

ONTARIO
SUPERIOR COURT OF JUSTICE

IN THE MATTER OF THE COURT-APPOINTED RECEIVERSHIP
OF STUART W. LACKEY AND CATHERINE A. LACKEY
of the Town of Almonte, in the Province of Ontario

THE HONOURABLE
Mr JUSTICE *B. Abama*

) THURSDAY, the 12TH DAY
)
) OF MAY, 2022.

BETWEEN:

THE BANK OF NOVA SCOTIA

Applicant

- and -

STUART W. LACKEY and CATHERINE A. LACKEY

Respondents



ORDER

THIS MOTION, made by MNP Ltd. ("MNP") as Court-Appointed Receiver (the "Receiver") of the assets, undertakings and properties (the "Property") of the Respondents, Stuart W. Lackey and Catherine A. Lackey (the "Debtors"), for an Order, *inter alia*:

1. If necessary, an Order dispensing with service and/or declaring that service of this Motion has been validly effected on all necessary parties and declaring that this motion is properly returnable on May 12, 2022 at 11:30 a.m. or as soon after that time as the motion can be heard;

2. Approving the Receiver's final report to the Court dated April 14, 2022 (the "Final Report"), and the activities and conduct of the Receiver and its legal counsel as described therein;
3. Approving the fees and disbursements of the Receiver, including the fees and disbursements of its legal counsel, all as particularized in the Final Report and an Order directing and authorizing the Receiver to pay all such fees and disbursements from available receivership funds;
4. Approving the Receiver's final statement of receipt and disbursements (the "Final SRD");
5. Authorizing and directing the Receiver to make a final distribution to the Bank of Nova Scotia ("BNS") in the amount of \$10,499.00 from available receivership funds on account of its secured claim;
6. Discharging and releasing the Receiver following the payment by the Receiver of the foregoing amounts and distributions;

was heard this day at the Courthouse, 43 Drummond Street East, Perth, Ontario.

ON READING the Notice of Motion and the Final Report, and the Factum and Authorities

filed by the Receiver, and upon hearing the submissions of counsel for the Receiver, ^{and} no one appearing for any of the other interested parties although duly served as appears from the Affidavit of Service of Roxanne Chapman sworn on April 29, 2022, filed,

Mr. D. Good appearing for the Respondents, Mr. I. Hogan for the Applicant and Mr. J. Maratovich for the Receiver, MNP

1. **THIS COURT ORDERS AND DECLARES** that the time and method of service of the Notice of Motion, the Receiver's Final Report and the Factum and Authorities filed by the Receiver are hereby abridged and validated such that this motion has been validly served and is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT FURTHER ORDERS AND DECLARES** that the Receiver's Final Report is hereby approved and that the activities and conduct of the Receiver and that of its legal counsel as set forth in the Second Report are hereby ratified and approved.
3. **THIS COURT FURTHER ORDERS AND DECLARES** that the fees and disbursements of the Receiver, including the fees and disbursements of its legal counsel, all as particularized in the Final Report are hereby approved and directs and authorizes the Receiver to pay all such fees and disbursements from available receivership funds.
4. **THIS COURT FURTHER ORDERS AND DECLARES** that the Receiver's Final SRD, as set forth in the Final Report, is hereby ratified and approved.
5. **THIS COURT FURTHER ORDERS AND DIRECTS** the Receiver to pay a final distribution to BNS in the amount of \$10,499.00 from available receivership funds.
6. **THIS COURT FURTHER ORDERS AND DIRECTS** that the Receiver is discharged and released following the payment by the Receiver of the foregoing amounts and distributions.

7. *This Court Further Orders that upon the final distribution to BNS in the amount of \$10,499.00, the Respondents are effectively immunized from any further potential claims related to this matter by the parties their successors or assigns. In greater Clarity to this Order fully and finally release the Respondents of any further indebtedness related to this matter.*

PERTH

MAY 12 2022

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The Hon. Mr. Justice Brian W. Abrams
Superior Court of Justice

THE BANK OF NOVA SCOTIA
Applicant

- and -

STUART W. LACKEY and CATHERINE A. LACKEY
Respondents

Court File No.: CV-20-00000008-0000

ONTARIO SUPERIOR COURT OF JUSTICE

**IN THE MATTER OF THE COURT-APPOINTED
RECEIVERSHIP OF STUART W. LACKEY AND CATHERINE
A. LACKEY, of the Town of Almonte, in the Province of
Ontario**

Proceedings commenced at Perth, Ontario

ORDER

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