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COURT FILE NUMBER

2101-00811

Clerk's Stamp

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

PLAINTIFFS

CANTECH OILFIELD EQUIPMENT LTD., CELINA CAL XING LUO, HUI YANG XU, CHRISTINE YIN HUI, KING CHI HUNG, CHUNG YIN SIU, BAO JING MA, SING LIM YEO, YEE KEN YEO, HON HING CHOI CHAN, JOY LING CHAN, QIN LU, DAOJING FINANCIAL CONSULTING LTD., MAGGIE TING TING HON, ROYAL GREENFIELD COMMUNITY LTD., KA FAI PUI, NYUK JIN HUI, KAI WAH HUI, BENJAMIN JOSHUA HUI, SARA FAROUK EL MAHER FAREED SHAMLAWI, NECEIB MOUSSA, SALLY FARHAT, GANESHA INVESTMENTS LTD., JENIFER SHABAN ALI, JAFFAR ALI, ZAHIDA REHANA KHAN, SAHEED MOHAMMAD TAKI, MOHAMED HASSAN KHATTAB, 2027498 ALBERTA LTD. and HARILEELA INVESTMENTS LTD.

DEFENDANTS

ROXDALE GARDENS LTD., ROHIT SETHI also known as ROY SETHI, ROHIT SETHI by and through his trustee MELANIE J. LEIGH, YUVRAJ VERMA, YUVRAJ VERMA by and through his trustee MELANIE J. LEIGH, VIKAS KWATRA, and VIKAS KWATRA by and through his trustee MELANIE J. LEIGH

AND IN THE MATTER OF THE RECEIVERSHIP OF ROXDALE GARDENS LTD.

APPLICANT

FTI CONSULTING CANADA INC., in its capacity as Court-appointed Receiver and Manager of the assets, undertakings and properties of ROXDALE GARDENS LTD.

RESPONDENT

CANCOM ROXDALE INC.

DOCUMENT

AMENDED ORDER (Final Distribution, Approval of Receiver's Fees, Disbursements, and Activities and Discharge of Receiver)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Torys LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1
Attention: Kyle Kashuba
Telephone: +1 403.776.3744
Fax: +1 403.776.3800
Email: kkashuba@torys.com
File Number: 39586-2006

DATE UPON WHICH ORDER WAS PRONOUNCED:

August 11, 2022

NAME OF JUSTICE WHO MADE THIS ORDER:

Mr. Justice K.D. Yamauchi

LOCATION OF HEARING:

Calgary, Alberta



UPON THE APPLICATION of FTI Consulting Canada Inc., in its capacity as Court-appointed receiver and manager (the “**Receiver**”) of the assets, undertakings and properties of Roxdale Gardens Ltd. (“**Roxdale**”) for an Order for the final distribution of proceeds, approval of the Receiver’s fees and disbursements, approval of the Receiver’s activities and discharge of the Receiver; **AND UPON HAVING READ** the Receivership Order dated June 24, 2021, the Report of the Receiver dated June 6, 2022, the Receiver’s Supplemental Report dated July 27, 2022 (the “**Receiver’s Supplemental Report**”), and the Affidavit of Service of Maria Lindgren (the “**Affidavit of Service**”), filed; **AND UPON HEARING** the submissions of counsel for the Receiver, counsel for the Plaintiffs, and from any other interested parties who may be present, with no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service; **AND UPON** being satisfied that it is appropriate to do so:

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this Application, and time for service of this Application is abridged to that actually given.

DISTRIBUTION OF FUNDS

2. The Receiver is authorized and directed to make a final distribution of funds as proposed in the Receiver’s Supplemental Report and in paragraphs 4, 9 and 10 of the Amended Order Confirming Sale and Vesting Title.

DISCHARGE OF THE RECEIVER

3. The Receiver is hereby authorized to have all of Roxdale’s remaining books and records destroyed 30 days after the filing of this Order, unless a former director or officer of the Roxdale makes arrangements with the Receiver to physically take possession of the books and records, at their sole cost and expense, prior to the 30 days elapsing.
4. The Receiver’s accounts for fees and disbursements, as set out in the Receiver’s Supplemental Report and other reports filed herein are hereby approved without the necessity of a formal passing of its accounts.
5. The accounts of the Receiver’s legal counsel, Torys LLP, for its fees and disbursements, as set out in the Receiver’s Supplemental Report and other reports filed herein are hereby approved without the necessity of a formal assessment of those accounts.
6. The Receiver is hereby authorized to pay any remaining professional fees up to the discharge of the Receiver, particulars of which are set out in the Receiver’s Supplemental Report.
7. The Receiver’s activities as set out in the Receiver’s Report and any other reports filed herein, and the Statement of Receipts and Disbursements as attached to the Receiver’s Supplemental Report, are hereby ratified and approved.

8. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
9. No action or other proceeding shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on notice to the Receiver, and upon such terms as the Court may direct.
10. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit (the “**Discharge Affidavit**”) of a licensed Trustee employed by the Receiver, substantially in the form attached hereto as Schedule “A”, confirming that:
- (a) the matters set out in paragraph 2 of this amended Order have been completed; and
 - (b) all other minor administrative tasks required of the Receiver have been taken,

then the Receiver shall be discharged as Receiver of the Roxdale, provided however, that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.

MISCELLANEOUS

11. The Receiver is at liberty to reapply for further advice, assistance and direction as may be necessary to give full force and effect to, and in carrying out the terms of, this amended Order.
12. This amended Order must be served only upon those interested parties attending or represented at the within Application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
13. Service of this amended Order on any party not attending this Application is hereby dispensed with.



Justice of the Court of Queen's Bench of Alberta

Schedule "A"

COURT FILE NO. 2101-00811

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

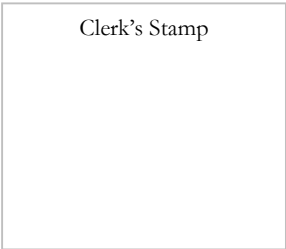
PLAINTIFFS CANTECH OILFIELD EQUIPMENT LTD.,
CELINA CAI XING LUO, HUI YANG XU,
CHRISTINE YIN HUI, FANG YANG, KING CHI
HUNG, CHUNG YIN SIU, BAO JING MA, SING
LIM YEO, YEE KEN YEO, HON HING CHOI
CHAN, JOY LING CHAN, QIN LU, DAOJING
FINANCIAL CONSULTING LTD., MAGGIE
TING TING HON, ROYAL GREENLAND
COMMUNITY LTD., KA FAI PUI, NYUK JIN HUI,
KAI WAH HUI, BENJAMIN JOSHUA HUI, SARA
FAROUK EL-QUTUB, MAHER FAREED
SHAMLAWI, NECEIB MOUSSA, SALLY FARHAT,
GANESHA INVESTMENTS LTD., JENIFER
SHABAN ALI, JAFFAR ALI, ZAHIDA REHANA
KHAN, SAHEED MOHAMMAD TAKI,
MOHAMED HASSAN KHATTAB, 2027498
ALBERTA LTD. and HARILEELA INVESTMENTS
LTD.

DEFENDANTS ROXDALE GARDENS LTD., ROHIT SETHI also
known as ROY SETHI, ROHIT SETHI by and
through his trustee MELANIE J. LEIGH, YUVRAJ
VERMA, YUVRAJ VERMA by and through his
trustee MELANIE J. LEIGH, VIKAS KWATRA, and
VIKAS KWATRA by and through his trustee
MELANIE J. LEIGH

AND IN THE MATTER OF THE RECEIVERSHIP
OF ROXDALE GARDENS LTD.

APPLICANT FTI CONSULTING CANADA INC., in its capacity
as Court-appointed Receiver and Manager of the assets,
undertakings and properties of ROXDALE
GARDENS LTD.

DOCUMENT **AFFIDAVIT**
(Confirming Discharge of Receiver)



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Torys LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1

Attention: Kyle Kashuba
Telephone: +1 403.776.3744
Fax: +1 403.776.3800
Email: kkashuba@torys.com
File No. 39586-2006

AFFIDAVIT OF DUSTIN OLVER
Sworn on ■, 2022

I, Dustin Olver, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am a Licenced Insolvency Trustee, and a Senior Managing Director with FTI Consulting Canada Inc., which is the Court-appointed receiver and manager (the “**Receiver**”) of the assets, undertakings and properties of Roxdale Gardens Ltd. (the “**Roxdale**”).
2. Pursuant to the Order granted by the Honourable Justice M.H. Hollins of the Court of Queen’s Bench of Alberta (the “**Court**”) dated June 24, 2021, FTI Consulting Canada Inc. was appointed as the Receiver over the assets, undertakings and properties of the Roxdale.
3. Pursuant to an amended Order (Final Distribution, Approval of Receiver’s Fees, Disbursements, and Activities and Discharge of Receiver) granted by the Honourable Mr. Justice K.D. Yamauchi dated August 4, 2022 (the “**Discharge Order**”), the Court approved the discharge of the Receiver, subject to the filing an Affidavit in the within form confirming that the Receiver had completed certain other administrative activities required to complete its administration of the Roxdales’ receivership proceedings.
4. This will confirm that the Receiver has completed all other activities required to complete its administration of Roxdales’ receivership proceedings, including, without limitation, all matters set out in paragraph 2 of the Discharge Order, the Receiver’s Report and the Receiver’s Supplemental Report.
5. I make this Affidavit further to the requirements of the Discharge Order, and understand that upon the filing of this Affidavit, FTI Consulting Canada Inc. will be fully and finally discharged from its capacity as the Receiver of the Roxdale.

6. I make this Affidavit for no other or improper purpose.

SWORN before me at the City of)
Calgary, in the Province of Alberta,)
this ____ day of _____, 2022)

A Commissioner for Oaths in and)
for the Province of Alberta)

Name: Dustin Olver, LIT