.
11. This Order must be served only upon those interested parties attending or represented at the within application 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.



Justice of the Court of Queen's Bench of Alberta