

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE REGIONAL)
SENIOR JUSTICE MORAWETZ)
)

MONDAY THE 11TH
DAY OF SEPTEMBER, 2017



**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
ARRANGEMENT OF INDEX ENERGY MILLS ROAD CORPORATION**

(the "**Applicant**")

ORDER

(Stay Extension and DIP Loan Extension)

THIS MOTION made by the Applicant, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), for an Order, *inter alia* (i) extending the Stay Period (as defined in paragraph 13 of the Initial Order of the Ontario Superior Court of Justice (Commercial List) dated August 16, 2017) (the "**Initial Order**") to and including December 22, 2017, and (ii) approving the activities of Grant Thornton Limited in its capacity as court appointed monitor ("**Monitor**") as set out in the first report of the Monitor, to be filed (the "**First Report**"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Derek Blais, sworn September 1, 2017, and the exhibits thereto (the "**Blais Affidavit**"), the First Report, and on hearing the submissions of counsel for the Applicant, Index Equity US LLC (the "**DIP Lender**") and Index Residence AB (publ), the Monitor, and the senior lending syndicate to the Applicant represented by National Bank of Canada as agent, no one else appearing although duly served as appears from the affidavit of service of Monique Sassi sworn September 1, 2017,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated such that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that any capitalized term used and not defined herein shall have the meaning ascribed thereto in the Initial Order.

STAY EXTENSION

3. **THIS COURT ORDERS** that the Stay Period (as defined in paragraph 13 of the Initial Order) be and is hereby extended until and including December 22, 2017.

DIP ADVANCE

4. **THIS COURT ORDERS** that notwithstanding the limitation on the initial advance under the DIP Credit Agreement (as defined in the Initial Order) pursuant to paragraph 31 of the Initial Order, the Applicant is authorized and empowered to obtain and borrow

from the DIP Lender pursuant to the DIP Credit Agreement up to a maximum principal amount of \$5,000,000.

APPROVAL OF ACTIVITIES

5. **THIS COURT ORDERS** that First Report and the actions, conduct and activities of the Monitor described therein be and are hereby approved.

SEALING

6. **THIS COURT ORDERS** that Confidential Exhibit "A", to the Blais Affidavit be and are hereby sealed and shall be treated as confidential pending further order of this Court.

GENERAL

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body, having jurisdiction in Canada or in the United States of America, to give effect to this Order and to assist the Applicants, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicants and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicants and the Monitor and their respective agents in carrying out the terms of this Order.

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LE / DANS LE REGISTRE NO:

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PER / PAR: 



**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 ARRANGEMENT OF INDEX ENERGY MILLS ROAD CORPORATION**

Court File No. CV-17-580840-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

**PROCEEDING COMMENCED AT
TORONTO**

**ORDER
(Stay Extension and DIP Loan Extension)**

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