



Court File No. CV-14-10766-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE

JUSTICE *Rhiko*

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FRIDAY, THE 16TH

DAY OF JANUARY, 2015

BETWEEN:

TRISURA GUARANTEE INSURANCE COMPANY

Applicant

- and -

EBERSOLE EXCAVATING INC. AND D&S RAILWAY CONSTRUCTION INC.

Respondents

IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 47 OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

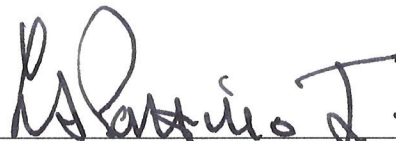
AND IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

ORDER

THIS MOTION, made by Maynards Industries Ltd., on notice, for an Order, *inter alia*, authorizing and directing the payment of the Harmonized Sales Tax ("**HST**") payable on account of the sale of various equipment authorized in these proceedings pursuant to the Orders made herein to date was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record, including the Affidavit of Michael B. McIntosh, sworn January 14, 2015, filed, and on hearing submissions of counsel:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT AUTHORIZES, DIRECTS AND FURTHER ORDERS** that Maynards Industries Ltd. shall pay the sum of \$172,054.18 CDN from the proceeds of the auction conducted by Maynards on December 4, 2014 to Canada Revenue Agency in satisfaction of the outstanding HST liability, which funds are presently held in the account controlled jointly by Maynards Industries Ltd. and the Receiver, Grant Thornton Limited, and that the Receiver shall take any and all steps required in order to facilitate Maynards' payment of said funds in accordance herewith.



(Signature of Judge)

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JAN 16 2015

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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