

# TAB 10

COURT FILE NUMBER 2001-05482

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT 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  
ARRANGEMENT OF JMB CRUSHING SYSTEMS INC.  
AND 2161889 ALBERTA LTD.

DOCUMENT TENTH REPORT OF FTI CONSULTING CANADA  
INC., IN ITS CAPACITY AS MONITOR OF JMB  
CRUSHING SYSTEMS INC. AND 2161889 ALBERTA  
LTD.

**November 20, 2020**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

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10. Except as described in this report, the Monitor has not audited, reviewed or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would comply with Generally Accepted Assurance Standards pursuant to the Chartered Professional Accountants of Canada Handbook.
11. The Monitor has not examined or reviewed financial forecasts and projections referred to in this report in a manner that would comply with the procedures described in the Chartered Professional Accountants of Canada Handbook.
12. Future oriented financial information reported to be relied on in preparing this report is based on Management's assumptions regarding future events. Actual results may vary from forecast and such variations may be material.
13. Unless otherwise stated, all monetary amounts contained herein are expressed in Canadian dollars.

#### MONITOR'S TRUST ACCOUNT

14. As discussed in the first report of the Monitor, JMB engaged subcontractors (the "**Subcontractors**") to perform certain services in respect of projects owned or managed by the MD and ED (the "**Projects**"). JMB was unable to make payments in full to certain of these Subcontractors for the services they performed. As a result of this non-payment, a number of the Subcontractors filed builders' liens against the Projects.
15. Both MD and ED had advised JMB that they would not pay any amounts owing to JMB until the builders' liens registered against their respective Projects had been discharged.
16. The Lien Orders established the Builders' Lien Protocol to provide for the orderly payment of amounts owing to Subcontractors who had registered valid builders' liens against the Projects and to facilitate the timely collection of the Project accounts receivable in order to provide liquidity to the Applicants.