

FILE NO. 120281 KELOWNA REGISTRY

## In the Supreme Court of British Columbia

**BETWEEN:** 

MICHAEL STREET, MARIELLE BRULE, BOUNDARY MACHINE LTD.
AND PROFECTUS FINANCIAL INC.

**Plaintiffs** 

AND:

SATHER RANCH LTD.

Defendant

## ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE MR. JUSTICE HORI
August 19, 2021

ON THE APPLICATION of the Plaintiffs, coming on for hearing at Kelowna, B.C. on August 19, 2021, by teleconference, and on hearing Steven Dvorak appearing on behalf of the Plaintiffs, and on hearing Colin Flannigan, appearing on behalf of Joseph Sather and AMX Real Estate Inc.;

## THIS COURT ORDERS that:

1. All costs of and incidental to the application for discharge and passing of accounts (the "Application") made by G. Moroso & Associates Inc. (the "Receiver"), in excess of costs that would otherwise have been incurred by the Receiver if the Application had proceeded on an uncontested basis (the "Increased Costs"), shall be payable by AMX Real Estate Inc. and Joseph

Sather, jointly and severally, and shall be allocated to their interest(s) in the estate of Sather Ranch Ltd.

- 2. If the parties cannot agree upon the quantum of the Increased Costs, they shall be assessed by the Registrar pursuant to Rule 14.1(3).
- 3. There shall be no order as to costs as between the Plaintiffs, AMX Real Estate Inc. and Joseph Sather in connection with the Application.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of Colin Flannigan, lawyer for Joseph Sather and AMX Real Estate Inc. Signature of Steven Dvorak, lawyer for the Plaintiffs

By the Court:

Digitally signed by Smith, Racheal

Registrar