

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

Aug 21, 2015

Aug. 24, 2015

Motion heard Aug. 21, 2015.  
Lily Coodin and David Bish for the Receiver.  
No one else appearing although  
properly served. No objections received.  
This court approved the discharge of the Receiver  
on June 24, 2014. At that time, it was  
anticipated that there could be a small surplus  
after payment of the secured creditors.  
The Receiver has now completed the  
administration of the Receivership. Once  
professional fees are paid, there will be about  
\$15,000 remaining, which is insufficient  
to take the steps required to do any distribution  
to unsecured creditors. The Receiver consulted  
with a representative of the Office of the  
Superintendent of Bankruptcy, and brought this motion  
as a result. The assignment into bankruptcy

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

Proceedings commenced in Toronto

MOTION RECORD

**Torys LLP**  
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Box 270, TD Centre  
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Fax: 416.865.7380

**David Bish** (LSUC#: 41629A)  
Tel: 416.865.7353

**Lily Coodin** (LSUC#: 62143S)  
Tel: 416.865.7541

Lawyers for KSV Kofman 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

Comerica Bank

Aug 24, 2015 (2)  
Matthew J. Indersmunt

will permit this matter to be brought to a close. It is expected that there will be insufficient funds to pay the Receiver for the minimum steps required but the Receiver has agreed to complete those steps nonetheless.

In the circumstances, I have granted the requested order, as signed by me today.

*Matthew J. Indersmunt*

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE ) FRIDAY, THE 21ST  
MADAM JUSTICE MATHESON ) DAY OF AUGUST, 2015

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

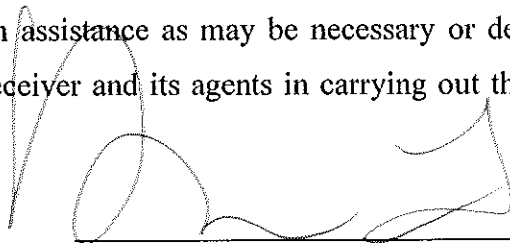
**ORDER**

**THIS MOTION**, made by KSV Kofman Inc. (“**KSV**”) (formerly, Duff & Phelps Canada Restructuring Inc.), in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) of the undertaking, property and assets of ARXX Building Products Inc. (“**ARXX Canada**”), ARXX Corporation, ARXX Building Products U.S.A. Inc., ECB Holdings, LLC, APS Holdings, LLC, UNISAS Holdings, LLC, and Eco-Block International, LLC (collectively, the “**ARXX Group**”) for an Order in substantially the form set out at Tab 3 of the Receiver’s Motion Record was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Receiver’s Motion Record in respect of this motion, filed, and the Receiver’s Fourth Report dated August 10, 2015 (the “**Fourth Report**”);

**AND UPON** hearing the submissions of counsel for the Receiver, no one else appearing for any other person on the service list, although duly served as appears from the affidavit of service of Elizabeth Nigro sworn August 11, 2015, filed,

1. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to file an assignment in bankruptcy on behalf of ARXX Canada.
2. **THIS COURT ORDERS** that KSV is hereby authorized to act as trustee in bankruptcy for ARXX Canada.
3. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to transfer the balance of funds remaining in the receivership bank account, after funding any unpaid post-filing professional fees, to the trustee in bankruptcy forthwith following commencement of the bankruptcy proceedings.
4. **THIS COURT ORDERS** that the Receiver is hereby granted leave to apply to this Honourable Court for such further advice, direction or assistance as may be necessary to give effect to the terms of this Order.
5. **THIS COURT ORDERS** that the Fourth Report and the Receiver's activities described therein are hereby approved.
6. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada against all persons, firms, corporations, governmental, municipal and regulatory authorities against whom it may be enforceable.
7. **THIS COURT ORDERS AND REQUESTS** the aid and recognition of any court or any judicial, regulatory or administrative body in any province or territory of Canada and the Federal Court of Canada and any judicial, regulatory or administrative tribunal or other court constituted pursuant to the Parliament of Canada or the legislature of any province to act in aid of and to be complementary to this Court in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.



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**ORDER**

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