

Clerk's stamp:



COURT FILE NUMBER 2203-13202  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF MOSKOWITZ CAPITAL MORTGAGE FUND II INC.  
DEFENDANTS 1631807 ALBERTA LTD., RADIANT TECHNOLOGIES INC., and RADIANT TECHNOLOGIES (CANNABIS) INC.  
DOCUMENT **AMENDING ORDER**

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ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

**DLA PIPER (CANADA) LLP**  
Suite 2700, Stantec Tower  
10220 – 103<sup>rd</sup> Avenue NW  
Attn: Jerritt Pawlyk and Kevin Hoy  
Phone: 780.429.6835  
Fax: 780.670.4329  
Email: [Jerritt.pawlyk@dlapiper.com](mailto:Jerritt.pawlyk@dlapiper.com) / [kevin.hoy@dlapiper.com](mailto:kevin.hoy@dlapiper.com)  
File No.: 013875-00002

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DATE ON WHICH ORDER WAS PRONOUNCED: **July 19, 2023**  
LOCATION OF HEARING: **Edmonton Law Courts, Edmonton, Alberta**  
NAME OF JUSTICE WHO GRANTED THIS ORDER: **The Honourable Justice K. Feth**

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**UPON** the application of Moskowitz Capital Mortgage Fund II Inc. ("**MCMF**") in respect of 1631807 Alberta Ltd. and Radiant Technologies Inc. (collectively, the "**Debtor**"); **AND UPON** having read the Application, the Affidavits of Brian Moskowitz, dated December 12, 2022, March 12, 2023, and July 10, 2023; and the Affidavit of Service of Cassandra Anderson, all filed; **AND UPON** hearing counsel for MCMF, counsel for MNP Ltd. (the "**Receiver**") and any other counsel or other interested parties present; **IT IS HEREBY ORDERED AND DECLARED THAT:**

**Service**

1. The time for service of the notice of application for this order (the "**Order**") is hereby abridged and deemed good and sufficient and this application is properly returnable today.

## **Amendment to Limited Receivership Order**

2. Terms expressly defined in the March 31, 2023, Limited Receivership Order of the Honourable Justice D.R. Mah in these proceedings (the “**Limited Receivership Order**”) shall have the same meaning in this Order, except where otherwise defined.
3. Paragraph 2 of the Limited Receivership Order shall be amended to include in the Property the personal property of the Debtor identified in the schedule set out in Exhibit “A” to the Affidavit of Brian Moskowitz dated July 10, 2023, (the “**Third Moskowitz Affidavit**”) including all proceeds thereof.
4. In the event that the Receiver should determine that additional items of personal property (the “**Receiver Identified Property**”) not described in Exhibit “A” to the Third Moskowitz Affidavit or Exhibit “L” to the Affidavit of Brian Moskowitz are located at or on the Debtor’s lands described in Schedules “A” and “B” of the Amended Statement of Claim filed in these proceedings, the Receiver shall:
  - (a) file a further report (the “**Supplemental Report**”) enclosing a schedule listing the Receiver Identified Property;
  - (b) serve the Supplemental Report on the service list created in these proceedings (the “**Service List**”) in the manner for service described in paragraph 9 of this Order; and
  - (c) serve the Supplemental Report and a copy of this Order on any party not included in the Service List as of the date of this Order that the Receiver identifies as maintaining a potential interest, lien, charge, or other encumbrance in any of the Receiver Identified Property.
5. Any party who has been served with the Supplemental Report who seeks to exclude any of the Receiver Identified Property from the Property may provide the Receiver with notice in writing identifying the item(s) of the Receiver Identified Property that such party seeks to exclude from the Property within 14 days of that party’s receipt of service of the Supplemental Report.
6. Any items of the Receiver Identified Property for which the Receiver does not receive a notice described in paragraph 5 of this Order shall be deemed to be irrevocably added to the Property and may be sold in the Second Auction Sale (as defined in the Approval and Vesting Order, granted July 19, 2023, in these proceedings).
7. In the event that any party should provide the Receiver with a notice described in paragraph 5 of this Order, the party who provided the notice, the Receiver, MCMF, or the Debtor shall have leave to bring forward an application in these proceedings seeking the advice and direction of this Honourable Court and a further Order concerning the status of the Receiver Identified Property

including, without limitation, an Order permitting the Receiver to dispose of the Receiver Identified Property in question or an Order entitling any party to take possession of such property.

8. Nothing in this Order shall require the Receiver to serve or act as receiver manager of the Debtors or otherwise extend the duties, obligations, and responsibilities of the Receiver as is set out in the Limited Receivership Order, save and except to the extent that this Order requires the Receiver to deal with the Property identified in Exhibit "A" to the Third Moskowitz Affidavit.

9. 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 or otherwise served with notice of 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; and

(b) posting a copy of this Order on the Receiver's Website

and service on any other person is hereby dispensed with.

10. 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 transmission or delivery of this Order.



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Justice of the Court of King's Bench of Alberta