

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY THE 8TH DAY
JUSTICE GILMORE) OF AUGUST, 2024

IN THE ESTATE OF VINCENT WARD RICKETTS, deceased.

BETWEEN:

GARY ANTHONY RICKETTS

Moving Party

– and –

PURPHENA RICKETTS, Estate Trustee for the Estate of Vincent Ward Ricketts
and PURPHENA RICKETTS, in her personal capacity

Responding Party

ORDER GIVING DIRECTIONS

THIS MOTION, made by the responding parties for, *inter alia*, directions, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the consent of the parties and the consent of Allan Rutman of Zeifmans LLP, the proposed estate trustee during litigation, filed.

1. THIS COURT ORDERS that the responding party shall, within thirty (30) days of the date of this order, serve on the moving party an affidavit setting out the nature of the assets and liabilities of the (i) Estate of Vincent Ricketts and (ii) assets that were jointly owned by Vincent Ricketts and Purphena Ricketts ("Purphena"), just prior to the date of Vincent Rickett's (the "**Deceased**") death and as of the date of this order. Purphena is not required to obtain appraisals of real estate assets, but she shall estimate such values (without obtaining appraisals). In the event the assets are deposits in bank accounts, term deposits, T-bills, GICs or other such financial instruments whose value is ascertainable without an appraisal, Purphena will provide values for such assets just prior to the date of the Deceased's death and as of the date of this order. In determining the value of each asset as at the date of this Order, Purphena will detail all dispositions, liabilities and payments. Purphena shall provide supporting documentation which she has in her possession within 30 days of this Order.

2. THIS COURT ORDERS that Allan Rutman, C.P.A., M.B.A., C.T.P., T.E.P. ("**Rutman**") of Zeifmans LLP be and is hereby appointed as estate trustee during litigation ("**ETDL**"), without security, of all property of the Estate, pending a final resolution or settlement of the challenge to the validity of the Will, or an order of the court.

3. THIS COURT ORDERS that the ETDL shall charge hourly rates for administering the Estate, and receive out of the assets of the Estate, in accordance with the attached Schedule "A" together with disbursements incurred in the course of performing his duties, plus any applicable HST, subject to the further review by the court, if required by any of

the parties herein. The ETDL shall be and is hereby authorized to pre-take this remuneration.

4. THIS COURT ORDERS that the ETDL may retain such professional advisors as he considers necessary to administer the Estate, and pay reasonable professional fees and any associated costs, out of the assets of the Estate.

5. THIS COURT ORDERS that the ETDL shall apply for a Certificate of Appointment of Estate Trustee During Litigation within 30 days of the date of this order.

6. THIS COURT ORDERS that a Certificate of Appointment of Estate Trustee During Litigation be issued to the ETDL subject only to the filing of the necessary supporting application, which application is to be expedited by the Court office.

7. THIS COURT ORDERS and declares that the requirement that the ETDL post a bond as security be and is hereby waived.

8. THIS COURT ORDERS that all assets of the Estate be vested in the ETDL from the date of this Order and that the ETDL shall be entitled to immediate possession of the property and assets of the Deceased.

9. THIS COURT ORDERS that the ETDL be and is hereby authorized, but not obligated, to exercise those powers given by law to an administrator, including such powers given to an administrator under the Estates Act, R.S.O. 1990, c. E.21. Without limiting the generality of the foregoing, this is to include the rights and powers:

- a) To gather in and take full account of the assets and liabilities of the Deceased and of the Estate;
- b) To pay all just debts, funeral and testamentary expenses and all income taxes of the Deceased, his wholly owned corporations and of the Estate, or to reimburse any person who paid such liabilities out of his or her own pocket;
- c) To obtain information, records and files relating to the assets and liabilities of the Deceased in the same manner and to the same extent the Deceased would have been able to if alive;
- d) To obtain an appraisal of any company or real property comprising the assets of the Deceased;
- e) To be at liberty to appoint an agent or agents and seek such assistance from time to time as the ETDL may consider necessary for the purposes of performing his duties hereunder and to pay those agents and representatives, including the ETDL's legal counsel, from the Estate; and
- f) To invest any liquid assets of the Estate in a guaranteed investment certificate.

10. THIS COURT ORDERS that the ETDL shall preserve and maintain the assets of the Estate until the court orders otherwise.

11. THIS COURT ORDERS that the ETDL is hereby authorized and directed to seek and obtain production of financial records and files relating to the assets of the Deceased from any financial or banking institution, whether in Canada, or elsewhere, as necessary, in the same manner and extent as if the Deceased would have been able to, if alive, and to produce all documents received to the parties.

12. THIS COURT ORDERS that the costs of the ETDL related to the administration of the Estate, including reasonable legal costs, are to represent a first charge against the gross assets of the Estate.

13. THIS COURT ORDERS that the responding party shall forward to the ETDL any documents and records relating to the assets and administration of the Estate since the date of death of the Deceased, which are in her control or possession, within 30 days of the date of this order.

14. THIS COURT ORDERS that the moving party and the responding party shall execute such documents and do such other things as the ETDL may request in writing to ensure that the assets of the Estate are properly transferred to and vested in the ETDL within 15 days of such a written request being made by the ETDL.

15. THIS COURT ORDERS that the ETDL shall be paid its legal costs in respect of the ETDL's appointment from the assets of the Estate on a full indemnity basis.

16. THIS COURT ORDERS that Purphena shall issue and serve a statement of claim (the "claim") within 60 days of this order. The parties to the claim shall be Purphena, as Plaintiff, and Allan Rutman, in his capacity solely as Estate Trustee During Litigation of the Estate of Vincent Ricketts and otherwise not in his personal capacity, and the moving party, Gary Ricketts ("Gary") shall be the Defendants. Gary shall deliver a statement of defence, if he is so advised, within 60 days of receipt of the claim, failing which Purphena may take default proceedings against Gary. The ETDL will not be obligated to, but may in its sole discretion, defend the action. In the event the ETDL does not defend the action,

it will be bound by any settlement entered into by Purphena and Gary, and by any Court Order or judgment arising from the claim.

17. THIS COURT ORDERS that the ETDL and/or the parties, or any one of them, may move for such further directions as may appear advisable or necessary with respect to the due administration of the Estate.

Schedule "A"

Person Performing Work	Hourly Rate	
Ronald C. Rutman, Partner	\$750	Amount may be subject to increase on January 1, 2025 and each year thereafter.
Allan R. Rutman, Partner	\$750	Amount may be subject to increase on January 1, 2025 and each year thereafter.
Senior Manager	\$415	Amount may be subject to increase on January 1, 2025 and each year thereafter.
Manager	\$350	Amount may be subject to increase on January 1, 2025 and each year thereafter.
Staff Accountant	\$290	Amount may be subject to increase on January 1, 2025 and each year thereafter.
Administrative Staff	\$290	Amount may be subject to increase on January 1, 2025 and each year thereafter.

Disbursements and Taxes charged in the ordinary course and payable by the Estate.

IN THE ESTATE OF VINCENT WARD RICKETTS, DECEASED

GARY ANTHONY RICKETTS

– AND –

PURPHENA RICKETTS, ESTATE TRUSTEE FOR THE ESTATE OF VINCENT
WARD RICKETTS AND PURPHENA RICKETTS, IN HER PERSONAL CAPACITY

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

ORDER GIVING DIRECTIONS

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