

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.) TUESDAY, THE 2nd DAY
)
JUSTICE HAINEY) OF JULY 2019



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
(Danforth)**

THIS MOTION, made by KSV Kofman Inc. ("**KSV**"), in its capacity as Court-appointed monitor (in such capacity, the "**Monitor**") of 3310 Kingston Development Inc. (the "**Kingston Applicant**"), 250 Danforth Development Inc. (the "**Danforth Applicant**") and the remainder of the Applicants in their proceedings 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 Seventh Report dated June 21, 2019 (the "**Seventh 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 June 21, 2019, filed,

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

- (a) first, pay commissions to TD Cornerstone Commercial Realty Inc.'s commission, being 1.75% of the sale price of the Danforth Property (as defined in the Seventh Report), plus HST;
- (b) second, create and hold a reserve in the amount of the Holdback (as defined in the Seventh Report) related to the Danforth Property;
- (c) third, make one or more distributions to Community Trust Company ("**Community Trust**") and First Source Financial Management Inc. ("**First Source**"), or as they may direct, up to the amount owing under their registered mortgage on the Danforth Property; provided, however, that the amount of the Holdback related to the Danforth Property shall not be distributed;
- (d) fourth, with the agreement of the Monitor, Community Trust, First Source and the Trustee (as defined in the Seventh Report), or upon further Order of the Court, to distribute to Community Trust and First Source, or as they may direct, any amount of the Holdback related to the Danforth Property as is agreed or ordered by this Court to be payable to Community Trust and First Source;

- (e) fifth, 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 Danforth Applicant; and
- (f) sixth, make one or more distributions of all remaining proceeds to the Trustee on behalf of the Syndicated Mortgage (as defined in the Seventh Report) up to the amount owing under its registered mortgage on the Danforth Property.

A handwritten signature in cursive script, appearing to read "Stanley J.", written over a horizontal line.

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

JUL 02 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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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")

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

Proceeding commenced at Toronto

**ANCILLARY ORDER
(Danforth)**

BENNETT JONES LLP
3400 First Canadian Place
P.O. Box 130
Toronto, Ontario M5X 1A4

Sean H. Zweig (LSO #573071)
Tel: (416) 777-6253
Fax: (416) 863-1716

Aiden Nelms (LSO#74170S)
Tel:(416) 777-4642
Fax: (416) 863-1716

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