

COURT FILE NUMBER KBG-RG-909-2023

**COURT OF KING'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY**

JUDICIAL CENTRE OF REGINA

IN THE MATTER OF THE RECEIVERSHIP OF F & L CONCRETE SERVICES LTD.

**KING'S BENCH
JUDICIAL CENTRE OF REGINA**

DEC 15 2023

FILED

SALES PROCESS ORDER

Before the Honourable Mr. Justice P.T. Bergbusch in chambers the 15th day of December, 2023.

On the application of **MNP Ltd.** in its capacity as the Court-appointed receiver (the "**Receiver**") of the assets, undertakings and properties of **F & L Concrete Services Ltd.** (the "**Debtor**") pursuant to the Order of this Court made August 3, 2023 (the "**Receivership Order**"); and upon hearing from counsel for the Receiver, the Debtor, Canada Revenue Agency and Affinity Credit Union 2013 and upon reading the Notice of Application dated October 24, 2023, the First, Supplemental to the First, Second, Third and Fourth Report of the Receiver (the "**Receiver's Report**"), and a proposed Draft Order, all filed and the pleadings and proceedings having taken herein:

The Court Orders:

SERVICE

1. Service of the Notice of Application on behalf of the Receiver and the materials filed in support thereof (collectively, the "**Application Materials**") shall be and is hereby deemed to be good and valid and, further, shall be and is hereby abridged, such that service of such Application Materials is deemed to be timely and sufficient.

APPROVAL OF SALES PROCESS

2. The Proposed Sales Process, as more particularly described in paragraphs 15-26 of the Receiver's Fourth Report and as reproduced in Schedule A to this Order for the following real properties, shall be and is hereby approved:

Surface Parcel 164322222
Reference Land Description Blk/Par P Plan No 101969871 Ext 0

Surface Parcel 106951002
Reference Land Description SW 18-02-07 W2 Ext 2

Surface Parcel 106881385
Reference Land Description SW 18-02-07 W2 Ext 1

Surface Parcel 111458493
Reference Land Description Blk/Par A Plan No 101546108 Ext 18

(collectively the "**Real Property**")

3. The proposed sale process, as more particularly described in 15-26 of the Receiver's Fourth Report and as reproduced in Schedule B to this Order, for the personal property of the Debtor, shall be and is hereby approved.

4. The Receiver is and shall be empowered to disclaim certain leases as it deems fit, as more particularly described in paragraph 27-29 of the Receiver's Fourth Report. The Receiver shall, not later than January 26, 2024, advise any affected creditors of its decision to disclaim or sell leasehold assets. In the event an affected creditor disagrees with the decision of the Receiver, the affected creditor shall be permitted to bring an application for a determination on the issue, such application to be filed and served on or before February 9, 2024 to be heard on a date to be fixed by the Court.

MISCELLANEOUS MATTERS AND APPROVALS

5. The Debtor and Chris Fichter shall provide all information with respect to the Real Property to the Receiver including, but not limited to, the following:
- (a) A listing of all parties who are residing, or have resided, at the Real Property since August 3, 2023;
 - (b) A copy of all leases in place for the Real Property; and
 - (c) An accounting of all rent paid for the Real Property over the past 12 months.

ISSUED at Regina, Saskatchewan, this 15th day of December 2023.



(Deputy) Local Registrar

CONTACT INFORMATION AND ADDRESS FOR SERVICE

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SCHEDULE "A"
Sales Process for Real Property

All defined terms in this Schedule A shall bear the respective meaning ascribed to them in the Fourth Report of the Receiver.

The process for the sale of the Real Property of the Debtor shall be as follows:

1. The Receiver shall conduct an open market tender process for the Real Property.
2. The tender process shall commence not sooner than January 4, 2024 with the tender closing on or about February 23, 2024.
3. In the event the tender process is unsuccessful, a listing process of the Real Property shall be conducted by the Receiver utilizing the services of a commercial realtor of its choosing.
4. Before selecting a commercial realtor, the Receiver shall engage two qualified commercial realtors to provide an opinion of value and marketing strategy for the Real Property. The Receiver may, but will not be obligated to, select one of the two commercial realtors to market the Real Property.
5. Following the retention of a commercial realtor, the Receiver shall market and list the property for a period of time, not exceeding 120 days, on terms and conditions including, but not limited to, the following:
 - (a) The real estate commissions shall not exceed 6%;
 - (b) Any accepted sale shall be subject to further approval of this Court; and
 - (c) The principals of the Debtors, or any other interested party, shall be permitted to make an offer to purchase any, or all, of the Real Property.

SCHEDULE "B"
Sales Process for Personal Property

All defined terms in this Schedule B shall bear the respective meaning ascribed to them in the Fourth Report of the Receiver.

The process for the sale of the Personal Property of the Debtor shall be as follows:

1. The Receiver shall conduct an open market tender process for all of the assets and personal property of the Debtor.
2. The tender process shall commence not sooner than January 4, 2024 with the tender closing on or about February 23, 2024.
3. Any personal property that has not been sold by way of the public tender process, as described herein, shall be placed for auction with a qualified auctioneer company.