

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

THE HONOURABLE) WEDNESDAY, THE 12th
)
JUSTICE CONWAY) DAY OF AUGUST, 2020
)

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED, VICAR HOMES LTD. and TRADE
CAPITAL FINANCE CORPORATION**

Respondents

APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

ORDER

[Abandoned DeMaria Motion To Vacate or Stay Woodland Receivership returnable August 12, 2020]

THIS MOTION made by the Respondents Carlo DeMaria and Sandra DeMaria for an Order vacating or amending the Receivership Order made on January 17, 2019 in respect of the property at 211 Woodland Acres Crescent, Vaughan Ontario (the “**Woodland Property**”), or alternatively staying the Receivership Order in respect of the Woodland Property pending the disposition of the action in *Trade Capital Finance Corp. v. Peter Cook et al*, Court File No. CV-15-2110-00 at Brampton (the “**Mareva Action**”), and setting aside the Stay Extension Agreement dated November 26, 2019 they entered into in respect of the receivership of the

Woodland Property as being void *ab initio*, was heard on August 12, 2020 via video conference before a Judge of the Commercial List.

ON READING the Motion Record dated June 10, 2020 of the moving parties, the Motion Record dated July 8, 2020 of the responding party Buduchnist Credit Union Limited, the Notice of Abandonment of this motion dated July 10, 2020, filed, and on being advised by counsel for Carlo DeMaria and Sandra DeMaria that they consent to this Order fixing the costs of their abandoned motion in the amount to which they have agreed,

1. **THIS COURT ORDERS** that the moving parties Carlo DeMaria and Sandra DeMaria shall pay to the responding party Buduchnist Credit Union Limited its costs of this abandoned motion in the agreed upon full indemnity amount of \$77,500 which is hereby fixed by this Court, payable within 30 days of the date of this Order.

THIS ORDER BEARS INTEREST at the rate of 4.50 per cent per year, payable monthly, commencing on the date of this Order.

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Conway J.".

BUDUCHNIST CREDIT UNION LIMITED
Applicant

- and -

2321197 ONTARIO INC. et al.
Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT TORONTO

ORDER

*[Abandoned DeMaria Motion To Vacate or Stay
Woodland Receivership returnable August 12, 2020]*

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