

Court File No. CV-20-00640633-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE)
)
JUSTICE PATTILLO) TUESDAY, THE 9th
) DAY OF SEPTEMBER, 2021

BETWEEN:



HILLMOUNT CAPITAL INC.

Applicant

and

CELINE BRITTANY PIZALE and RICHARD STANLEY PIZALE

Respondents

APPLICATION UNDER section 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3,
and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

DISCHARGE ORDER

THIS MOTION, made by Zeifman Partners Inc. in its capacity as the Court-appointed receiver (the "**Receiver**") of the property known as 83 Lyndhurst Avenue, Toronto, Ontario (the "**Property**") for an order:

1. abridging the time for service of this motion or, alternatively, validating or dispensing with service of the motion on any interested party not served so that the motion is properly returnable this day and dispensing with further service thereof;
2. approving the activities, actions and conduct of the Receiver as set out in the Fourth Report of the Receiver dated March 19, 2021 (the "**Fourth Report**") and the First Supplement to the Receiver's Fourth Report dated July 29, 2021 (the "**Supplementary Fourth Report**");
3. approving the fees and disbursements of the Receiver and its counsel as set out in the Fourth Report and the Supplementary Fourth Report;
4. authorizing the Receiver to distribute the sum of \$5,994.00 to Elle Mortgage Corporation; approving the distribution of the remaining proceeds available in the estate of the Debtor;
5. discharging Zeifman Partners Inc. as Receiver of the Property; and
6. releasing Zeifman Partners Inc. from any and all liability, as set out in paragraph 5 of this Order,

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

ON READING the Fourth Report, the Supplementary Fourth Report, the affidavits of the Receiver and its counsel as to fees (the "**Fee Affidavits**"), and on hearing the submissions of counsel for the Receiver,

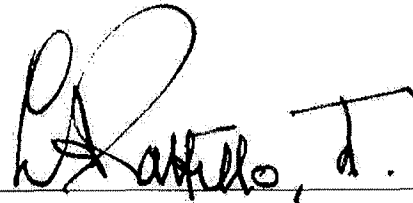
1. **THIS COURT ORDERS** that the activities of the Receiver, as set out in the Fourth Report and the Supplementary Fourth Report, are hereby approved.

2. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out in the Fourth Report and the Supplementary Fourth Report and the Fee Affidavits, are hereby approved.

3. **THIS COURT ORDERS** that the Receiver is hereby authorized to distribute the sum of \$5,994.00 to Elle Mortgage Corporation.

4. **THIS COURT ORDERS** that upon payment of the amounts set out in paragraph 3 hereof, the Receiver shall be discharged as Receiver of the Property, provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Zeifman Partners Inc. in its capacity as Receiver.

5. **THIS COURT ORDERS AND DECLARES** that Zeifman Partners Inc. is hereby released and discharged from any and all liability that Zeifman Partners Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Zeifman Partners Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Zeifman Partners Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.



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Applicant

-and- CELINE BRITTANY PIZALE et al.
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PROCEEDING COMMENCED AT
TORONTO

DISCHARGE ORDER

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