

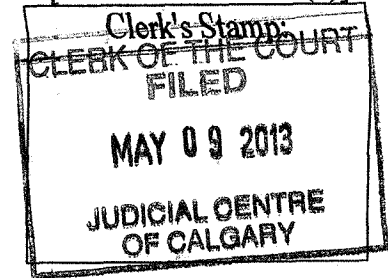
I hereby certify this to be a true copy of
the original ORDER

Dated this 9 day of MAY 2013

[Signature]
for Clerk of the Court

Form 27

[Rules 6.3 and 10.52(1)]



COURT FILE NUMBER 1201 15480
COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF STANLEY EISENBERG, BRENDA EISENBERG, JACK EISENBERG,
LYNN EISENBERG and EISENBERG'S PROPERTIES LTD.

DEFENDANT 910234 ALBERTA LTD., RANDY CALMUSKY, THERESA
CALMUSKY, KYLE CALMUSKY, CALE HUMENIUK, JORDAN
RINTOUL AND RYAN CALMUSKY

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

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Calgary, Alberta T2P 1G1
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Email Address: dsn@bdplaw.com
File No. 62616-8

DATE ON WHICH ORDER WAS PRONOUNCED:

April 5, 2013

NAME OF JUSTICE WHO MADE THIS ORDER:

Madam Justice K. M. Horner

ORDER

UPON THE APPLICATION of Grant Thornton Limited, Receiver of 910234 Alberta Ltd. (the "Receiver"); AND UPON HAVING read the Application filed by the Receiver, the Receivership Order granted by the Honourable Justice S. J. LoVecchio on December 12, 2012 (the "Receivership Order"), the Fourth Report of the Receiver dated March 26th, 2013 and the Affidavit of Chris Jones sworn on April 4, 2013; AND UPON BEING ADVISED that Theresa Calmusky abandons all claims to any monies owing under the Mortgage (as defined herein), except for the amount specified in paragraph 8; AND UPON HEARING counsel for the Receiver and all other interested parties present;

IT IS HEREBY ORDERED THAT:

1. The time for service of the Application and all materials in support is hereby abridged to the date of actual service and service is hereby deemed good and sufficient on all required parties except for Mary Calmusky.

2. Randy Calmusky is hereby directed to provide the Receiver with an address for service for Mary Calmusky by no later than April 19, 2013.
3. Randy Calmusky, Theresa Calmusky, Gary Calmusky, Mary Calmusky, or any individual holding a Power of Attorney for Mary Calmusky, and Canadian Western Trust, are hereby directed to provide to all documents and information within their power, possession or control, previously requested by the Receiver, by no later than April 19, 2013.
4. The Receiver is hereby authorized to conduct questioning of Randy Calmusky, Theresa Calmusky, Gary Calmusky, Mary Calmusky, or any individual holding a Power of Attorney for Mary Calmusky, and Canadian Western Trust, in relation to the Receivership on 14 days prior notice, to be completed by no later than May 3, 2013 or such other date as may be mutually agreed between the Receiver and the party to be questioned.
5. Counsel for the Plaintiffs, and counsel for Harry Chupik and Sarah Lindquist, shall be entitled to receive notice of and attend the examinations referenced in paragraph 4 of this Order, but not to conduct questioning.
6. The Receiver shall retain all copies of every transcript of the examinations authorized in paragraph 4 of this Order and hold them in strict confidence until otherwise ordered by the Court. The Court Reporter creating the transcripts authorized herein is prohibited from providing copies to any party other than the Receiver and each respective party being questioned, and the Receiver through counsel having conduct of the examinations is directed to provide a copy of this Order to the Court Reporter recording each questioning and shall draw their attention to this paragraph. The confidentiality of the transcripts will be subject to review by the Court upon the expiry of six months from the date of this Order.
7. Canada Revenue Agency is hereby directed to provide any requested T5 tax information pertaining to the estate to the Receiver.

Discharge of Mortgage granted by Trickle Creek Homes Ltd.

8. The Receiver is authorized to accept the payment from Trickle Creek Homes Ltd. ("Trickle Creek") in the amount of \$1,207,890.41, plus any accrued interest on those funds from the date of payment, which funds shall be released to the Receiver to be held in trust in an interest bearing account pending a determination of entitlement to those funds or further Order of the Court.

9. Notwithstanding section 191(1) of the *Land Titles Act*, the Registrar of the South Alberta Land Titles Registration District be and is hereby directed that, upon being presented with a certified true copy of this Order and a discharge statement executed by Grant Thornton Limited, in its capacity as Receiver of 910234 Alberta Ltd., to discharge the mortgage granted to Trickle Creek with respect to the lands legally described as Plan 1210765, Block 2, Lot 4, municipally described as 356 Spyglass Way, Calgary, Alberta, mortgage registration number 121 164 817 (the "**Mortgage**").
10. Presentment of a certified copy of this Order and the discharge statement executed by the Receiver shall be the Registrar's sole and sufficient authority to make and register the said discharge statement for the Mortgage.
11. The Receiver is at liberty to pursue a claim against Trickle Creek for any additional amounts (if any) owing under the Mortgage that exceed the payment authorized in paragraph 8 of the within Order. If the Receiver elects to pursue a claim against Trickle Creek, the Receiver must commence proceedings within six months of the date of this Order, failing which this matter will be reviewed by the Court. The Receiver is at liberty to release Trickle Creek from any further claim at any time without further Order of the Court.
12. Theresa Calmusky has waived any rights she may have to pursue Trickle Creek for funds in excess of the amount stated in paragraph 8 hereof.

Extension of Attachment Order

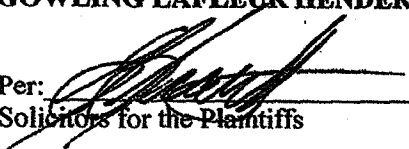
13. The Ex-Parte Attachment Order, granted by the Honourable Justice K.D. Yamauchi on December 6, 2012, as amended by the Orders granted on December 21, 2012, January 14, 2013 and February 19, 2013, is hereby extended for an additional six months from the date of this Order, on the same terms and conditions set out therein.
14. All parties affected by the Ex-Parte Attachment Order, as amended and extended, are at liberty to apply for an Order varying or vacating the Ex-Parte Attachment Order, in whole or in part, at any time prior to the expiry of six months.

15. Justice K. M. Horner is not seized of this matter and the parties to and persons affected by these proceedings are at liberty to bring applications before any Justice of the Court of Queen's Bench of Alberta.

"Karen Horner"
Justice of the Court of Queen's Bench of Alberta

APPROVED AS TO FORM AND CONTENT:

GOWLING LAFLEUR HENDERSON LLP

Per: 
Solicitors for the Plaintiffs

MICHAEL A. LOBERG PROFESSIONAL CORP.

Per: _____
Solicitors for 910234 Alberta Ltd.
and Randy Calmusky

MCLENNAN ROSS LLP

Per: _____
Solicitors for Theresa Calmusky

MACDONALD HANLEY

Per: _____
Solicitors for Harry Chupik and Sarah Lindquist

FIELD LLP

Per: _____
Solicitors for Trickle Creek Homes Ltd.

15. Justice K. M. Horner is not seized of this matter and the parties to and persons affected by these proceedings are at liberty to bring applications before any Justice of the Court of Queen's Bench of Alberta.

Justice of the Court of Queen's Bench of Alberta

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GOWLING LAFLEUR HENDERSON LLP

Per: _____
Solicitors for the Plaintiffs

MICHAEL A. LOBERG PROFESSIONAL CORP.

Per: _____
Solicitors for 910234 Alberta Ltd.
and Randy Calmusky

MCLENNAN ROSS LLP

Per:  _____
Solicitors for Theresa Calmusky

MACDONALD HANLEY

Per: _____
Solicitors for Harry Chupik and Sarah Lindquist

FIELD LLP

Per: _____
Solicitors for Trickle Creek Homes Ltd.

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Justice of the Court of Queen's Bench of Alberta

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Per: _____
Solicitors for 910234 Alberta Ltd.
and Randy Calmusky

MCLENNAN ROSS LLP

Per: _____
Solicitors for Theresa Calmusky

MACDONALD HANLEY

Per:  _____
Solicitors for Harry Chupik and Sarah Lindquist

FIELD LLP

Per: _____
Solicitors for Trickle Creek Homes Ltd.