

No. S-250121  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C.  
1985, c. C-36

BETWEEN:

KINGSETT MORTGAGE CORPORATION

AND

PETITIONER

LUMINA ECLIPSE LIMITED PARTNERSHIP

BETA VIEW HOMES LTD.

LUMINA ECLIPSE GP LTD.

and

D-THIND DEVELOPMENT BETA LTD.

RESPONDENTS

ORDER MADE AFTER APPLICATION

ANCILLARY ORDER

BEFORE THE HONOURABLE

JUSTICE MASUHARA

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)

19/Dec/2025

ON THE APPLICATION of KSV Restructuring Inc., in its capacity as Court-appointed Monitor (in such capacity, the "**Monitor**") of Lumina Eclipse Limited Partnership, Beta View Homes Ltd., Lumina Eclipse GP Ltd. and D-Third Development Beta Ltd. (collectively, the "**Debtors**"), coming on for hearing at Vancouver, British Columbia on the 19<sup>th</sup> day of December, 2025; AND ON HEARING Joshua Foster, counsel for the Monitor, and those other counsel listed on Schedule "A" hereto; AND UPON READING the Third Amended and Restated Initial Order of this Court dated as of the date hereof (as may be amended or amended and restated from time to time, the "**Initial Order**"), and the materials filed, including the Fourth Report of the Monitor dated

September 30, 2025 (the “**Fourth Report**”) and the Fifth Report of the Monitor dated December 8, 2025 (the “**Fifth Report**”);

**THIS COURT ORDERS AND DECLARES THAT:**

**NOTICE & DEFINITIONS**

1. Capitalized terms used but not otherwise defined in this Order have the meaning given to them in the Fifth Report or the Initial Order, as applicable.
2. The time for service of the Notice of Application and supporting materials for this Order is hereby abridged such that this Application is properly returnable today and service thereof on any interested party is hereby dispensed with.

**PARKING TENANT**

3. The Monitor is hereby authorized and directed to incorporate, or cause the applicable Debtor(s) to incorporate, as a subsidiary of one of Lumina Eclipse Limited Partnership, Beta View Homes Ltd. or Lumina Eclipse GP Ltd., a company (the “**Parking Tenant**”) under the *Business Corporations Act* (British Columbia) (the “**BCA**”), and to the extent required, a representative of the Monitor (the “**Monitor’s Representative**”) may be the sole director of the Parking Tenant and shall be permitted to resign as the Parking Tenant’s sole director at any time following its incorporation.
4. The Monitor and the Monitor’s Representative, as applicable, are hereby authorized and directed to cause the applicable Debtors and the Parking Tenant to execute a parking and storage lease agreement (the “**Parking & Storage Lease**”), substantially in the form attached as Appendix “O” to the Fifth Report, and to perform their respective obligations thereunder.
5. The Monitor and the Monitor’s Representative, as applicable, including for and on behalf of, and in the name of, the applicable Debtors and/or the Parking Tenant, are hereby permitted to execute and/or file articles of incorporation, bylaws, and such other documents or instruments as may be required to permit or enable and effect the incorporation of the Parking Tenant, the execution of the Parking & Storage Lease and the transactions contemplated under the Parking & Storage Lease, and such articles, documents or other instruments shall be deemed to be duly authorized, valid and effective notwithstanding any requirement under any applicable law, including, without limitation, the BCA, to obtain director or shareholder approval with respect to such actions or to deliver any statutory declarations that may otherwise be required under applicable law, including, without limitation, the BCA, to effect the incorporation of the Parking Tenant.

**STRATA LOTS**

6. The Monitor is hereby authorized to complete and file, or cause the applicable Debtors to complete and file, a strata plan for the Development (the “**Strata Plan**”) to subdivide the lands described in Schedule “B” hereto (collectively, the “**Lands**”) into strata lots (collectively, the “**Strata Lots**”) and common property with the Land Title Office for the

Land Title District of New Westminster, and to execute and/or file such other documents or instruments as may be required to permit or enable and effect the completion and filing of the Strata Plan and the subdivision of the Lands into the Strata Lots and common property, including, without limitation, for and on behalf of, and in the name of, the applicable Debtors.

### **MONITOR'S PROTECTIONS**

7. In performing its duties and obligations under this Order, and taking such other actions and fulfilling such other duties or obligations incidental thereto, including, without limitation, the incorporation and administration of the Parking Tenant, the Monitor and its directors, officers, employees, partners, management, agents and advisors and the Monitor's Representative shall: (i) have the benefit of any and all rights, approvals and the protections afforded to them under applicable law, pursuant to the CCAA, the Initial Order and any other Orders of this Court in these proceedings, or as an officer of the Court, including the stay of proceedings in its favour pursuant to the Initial Order; (ii) incur no liability or obligation other than in respect of gross negligence or wilful misconduct on the part of such parties; (iii) be entitled to rely on the books and records of the Debtors or any of them and any information provided by the Debtors or any of them, all without independent investigation; and (iv) not be liable for any claims or damages resulting from any errors or omissions in such books, records or information, except to the extent that the Monitor has acted with gross negligence or wilful misconduct.
8. No action lies against the Monitor or the Monitor's Representative by reason of this Order or the performance of any act authorized by this Order, except with leave of this Court following an application brought on not less than fifteen (15) days' notice to the Monitor and its counsel. The entities related or affiliated with the Monitor or belonging to the same group as the Monitor (including, without limitation, any agents, employees, legal counsel, other advisors retained or employed by the Monitor, and the Monitor's Representative) shall benefit from the protection granted to the Monitor under this paragraph 8.

### **ACTIVITY APPROVAL**

9. The activities of the Monitor, as set out in the Fourth Report and the Fifth Report, are hereby approved; provided however, that only the Monitor, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

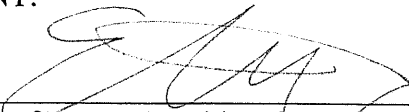
### **GENERAL**

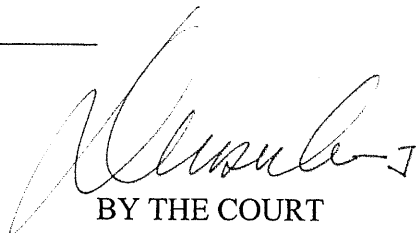
10. The Monitor may apply to this Court to amend, vary or supplement this Order or for advice and directions with respect to the discharge of its powers and duties under this Order or the interpretation or application of this Order at any time.
11. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body, wherever located, to give effect to this Order and to assist the Monitor and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make

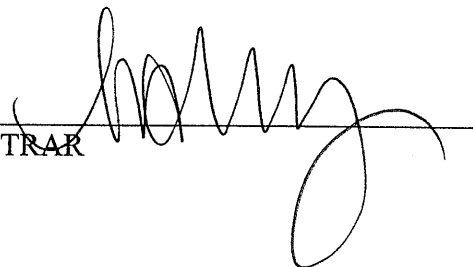
such orders and to provide such assistance to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Monitor and its agents in carrying out the terms of this Order.

12. Endorsement of this Order by counsel appearing on this Application, other than counsel for the Monitor, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

  
\_\_\_\_\_  
Signature of Emma Arnold-Fyfe  
☐ Party ☒ Lawyer for the Monitor

  
BY THE COURT

  
\_\_\_\_\_  
REGISTRAR



**Schedule “A” – List of Counsel**

[illegible]

**Schedule "B" – Description of the Lands**

Parcel Identifier: 030-169-747

LOT 2 DISTRICT LOT 124 GROUP 1 NEW WESTMINSTER DISTRICT PLAN  
EPP67029

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Attention: Andrew Froh and Joshua Foster

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