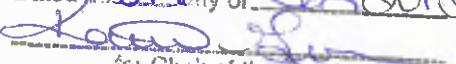


COURT FILE NUMBER 1601-10546  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF BANK OF MONTREAL  
DEFENDANT FITZ FLOORING LTD., JOHN FITZSIMMONS and CAROL FITZSIMMONS



DOCUMENT **ORDER FOR FINAL DISTRIBUTION, APPROVAL OF RECEIVER'S FEES AND DISBURSEMENTS, APPROVAL OF RECEIVER'S ACTIVITIES AND DISCHARGE OF RECEIVER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
Cassels Brock & Blackwell LLP  
Suite 1250, Millennium Tower  
440-2nd Avenue SW  
Calgary, AB T2P 5E9  
Telephone (403) 351-2921  
Facsimile (403) 648-1151

I hereby certify this to be a true copy of the original Order  
Dated this 24 day of Jan 2018  
  
for Clerk of the Court

File No. 49395-1

**Attention: Jeffrey L. Oliver/Danielle Maréchal**

DATE ON WHICH ORDER WAS PRONOUNCED: January 23, 2018  
LOCATION WHERE ORDER WAS PRONOUNCED: Calgary Courts Centre  
NAME OF JUDGE WHO MADE THIS ORDER: The Honourable Madam Justice BEC Romaine

**UPON THE APPLICATION** of Hudson & Company Insolvency Trustees Inc. in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of Fitz Flooring Ltd. (the "**Debtor**") for an Order for the final distribution of proceeds, approval of the Receiver's fees and disbursements, approval of the Receiver's activities and discharge of the Receiver; **AND UPON** having read the First and Final Report of the Receiver dated January 16, 2018 (the "**Receiver's Report**") and the Receivership Order granted in the within proceedings on August 12, 2016 by the Honourable Madam Justice Dario (the "**Receivership Order**"); **AND UPON** hearing counsel for the Receiver and any other interested parties; **AND UPON** being satisfied that it is appropriate to do so; **IT IS HEREBY ORDERED THAT:**

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, and time for service of this application is abridged to that actually given.
2. The Receiver's accounts for fees and disbursements, as summarized in Appendix "E" to the Receiver's Report, including an estimate of costs complete, are hereby approved without the necessity of a formal passing of its accounts.
3. The accounts of the Receiver's legal counsel Cassels, Brock & Blackwell LLP, for its fees and disbursements, as summarized in Appendix "E" to the Receiver's Report are hereby approved without the necessity of a formal assessment of its accounts.
4. The Receiver's activities as set out in the Receiver's Report and in all of its other reports filed herein, and the Statement of Receipts and Disbursements as attached to the Receiver's Report, are hereby ratified and approved.
5. The sales thresholds established under paragraph 4(m)(i) of the Receivership Order are hereby amended *nunc pro tunc* as follows:
  - (a) the sales threshold without the approval of the Court in respect of any transaction shall be increased to \$30,000; and
  - (b) the sales threshold without the approval of the Court in respect of the aggregate consideration for all such transaction shall be increased to \$200,000.
6. Following the payment of the accounts and disbursements of the Receiver and its legal counsel, the Receiver is authorized and directed to distribute to Canada Revenue Agency all excess funds remaining in the estate.
7. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any in fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.

8. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
9. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed Trustee employed by the Receiver confirming that all matters set out in paragraph 6 of this Order have been completed, then the Receiver shall be discharged as Receiver of the Debtor, provided however, that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.
10. 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.
11. Service of this Order on any party not attending this application is hereby dispensed with.



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Justice of the Court of Queen's Bench of  
Alberta