

COURT FILE NUMBER 2101-06388
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF ATB FINANCIAL
DEFENDANT ALBERTA FOOTHILLS PROPERTIES LTD.
APPLICANT FTI CONSULTING CANADA INC., in its
CAPACITY as the Court-appointed Receiver of
ALBERTA FOOTHILLS PROPERTIES LTD.
DOCUMENT **ORDER FOR FINAL DISTRIBUTION,
APPROVAL OF RECEIVER'S FEES AND
DISBURSEMENTS, APPROVAL OF
RECEIVER'S ACTIVITIES AND DISCHARGE
OF RECEIVER**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT MLT Aikins LLP
2100, 222 – 3rd Ave. SW
Calgary, AB T2P 0B4
Attention: Ryan Zahara/Kaitlin Ward
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File: 0052752.00004



DATE ON WHICH ORDER WAS PRONOUNCED: JULY 18, 2023
LOCATION WHERE ORDER WAS PRONOUNCED: CALGARY, ALBERTA
NAME OF THE MASTER/JUDGE WHO MADE THIS ORDER: JUSTICE E.J. SIDNELL

UPON THE APPLICATION of FTI Consulting Canada Inc., in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertakings, property and assets of Alberta Foothills Properties Ltd. (the "**Debtor**") for an Order for the final distribution of proceeds, approval of the Receiver's fees and disbursements, approval of the Receiver's activities and discharge of the Receiver; **AND UPON** hearing read the Receiver's Fifth Report, dated July 10, 2023 (the "**Fifth Report**") and the Affidavit of Service of Joy Mutuku; **AND UPON** hearing

counsel for the Receiver and any other interested person; **AND UPON** being satisfied that it is appropriate to do so, **IT IS ORDERED THAT:**

Service

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.

Fees and Disbursements

2. The Receiver's accounts for fees and disbursements, inclusive of the Holdback, as set out in the Fifth Report are hereby approved without the necessity of a formal passing of its accounts.
3. The accounts of the Receiver's legal counsel, MLT Aikins LLP, for its fees and disbursements, inclusive of the Holdback, as set out in the Fifth Report are hereby approved without the necessity of a formal assessment of its accounts.
4. The Receiver's activities as set out in the Fifth Report and the Statement of Receipts and Disbursements as set out in paragraph 21 of the Fifth Report, are hereby ratified and approved.


Distribution

5. The Receiver is authorized and directed to make the proposed Distribution as outlined in paragraph 39 of the Fifth Report.
6. The Receiver is authorized and directed to retain the Holdback as defined and outlined in paragraph 37 of the Fifth Report.
7. The Receiver is authorized and directed to destroy the Debtor's corporate books and records if not claimed by any former or current directors of the Debtor within 30 days of the Receiver providing written notice of the same.

Discharge

8. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any in fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
9. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
10. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed Trustee employed by the Receiver confirming that all matters set out in paragraphs 5 to 7 of this Order have been completed, then the Receiver shall be discharged as Receiver of the Debtor, 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 the Receiver in its capacity as Receiver.
11. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by Facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.

12. Service of this Order on any party not attending this application is hereby dispensed with.


Justice of the Court of King's Bench of Alberta