

Court File No. CV-12-9740-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.)	THURSDAY, THE 21ST
)	
JUSTICE BROWN)	DAY OF NOVEMBER, 2013

BETWEEN:

HSBC BANK CANADA

Applicant

and

MAHVASH LECHCIER KIMEL

Respondent

APPROVAL ORDER

THIS MOTION, made by Zeifman Partners Inc. in its capacity as the Court-appointed receiver (the "Receiver") of property known municipally as 40 Park Lane Circle, Toronto, Ontario (the "Property") of Mahvash Lechcier-Kimel (the "Debtor") and for an order:

- (a) if necessary, abridging the time for service and filing of this notice of motion and the motion record or, in the alternative, dispensing with same;
- (b) approving the sale transaction (the "Transaction") contemplated in an agreement of purchase and sale (the "Sale Agreement") among Leah and David Aiello as Purchasers and the Receiver as Seller dated November 7, 2013, in advance of an auction sale process previously approved pursuant to the order of Mr. Justice Brown dated October 2, 2013;

- (c) sealing the Confidential Exhibits C and D including the Sale Agreement, referred to in the Second Report of the Receiver (the "Second Report") until after successful closing or further order of this Honourable Court;
 - (d) approving the Receiver's Second Report and the actions described therein;
 - (e) permitting the Receiver to proceed to close the Transaction and,
 - (i) to pay from the proceeds of sale in the Transaction,
 - (1) all transaction or other costs including commissions payable and outstanding municipal and other taxes,
 - (2) its outstanding fees and expenses and those of its counsel subject to further approval of this Court;
- and to hold the balance of the proceeds pending further order of this Court;
- (f) permitting the Receiver to proceed with the auction process previously approved by this Court in the event that the Transaction fails to close, without further order of this Court;
 - (g) such further and other relief as to this Honourable Court may permit;

was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report and Supplementary Report to the Second Report of the Receiver and the Responding Motion Record of the Second Mortgagee, Dr. Morris Goldfinger, and on hearing the submissions of counsel for the Receiver, and for Dr. Morris Goldfinger, no

one appearing for any other person on the service list, although properly served as appears from the affidavits of J. Wigley, filed.

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the 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, until further Order of this Court, Confidential Exhibits C and D to the Receiver's Second Report in these proceedings and the Respondent Goldfinger's Responding Motion Record, be sealed, kept confidential and not form part of the public record but rather shall be placed separate and apart from all other contents of the Court file in a sealed envelope(s) attached to a notice that sets out the title of these proceedings and a statement that the contents are subject to a Sealing Order.

3. THIS COURT ORDERS that this motion is otherwise dismissed.

4. THIS COURT ORDERS that there shall be no costs of this motion.



G. Argyropoulos, Registrar
Superior Court of Justice



NOV 27 2013

HSBC BANK CANADA
Applicant

-and- MAHVASH LECHCIER-KIMEL
Respondent

Court File No. CV-13-9989-00CL

ONTARIO
**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

APPROVAL ORDER
(PROPOSED SALE TO AIELLO)

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