



Court File No. CV-17-11689-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE

)

WEDNESDAY, THE 30th

JUSTICE MYERS

)

DAY OF MAY, 2018

)

IN THE MATTER OF THE RECEIVERSHIP OF SCOLLARD DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER) LTD., MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858 ONTARIO INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK (525 PRINCESS STREET) INC. AND TEXTBOOK (555 PRINCESS STREET) INC.

AND IN THE MATTER OF A MOTION PURSUANT TO SUBSECTION 243(1) 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

ORDER
(Amending Agreements Approval)

THIS MOTION, made by KSV Kofman Inc. (the “**Receiver**”), in its capacity as receiver and manager of certain property of Memory Care Investments (Kitchener) Ltd. (“**Kitchener**”), and 1703858 Ontario Inc. (“**Burlington**” and, together with Kitchener, the “**Receivership Companies**”), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Receiver’s Twelfth Report dated May 17, 2018 (the “**Twelfth Report**”), together with the appendices thereto,

AND UPON HEARING the submissions of counsel for the Receiver, no one appearing for any other person on the service list, although properly served as appears from the affidavit of service, filed,

1. **THIS COURT ORDERS** that the time and manner of service of the Notice of Motion and the Motion Record, including the Twelfth Report, are hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Amending Agreements (as defined in the Twelfth Report) be and are hereby approved.

3. **THIS COURT ORDERS** that paragraph 23 of the Second Amended and Restated Order granted in this proceeding (the “**Amended and Restated Order**”) be and is hereby further amended to increase the sum that the Receiver is empowered to borrow by way of the MC Kitchener Commitment Letter (as defined in the Amended and Restated Order) to \$1,631,276 (or such greater amount as this Court may by further Order authorize).

4. **THIS COURT ORDERS** that paragraph 25 of the Amended and Restated Order be and is hereby further amended to increase the sum that the Receiver is empowered to borrow by way of the MC Burlington Commitment Letter (as defined in the Amended and Restated Order) to \$1,963,061 (or such greater amount as this Court may by further Order authorize).

5. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver 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 Receiver, as an officer of this Court, 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.

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

MAY 30 2018

PER / PAR:



IN THE MATTER OF THE RECEIVERSHIP OF SCOLLARD DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER) LTD., MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858 ONTARIO INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK (525 PRINCESS STREET) INC. AND TEXTBOOK (555 PRINCESS STREET) INC.

AND IN THE MATTER OF A MOTION PURSUANT TO SUBSECTION 243(1) 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

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ORDER

(Amending Agreements Approval)

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