

Court File No. 10-8702-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MADAM) FRIDAY, THE 28TH
JUSTICE PEPALL) DAY OF MAY, 2010

BETWEEN:

BANK OF MONTREAL

Applicant

- and -

ACS PRECISION COMPONENTS PARTNERSHIP

Respondent



ORDER

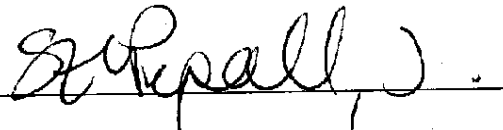
THIS MOTION, made by Zeifman Partners Inc. (the "Receiver"), in its capacity as Court appointed Receiver of ACS Precision Components Partnership ("ACS"), for an Order that Aalbers Tool & Mold Inc. ("Aalbers") forthwith deliver up possession to the Receiver of a Roller Cage Mold and related inserts (collectively, the "Mold"), built by Aalbers for ACS pursuant to Purchase Order number 331148 issued July 6, 2009 by ACS to Aalbers was heard this day at the Court House, 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Receiver's Second Report to the Court dated May 26, 2010, the consent of Aalbers, filed, and on hearing the submissions of the lawyers for the Receiver and for such other parties as present, and Brose Canada, Inc. having advised the Court that it is prepared to deposit with the Receiver the sum of US\$203,032 (the "Fund") to be held by the Receiver on the terms of this Order,

1. THIS COURT ORDERS that the time for and method of service of the Notice of Motion and the Second Report is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

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2. THIS COURT ORDERS that the Fund shall be held by the Receiver in a separate interest bearing account pending further order of the Court.
3. THIS COURT ORDERS that upon the Receiver providing written confirmation to the solicitor for Aalbers, Luigi DiPierdomenico, that the Receiver has received the Fund, Aalbers shall forthwith thereafter deliver up possession of the Mold to the Receiver;
4. THIS COURT ORDERS that for the purpose of determining the nature, amount and priority of any claim, including any ownership claim, (collectively the "Claims") that Aalbers may have with respect to the Mold, the Fund shall stand in the place and stead of the Mold and that the Claims shall cease to attach to the Mold and shall attach to the Fund in the same amount and with the same nature and priority as they had with respect to the Mold as if the Mold had not been delivered up to the Receiver and remained in the possession or control of Aalbers.
5. THIS COURT ORDERS that Aalbers shall complete all work, if any, yet to be completed under purchase order numbers 331148, 331963 and PC000095 issued by ACS to Aalbers or for which the Mold was delivered up to the possession of Aalbers on or about May 3, 2010, if so requested by the Receiver.



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

MAY 28 2010

PER / PAR: 

Joanne Nicoara
Registrar, Superior Court of Justice

Court File No: 10-8702-00CL

ACS PRECISION COMPONENTS
Respondent

BANK OF MONTREAL
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SUPERIOR COURT OF JUSTICE -
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Proceeding commenced at Toronto

ORDER

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