

2012241 ONTARIO LIMITED  
Respondent

THE TORONTO-DOMINION BANK  
Applicant

April 4/12

Apr 5/12

A. O'Brien for applicant  
1 Avenue for the Toronto-Dominion Bank  
D. Magisano for the Receiver

The applicant seeks copies of three copies of whatever is ordered on favour of the Receiver. The Toronto-Dominion Bank admits copies of whatever is ordered on favour of the applicant. The court must be satisfied that the applicant's request is not yet completed and therefore not the applicant's responsibility to provide at this time. The agreement of purchase and sale and the loan should be available to both parties upon payment of the costs of photocopying and production of confidentially by documents satisfactory to the Receiver.

The applicant's request should not be denied at this time. The court must be satisfied that such disclosure would not affect the integrity of any data also process that might subsequently be conducted by the Receiver. PTD

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

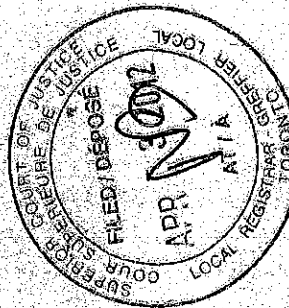
Proceeding Commenced at Toronto

MOTION RECORD

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Lawyers for Ira Smith Trustee & Receiver Inc., court appointed Receiver of 2012241 Ontario Limited



The effect of such disclosure for the purposes of <sup>further</sup> disclosure to a prospective financier of ~~the~~ a redemption by the applicant runs the risk of excluding an interested party from such sales process. The Receiver, although not objecting to the request, acknowledges similar concerns. Accordingly this request is denied at this time.

The applicant is, however, actively seeking financing to permit a redemption of the T-1 mortgage financing and a termination of the receivership. In the event that binding financing arrangements are entered into, the court may be prepared to consider arrangements for such disclosure in order to permit closing of the financing depending upon the circumstances at that time.

The Receiver seeks ~~W. Han-hut J.~~ approval of its actions as set out in the third report and of the fees and disbursements of the Receiver and its legal counsel. The T-1 Bank does not object and no objection has been raised by the applicant. Order to go in the form attached.

W. Han-hut J.