

Court File No.: CV-22-00031327-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)

TUESDAY, THE 28TH

JUSTICE **J. ROSS MACFARLANE**)

DAY OF MARCH, 2023

BETWEEN:

XQUISITE CAPITAL CORP.

Applicant

- and -

**CRYSTAL FARMS LIMITED, JAMES GERALD TATOMIR, KRYSTAL MARTENS
and MILLIE ANN BARBERIO**

Respondents

APPLICATION UNDER Subsection 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

ORDER

THIS MOTION, made by MNP Ltd. ("**MNP**"), in its capacity as court-appointed receiver (the "**Receiver**") of the assets, undertakings and properties of Crystal Farms Limited (the "**Debtor**") pursuant to the Order of the Honourable Mr. Justice Dube dated November 29, 2022 for an order:

- (a) to the extent necessary, abridging or waiving the time for service and filing of this Notice of Motion and all materials filed in support thereof, validating the method of service, and dispensing with further service so that this motion is properly returnable on March 28, 2023;

- (b) approving the First Report to the Court of the Receiver dated March 13, 2023 (the "**Report**") and the activities and actions of the Receiver described therein;
- (c) approving the marketing and sale process for the real and personal properties of the Debtor, as described in section 3.0 the Report and the Confidential Supplement, as defined below, subject to such minor amendments as deemed necessary or appropriate by the Receiver;
- (d) approving the Receiver's Statement of Receipts and Disbursements attached as Appendix "J" to the Report for the period ending February 28, 2023 (the "**Statement of Receipts and Disbursements**");
- (e) approving the professional fees of the Receiver and its legal counsel;
- (f) sealing the confidential supplement (the "**Confidential Supplement**") to the Report; and
- (a) such further and other relief as counsel may advise and this Honourable Court may deem just.

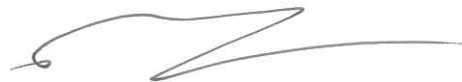
was heard this day by videoconference.

ON READING the Report and on hearing the submissions of counsel for the Receiver and such other counsel that were present as listed on the participant information sheet, no one else appearing for any other person on the service list, although duly served as appears from the affidavits of service, filed:

1. **THIS COURT ORDERS** that the time for and method of service of the notice of

motion and the motion record are hereby abridged and validated, as necessary, so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Report and the activities and conduct of the Receiver described in the Report are hereby approved.
3. **THIS COURT ORDERS** that the marketing and sale process for the real properties and personal property of the Debtor, as described in section 3.0 the Report and the Confidential Supplement, subject to such minor amendments as deemed necessary or appropriate by the Receiver, is hereby approved.
4. **THIS COURT ORDERS** that the Statement of Receipts and Disbursements be and the same is hereby approved.
5. **THIS COURT ORDERS** that the professional fees of the Receiver and its legal counsel, Miller Thomson LLP, as described in the fee affidavits of Rob Smith sworn March 6, 2023 and Michael Prosia sworn March 14, 2023, be and the same are hereby approved.
6. **THIS COURT ORDERS** that the Confidential Supplement shall be sealed until the earlier of a) the completion of the sales of the real properties and personal property of the Debtor, and b) further order of this Court.



Justice, Ontario Superior Court of Justice

XQUISITE CAPITAL CORP.
Applicant

and

CRYSTAL FARMS LIMITED, et al.
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Proceeding commenced at WINDSOR

ORDER

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appointed Receiver of Crystal Farms
Limited**