

FEB 28 2013

ENTERED



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF AN APPLICATION PURSUANT TO
SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1985, c.B-3, AS AMENDED and SECTION 39 OF THE *LAW AND EQUITY ACT*,
R.S.B.C. 1996 C.253, AS AMENDED

BETWEEN:

DUMAS HOLDINGS INC.

Petitioner

**TERCON INVESTMENTS LTD., TERCON A.C. LTD., TERCON EQUIPMENT LTD.,
TERCON CONSTRUCTION LTD., TERCON MINING LTD., TERCON ENTERPRISES
LTD., TERCON MRC LIMITED, FNP VENTURES INC., TERCON MINING PV LTD.,
TERCON EQUIPMENT ALASKA PARTNERSHIP AND TERCON ALASKA LTD.**

Respondents

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE)

28/02/2013

JUSTICE SEWELL)

THE APPLICATION of FTI CONSULTING CANADA INC., in its capacity as Court-appointed Receiver (the "**Receiver**") of the assets, undertakings and properties of Tercon Investments Ltd., Tercon A.C. Ltd., Tercon Equipment Ltd., Tercon Construction Ltd., Tercon Mining Ltd., Tercon Enterprises Ltd., Tercon MRC Limited, FNP Ventures Inc., Tercon Mining PV Ltd., Tercon Equipment Alaska Partnership and Tercon Alaska Ltd. (collectively, the "**Debtors**") coming on for hearing at Vancouver, British Columbia, on the 28th day of February, 2013; AND ON HEARING Magnus Verbrugge, counsel for the Receiver, and those other counsel listed on Schedule "A" hereto, AND UPON READING the material filed, including the Third Report of the Receiver dated February 26, 2013 (the "**Third Report**")¹;

¹ All capitalized terms not defined herein shall have the meaning ascribed to them in the Third Report.

THIS COURT ORDERS AND DECLARES THAT:

1. The time for service of the Notice of Application and supporting materials is hereby abridged and properly returnable today, and the need for further service of the Notice of Application and supporting materials is hereby dispensed with.
2. The Receiver, in its capacity as Receiver of the assets, undertakings and properties of Tercon Construction Ltd. (the "**TCL Receiver**") is hereby authorized to issue and file in Court an application for a bankruptcy order against Tercon Equipment Ltd. (the "**Bankruptcy Application**");
3. The stay of proceedings (the "**Stay**"), as provided for in paragraph 9 of the Order pronounced on December 14, 2012, is hereby lifted as against the TCL Receiver, for the limited purpose of enabling and authorizing the TCL Receiver to file the Bankruptcy Application; and
4. The Receiver, in its capacity as Receiver of the Assets, undertakings and properties of Tercon Equipment Ltd. (the "**TEL Receiver**") is hereby authorized to consent to the pronouncement of a bankruptcy order granted pursuant to the Bankruptcy Application, provided that the TEL Receiver has obtained the prior consent of each of HSBC Bank Canada, as agent, and Dumas Holdings Inc., or as further determined by Order of this Court.

THE APPROVAL OF COUNSEL SET OUT IN SCHEDULE "A" OF THIS ORDER, OTHER THAN COUNSEL FOR FTI CONSULTING CANADA INC., IS HEREBY DISPENSED WITH:



Signature of Magnus C. Verbrugge

Party Lawyer for

FTI Consulting Canada Inc., in its capacity as receiver of the assets, undertakings and properties of Tercon Investments Ltd., Tercon A.C. Ltd., Tercon Equipment Ltd., Tercon Construction Ltd., Tercon Mining Ltd., Tercon Enterprises Ltd., Tercon MRC Limited, FNP Ventures Inc., Tercon Mining PV Ltd., Tercon Equipment Alaska Partnership and Tercon Alaska Ltd.

BY THE COURT



REGISTRAR

SCHEDULE A - LIST OF COUNSEL

CHRISTOPHER J. RAMSAY	HSBC Bank Canada
JANE DETRICHT	DUMAS HOLDINGS INC.
DAVID E. GRUBER	FTE CONSULTING CANADA
CRAIG HILL	INC.