

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

B E T W E E N:

COMERICA BANK

Applicant

- and -

**ARXX BUILDING PRODUCTS INC., ARXX CORPORATION, ARXX BUILDING
PRODUCTS U.S.A. INC., ECB HOLDINGS, LLC, APS HOLDINGS, LLC, UNISAS
HOLDINGS, LLC, AND ECO-BLOCK INTERNATIONAL, LLC**

Respondents

**APPLICATION UNDER SECTION 243 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***

**Unofficial Transcription of the Reasons
of Justice Morawetz made June 24, 2014**

D. Bish for Duff & Phelps, Receiver

The Receiver seeks its discharge subject to performance of remaining administrative steps as set out in the Third Report. The Receiver has Chapter 15 issues and a receivable issue still outstanding. It is possible that there could be a small surplus available for unsecured creditors. The Receiver recommends that rather than address this possibility today – it will report further with recommendations if there is a surplus. The Receiver makes this recommendation, having taken the step of serving the 8 largest unsecured creditors who represent approximately 2/3 of unsecured claims. No response was received from the group.

In my view the Receiver has demonstrated a common sense and practical approach in addressing its issue. Its recommendation is accepted.

Likewise, the Receiver has taken a common sense approach in its fee requests. It has allowed for a fee accrual for itself and legal counsel to take into account the work that remains. This approach is reasonable in the circumstances given that the surplus, if any, will be modest. The approach suggested by the Receiver is cost-effective. The fee requests of the Receiver and its counsel appear to be reasonable in the circumstances and are approved.

Receiver's discharge on terms set out in draft order.

Receiver's Third Report is approved together with activities described.

Motion granted and order signed.

Morawetz R. S. J.

COMERICA BANK

and

ARXX BUILDING PRODUCTS INC., ARXX CORPORATION,
ARXX BUILDING PRODUCTS U.S.A. INC., ECB HOLDINGS,
LLC, APS HOLDINGS, LLC, UNISAS HOLDINGS, LLC, AND
ECO-BLOCK INTERNATIONAL, LLC
RESPONDENTS

Court File No. CV-13-10353-00CL

APPLICANT

June 24/14

D. Bish for Duff & Phelps Rec.

June 24, 2014

The Receiver seeks its discharge subject to performance
of remaining administrative steps as set out in
the Third Report. The Receiver has Chapter 15
status and a receivable issue still outstanding.
It is possible that there could be a
small surplus available for unsecured
creditors. The Receiver recommends that rather
than address this possibility today - it
will report further with recommendations if
there is a surplus. The Receiver ^{makes} this
recommendation, having taken the steps of
surveying the secured and unsecured creditors
who represent approximately 2/3 of unsecured
claims. No response was received
from the groups.

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced in Toronto

MOTION RECORD

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Lawyers for Duff & Phelps Canada
Restructuring, Inc., in its capacity as
the receiver for ARXX Building
Products Inc., ARXX Corporation,
ARXX Building Products U.S.A. Inc.,
ECB Holdings, LLC, APS Holdings,
LLC, UNISAS Holdings, LLC, and
Eco-Block International, LLC

In my view the Review has demonstrated
a common sense + practical approach
in addressing the issues. It remains
to be assessed.

Likewise, the Review has taken a
common sense approach in its fee
requests. It has allowed for a
fee accrual for itself + legal
counsel to take into account the
work that remains. This approach
is reasonable in the circumstances
since that the sums, if any, will
be modest. The approach suggested
by the Review is cost-effective.

The fee requests of the Review
and its counsel appear to be
reasonable in the circumstances
and are approved.

Review discharge a sum set out
in the report.

Review's Final Report is approved
to settle with amounts
described.

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AA Harris RST.