

CERTIFIED *E. Wheaton*  
by the Court Clerk as a true copy of the  
document digitally filed on Nov 28, 2023

COURT FILE NUMBER

2203 04647

COURT

KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

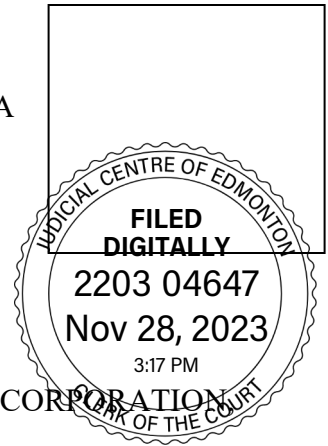
EDMONTON

PLAINTIFF

ROYAL BANK OF CANADA

DEFENDANTS

1692260 ALBERTA LTD.,  
BIRKILL HOLDINGS LTD.,  
R. BIRKILL PROFESSIONAL CORPORATION,  
1015314 ALBERTA LTD., and  
RICHARD BIRKILL



DOCUMENT

**ORDER**  
**(Interim Distribution)**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

**MLT Aikins LLP**  
2200, 10235 – 101 Street  
Edmonton, AB T5J 3G1  
Phone: 780-969-3500  
Fax: 780-969-3549  
**Attention: Dana Nowak**  
File: 31617-38

**DATE ON WHICH ORDER WAS PRONOUNCED:**

**November 27, 2023**

**LOCATION WHERE ORDER WAS PRONOUNCED:**

**Edmonton, Alberta**

**NAME OF JUSTICE WHO MADE THIS ORDER:**

**Mr. Justice N.J. Whitting**

**UPON THE APPLICATION** by MNP Ltd. in its capacity as the Court-appointed receiver (the “**Receiver**”) of the undertakings, property and assets of 1692260 Alberta Ltd. and Birkill Holdings Ltd. for an order approving an interim distribution of proceeds, as more particularly outlined in the Fourth Report of the Receiver, dated November 17, 2023 (the “**Fourth Report**”) and the Supplement to the Fourth Report dated November 22, 2023 (the “**Supplement**”); **AND UPON HAVING READ** the Receivership Order granted on March 24, 2022 (the “**Receivership Order**”), the Fourth Report, the Supplement, the confidential addendum to the Fourth Report, the Brief of Law dated November 20, 2023, and the Affidavit of Service of Crystal Topilko, to be filed (the “**Affidavit of Service**”); **AND UPON HEARING** the submissions of counsel for the Receiver and any other counsel present; **AND UPON** no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service, filed;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

**SERVICE OF APPLICATION**

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, 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.

**INTERIM DISTRIBUTION**

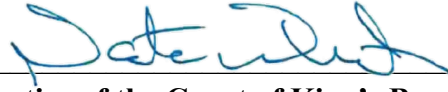
2. The Receiver is authorized and directed to make an interim distribution totaling \$1,097,607.46, to be distributed as follows:
  - a. \$125,000 plus interest shall be paid to Royal Bank of Canada (“**RBC**”) in respect of repayment of the Receiver's Borrowings, as described at paragraph 12 Schedule 2 of the Supplement;
  - b. \$594,203.19 shall be paid to RBC in respect of net sale proceeds of assets sold where RBC holds a primary security position, as described at paragraph 12 and Schedule 2 of the Supplement; and
  - c. \$378,404.27 shall be paid to Alberta Financial Services Corporation (“**AFSC**”) in respect of net sale proceeds of assets sold where AFSC holds a primary security position, as described at paragraph 12 and Schedule 2 of the Supplement.

**SERVICE OF ORDER**

3. Service of this Order shall be deemed good and sufficient by:
  - a. Serving the same on:
    - i. the persons listed on the service list created in these proceedings;
    - ii. any other person served with notice of the application for this Order;
    - iii. any other parties attending or represented at the application for this Order;
    - iv. the Purchaser (as defined in the Application) or the Purchaser’s solicitors; and
  - b. Posting a copy of this Order on the Receiver’s website at:  
<https://mnpdebt.ca/en/corporate/corporate-engagements/birkill-holdings-ltd>.

and service on any other person is hereby dispensed with.

4. Service of this Order 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.



---

**Justice of the Court of King's Bench of Alberta**