Clerk's stamp:

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JUDICIAL CENTRE OF CALGARY

COURT FILE NUMBER

1301-06644

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

**CALGARY** 

**PLAINTIFF** 

NATIONAL BANK OF CANADA

DEFENDANTS

ARGOSY ENERGY INC. AND RADIUS RESOURCES

CORP.

**DOCUMENT** 

ORDER - RECEIVER'S DISCHARGE

ADDRESS FOR SERVICE AND

BLAKE, CASSELS & GRAYDON LLP  $3500, 855 - 2^{\text{nd}}$  Street S.W.

CONTACT INFORMATION OF

PARTY FILING THIS

Calgary, AB T2P 4J8

DOCUMENT

Attention: Kelly Bourassa/Ryan Zahara

Telephone/Facsimile: 403-260-9697/403-260-9700

Email: kelly.bourassa@blakes.com

/ryan.zahara@blakes.com

File Ref.: 79294/5

DATE ON WHICH ORDER WAS PRONOUNCED:

September 15, 2014

LOCATION WHERE ORDER WAS PRONOUNCED:

**Justice Chambers** 

NAME OF JUSTICE WHO MADE THIS ORDER:

Madam Justice K.M. Eidsvik

UPON the application of FTI Consulting Canada Inc. ("FTI"), in its capacity as receiver and manager (the "Receiver") of Argosy Energy Inc. and Radius Resources Corp. (the "Debtors"), AND UPON having read the Third Report of the Receiver, dated September 3, 2014 (the "Third Report"), filed, AND UPON having read the Affidavit of Service of Ashley Rees, filed; AND UPON HEARING counsel for the Receiver and counsel for other interested parties;

## IT IS HEREBY ORDERED AND DIRECTED THAT:

I hereby certify this to be a true copy of
the original Order
Dated this 15 day of September 2014
for Clerk of the Court

31165385.1

- 1. Service of the Application is hereby abridged, if necessary, such that the Application is properly returnable today and, further, that any requirement for service of the Application upon any party not served is hereby dispensed with.
- 2. Capitalized terms not otherwise defined herein shall have the meaning given to them in the Third Report.
- 3. FTI is hereby unconditionally and absolutely discharged as Receiver of the Property (as such term is defined in the Receivership Order). The Receiver shall have no further duty, liability or obligation with respect to the Property including anything in respect of the Additional Seismic Data and any claim by Torc, associated therewith. Notwithstanding the foregoing, the Receiver is authorized and empowered to take any steps necessary or actions that necessary to conclude the administration of the Property, including the matters outlined in greater detail in the Third Report.
- 4. As of the date of the Third Report and based on the evidence that is currently before this Honourable Court:
  - (a) the Receiver has acted honestly and in good faith, and has dealt with the Property in a commercially reasonable manner;
  - (b) the actions and conduct of the Receiver are approved and the Receiver has satisfied all of its duties and obligations as receiver of the Property;
  - (c) the Receiver shall not be liable for any act or omission pertaining to the discharge of the Receiver's duties as receiver of the Property, save and except for any liability arising out of fraud or gross negligence or wilful misconduct on the part of the Receiver; and
  - (d) any and all claims against the Receiver arising from, relating to or in connection with the performance of the Receiver's duties and obligations as receiver of the Property, save and expect for claims based on fraud or gross negligence or wilful misconduct on the part of the Receiver, shall be forever barred and extinguished.

- 5. No action or proceedings arising from, relating to, or in connection with the performance of the Receiver's duties and obligations in respect of the Debtors and the Property may be commenced or continued without the prior leave of this Honourable Court, on notice to the Receiver and on such terms as this Honourable Court may direct.
- 6. FTI's Statement of Receipts and Disbursements set out in the Third Report is hereby approved and the Receiver hereby directed and is authorized to make the distributions set out therein.
- 7. FTI's accounts and the accounts of its independent legal counsel are hereby approved.
- 8. Service of this Order of the persons listed in the Service List attached as Schedule "B" to the Application by email, facsimile, courier, registered mail, regular mail or personal delivery shall constitute good and sufficient service of this Order, and no persons other than the persons listed on the Service List are entitled to be served with a copy of this Order.

J.C.O.B.A.