

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE
JUSTICE J. DIETRICH

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TUESDAY, THE 11TH
DAY OF AUGUST, 2026

B E T W E E N:

BANK OF MONTREAL

Applicant

- and -

**ADRIEL ORTINO CORP.; ADD EQUIPMENT CORP.; ADEN DISPOSAL CORP.; AE3
EXCAVATING CORP.; AEON LANDSCAPING CORP.; ALL SEASONS GARDENING
& MAINTENANCE LTD.; ANTHONY’S EXCAVATING AND GRADING LTD.; HC &
C CONTRACTING INC.; AND SHILSON EXCAVATION & TRUCKING INC.**

Respondents

**APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY
ACT*, R.S.C. 1985, C. B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF
JUSTICE ACT*, R.S.O. 1990, C. C.43, AS AMENDED**

ANCILLARY ORDER

THIS MOTION, made by AlixPartners Restructuring, Inc., in its capacity as Court-appointed receiver (in such capacity, the “**Receiver**”) of the assets, undertakings and properties of Adriel Ortino Corp., ADD Equipment Corp., Aden Disposal Corp., AE3 Excavating Corp., Aeon Landscaping Corp., All Seasons Gardening & Maintenance Ltd., Anthony’s Excavating and

Grading Ltd., HC & C Contracting Inc., and Shilson Excavation & Trucking Inc. (collectively, the “**Debtors**”) for an order (this “**Order**”), *inter alia*: (i) approving the First Report of the Receiver dated August 4, 2026 and the appendices thereto (the “**First Report**”), (ii) approving the Receiver’s activities as detailed in the First Report, (iii) authorizing the Receiver to make one or more distributions to Bank of Montreal (“**BMO**”) in partial satisfaction of BMO’s secured claim, subject to the Receiver maintaining appropriate reserves; (iv) providing certain protections and releases in favour of the Receiver in connection with the Distributions (as defined below), and (v) sealing the Confidential Appendices to the First Report (the “**Confidential Appendices**”), was heard by this Honourable Court (the “**Court**”) on this day by Zoom videoconference at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver dated August 4, 2026, including the First Report and the appendices thereto, and on hearing the submissions of counsel for the Receiver, and such other counsel as were present, no one else appearing although properly served as appears from the affidavit of service of Jaclyn Tarola sworn August 5th, 2026, as filed:

DEFINITIONS

1. **THIS COURT ORDERS** that capitalized terms used in this Order and not otherwise defined herein shall have the meanings ascribed to them in the First Report.

SERVICE

2. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record of the Receiver is hereby abridged and validated so that this application is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF FIRST REPORT AND ACTIVITIES

3. **THIS COURT ORDERS** that the First Report and the actions, conduct and activities of the Receiver as set out therein be and are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize, in any way, such approvals.

DISTRIBUTIONS TO BMO

4. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed, at such time or times and in such amount or amounts as the Receiver determines appropriate, to make one or more distributions to BMO up to the amount of BMO's secured claim against the Debtors (collectively, the "**Distributions**"), without further Order of this Court, subject to any holdbacks which the Receiver believes are required to complete these proceedings or which may be owing to other creditors with a prior-ranking interest in the proceeds.

5. **THIS COURT ORDERS** that the Receiver, A&B and their respective directors, officers, employees, representatives, lawyers and agents (collectively, the "**Receiver Parties**") are hereby authorized to take all reasonably necessary steps and actions to effect the Distributions from time to time, in accordance with and subject to the terms of this Order, and the Receiver Parties shall not incur any liability as a result of making or facilitating the Distributions in accordance with the terms of this Order.

6. **THIS COURT ORDERS** that each of the Distributions shall be made free and clear of and from any and all security interests (whether contractual, statutory or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory or otherwise), liens, executions, levies, charges or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise, including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of Justice Cavanagh dated May 21, 2026 (the "**Appointment Order**") or any other Order of this Court in these proceedings; and (ii) all charges, security interests, liens, trusts or claims evidenced by registrations pursuant to the *Land Titles Act* (Ontario), the *Personal Property Security Act* (Ontario), or any other personal property or real property registry system.

7. **THIS COURT ORDERS** that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any application or motion for a bankruptcy order now or hereafter made pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the "**BIA**"), in

respect of the Debtors and any bankruptcy order issued pursuant to any such application or motion; and

(c) any provisions of any federal or provincial legislation,

the Distributions shall be final and irreversible and shall be binding on any trustee in bankruptcy, receiver or monitor that may be appointed in respect of any of the Debtors, and shall not be void or voidable by creditors of the Debtors, nor shall they constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, breach of trust, transfer at undervalue, or other reviewable transaction under the BIA or any other applicable federal or provincial legislation, nor shall they constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

8. **THIS COURT ORDERS** that the Receiver or any other Person facilitating any Distribution pursuant to this Order shall be entitled to deduct and withhold from such Distribution such amounts as may be required to be deducted or withheld under any applicable law and to remit such amounts to the appropriate governmental authority or other Person entitled thereto as may be required by such law. To the extent that amounts are so withheld or deducted and remitted to the appropriate governmental authority or other Person entitled thereto, such withheld or deducted amounts shall be treated for all purposes as having been paid pursuant to this Order.

RECEIVER'S PROTECTIONS

9. **THIS COURT ORDERS** that in performing its duties and obligations under this Order, and taking such other actions and fulfilling such other duties or obligations incidental thereto, the Receiver shall: (i) have all of the protections afforded to it by the BIA, the Appointment Order and any other Orders of the Court in these proceedings, or as an officer of the Court, including the stay of proceedings in its favour pursuant to the Appointment Order; (ii) incur no liability or obligation other than in respect of gross negligence or wilful misconduct; (iii) be entitled to rely on the books and records of the Debtors and any information provided by the Debtors or any other Person, all without independent investigation; and (iv) not be liable for any claims or damages resulting from any errors or omissions in such books, records or information, except to the extent that the Receiver has acted with gross negligence or wilful misconduct.

10. **THIS COURT ORDERS AND DECLARES** that the Receiver shall not incur any liability under the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.); the *Taxation Act*, 2007, S.O. 2007, c. 11, Sch. A; the *Excise Tax Act*, R.S.C. 1985, c. E-15; the *Employment Insurance Act*, S.C. 1996, c. 23; the *Retail Sales Tax Act*, R.S.O. 1990, c. R.31; the *Corporations Tax Act*, R.S.O. 1990, c. C.40; or any other similar applicable federal, provincial or territorial tax legislation (collectively, the “**Statutes**”) for facilitating any of the Distributions as contemplated by and in accordance with this Order, and the Receiver shall not have any liability for any of the Debtors’ tax liabilities under the Statutes in respect of such Distributions, regardless of how or when such liabilities may have arisen.

11. **THIS COURT ORDERS** that the Receiver is hereby forever released, remised and discharged from any claims against it under or pursuant to the Statutes or otherwise at law arising as a result of any Distributions made pursuant to this Order.

SEALING CONFIDENTIAL DOCUMENTS

12. **THIS COURT ORDERS** that the Confidential Appendices shall be sealed, kept confidential, and shall not form part of the public record, but shall rather be placed separate and apart from all the other contents of the Court File in a separately sealed envelope on which is affixed a notice setting out the title of these proceedings and a statement that the contents are subject to a sealing order.

13. **THIS COURT ORDERS** that the Confidential Appendices shall remain under seal until the conclusion of the Auction or upon further order of this Court.

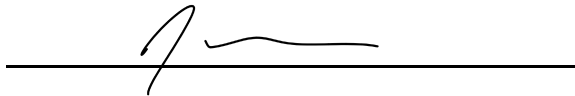
GENERAL

14. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.

15. **THIS COURT HEREBY REQUESTS** the aid and recognition of any other Canadian and foreign court, tribunal, regulatory or administrative body (“**Judicial Bodies**”) to give effect to this Order and to assist the Receiver and its respective agents in carrying out the terms of this Order. All Judicial Bodies are hereby respectfully requested to make such orders and to provide

such assistance to the Receiver as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Receiver in any foreign proceeding, or to assist the Receiver and its respective agents in carrying out the terms of this Order.

16. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. (Eastern Time) on the date of this Order without the need for entry or filing.

A handwritten signature, appearing to be "J. [unclear]", is written over a solid horizontal line.

BANK OF MONTREAL

and

ADRIEL ORTINO CORP. et al

Applicant

Respondents

Court File No. CV-25-00745576-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceedings commenced at TORONTO

ANCILLARY ORDER

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*Lawyers for AlixPartners Restructuring, Inc.,
in its capacity as the Receiver of the
Respondents*

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