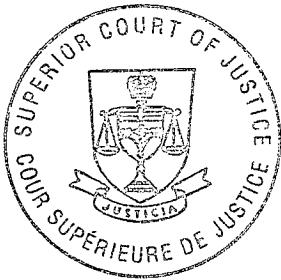


**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) THURSDAY, THE 6th DAY OF
JUSTICE SPIES) APRIL, 2006

BETWEEN:



UDAYAN PANDYA

Plaintiff

- and -

COURTNEY WALLIS SIMPSON, YORK REGION
REALTY INC., WALLIS SIMPSON & ASSOCIATES,
COURTNEY WALLIS SIMPSON c.o.b. as YORK MANAGEMENT GROUP
and as CAMCO DEVELOPMENTS and as YORK GROUP

Defendants

In the Matter of the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, heard this day, was made by Michael J. Quilling, in his capacity as court-appointed receiver (the "Receiver") of the property and assets of the defendants in the within action, pursuant to the Order of this court dated November 17, 2005 (the "Initial Order") seeking a vesting order in respect of 6072 Main Street, Stouffville (described below) in the form of the agreement of purchase and sale dated as of January 10, 2006 as amended (the "Main Street Agreement") between the Receiver as vendor and:

(a) Maria Patricia Januszevska (d.o.b. June 14, 1960); and

(b) Michael John Januszewski (d.o.b. September 9, 1960)

as purchasers ("Purchasers") a true copy of which is appended as Exhibits "E" and "G" to the affidavit of M. Joanne MacMillan sworn April 5, 2006 was heard this day at 393 University Avenue, Toronto, Ontario.

ON READING the materials filed, and on hearing the submissions of counsel for the Receiver,

Service

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record, herein, be and it is hereby abridged to the date and time of actual service and that such service is valid service of the materials filed in support of this motion;

Sale and Vesting of the Real Property

2. **THIS COURT ORDERS** that upon the purchase price having been paid and all conditions to closing having been satisfied or waived, the receiver shall deliver to the Purchasers a certificate, substantially in the form of the draft Receiver's Certificate appended as Schedule "1" hereto, confirming the same ("Receiver's Certificate") and the Receiver shall forthwith:

(a) file a copy of the Receiver's Certificate with this Court; and

(b) provide a copy of the Receiver's Certificate to the Land Registry Office of York Region;

after such delivery.

3. **THIS COURT ORDERS** that upon the delivery of the Receiver's Certificate to the Purchaser pursuant to paragraph 2 hereof, all right, title and interest in and to 6072 Main Street, Stouffville shall vest and is hereby vested in the Purchasers absolutely and forever as joint tenants:

- (a) free and clear of and from any and all estate, title, right, benefit, interest and claims of the defendants in the above-noted action and the Receiver; and
- (b) free and clear of and from any and all right, title, interest, security interests, mortgages, charges, hypothecs, indentures, loan agreements, instruments, leases, estates, licenses, pledges, trusts or deemed trusts (whether contractual statutory or otherwise), benefits, assignments, rights of distress, executions, options, adverse claims, levies, set-off claims (whether legal, equitable, or contractual), judgments, executions, agreements (including title retention agreements), taxes, claims, charges, encumbrances or any other rights, rights of use, claims, disputes and debts of all persons or entities of any kind whatsoever and howsoever arising, whether contractual, statutory, by operation of law, legal or equitable, whether secured, unsecured or otherwise, and whether created by any orders made in these proceedings ("Encumbrances").

4. **THIS COURT ORDERS** that, upon being provided with a copy of the Receiver's Certificate, the Land Registrar at the Land Registry Office of York Region is hereby directed to

- (a) effect registration of this Order on the register of title for the property having the following legal description:

PIN: 03715-0004 (LT);
LT 30 PL 54 Stouffville; Lot 31 PL 54 Stouffville; PT LT 40 PL 54 Stouffville;
PT LT 41 PL 54 Stouffville PTS 1, 7, 65R2555; Whitchurch-Stouffville
- (b) delete the transfer to Courtney Samantha Wallis Simpson registered as registration number YR608264; and

- (c) delete the Ontario Superior Court of Justice Order presently registered on title as registration number YR733817.

James J.

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

APR 11 2006

PER/PAR

JA

Schedule "1"

Court File No. 05-CL-6159

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) THURSDAY, THE 6th DAY OF
)
JUSTICE SPIES) APRIL, 2006

B E T W E E N:

UDAYAN PANDYA

Plaintiff

- and -

COURTNEY WALLIS SIMPSON, YORK REGION
REALTY INC., WALLIS SIMPSON & ASSOCIATES,
COURTNEY WALLIS SIMPSON c.o.b. as YORK MANAGEMENT GROUP
and as CAMCO DEVELOPMENTS and as YORK GROUP

Defendants

In the Matter of the *Class Proceedings Act, 1992*

RECEIVER'S CERTIFICATE

WHEREAS, pursuant to the Order of the Honourable Mr. Justice Cumming of the Ontario Superior Court of Justice, Commercial List, made on the 17th day of November, 2005, Michael J. Quilling was appointed receiver (the "Receiver") of the property and assets of the defendants in the within action, including all of the proceeds realized from the Property.

AND WHEREAS, the Receiver entered into an agreement of purchase and sale dated as of the 10th day of January, 2006 later amended (the "Agreement") with Maria Patricia Januszewska and Michael John Januszewski (the "Purchasers") in respect of the property located at 6072 Main Street, Stouffville, Ontario (the "Property").

AND WHEREAS, pursuant to the order herein of the Honourable ____ Justice _____ dated April 6, 2006, this court issued a Vesting Order, which Vesting Order is to be effective with respect to the Property upon the filing of a receiver's certificate confirming the payment by the Purchasers to the Receiver of the purchase price, all the conditions to closing of the Agreement having been satisfied or waived;

THE UNDERSIGNED HEREBY CERTIFIES as follows:

1. The Purchasers have paid and the undersigned has received the full purchase price payable pursuant to the Agreement for the Property; and
2. All the conditions to closing of the Agreement have been satisfied or waived.

MADE at Toronto, this day of , 2006.

MICHAEL J. QUILLING
in his capacity as the court appointed
Receiver of the assets of the
defendants and not in his personal
capacity.

Udayan Pandya
Plaintiff

v.

Courtney Wallis Simpson et al.
Defendants

Court File No.: 05-CL-6159

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

In the matter of the *Class Proceedings*
Act, 1992

Proceeding commenced at Toronto

ORDER

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