



Court File No. CV-20-00000008-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE  
MR. JUSTICE JOHNSTON

) FRIDAY, THE 23rd DAY OF  
) OCTOBER, 2020  
)

BETWEEN

THE BANK OF NOVA SCOTIA

Applicant

- and -

STUART W. LACKEY AND CATHERINE A. LACKEY

Respondents

ANCILLARY ORDER

THIS APPLICATION made by the Applicant for an Order (the "Appointment Order") pursuant to section 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, appointing MNP Ltd. ("MNP") as receiver (in such capacities, the "Receiver") without security, of all of the assets, undertakings and properties of the Respondents, Stuart W. Lackey and Catherine A. Lackey (collectively, the "Debtors") acquired for, or used in relation to a business carried on by the Debtors, including the real property described at Schedule "A" to this Order and at Schedule "A" to the Appointment Order (collectively, the "Property"), was heard this day by judicial teleconference at 43 Drummond St E, Perth, Ontario, K7H 1G1.

ON READING the affidavit of Cian McDonnell sworn January 21, 2020 and the Exhibits thereto (the "McDonnell Affidavit"), the affidavit of Avinash D'Souza sworn September 15, 2020 and the Exhibits thereto, the affidavit of Avinash D'Souza sworn October 15, 2020, the consent of the Debtors to the Order sought herein, filed, and on hearing the submissions of counsel for the Applicant, The Bank of Nova Scotia, and any other party present, all parties duly served as appears from the affidavits of service of Lindsay Provost sworn January 28, 2020, September 17, 2020, and October 16, 2020, and on reading the consent of MNP Ltd. to act as the Receiver.

1. **THIS COURT ORDERS** that the Appointment Order in the herein Application shall be effective on October 23, 2020 over all of the Property of the Debtors, with the sole exception of the Almonte Property (as defined in Schedule "A" hereto). The effectiveness of the Appointment Order over the Almonte Property shall be governed by paragraph 2 of this Order, below.


2. **THIS COURT ORDERS** that the Appointment Order shall be effective over the Almonte Property on April 2, 2021, subject to the following:

(a) **THIS COURT ORDERS** that this Application is adjourned to April [ ], 2021 at [ ] a.m. to be spoken to. This Court further Orders that, should the Debtors repay all indebtedness due to the Applicant, and all interest and costs, on or before April 2, 2021, then the Appointment Order will not be effective over the Almonte Property. In such case, the Applicant shall speak to this matter on April [ ], 2021 at [ ] a.m. to advise the Court of same;

(b) **THIS COURT ORDERS** that in the event that the Debtors fail to pay the indebtedness due to the Applicant, including all interest and costs, on or before April 2, 2021, then the Appointment Order shall be effective as against the Almonte Property, as of April 2, 2021, and the Applicant shall speak to this matter April [ ], 2021 at [ ] a.m. to advise the Court of same.

3. **THIS COURT ORDERS** that, during the period in which this Order is not effective over the Almonte Property, the Receiver shall not be deemed to be in possession of any livestock, farm equipment, or crops, including the livestock farm equipment, and crops located or housed on the Almonte Property, nor shall the Receiver have any obligation to feed, maintain, or insure such livestock, or maintain, and insure such farm equipment, or crops, including the livestock farm equipment, or crops located or housed on the Almonte Property. This Court further orders that any sale of such livestock, farm equipment, or crops shall be on notice to, and with the consent of, the Receiver, and all sale proceeds of such livestock shall be remitted forthwith by the Respondents to the Receiver.

4. **THIS COURT ORDERS** that the Applicant shall have the right to return the application on an earlier date, on four (4) days' notice to the service list, should the Applicant's security over the Almonte Property (as detailed in the McDonnell Affidavit) be determined by the Applicant to be at risk.



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Justice, Ontario Superior Court of Justice

**SCHEDULE "A"**  
**REAL PROPERTY**

PT LT 10 CON 10 RAMSAY AS IN RN73795 AND BEING PTS 1, 2 & 3 ON 27R10417;  
SUBJECT TO AN EASEMENT AS IN RM9910; TOWN OF MISSISSIPPI MILLS (PIN 05110-  
0090 LT) (the "Almonte Property")

**THE BANK OF NOVA SCOTIA**  
Applicant

**STUART W. LACKEY AND CATHERINE A. LACKEY**  
Respondents

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**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**PROCEEDING COMMENCED AT PERTH**

**ANCILLARY ORDER**

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