

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

BETWEEN:

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

**IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF SILVER
STREAMS HOMES INC., SILVER STREAMS HOMES (PUCCINI) INC., 2148993
ONTARIO INC., 2148990 ONTARIO INC., 2147681 ONTARIO INC. AND 2147650
ONTARIO INC.**

Applicants

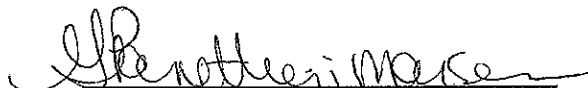
SUPPLEMENTARY AFFIDAVIT OF DOMINIC MONTEMURRO

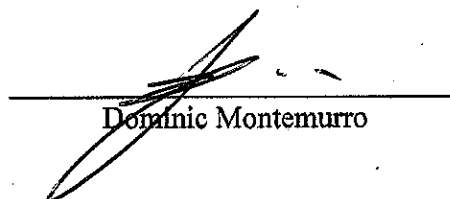
**I, Dominic Montemurro, of the City of Etobicoke, in the Province of Ontario MAKE
OATH AND SAY:**

1. I file this affidavit supplementary to my affidavit sworn September 19, 2014.
2. I note that the Exhibit "T" to the initial motion materials contained the incorrect attachment to Exhibit "T".
3. Exhibit "T" should have been the pleadings which were inadvertently placed as Exhibit "J" in the initial materials.
4. Exhibit "J" was to be the Order of Justice Lack obtained by Con-Drain on August 15th, 2013. Now shown to me as Exhibit "A" to this my affidavit is a copy of the Order obtained by

Con-Drain relating to proceeds of closing in Phase III of the Puccini Project which was referred to in paragraph 15 of my initial affidavit.

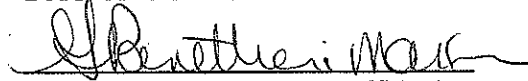
SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario, on
October 9th, 2014.


Commissioner for Taking Affidavits


Dominic Montemurro

Grace Panettieri-Marson, a Commissioner, etc.,
City of Toronto, for Medi Group Incorporated,
National Air Systems Inc., and National Fireplace
And Facings Inc.
Expires March 24, 2015.

THIS IS EXHIBIT "A" TO THE
SUPPLEMENTARY AFFIDAVIT
OF DOMINIC MONTEMURRO
SWORN BEFORE ME, THIS 9th
DAY OF OCTOBER 2014.


Commissioner for Taking Affidavits

Grace Panettieri-Marson, a Commissioner, etc.,
City of Toronto, for Medi Group Incorporated,
National Air Systems Inc., and National Fireplace
And Facings Inc.
Expires March 24, 2015.

Court File No.

CV-13-115757-00

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE 15TH
JUSTICE *M. L. LACK*) DAY OF AUGUST, 2013

BETWEEN:

CON-DRAIN COMPANY (1983) LIMITED

Plaintiff

- and -

**SILVER STREAMS HOMES INC.,
SILVER STREAMS HOMES (PUCCINI) INC., JACK GREENBERG,
2148990 ONTARIO INC., 2148993 ONTARIO INC., 2147650 ONTARIO INC.
2147681 ONTARIO INC., PUCCINI MORTGAGE CORP.,
53 PUCCINI MORTGAGE CORP., 388242 ONTARIO LIMITED,
DAPaul MANAGEMENT LIMITED, NASTELL INVESTMENTS LIMITED
and CASTLE LANE DESIGN GROUP INC.**

Defendants

ORDER

THIS MOTION, made by the Plaintiff for a Mandatory Order and/or a Certificate of Pending Litigation, was heard this day at 50 Eagle Street, W., Newmarket, Ontario.

ON READING the Affidavit of Nunzio Bitondo, sworn August 13, 2013 and exhibits thereto, and the Affidavit of Cristina Neves, sworn August 24, 2013 and exhibits thereto, and upon reading the Consent of counsel for the Plaintiff and for Silver Streams Homes Inc., Silver Streams Homes (Puccini) Inc., 2148990 Ontario Inc., 2148993 Ontario Inc., 2147650 Ontario Inc. and 2147681 Ontario Inc., filed and upon hearing submissions from counsel for the Plaintiff,

1. **THIS COURT ORDERS** that the Plaintiff's Motion is adjourned pursuant to the Timetable attached hereto as Schedule "A", which Timetable may be varied on consent of all parties without further Order of the Court.

2. **THIS COURT ORDERS** that no closing of the nineteen (19) lots (more particularly described in Schedule "B" hereto and hereinafter defined as the "Lots") shall proceed other than in accordance with the terms as set out herein.

3. **THIS COURT ORDERS** that within seven (7) days from the date of this Order, Silver Streams shall provide the Plaintiff with a list of the scheduled closing dates for the Lots.

4. **THIS COURT ORDERS** that on any closing of the Lots the net proceeds received on closing shall be paid into Court, or into Trust if agreed to by all parties in writing, up to a maximum of \$800,000.00. Such net proceeds shall be calculated as the balance of the purchase price after payment of necessary closing legal fees, real estate commissions, mortgage discharge payments to the Bank of Montreal, payment to the necessary trades in an amount to be agreed to by the Plaintiff acting reasonably, and applicable HST, which funds shall remain in Court or in Trust until further Order of this Honourable Court or Consent of the parties herein.

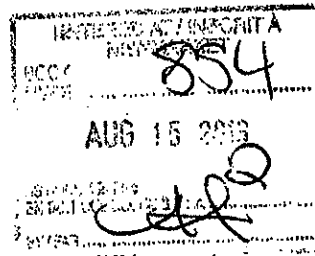
5. **THIS COURT ORDERS** that in conjunction with the terms set out in paragraph 4 above, the parties herein shall execute the necessary documents to allow any and/or all closings of the Lots to take place, including but not limited to, the partial Discharges of the Plaintiff's Notice and Claim for Lien registered on August 9, 2013, at the Plaintiff's own expense, to be provided immediately prior to any closing as contemplated herein.

6. **THIS COURT ORDERS** that once the sum of \$800,000.00 has been paid into Court or into Trust, Con-Drain shall forthwith consent to the withdrawal of paragraphs 4 and 5 herein as it relates to payment of any further net proceeds into Court.

7. **THIS COURT ORDERS** that costs of all parties are reserved to the Judge hearing the Plaintiff's Motion on the merits.

8. **THIS COURT ORDERS THAT THIS MOTION IS OTHERWISE
ADJOURNED TO SEPT. 26, 2013 AT 9:30 A.M.**

[Handwritten signature]



SCHEDULE "A"

TIMETABLE FOR PLAINTIFF'S MOTION

1. The Defendants shall provide their Responding materials on or before August 30, 2013;
2. The Plaintiff shall provide its Reply materials, if any, on or before September 5, 2013;
3. Cross-examination of the Affiants shall take place during the week of September 9, 2013;
4. The Plaintiff's Motion shall be returnable on Thursday, September 26, 2013.

SCHEDULE "B"

PIN	03206 - 3484 LT LOT 1, PLAN 65M4331; SUBJECT TO AN EASEMENT IN GROSS OVER PTS 1 & 2 65R33105 AS IN LB43081; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3485 LT LOT 2, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3486 LT LOT 3, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3487 LT LOT 4, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3488 LT LOT 5, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3495 LT LOT 12, PLAN 65M4331; SUBJECT TO AN EASEMENT IN GROSS OVER PT 8 65R33105 AS IN YR1611262; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3497 LT LOT 14, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3499 LT LOT 16, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3501 LT LOT 18, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3502 LT LOT 19, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3503 LT LOT 20, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3504 LT LOT 21, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3505 LT LOT 22, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3506 LT LOT 23, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3507 LT LOT 24, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3508 LT LOT 25, PLAN 65M4331; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3418 LT LOT 1, PLAN 65M4249; TOWN OF RICHMOND HILL RICHMOND HILL
PIN	03206 - 3440 LT LOT 23, PLAN 65M4249; SUBJECT TO AN EASEMENT IN GROSS OVER PT 2, 65R32917 AS IN YR1620823; TOWN OF RICHMOND HILL
PIN	03206 - 3441 LT LOT 24, PLAN 65M4249, SUBJECT TO AN EASEMENT IN GROSS PT 3, 65R-32917 AS IN YR1620823, TOWN OF RICHMOND HILL RICHMOND HILL

CON-DRAIN COMPANY (1983) LIMITED
Plaintiff

and

SILVER STREAMS HOMES INC. et al.
Defendants

Court File No: CV-13-115757-00

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at NEWMARKET

ORDER

Koskie Minsky LLP
20 Queen Street West, Suite 900, Box 52
Toronto, ON M5H 3R3

Jeffrey Long LSUC #: 32602V
Tel: 416-595-2125
Fax: 416-204-2892

Lawyers for the Plaintiff

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, C.
C-36, AS AMENDED and IN THE MATTER OF A PLAN OF COMPROMISE OR
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AND 2147650 ONTARIO INC.

Court File No: 13-10362-00-CL

ONTARIO

**SUPERIOR COURT OF JUSTICE - COMMERCIAL
LIST**

Proceeding commenced at Toronto

**SUPPLEMENTARY AFFIDAVIT OF
DOMINIC MONTEMURRO**

**KLEIN & ASSOCIATES PROFESSIONAL
CORPORATION**

390 Bay Street, Suite 1101
Toronto, ON M5H 2Y2
James Klein LS#: 25014B
Tel: 416-366-9494
Fax: 416-366-9442

Lawyers for the Moving Parties

Medi Group Incorporated; 1865721 Ontario Inc.;
Canadian Concrete Forming Limited; Cardell Flooring
Ltd.; E.D. Carpenters Limited; Foremont Drywall Inc.
et al carrying on business as Foremont Drywall
Contracting; Giancola Aluminum Contractors Inc.;
GM Exteriors Inc.; Pave Plumbing & Heating Inc.;
Pilbro III Inc.; and Solo Electric Ltd.