

CANADA

SUPERIOR

COURT

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

Commercial Division  
(in Bankruptcy and Insolvency)

NO.: 500-11-043820-121  
Superint. No.41-1697486

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**IN THE MATTER OF THE NOTICE OF INTENTION  
TO MAKE A PROPOSAL OF:**

**MATÉRIAUX DE CONSTRUCTION PROBEX INC.** a legal person, duly incorporated according to law, having its head office and principal place of business located at 10,000 Boul. Gouin ouest in the borough of Pierrefonds Roxboro District of Montreal, Province of Quebec, H8Y 3K9

Debtor/Petitioner

v.

**RICHTER ADVISORY GROUP INC.** (formerly RSM Richter Inc.) trustee in bankruptcy, a legal person, duly incorporated, having a place of business at 1981 McGill College in the City and District of Montreal, Province de Quebec, H3A 0G6

Trustee/Mis-en-cause

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**MOTION TO EXTEND THE DELAY FOR THE FILING OF A PROPOSAL  
AND TO SHORTEN THE DELAYS FOR SERVICE AND  
PRESENTATION OF THE PRESENT MOTION  
(SECTION 50.4(9) OF THE BANKRUPTCY AND INSOLVENCY ACT  
AND SECTION 5(2) OF THE BANKRUPTCY AND INSOLVENCY RULES)**

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**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN  
BANKRUPTCY MATTERS, IN AND FOR THE JUDICIAL DISTRICT OF MONTREAL,  
OR TO THE REGISTRAR THEREOF, THE PETITIONER RESPECTFULLY STATES:**

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1. On the 17<sup>th</sup> day of December 2012, the Petitioner filed a Notice of Intention to Make a Proposal ("NOTICE"), pursuant to section 50.4(1) of the Bankruptcy and Insolvency Act ("ACT"), the whole as appears from the court record;
2. The business of Petitioner consists of selling hardware and construction materials at retail;
3. The Trustee/Mis-en-cause, RICHTER ADVISORY GROUP INC. ("TRUSTEE") has agreed to act as trustee under the proposal, the whole as appears from the court record;
4. Within the legal delay, Petitioner filed a cash flow statement, the TRUSTEE's report on the reasonableness of the cash flow statement and the Petitioner's report regarding the preparation of the cash flow statement, the whole as provided for in section 50.4(2) of the ACT, the whole as appears from the court record;
5. As of the present date, Petitioner has not filed a proposal and the statutory delay to file a proposal expires on January 16, 2013;
6. Petitioner, notwithstanding that it is acting in good faith and with due diligence, has been unable to the present date, to file a proposal for the following reasons:
  - a) since the filing of the NOTICE, the management of Petitioner have been meeting with interested parties for the purposes of selling the Petitioner's business and real estate from which it operates and which real estate is owned a party related to Petitioner as a going concern which is essential for the Petitioner's ability to continue to go forward;
  - c) that as a result of the Christmas holidays, all commercial activity, including the negotiations were suspended and as a result the ongoing negotiations have been taking longer than anticipated and the due diligence being undertaken by the perspective purchasers have not proceeded as expeditiously as had hoped for;
  - d) That Petitioner is proceeding to the orderly collection of its accounts receivable which successful collection is also essential for the Petitioner's ability to continue to go forward;
7. Furthermore, Petitioner's bank who holds security on Petitioner's assets does not object to the delay being requested;
8. If this Honourable Court extends the time for filing a Proposal for an additional period of forty four (44) days to March 1, 2013, the Petitioner believes that it will likely be able to formulate the terms of a viable proposal to its creditors;

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9. That the TRUSTEE agrees to the delay being requested herein as appears from the TRUSTEE's report prepared pursuant to article 50.4(7) of the ACT forming part of the Court Record;

10. No creditors will be materially prejudiced if the additional forty four (44) day extension being requested herein is granted;

11. Petitioner is well founded in fact and in law to ask this Honourable Court to extend the time for filing a proposal by forty four (44) days to March 1, 2013;

12) Petitioner is well founded to request that the delays for service and presentation of the present motion be shortened given the short delay before the expiry of the current period allowed for the filing of the proposal;

13) The present request is urgent given the short delay before the expiry of the current period allowed for the filing of the proposal;

14) The present motion is well founded in fact and in law;

**W H E R E F O R E** Petitioner prays that by judgment to be rendered herein, this Honourable Court:

**GRANT** the present motion;

**SHORTEN** the delays for service and presentation of the present motion;

**EXTEND** the time for filing the proposal for an additional period of forty four (44) days from the date of hearing to March 1, 2013;

**THE WHOLE** without costs.

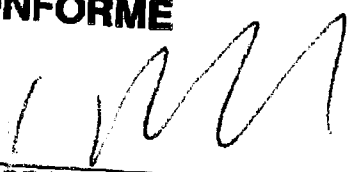
MONTREAL, January 14, 2013

**(S) IAN R. RUDNIKOFF, AVOCAT/ADVOCATE**

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IAN R. RUDNIKOFF  
Attorney for Debtor/Petitioner

**COPIE CONFORME**



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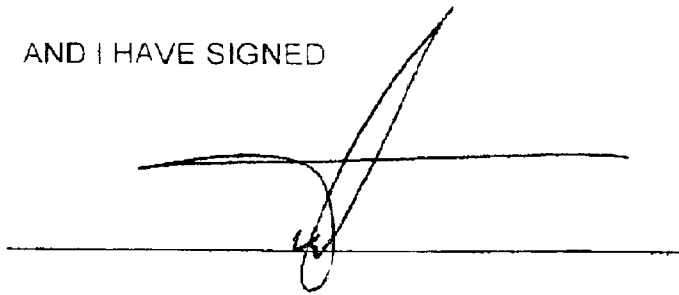
**IAN R. RUDNIKOFF, AVOCAT**

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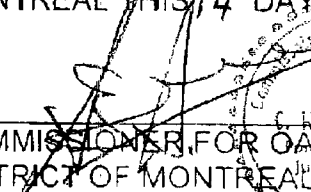
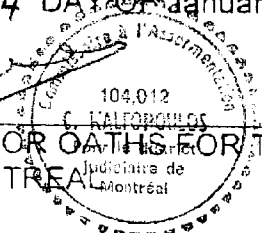
I, the undersigned, Carl Strulovitch, domiciled and residing at, 2665 Nantel, St Laurent, Province of Quebec, H4M1K6 solemnly declare:

- 1. THAT I am the President of MATÉRIAUX DE CONSTRUCTION PROBEX INC
- 2. THAT I have taken cognizance of the attached Motion to extend the delay for the filing of a proposal and the facts alleged therein are true to the best of my knowledge;

AND I HAVE SIGNED



SOLEMNLY DECLARED TO BEFORE ME AT MONTREAL THIS 14 DAY OF January 2013



  
 COMMISSIONER FOR OATHS FOR THE DISTRICT OF MONTREAL

**COPIE CONFORME**

**IAN R. RUDNIKOFF, AVOCAT**

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**NOTICE**

**TO: RICHTER ADVISORY GROUP INC. (formerly RSM Richter Inc.)**(in its capacity as trustee under the Notice of intention to make a proposal)  
1981 McGill Colege  
Montreal, Quebec  
H3A 0G6

Attention: M. Phil Manel, CA, CGA, CIRP

S I R S :

TAKE NOTICE of the foregoing Motion to Extend the Time for Filing a Proposal and that the same shall be presented for allowance before the Superior Court for the District of Montreal sitting in bankruptcy matters, Room 16.10 of the Palais de Justice at Montreal on Wednesday, January 16, 2013 at 9:00 a.m. or so soon thereafter as counsel may be heard.

DO GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, January 14, -2013

(S) IAN R. RUDNIKOFF, AVOCAT/ADVOCATE

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IAN R. RUDNIKOFF  
Attorney for Debtor/Petitioner

**COPIE CONFORME**



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IAN R. RUDNIKOFF, AVOCAT

RECEIVED COPY IN LIEU OF SERVICE WITH CONSENT TO FILE

MONTREAL, JANUARY 14, 2013  
RICHTER ADVISORY GROUP INC.

Per: \_\_\_\_\_

N° / No.: 500-11-043820-121

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SUPERIOR COURT  
Commercial Division  
(In Bankruptcy and Insolvency)  
DISTRICT DE / OF MONTREAL

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**MATÉRIAUX DE  
CONSTRUCTION PROBEX INC.**

Debtor/Petitioner

-AND

**RICHTER ADVISORY GROUP  
INC. (formerly RSM Richter Inc.)**

Trustee/Mis-en-cause

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**MOTION TO EXTEND THE DELAY FOR  
THE FILING OF A PROPOSAL AND TO  
SHORTEN THE DELAYS FOR SERVICE  
AND PRESENTATION OF THE MOTION**

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<sup>a</sup>Réf. / Ref.: 16012-00101

Procureur pour / Attorney for  
MATERIAUX DE CONSTRUCTION  
PROBEX INC.

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IAN RUDNIKOFF  
14 BARONSCOURT  
HAMPSTEAD, QUEBEC H3X 1H1

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