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COURT FILE NUMBER

1201-06934

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE COMPANIES' CREDITORS' AS AMENDED
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, 1201 06934

AND IN THE MATTER OF THE BUSINESS CREDITORS' AS AMENDED
ACT, R.S.A. 2000, c. B-9, 1201 06934

AND IN THE MATTER OF 1252064 ALBERTA LTD. 1330075
ALBERTA LTD., and HARVEST CAPITAL MANAGEMENT INC.

DOCUMENT

ORDER

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT:

McCarthy Tétrault LLP
4000, 421 – 7th Avenue SW
Calgary, Alberta T2P 4K9
Attention: Walker W. MacLeod
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Email: wmacleod@mccarthy.ca

DATE ON WHICH ORDER WAS PRONOUNCED:

December 17, 2022

LOCATION OF HEARING:

Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER:

Justice N.M. Carruthers

UPON the Without Notice Desk Application (the "**Application**") of Ernst & Young Inc., in its capacity as the court-appointed receiver and manager (the "**Receiver**") of the current and future undertakings, property, and assets (collectively, the "**Property**") of 1330075 Alberta Ltd. (the "**Debtor**") pursuant to the receivership order issued by the Honourable Justice G.C. Hawco on September 30, 2013, (the "**Receivership Order**"), in the within proceedings (the "**Receivership Proceedings**"); **AND UPON** having read the Twelfth Report of the Receiver, dated December 8, 2020 (the "**Twelfth Receiver's Report**"); all filed;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of the Application is hereby dispensed with pursuant to Rule 6.4 of the *Alberta Rules of Court*, Alta. Reg. 124/2010, as amended, and the Application is properly returnable today.

2. The Receiver is hereby authorized, empowered, and directed to pay the Unclaimed Funds (as defined in the Application) in the total amount of \$178,093.66, being held, in trust, by McCarthy Tétrault LLP, as counsel to the Receiver, to the Court.

3. Any person has leave to apply to the Court for advice and directions with respect to the disbursement of any funds paid into Court pursuant to this Order.

4. Service of this Order by email, facsimile, registered mail, courier or personal delivery to the persons listed service list prepared by the Debtor and maintained in these proceedings (the "**Service List**") shall constitute good and sufficient service of this Order, and no persons other than those listed on the Service List are entitled to be served with a copy of this Order.



Justice of the Court of King's Bench of Alberta