

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.) FRIDAY, THE 24th DAY
)
JUSTICE HAINEY) OF MAY 2019



IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF FORME DEVELOPMENT GROUP INC. AND THE OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

APPLICATION UNDER THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

ANCILLARY ORDER

THIS MOTION, made by KSV Kofman Inc., in its capacity as Court-appointed monitor (in such capacity, the "**Monitor**") of 159 Carrville Development Inc., 169 Carrville Development Inc., 189 Carrville Development Inc. (together, the "**Carville Applicants**"), 250 Danforth Development Inc. (including its predecessor Time Development 250 Danforth Inc., the "**Danforth Applicant**") and 2358825 Ontario Ltd. (the "**Birchmount Applicant**") in the proceedings of the Applicants pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended ("**CCAA**") was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Monitor's Sixth Report dated May 17, 2019 (the "**Sixth Report**"), together with the appendices thereto, and on hearing the submissions of counsel for the Monitor and such other counsel as were present, no one appearing for any other

person on the service list, although properly served as appears from the affidavit of Aiden Nelms sworn May 17, 2019, filed,

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and that further service thereof is hereby dispensed with.

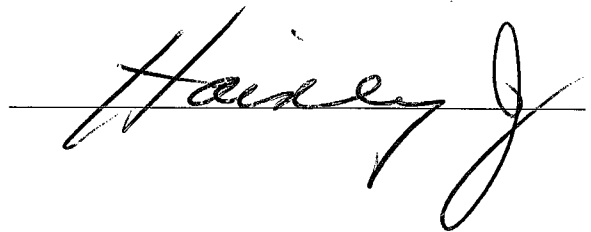
2. **THIS COURT ORDERS** that the Confidential Appendices to the Sixth Report shall be sealed and kept confidential pending further order of this Court.

3. **THIS COURT ORDERS** that the agreements of purchase and sale (the "**Danforth Agreements**") between the Danforth Applicant and the purchasers (the "**Danforth Purchasers**") of residential development residences owned by the Danforth Applicant (the "**Danforth Project**") are hereby terminated.

4. **THIS COURT ORDERS** that following the delivery of the Monitor's Certificate contemplated by the Approval and Vesting Order granted on the date hereof, the Monitor is authorized and directed to:

- (a) first, make one or more distributions to pay TD Cornerstone Commercial Realty Inc.'s commission, being 1.75% of the sale price of the Carrville Properties (as defined in the Sixth Report);
- (b) second, make one or more distributions to pay in full all of the property tax arrears relating to the Carrville Properties;

- (c) third, make one or more distributions to each of Home Trust Company ("**Home Trust**") and 2611809 Ontario Inc. ("**2611809 Inc.**"), or as they may direct, until the amounts owing to Home Trust and 2611809 Inc. under their respective first registered mortgages on the Carrville Properties, as the case may be, are paid in full;
- (d) fourth, make one or more distributions to pay the fees and expenses owing to the Monitor, counsel for the Monitor and counsel for the Applicants relating to the administration of the CCAA proceedings for the Carrville Applicants;
- (e) fifth, make one or more distributions in accordance with the allocation set out in the Sixth Report of all remaining proceeds to each of 2611622 Ontario Inc. and 255725 Ontario Inc., or as they may direct, up to the amount owing under their registered mortgages, as they case may be, on the Carrville Properties.



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

MAY 24 2019

PER / PAR:



SCHEDULE "A"
APPLICANTS

3310 Kingston Development Inc.
1296 Kennedy Development Inc.
1326 Wilson Development Inc.
5507 River Development Inc.
4439 John Development Inc.
2358825 Ontario Ltd.
250 Danforth Development Inc.
159 Carrville Development Inc.
169 Carrville Development Inc.
189 Carrville Development Inc.
27 Anglin Development Inc.
29 Anglin Development Inc.

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OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

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Proceeding commenced at Toronto

ANCILLARY ORDER

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Counsel to KSV Kofman Inc., solely in its
capacity as Court-appointed monitor and not
in its personal capacity