

Date Filed: September 25, 2009

**ONTARIO
SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST
REQUEST FORM - CONTINUING MATTER**

A. Short Title of Proceedings:

SKY POWER CORP.

B. The estimated time of the hearing of this matter is **1 hour**.

C. The nature of this hearing in this continuing matter is:

Urgent amendment to Initial Order to prevent registration of liens

D. State the date(s) and time(s) for hearing the matter that has (have) been arranged with other counsel.

**Friday, September
25, 2009**

E. Specify when this matter was last dealt with on the Commercial List and by what judge or other judicial official. Advise of any known judicial conflicts.

9

F. The following materials will be necessary for the matter to be considered. (It is the responsibility of counsel to confirm that the proper materials are available for the Court.)

Motion Record of the Plaintiffs, to be filed

Counsel for applicant/moving party:

Counsel for other party:

Party: Applicant

Party:

Counsel: Jason Wadden

Counsel:

Print name and sign or initial

Date: September , 2009

Date:

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Commercial List / Bankruptcy Court Office
330 University Avenue, 7th Floor
Toronto, ON M5G 1R7
Telephone: (416) 327-5043
Fax No.: (416) 327-6228

Sept 25/09
Endorsement / disposition
order granted in consent as per
the attached endorsement. *9³⁰ to be appear*
S. Rippeall, J.

15764428

(If necessary, 9³⁰ appointment to be
given for Sept 28/09 on an urgent
basis).
S. Rippeall, J.

Counsel:

Jason Wadden and Cathy Costa of Goodmans LLP for SkyPower Corp.
Roger Jaipargas of Borden Ladner Gervais LLP for KPMG Inc., as monitor
Mike Weinczok of Cassels Brock & Blackwell LLP for Golder Associates Ltd.
Artem Miakichev of Osler Hoskin Harcourt LLP for the HSH bank syndicate
Shaun Laubman of Lax O'Sullivan Scott LLP for SunEdison
Heather Meredith of McCarthy Tetrault LLP for CIM Group

The motion is being disposed of on consent and on a without costs basis in accordance with the following:

Golder and SkyPower have agreed that notwithstanding Golder has not registered claims for liens under any applicable construction lien statutes, it will be deemed to have done so on Friday, September 25, 2009 and taken all necessary steps to perfect such claims for liens, on a without prejudice basis to any arguments that any party in these proceedings may advance regarding the validity, invalidity or enforceability of such liens, save and except for any arguments relating to the ~~deeming~~ hereunder.

DEEMED PRESERVATION AND PERFECTION
Based on this endorsement, Golder has agreed not to register any claims for liens under any applicable construction lien statutes for any work performed or to be performed by Golder for SkyPower.

For greater certainty, the claims for lien deemed to be preserved and perfected hereunder shall attach only to SkyPower's interests, if any, in the applicable projects or in the proceeds derived therefrom.