

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

TUESDAY

THE HONOURABLE

)

~~WEDNESDAY~~, THE 2nd

)

JUSTICE CONWAY

)

DAY OF MAY, 2023

B E T W E E N :

PINECAP MORTGAGE CORPORATION  
and 2106271 ONTARIO INC.

Applicants

- and -

DEREK SCHEINMAN, DMS FINANCIAL MANAGEMENT INC.,  
1620299 ONTARIO LIMITED carrying on business as  
DMS FINANCIAL MANAGEMENT and 2109644 ONTARIO LIMITED

Respondents

**ORDER**

**THIS MOTION**, made by Zeifman Partners Inc. in its capacity as the court-appointed receiver (the “Receiver”), pursuant to the Order of The Honourable Justice Hainey dated March 22, 2017, without security, of all of the assets, undertakings, and properties of Grossman Silver Horizon Limited Partnership and 2109644 Ontario Limited for an Order, *inter alia*, (i) approving the Sixth Report to the Court of the Receiver dated March 6, 2023 (the “Sixth Report”) and (ii) granting orders in accordance with the recommendations made by the Receiver in the Sixth Report, was heard this day by videoconference at Toronto, Ontario.

**ON READING** the Notice of Motion, the Sixth Report including the exhibits thereto, the affidavit of Allan Rutman of the Receiver, the affidavits of service of the Amended Motion Record on the Applicants, the affidavit of Ester (Sage) Neufeld of Minden Gross LLP, the factum of the Receiver; on hearing the submissions of counsel for the Receiver; and upon being advised that there no other parties affected by the orders being sought,

1. **THIS COURT ORDERS** that the Sixth Report and the actions and conduct of the Receiver described therein are hereby approved, provided that only the Receiver, in its personal capacity and only with respect to its own personal liability, is entitled to, in any manner, rely upon or utilize such approval.

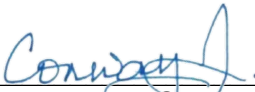
2. **THIS COURT ORDERS** that the Receiver is authorized to distribute to the Applicants the sum of \$3,948,226, being the amount available for distribution as set out in the Receiver's Statement of Receipts and Disbursements at Exhibit "Q" to the Sixth Report.

3. **THIS COURT ORDERS** that the Receiver's accounts for the period from April 1, 2019 to February 28, 2023 as set out in the Affidavit of Allan A. Rutman at Exhibit "P" of the Sixth Report are hereby approved.

4. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements to March 6, 2023 at Exhibit "Q" of the Sixth Report is hereby approved.

5. **THIS COURT ORDERS** that the proposed accrual of fees and expenses of the Receiver's lawyers, Minden Gross LLP and the document and file retrieval fees of other lawyers in the amount of \$216,018.92 plus HST, are hereby approved.

6. **THIS COURT ORDERS** that, effective upon the filing of a certificate by the Receiver in the form attached as Schedule "A" hereto certifying that all outstanding matters to be attended to in connection with the receivership of the Applicants have been completed to the satisfaction of the Receiver, Zeifman Partners Inc. is hereby discharged as Receiver and is hereby released from any and all liability that Zeifman Partners Inc. has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Zeifman Partners Inc. while acting in its capacity as Receiver, save and except for any gross negligence or wilful misconduct on the Receiver's part.

  
Justice Conway

SCHEDULE "A"

Court File No. CV-17-11714-00CL

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**RECEIVER'S DISCHARGE CERTIFICATE**

**RECITALS**

(a) Pursuant to the Order of The Honourable Justice Hainey of the Ontario Superior Court of Justice (Commercial List) (the "Court") dated March 22, 2017, Zeifman Partners Inc. ("Zeifmans") was appointed as receiver (the "Receiver"), without security, of all of the assets, undertakings, and properties of Grossman Silver Horizon Limited Partnership and 2109644 Ontario Limited (the "Debtors").

(b) Pursuant to an Order of the Court dated May 2, 2023 (the "Discharge Order"), Zeifmans was discharged as Receiver of all of the assets, undertakings, and properties

of the Debtors to be effective upon the filing by the Receiver with the Court of a certificate confirming that all matters to be attended to in connection with the receivership of the Debtors, including the remaining activities, have been completed to the satisfaction of the Receiver, provided, however, that notwithstanding its discharge: (a) Zeifmans will remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership; and (b) the Receiver will continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections, and stays of proceedings in favour of Zeifmans in its capacity as Receiver.

(c) Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Discharge Order.

**THE RECEIVER CERTIFIES** the following:

1. All matters to be attended to in connection with the receivership of the Debtor, including the remaining activities, have been completed to the satisfaction of the Receiver; and
2. This Certificate was filed by the Receiver with the Court on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**Zeifman Partners Inc.**, in its capacity as court-appointed Receiver of Grossman Silver Horizon Limited Partnership and 2109644 Ontario Limited

Per: \_\_\_\_\_

Name: Allan Rutman

Title: President

B E T W E E N

PINECAP MORTGAGE CORPORATION et al

-and-

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Respondents

Court File No. CV-17-11714-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**RECEIVER'S DISCHARGE CERTIFICATE**

**MINDEN GROSS LLP**

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Lawyers for Zeifman Partners Inc., in its capacity as court  
appointed Receiver of Grossman Silver Horizon Limited  
Partnership and 2109644 Ontario Limited

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**ORDER**

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appointed Receiver of Grossman Silver Horizon Limited  
Partnership and 2109644 Ontario Limited