

COURT FILE NUMBER 2003-06728

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

PLAINTIFFS
(DEFENDANTS BY
COUNTERCLAIM) **ROMSPEN MORTGAGE LIMITED
PARTNERSHIP AND ROMSPEN
INVESTMENT CORPORATION**

DEFENDANTS
(PLAINTIFFS BY
COUNTERCLAIM) **3443 ZEN GARDEN LIMITED
PARTNERSHIP, LOT 11 GP LTD., LOT 11
LIMITED PARTNERSHIP, ECO-
INDUSTRIAL BUSINESS PARK INC.,
ABSOLUTE ENERGY RESOURCES INC.,
ABSOLUTE ENVIRONMENTAL WASTE
MANAGEMENT INC. AND DANIEL
ALEXANDER WHITE**

PLAINTIFFS BY
COUNTERCLAIM **3443 ZEN GARDEN LIMITED
PARTNERSHIP, LOT 11 GP LTD, LOT 11
LIMITED PARTNERSHIP, ECO-
INDUSTRIAL BUSINESS PARK INC.,
ABSOLUTE ENERGY RESOURCES INC.,
ABSOLUTE ENVIRONMENTAL WASTE
MANAGEMENT INC. and DANIEL
ALEXANDER WHITE**

DEFENDANTS BY
COUNTERCLAIM **ROMSPEN MORTGAGE LIMITED
PARTNERSHIP, ROMSPEN
INVESTMENT CORPORATION,
RICHARD WELDON and WESLEY
ROITMAN**



COURT FILE NUMBER 1903-21473

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANTS **LOT 11 LIMITED PARTNERSHIP by its
general partner LOT 11 GP LTD., ECO-**

**INDUSTRIAL BUSINESS PARK INC.,
ABSOLUTE ENERGY RESOURCES INC.,
ABSOLUTE ENVIRONMENTAL WASTE
MANAGEMENT INC. AND DANIEL
ALEXANDER WHITE.**

RESPONDENT

**ROMSPEN INVESTMENT
CORPORATION**

DOCUMENT

**ORDER
(Sale Powers, Borrowing Increase and
Record Production)**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

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File Number: 1209810

DATE ON WHICH ORDER WAS PRONOUNCED: February 8, 2022

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Mr. Justice K. Feth

UPON THE APPLICATION of MNP Ltd., in its capacity as Court-appointed Receiver (the “**Receiver**”) of Lot 11 GP Ltd., Lot 11 Limited Partnership, Eco-Industrial Business Park Inc., Absolute Energy Resources Inc., and Absolute Environmental Waste Management Inc. (collectively, the “**Companies**”) pursuant to the Order of the Honourable Justice N. Whitling granted November 4, 2021 (the “**Receivership Order**”); **AND UPON** reviewing the form of Application (the “**Application**”) filed by the Receiver in these proceedings and originally returnable at 2:00 p.m. on February 8, 2022 before Mr. Justice K. Feth; **AND UPON** reviewing the First Report of the Receiver dated January 31, 2022 (the “**First Report**”) **AND UPON** hearing from counsel for the Receiver and any other interested party appearing at the hearing of the Application;

Capitalized terms not otherwise defined herein shall have the meanings given to those terms in the Receivership Order.

IT IS HEREBY ORDERED AND DECLARED THAT:

Service

1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this Application.

Increase in Receiver's Borrowing Powers

2. Paragraph 22 of the Receivership Order is hereby amended by replacing the amount of \$200,000 set out therein with the amount of \$700,000;

Receiver's Selling Powers

3. Paragraph 4 of the Receivership Order is hereby amended to grant to the Receiver the power and authority (but not the obligation) to:
 - (i) market any or all the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver in its discretion may deem appropriate;
 - (ii) sell, convey, transfer, lease or assign the Property or any part or parts thereof out of the ordinary course of business:
 - (A) without the approval of this Court in respect of any transaction not exceeding \$100,000, provided that the aggregate consideration for all such transactions does not exceed \$2,000,000;
 - (B) with the approval of this Court in respect of any transaction in which the purchase price or the aggregate purchase price exceeds the applicable amount set out in the preceding clause;

and in each such case notice under subsection 60(8) of the Personal Property Security Act, R.S.A. 2000, c. P-7 or any other similar legislation in any other province or territory shall not be required;

- (ii) apply for any vesting order or other orders (including, without limitation, confidentiality or sealing orders) necessary to convey the Property or any part or parts thereof to a purchaser or purchasers thereof, free and clear of any liens or encumbrances affecting such Property;

Miscellaneous

- 4. The applications of the Receiver set out in paragraphs 1(ii) and 1(iii) of the Application are hereby adjourned to be heard by Mr. Justice K. Feth at 9:00 a.m. on March 3, 2022;
- 5. This Order need only be approved in form and content by counsel for the Plaintiffs, and Rule 9.4(2)(c) is hereby invoked in respect of all other interested parties; and
- 6. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.



J.C.Q.B.A.

APPROVED as to form and content this ___ day
of February, 2022

BORDEN LADNER GERVAIS LLP

Per:



Robyn Gurofsky
Counsel for the Plaintiffs