

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE *MR*  
JUSTICE *C L Campbell*

THURSDAY, THE 7<sup>TH</sup>  
DAY OF JUNE, 2007

B E T W E E N:

*(Court Seal)*

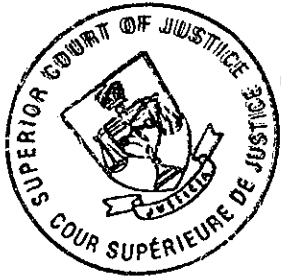
CREDIT UNION CENTRAL OF ONTARIO LIMITED, CATARACT SAVINGS &  
CREDIT UNION LIMITED, FORT ERIE COMMUNITY CREDIT UNION  
LIMITED, GRAND RIVER CREDIT UNION LIMITED (formerly Waterloo  
Regional Credit Union Limited), HAMILTON TEACHERS' CREDIT UNION  
LIMITED, PROSPERITY ONE CREDIT UNION LIMITED, SYDENHAM  
COMMUNITY CREDIT UNION LIMITED, TWIN OAK CREDIT UNION LTD.  
and HEARTLAND COMMUNITY CREDIT UNION LIMITED

Applicants

and

TWIN RINKS LIMITED PARTNERSHIP, MIB HOLDINGS INC.,  
2115579 ONTARIO INC. and PAUL MACEY

Respondents



**ORDER**

THIS MOTION, made by KPMG Inc., in its capacity as interim receiver and receiver and manager of Twin Rinks Limited Partnership and 2035829 Ontario Inc. operating as The Gondola Bar and Grill (the "Receiver") for an order approving the conduct of the Receiver as described in the Final Report of the Receiver, dated June 1, 2007 (the "Final Report"), an Order authorizing the distribution of certain net realization proceeds, the discharge of the Receiver and other relief was heard this day at 330 University Avenue, 7th Floor, Toronto, Ontario, M5G 1R7.

ON READING the Notice of Motion, filed, the Final Report, filed and on hearing the submissions of counsel for the Receiver, counsel for the Applicants, and such other counsel as were present;

1. **THIS COURT ORDERS THAT** the time for service of the Notice of Motion and the Motion Record is abridged such that the motion is properly returnable today and that any requirement for service of the Notice of Motion and Motion Record upon any party not served is dispensed with.
  
2. **THIS COURT ORDERS THAT** the Final Report of the Receiver and the past and proposed conduct of the Receiver and its agents as detailed in the Final Report are approved.
  
3. **THIS COURT ORDERS THAT** the Receiver's Statement of Receipts and Disbursements for the period of March 7, 2007 to May 31, 2007 is approved.
  
4. **THIS COURT ORDERS THAT** the fees and disbursements of the Receiver in respect of the period from March 7, 2007 to May 31, 2007 together with the estimated additional fees and disbursements of the Receiver for work incurred and to be incurred subsequent to May 31, 2007 in the total amount of \$158,499.66, inclusive of GST are approved and allowed.
  
5. **THIS COURT ORDERS THAT** the fees and disbursements of the Receiver's counsel, Scarfone Hawkins LLP, in respect of the period from March 7, 2007 to May 31,

2007 together with the estimated additional fees and disbursements of the Receiver for work incurred and to be incurred subsequent to May 31, 2007 in the total amount of \$75,969.85, inclusive of GST are approved and allowed.

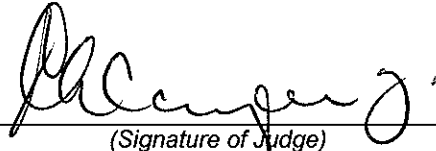
6. **THIS COURT ORDERS THAT** the Receiver is authorized to immediately disburse to the secured creditors their respective net realization proceeds as follows:

Central Technology Services	\$ 72,787.71	
Northstar Leasing Corporation	\$ 9,705.03	
Equirex Leasing Corporation	\$ 14,557.54	
Leasebank Capital Corporation	\$ 9,705.03	
Credit Union Central of Ontario Limited	<del>\$6,733,524.70</del>	✓ 6,728,524.70 ✓
✓ MIB Holdings Inc.		✓ 45,000.00 ✓
Bank of Montreal	\$ 45,330.00	
<b>TOTAL:</b>	<b>\$6,885,610.01</b>	

7. **THIS COURT ORDERS THAT** the Receiver is authorized to disburse to Credit Union Central of Ontario Limited and the Bank of Montreal their respective share of any surplus Proceeds Holdback as defined in the Final Report, ongoing interest and other net realizations from accounts receivable and the property tax appeal, if any.

8. **THIS COURT ORDERS THAT** upon the Receiver's compliance with the terms of this Order and the completion of the Outstanding Matters as defined by the Final Report and the filing by the Receiver of a Certificate of Completion, the Receiver is discharged from acting as Receiver of all remaining property, assets and undertaking of Twin Rinks Limited Partnership and 2035829 Ontario Inc. operating as The Gondola Bar and Grill

under its administration and has satisfied and fully performed its obligations as Receiver of all property, assets and undertaking of Twin Rinks Limited Partnership and 2035829 Ontario Inc. operating as The Gondola Bar and Grill and all claims against the Receiver in connection with the performance of its duties as Receiver, save for any claims arising from any gross negligence or wilful misconduct on its part, shall be stayed, extinguished and forever barred, and the Receiver shall have no liability in respect thereof.



A handwritten signature in cursive script, appearing to read 'McCauley J.', is written over a horizontal line. Below the signature, the text '(Signature of Judge)' is printed in a smaller font.

RCP-E 59A (November 1, 2005)

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

JUN 07 2007

PER/PAR:

**CREDIT UNION CENTRAL OF ONTARIO LIMITED et al.**  
Applicants

-and-

**TWIN RINKS LIMITED PARTNERSHIP et al.**  
Respondents

Court File No. 07-CL-6987

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

**SCARFONE HAWKINS LLP**  
Barristers & Solicitors  
One James Street South  
14th Floor  
P.O. Box 926, Depot 1  
Hamilton, Ontario  
L8N 3P9

Michael J. Valente (LSUC # 23925R)  
mvalente@shlaw.ca  
Tel : 905-523-1333  
Fax: 905-523-5878

Solicitors for KPMG Inc., appointed Receiver of  
Twin Rinks Limited Partnership

RCP-E 59A (November 1, 2005)