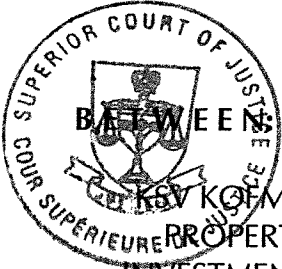


**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

JUSTICE MYERS

) WEDNESDAY, THE 14<sup>TH</sup> DAY  
)  
) OF NOVEMBER, 2018.



PROPERTY OF SCOLLARD DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENT (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.

Plaintiff

- and -

AEOLIAN INVESTMENTS LTD., JOHN DAVIES IN HIS PERSONAL CAPACITY AND IN HIS CAPACITY AS TRUSTEE OF BOTH THE DAVIES ARIZONA TRUST AND THE DAVIES FAMILY TRUST, JUDITH DAVIES IN HER PERSONAL CAPACITY AND IN HER CAPACITY AS TRUSTEE OF THE DAVIES FAMILY TRUST, AND GREGORY HARRIS SOLELY IN HIS CAPACITY AS TRUSTEE OF THE DAVIES FAMILY TRUST

Defendants

**ORDER**

**THIS MOTION**, made by Moskowitz Capital Mortgage Fund II Inc. ("Moskowitz") for an Order varying the Order of the Honourable Justice Myers, made on August 30, 2017, was heard this day, at 330 University Avenue, Toronto, Ontario.

**ON READING** the materials filed by Moskowitz Capital Mortgage Fund II Inc., and the Consent of the Receiver, by their lawyers, filed,

1. **THIS COURT ORDERS** that the time for service and filing of the notice of motion and motion record is 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 Order of The Honourable Justice Myers, made on June 7, 2017, attached as Schedule "A" hereto and registered as Instrument No. YR2682298 on June 8, 2017 against the property municipally known as 24 Country Club Road, King City, Ontario (the "Property") and legally described as:

UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.

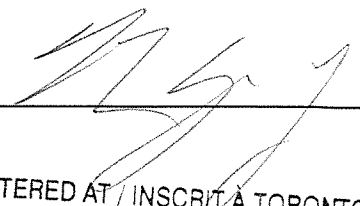

PIN: 29530-0018 (LT)

be and is hereby discharged exclusively as against the Property. For greater clarity, the Order of The Honourable Justice Myers, made on June 7, 2017, attached as Schedule "A" hereto shall otherwise remain in full and force effect, including in respect of all other properties, assets and undertakings of those in any way subject to the Order.

3. **THIS COURT ORDERS** that the Order of The Honourable Justice Myers, made on August 30, 2017, attached as Schedule "B" hereto and registered as Instrument No. YR2726425 on September 1, 2017 against the Property, be and is hereby discharged exclusively as against the Property. For greater clarity, the Order of The Honourable Justice Myers, made on August 30, 2017, attached as Schedule "B" hereto shall

otherwise remain in full and force effect, including in respect of all other properties, assets and undertakings of those in any way subject to the Order.

4. **THIS COURT ORDERS** that upon the registration in the Land Registry Office for the Land Titles Division of York Region of an Application to Amend Based on Court Order in the form prescribed by the *Land Titles Act* and/or the *Land Registration Reform Act*, the Land Registrar is directed to discharge and delete from title to the Property Instrument Nos. YR2682298 and YR2726425.
5. **THIS COURT FURTHER ORDERS** that upon the transfer of the Property, Moskowitz shall provide a detailed schedule of the sale proceeds to the Receiver.
6. **THIS COURT FURTHER ORDERS** that no proceeds of the sale of the Property shall be disbursed to anyone other than to the Minister of National Revenue, except by way of further Order of this Honourable Court, on full notice to the Receiver.
7. **THIS COURT FURTHER ORDERS** that there shall be no costs of this Motion.

  
\_\_\_\_\_  
ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:  
NOV 14 2018  
PER / PAR: 

The applicant(s) hereby applies to the Land Registrar.

Schedule "A"

**Properties**

**PIN** 29530 - 0018 LT **Interest/Estate** Fee Simple

**Description** UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.

**Address** 24 COUNTRY CLUB DRIVE  
KING CITY

**Party From(s)**

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

**Address for Service** 330 University Avenue  
Toronto, ON M5G 1R7

**Applicant(s)****Capacity****Share**

**Name** KSV KOFMAN INC.

**Address for Service** 150 King Street West  
Suite 2308, Box 42  
Toronto, Ontario, M5H 1J9

**Statements**

The applicant applies to register the following order See Schedules. The order is still in full force and effect

**Signed By**

John David Van Gent 3400-1 First Canadian Place acting for Signed 2017 06 08  
Toronto Applicant(s)  
M5X 1A4

Tel 416-863-1200

Fax 416-863-1716

I have the authority to sign and register the document on behalf of the Applicant(s).

**Submitted By**

BENNETT JONES LLP 3400-1 First Canadian Place 2017 06 08  
Toronto  
M5X 1A4

Tel 416-863-1200

Fax 416-863-1716

**Fees/Taxes/Payment**

**Statutory Registration Fee** \$63.35

**Total Paid** \$63.35

**File Number**

Applicant Client File Number : 74735.13

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

THE HONOURABLE

)

WEDNESDAY, THE 7TH

)

MR. JUSTICE MYERS

)

DAY OF JUNE, 2017

**B E T W E E N:**

**KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER  
OF CERTAIN PROPERTY 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.**

Plaintiff

- and -

**JOHN DAVIES AND AEOLIAN INVESTMENTS LTD.**

Defendants

**ORDER**

**NOTICE**

If you, the Defendants, disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**THIS MOTION**, made without notice by the Plaintiff, KSV Kofman Inc. ("KSV"), solely in its capacity as Receiver and Manager of certain property 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 not in its personal capacity or in any other capacity, for an interim Order, in the form of a worldwide *Mareva* injunction restraining the Defendants from dissipating their assets and other relief, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, KSV's Fourth Report dated June 6, 2017 with the appendices thereto, the factum and book of authorities of the Plaintiff, and on hearing the submissions of counsel for the Plaintiff,

### **Mareva Injunction**

1. **THIS COURT ORDERS** that the Defendants and, as applicable, their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendants, wherever situate worldwide, including but not limited to the assets and accounts listed in Schedule "A" hereto;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

2. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendants' assets whether or not they are in their own name and whether they are solely or jointly owned. For the purpose of this order, the Defendants' assets include any asset which they have the power, directly or indirectly, to dispose of or deal with as if it were their own. The Defendants are to be regarded as having such power if a third party holds or controls the assets in accordance with their direct or indirect instructions.

3. **THIS COURT ORDERS** that if the total value free of charges or other securities of the Defendants' assets worldwide exceeds \$9,039,740, the Defendants may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Defendants' assets worldwide remains above \$9,039,740.

### **Ordinary Living Expenses**

4. **THIS COURT ORDERS** that the Defendants may apply for an order, on at least twenty-four (24) hours notice to the Plaintiff, specifying the amount of funds which they are entitled to spend on ordinary living expenses and legal advice and representation.

### **Disclosure of Information**

5. **THIS COURT ORDERS** that the Defendants or, as applicable, their authorized representatives prepare and provide to the Plaintiff within five (5) days of the date of service of this Order, sworn statements describing the nature, value, and location of their assets worldwide, whether in their own name or not and whether solely or jointly owned.

6. **THIS COURT ORDERS** that the Defendants or, as applicable, their authorized representatives submit to examinations under oath within two (2) days of the delivery by the Defendants of the aforementioned sworn statements.

7. **THIS COURT ORDERS** that if the provision of any of this information is likely to incriminate the Defendants, they may be entitled to refuse to provide it, but are recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information referred to in paragraph 5 herein is contempt of court and may render the Defendants liable to be imprisoned, fined, or have their assets seized.

### **Third Parties**

8. **THIS COURT ORDERS** Royal Bank of Canada, The Toronto-Dominion Bank, Canadian Imperial Bank of Commerce, Bank of Nova Scotia, Bank of Montreal, National Bank of Canada, Laurentian Bank of Canada, Tangerine Bank, President's Choice Bank, and all other banks, credit unions, trusts, financial institutions and financial services companies, whether in Canada or elsewhere, including all of their respective affiliates and branches (collectively, the "**Banks**"), to forthwith freeze and prevent any removal or transfer of monies or assets of the Defendants held in any account or on credit on behalf of the Defendants, with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule "A" hereto.

9. **THIS COURT ORDERS** that the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the Defendants' assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate worldwide, held on behalf of the Defendants by the Banks.

### **Alternative Payment of Security into Court**

10. **THIS COURT ORDERS** that this Order will cease to have effect if the Defendants provide security by paying the sum of \$9,039,740 into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

### **Dispensing with Requirement of Rule 40.03**

11. **THIS COURT ORDERS** that the requirements of Rule 40.03 of the *Rules of Civil Procedure* shall be and are hereby dispensed with pending further Order of this Court.

**Extra-Territorial Application**

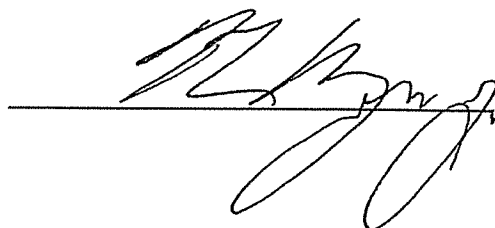
12. **THIS COURT ORDERS** that, insofar as this Order purports to have any effect outside of the territorial jurisdiction of this Court, no person shall be affected by it or concerned by the terms of it until this Order is declared enforceable or registered or enforced by a foreign court of competent jurisdiction for that purpose, unless that person is:

- (a) a party to this action or any agent of a party to this action; or
- (b) a person who is subject to the judicial jurisdiction of this Court, who has received written notice of this Order within the territorial jurisdiction of this Court.

**Variation, Discharge or Extension of Order**

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days notice to the Plaintiff.

14. **THIS COURT ORDERS** that the Plaintiff shall apply for an extension of this Order within ten (10) days hereof, failing which this Order will terminate.

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be 'M. J. ...'.

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

JUN 07 2017

PER / PAR: 



**SCHEDULE "A"**

<b>ACCOUNTS</b>			
<b>BANK</b>	<b>ADDRESS</b>	<b>ACCOUNT NO.</b>	<b>ACCOUNT HOLDER</b>
Royal Bank of Canada	Aurora-Yonge & Edward Branch, 14785 Yonge St-Unit 101, 14785 Yonge St, Aurora, ON L4G 1N1	00442 101 3069	Aeolian Investments Ltd.

<b>REAL PROPERTY</b>		
<b>MUNICIPAL ADDRESS</b>	<b>PROPERTY PIN</b>	<b>LEGAL DESCRIPTION</b>
24 Country Club Drive King City, ON L7B 1M5	29530-0018 (LT)	UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT  BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.
TBD Arizona, USA	TBD	TBD

**KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.  
Plaintiff**

**v.**

**JOHN DAVIES et al.  
Defendants**  
Court File No: CV-17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

**BENNETT JONES LLP  
3400 One First Canadian Place  
P.O. Box 130  
Toronto ON M5X 1A4**

**Sean Zweig (LSUC#57307D)  
Phone: (416) 777-6254  
Email: zweigs@bennettjones.com**

**Jonathan Bell (LSUC#55457P)  
Phone: (416) 777-6511  
Email: bellj@bennettjones.com**

**Facsimile: (416) 863-1716**

**Lawyers for the Plaintiff**

The applicant(s) hereby applies to the Land Registrar.

Schedule "B"  
yyyy mm dd Page 1 of 8**Properties**

**PIN** 29530 - 0018 LT **Interest/Estate** Fee Simple

**Description** UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.

**Address** 24 COUNTRY CLUB DRIVE  
KING CITY

**Party From(s)**

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

**Address for Service** 330 University Avenue  
Toronto, ON M5G 1R7

**Applicant(s)****Capacity****Share**

**Name** KSV KOFMAN INC.

**Address for Service** 150 King Street West  
Suite 2308, Box 42  
Toronto, Ontario, M5H 1J9

**Statements**

The applicant applies to register the following order See Schedules. The order is still in full force and effect

**Signed By**

Fabian Ryan Abele 3400-1 First Canadian Place acting for Signed 2017 09 01  
Toronto Applicant(s)  
M5X 1A4

Tel 416-863-1200

Fax 416-863-1716

I have the authority to sign and register the document on behalf of the Applicant(s).

**Submitted By**

BENNETT JONES LLP 3400-1 First Canadian Place 2017 09 01  
Toronto  
M5X 1A4

Tel 416-863-1200

Fax 416-863-1716

**Fees/Taxes/Payment**

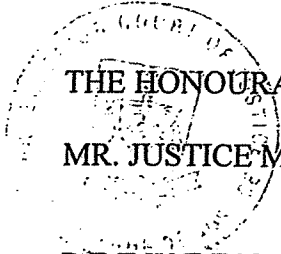
**Statutory Registration Fee** \$63.35

**Total Paid** \$63.35

**File Number**

Applicant Client File Number : 74731.13

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



THE HONOURABLE  
MR. JUSTICE MYERS

)  
)  
)

WEDNESDAY, THE 30<sup>th</sup>  
DAY OF AUGUST, 2017

B E T W E E N:

**KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER  
OF CERTAIN PROPERTY 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.**

Plaintiff

- and -

**JOHN DAVIES AND AEOLIAN INVESTMENTS LTD.**

Defendants

**ORDER**

**NOTICE**

If you, the defendants and intended defendants, John Davies in your personal capacity and in your capacity as trustee and/or representative of both the Davies Arizona Trust and the Davies Family Trust (in all such capacities, "Mr. Davies"), Judith Davies in your personal capacity and in your capacity as trustee and/or representative of the Davies Family Trust (in all such capacities, "Ms. Davies"), Gregory Harris solely in your capacity as trustee and/or representative of the Davies Family Trust ("Mr. Harris") and Aeolian Investments Ltd. ("Aelioan" and, collectively with Mr. Davies, Ms. Davies and Mr. Harris, the "Defendants"), disobey this order, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**THIS MOTION**, made on notice by the Plaintiff, KSV Kofman Inc. (“KSV” or the “Receiver”), solely in its capacity as receiver and manager of certain property 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 not in its personal capacity or in any other capacity, for an interlocutory Order in the form of a worldwide *Mareva* injunction restraining the Defendants from dissipating their assets and other relief, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Receiver’s Fourth Report dated June 6, 2017 with the appendices thereto, the Receiver’s Sixth Report dated July 12, 2017 with the appendices thereto, the Receiver’s Supplement to the Sixth Report dated August 8, 2017 with the appendices thereto, the factum and book of authorities of the Plaintiff, and the affidavits of Mr. Davies sworn July 14 and July 27, 2017 (collectively, the “Davies Affidavits”) and the transcript of the cross-examination of Mr. Davies on the Davies Affidavits,

**AND ON HEARING** the submissions of counsel for the Plaintiff and counsel for Mr. Davies, Aeolian and Ms. Davies, with Mr. Harris’s counsel having advised that he takes no position on the motion,

#### **Service**

1. **THIS COURT ORDERS** that, to the extent necessary, service of the Notice of Motion, Motion Record, Supplementary Motion Record, Factum and Book of Authorities is hereby abridged and validated.

#### **Mareva Injunction**

2. **THIS COURT ORDERS** that the Defendants and, as applicable, their respective servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendants, wherever situate worldwide, including but not limited to the assets and accounts listed in Schedule “A” hereto;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

3. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendants' assets whether or not they are in their own name and whether they are solely or jointly owned. For the purpose of this order, the Defendants' assets include any asset which they have the power, directly or indirectly, to dispose of or deal with as if it were their own. The Defendants are to be regarded as having such power if a third party holds or controls the assets in accordance with their direct or indirect instructions.

4. **THIS COURT ORDERS** that if the total value free of charges or other securities of the Defendants' assets worldwide exceeds \$9,039,740, the Defendants may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Defendants' assets worldwide remains above \$9,039,740.

#### **Ordinary Living Expenses**

5. **THIS COURT ORDERS** that Ms. Davies, in her personal capacity, remains authorized and permitted to access and spend up to an aggregate amount of \$25,000 for ordinary living expenses and legal advice and representation.

6. **THIS COURT ORDERS** that the Defendants may apply for an order, on at least twenty-four (24) hours notice to the Plaintiff, specifying the amount of funds which they are entitled to spend on ordinary living expenses and legal advice and representation.

#### **Third Parties**

7. **THIS COURT ORDERS** Royal Bank of Canada, The Toronto-Dominion Bank, Canadian Imperial Bank of Commerce, Bank of Nova Scotia, Bank of Montreal, National Bank of Canada, Laurentian Bank of Canada, Tangerine Bank, President's Choice Bank, JP Morgan Chase and all other banks, credit unions, trusts, financial institutions and financial services companies, whether in Canada or elsewhere, including all of their respective affiliates and branches (collectively, the "**Banks**"), to forthwith freeze and prevent any removal or transfer of monies or assets of the Defendants held in any account or on credit on behalf of the Defendants, with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule "A" hereto.

8. **THIS COURT ORDERS** that, to the extent not already done, the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the Defendants' assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate worldwide, held on behalf of the Defendants by the Banks.

#### **Alternative Payment of Security into Court**

9. **THIS COURT ORDERS** that this Order will cease to have effect if the Defendants provide security by paying the sum of \$9,039,740 into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

**Dispensing with Requirement of Rule 40.03**

10. **THIS COURT ORDERS** that the requirements of Rule 40.03 of the *Rules of Civil Procedure* shall be and are hereby dispensed with pending further Order of this Court.

**Extra-Territorial Application**

11. **THIS COURT ORDERS** that, insofar as this Order purports to have any effect outside of the territorial jurisdiction of this Court, no person shall be affected by it or concerned by the terms of it until this Order is declared enforceable or registered or enforced by a foreign court of competent jurisdiction for that purpose, unless that person is:

- (a) a party to this action or any agent of a party to this action; or
- (b) a person who is subject to the judicial jurisdiction of this Court, who has received written notice of this Order within the territorial jurisdiction of this Court.

**Extra-Territorial Assistance**

12. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, in the United States or elsewhere 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.

**Variation, Discharge or Extension of Order**

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days notice to the Plaintiff.

14. **THIS COURT ORDERS** that this Order shall remain in full force and effect until there is a final disposition of this action on the merits, unless varied or amended by further Order of this Court.

**Costs**

15. **THIS COURT ORDERS** that costs shall be payable to the Plaintiff on a substantial indemnity basis.

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

AUG 31 2017

PER / PAR:



ME

*The Honourable Mr. Justice Myers*

**SCHEDULE "A"**

<b>ACCOUNTS</b>			
<b>BANK</b>	<b>ADDRESS</b>	<b>ACCOUNT NO.</b>	<b>ACCOUNT HOLDER</b>
Royal Bank of Canada	Aurora-Yonge & Edward Branch, 14785 Yonge St-Unit 101, 14785 Yonge St, Aurora, ON L4G 1N1	00442 101 3069	Aeolian Investments Ltd.
JP Morgan Chase Bank, N.A.	270 Park Avenue, New York, NY, 10017	939712261	Davies Arizona Trust
Toronto Dominion Bank		5223071 3184	Davies Family Trust
Toronto Dominion Bank		7109208 1044	Judith Davies
Toronto Dominion Bank		6290533 1044	Judith Davies
Toronto Dominion Bank		VISA 4520880001949922 3184	Judith Davies
Toronto Dominion Bank		HELOC 3226203-3184	John Davies
Toronto Dominion Bank		VISA 4520700001429883 1988	John Davies
Toronto Dominion Bank		VISA 4520020000093816 3184	John Davies



<b>REAL PROPERTY</b>		
<b>MUNICIPAL ADDRESS</b>	<b>PROPERTY PIN</b>	<b>LEGAL DESCRIPTION</b>
24 Country Club Drive King City, ON L7B 1M5	29530-0018 (LT)	UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT  BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.
35411 N. 66th Place, Carefree, Arizona, USA, 85377  -and/or-  35410 N. Ridgeway Drive, Carefree, Arizona, USA, 85377	APN 216-32-102	PARCEL 1:  LOT 17, CAREFREE GRAND VIEW ESTATES UNIT I, ACCORDING TO BOOK 224 OF MAPS, PAGE 26, RECORDS OF  MARICOPA COUNTY, ARIZONA.  PARCEL2:  AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, APPURTENANT TO PARCEL NO. 1, AS SET  FORTH IN INSTRUMENT RECORDED IN DOCKET 14945, PAGE 461 AND IN DOCKET 14945, PAGE 464, RECORDS OF  MARICOPA COUNTY, ARIZONA, OVER ALL THE PRIVATE ROADS IN CAREFREE GRAND VIEW ESTATES I,  ACCORDING TO BOOK 224 OF MAPS, PAGE 26, BOULDER VISTA ESTATES, ACCORDING TO BOOK 227 OF MAPS,  PAGE 35; AND CAREFREE GRAND VIEW ESTATES II, ACCORDING TO BOOK 228 OF MAPS, PAGE 2, RECORDS OF  MARICOPA COUNTY, ARIZONA.

**KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.  
Plaintiff**

v.

**JOHN DAVIES et al.**

Defendants  
Court File No: CV-17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

**BENNETT JONES LLP**  
3400 One First Canadian Place  
P.O. Box 130  
Toronto ON M5X 1A4

**Sean Zweig (LSUC#573071)**  
Phone: (416) 777-6254  
Email: [zweigs@bennettjones.com](mailto:zweigs@bennettjones.com)

**Jonathan Bell (LSUC#55457P)**  
Phone: (416) 777-6511  
Email: [bellj@bennettjones.com](mailto:bellj@bennettjones.com)

Facsimile: (416) 863-1716

Lawyers for the Plaintiff

KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND  
MANAGER OF CERTAIN PROPERTY  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD.,  
Defendants

Court File No. CV-17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

**ORDER**

**GOLDMAN SLOAN NASH & HABER LLP**  
Barristers & Solicitors  
480 University Avenue, Suite 1600  
Toronto, Ontario M5G 1V2

**Olga S. Morozova** – LSO# 67862S  
Tel: 416.597.3395  
Fax: 416.597.3370  
[morozova@gsnh.com](mailto:morozova@gsnh.com)

Lawyers for Moskowitz Capital Mortgage Fund II  
Inc.