

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

TRISURA GUARANTEE INSURANCE COMPANY

- and -

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

Dec 22/14

Applicant

Respondents

Dec 23, 2014

R. Jaipargas - for moving party

S. Graft - for interim Receiver

R. Hanna - for Mr. Ebersole

On consent, order to issue appointing the interim Receiver a full Receiver. I am satisfied that it is just and convenient and appropriate in the circumstances.

The issues concerning approval of the interim Receiver's first report and the fees is adjourned on consent to 9:30 a.m. on January 16, 2015. In the absence of a resolution of those issues, a motion date will be set. Counsel for Mr. Ebersole of his position by January 12, 2015.

I am satisfied that the Receiver should be given the authorization to file assignments into Bankruptcy of the Debtors along with the auxiliary relief requested. Given the interim Receiver's information as to what has been happening at the Debtors, the powers under the BIA are required as soon as possible.

Order signed by me. *Andrew Hodhod*

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDINGS COMMENCED AT TORONTO

MOTION RECORD
(Appointment of Receiver)

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