

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE MR.) TUESDAY, THE 7TH
)
JUSTICE HAINEY) DAY OF NOVEMBER, 2017
)

STRELLSON AG

Applicant

- and -

STRELLMAX LTD.

Respondent

ORDER

THIS MOTION made by Richter Advisory Group Inc., in its capacity as receiver (the "**Receiver**"), without security, of all of the assets, undertakings and properties of Strellmax Ltd. (the "**Debtor**") acquired for, or used in relation to a business carried on by the Debtor, and the Cross Motion made by Accord Financial Ltd. ("**Accord**") was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the First Report of the Receiver dated October 6, 2017 and the appendices thereto (the "**First Report**") and the Affidavit of Jim Bates sworn October 27, 2017, and on hearing the submissions of counsel for the Receiver, counsel for Strellson AG (the "**Applicant**") and counsel for Accord, no one else appearing although duly served as appears from the affidavits of service of Danny M. Nunes sworn November 2, 2017, and Diane Ross sworn October 10, 2017, filed:

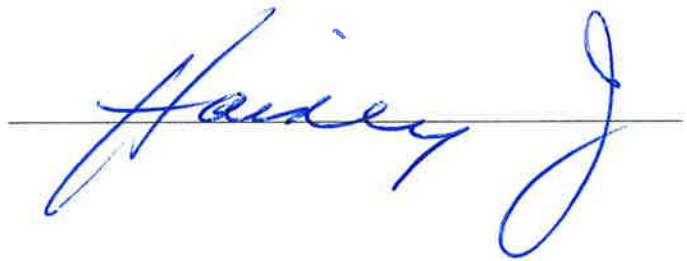
SERVICE

1. **THIS COURT ORDERS** that the time for service of the Receiver's Notice of Motion and the Motion Record, and Accord's Cross-Motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that, unless otherwise defined, capitalized terms herein shall have the meaning ascribed to them in the First Report and the appendices thereto.
3. **THIS COURT ORDERS AND DIRECTS** on consent, Accord to immediately deliver to the Receiver all Controlled Funds in Accord's possession as of October 28, 2017, to be held by the Receiver pending the authorization and direction of the Court following the Court's determination of the Priority and Distribution Motion (as hereinafter defined).
4. **THIS COURT ORDERS AND DIRECTS** on consent, that Accord shall turn over to the Receiver all Controlled Funds deposited into the Controlled Account after October 28, 2017, within ten days of receipt of same by Accord.
5. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver to bring a motion before Mr. Justice Hainey on a date to be to be agreed upon by counsel and arranged with the Commercial List Court office, during the latter half of January, 2018 (the "**Priority and Distribution Motion**"), for the determination by the Court of the relative priorities of the claims of the Applicant and the claims of Accord to the Controlled Funds and the other proceeds of realization of the assets of Strellmax in the Receiver's possession (together with the Controlled Funds, the "**Proceeds**"), and the advice and direction of the Court with respect to the Receiver's distribution of Proceeds, and that the timetable for the Priority and Distribution Motion set out in Schedule "A" to this Order is hereby approved.
6. **THIS COURT ORDERS** that the payments of the Controlled Funds by Accord to the Receiver shall be without prejudice to the rights of any party, including without limitation the Receiver, the Applicant and Accord, to make whatever arguments (and in the case of the

Receiver, recommendations) they wish to make with respect to the Priority and Distribution Motion.

7. **THIS COURT ORDERS** that the scheduling of the matters raised in subparagraphs 5(b) and (c) of the Notice of Cross Motion shall be set by the presiding Judge following the determination of Priority and Distribution Motion.

8. **THIS COURT ORDERS** that the costs of this Motion and the Cross Motion shall be reserved to the Judge determining the Priority and Distribution Motion.

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to read "Hansley J".

SCHEDULE "A"

TO NOVEMBER 7, 2017 ORDER

November 15, 2017 Receiver to deliver its Notice of Motion on Priority and Distribution Motion;

December 5, 2017 Accord and Strellson AG to deliver responding Affidavits;

December 7, 2017 Receiver to deliver its Report in respect of the Priority and Distribution Motion;

December 7-22, 2017 Accord cross examination of Strellson AG;

Strellson AG cross examination of Accord;

January 12, 2018 Facts of Accord, Strellson AG and Receiver (if any) to be served;

January 15-31, 2018 Hearing of Motion on date agreed to by counsel or set by Court;

STRELLSON AG TO DELIVER DOCUMENTS SET OUT IN RECORDS COUNSEL LETTER DATED AUGUST 18/17 AS AGREEMENT TO PROVIDE TO DISTRIBUTION MOTION

ALSO EXAMINATION OF ACCORD, HANNAH AND ACCORD TO BE MADE BY COURT IN AGTS OF ANY D. SACCOMBET

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

NOV 08 2017

PER / PAR:

STRELLSON AG

STRELLMAX LTD.

Applicant

Respondent

ONTARIO
**SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

PROCEEDINGS COMMENCED AT TORONTO

ORDER – NOVEMBER 7, 2017

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