

COURT FILE NUMBER: 2103 10970  
COURT: COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE: EDMONTON  
PLAINTIFF: CANADIAN WESTERN BANK  
DEFENDANT: SHAMROCK VALLEY ENTERPRISES LTD.



DOCUMENT: **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: **PARLEE McLAWS LLP**  
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File No: 75782-12/JHH

**DATE ON WHICH ORDER WAS PRONOUNCED: December 7, 2022**

**LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, Alberta**

**NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice G. Dunlop**

**UPON THE APPLICATION** of The Bowra Group Inc., in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) of the undertakings, property and assets of Shamrock Valley Resources Ltd. (the “**Company**”);

**AND UPON HAVING READ** the Receivership Order, the Claims Process Order filed in this Action on May 4, 2022 (the “**CPO**”); the Notice of Application for this Order, the Sixth Report of the Receiver, the Receiver’s Fee Affidavit, and the Affidavit of Service;

**AND UPON HEARING** the submissions of counsel for the Receiver, the Company, and other interested parties present, and 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**

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.

### **DEFINITIONS**

2. Terms not otherwise defined in this Order carry the meaning ascribed to them in the CPO and the Receivership Order.

### **ACCOUNTS**

3. The Receiver's accounts for its fees and disbursements as set out in the Sixth Report and the Fee Affidavit are hereby approved without the necessity of a formal assessment or passing of its accounts.
4. The accounts of the Receiver's legal counsel, PARLEE MCLAWS LLP, for its fees and disbursements as set out in the Sixth Report and the Fee Affidavit are hereby approved without the necessity of a formal assessment of its accounts.

### **INTERIM DISTRIBUTION AND HOLDBACK**

5. The Receiver is hereby authorized and directed to make an interim distribution to the Company in the amount of \$2,900,000.00 (the "**Interim Distribution**" and the "**Distributed Funds**").

### **CARVE-OUTS**

6. Without limiting or altering the applicability of the CPO to the Claims of all Creditors of the Company, the Property, subject to the Receiver's administration shall be and is hereby amended to henceforth exclude:

- (a) The Distributed Funds; and

- (b) Any and all of the Company's claims, property interests or claims, rights of action, choses in action and other rights or remedies against or in respect of 2250657 Alberta Ltd., and any resulting judgment, recoveries, proceeds or other direct or indirect benefits in respect of or arising from the same.
7. Notwithstanding paragraphs 3(g) and (j) of the Receivership Order, all right, power, authority and ability to defend, settle and/or compromise Court of King's Bench Action 2003 05121 (the "**Catto Action**") shall re-vest in the Company and any insurer acting on behalf of the Company, and the Receiver shall have no further involvement or power or authority in respect of the Catto Action, and any underlying claims made against the Company thereby.

#### **CLAIMS BAR DATE EXTENSION**

8. The Claims Bar Date applicable to any Claims of each of J. Corp. Ventures Inc. and 1998372 Alberta Ltd. is hereby declared to be extended *nunc pro tunc* to the date of the delivery of their respective Proof of Claim.
9. In the event that any Claims of J. Corp. Ventures Inc. and 1998372 Alberta Ltd., are allowed either in whole or in part in accordance with the CPO (whether by the Claims Officer or this Court) such Claims shall, subject always to the Receiver's Charge, apply as against the funds held in trust by the Receiver immediately following the Interim Distribution and not to the Distributed Funds.
10. All other terms of the CPO remain in full force and effect.

#### **APPROVAL OF ACTIVITIES**

11. The activities of the Receiver as described in the Sixth Report are hereby approved.

#### **MISCELLANEOUS**

12. The Receiver is at liberty to apply for further advice, assistance, and directions as may be necessary to give full force and effect to, and in carrying out the terms of, this Order.

13. Service of this Order shall be deemed good and sufficient by:

(a) Serving the same by regular mail, electronic mail, facsimile, personal delivery or courier 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;  
and

(b) Posting a copy of this Order on the Receiver's website at:

<https://www.bowragroup.com/client/shamrock-valley-enterprises-ltd/>

and service on any other person is hereby dispensed with.



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J.C.C.K.B.A.