

COURT FILE NUMBER QBG 915 of 2019

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE SASKATOON

IN THE MATTER OF THE RECEIVERSHIP OF BECKERLAND FARMS INC.

ORDER

(Sales Process and Commercial Lien Claim)

Before the Honourable Madam Justice A.R. Rothery in Chambers the 23rd day of August, 2019.

Upon the application of Jeffrey M. Lee., Q.C. and Paul Olfert, counsel on behalf of MNP Ltd. (the "**Receiver**"), the receiver of the assets, properties and undertakings of Beckerland Farms Inc. (the "**Debtor**"), and on hearing from counsel on behalf of the Receiver and from Shawn Patenaude, counsel on behalf of S&D Solonenko Farms Ltd. ("**Solonenko Farms**") and Clarence Perpeluk ("**Perpeluk**"), and on reading the Notice of Application on behalf of the Receiver dated August 16, 2019, the First Report of the Receiver dated August 16, 2019 (the "**First Report**"), the Brief of Law of the Receiver, and a draft Order, all filed; and the pleadings and proceedings herein;

The Court orders, adjudges and declares:

ACTIVITIES OF RECEIVER

1. The Receiver's actions, conduct and activities, as outlined in the First Report, are approved.

APPROVAL OF SALES PROCESS

2. The sales process described in Exhibit "E" to the First Report (the "**Sales Process**") is hereby approved and accepted, and the Receiver is hereby authorized and directed to implement the Colliers Proposal as described in the terms thereof and do all such things as are reasonably necessary to conduct and give full effect to the Sales Process.

COMMERCIAL LIEN

3. The Receiver had:
 - (a) prior to July 22, 2019, a valid and subsisting commercial lien on approximately 300,000 bushels of grain stored at the Debtor's Wroxton, Saskatchewan facility and owned by Solonenko Farms; and
 - (b) prior to July 29, 2019, a valid and subsisting commercial lien on approximately 14,400 bushels of grain stored at the Debtor's Wroxton, Saskatchewan facility and owned by Perpeluk.
4. The Receiver:
 - (a) had from and after July 22, 2019 a valid and subsisting commercial lien on approximately 11,050 bushels of grain owned by Solonenko Farms (the "**Solonenko Farms Grain**"), and continues to have a valid and subsisting first-priority charge in the sale proceeds of the Solonenko Farms Grain in the amount of \$105,000.00 currently being held by Shawn Patenaude Legal Prof. Corp. ("**Patenaude Law**"), counsel to Solonenko Farms; and

- (b) had from and after July 29, 2019 a valid and subsisting commercial lien on approximately 1,110 bushels of grain owned by Perpeluk (the "**Perpeluk Grain**"), and continues to have a valid and subsisting first-priority charge in the sale proceeds of the Perpeluk Grain in the amount of \$10,522.47 currently held by Patenaude Law.
5. The Receiver is entitled to both the sum of \$105,000.00 being held by Patenaude Law in respect of the Solonenko Farms Grain and the sum of \$10,522.47 being held by Patenaude Law in respect of the Perpeluk Grain.
6. Solonenko Farms and Perpeluk are hereby authorized and directed to cause the sale proceeds from their respective grain held by Patenaude Law (in the amounts of \$105,000.00 and \$10,522.47, respectively) to be paid to the Receiver forthwith and in any event no later than ten (10) days after the date of this Order.

ISSUED at the City of Saskatoon, in the Province of Saskatchewan, this ____ day of August, 2019.

DEPUTY LOCAL REGISTRAR

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

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