

3. releasing Rosen Goldberg Inc., from any and all liability, as set out in paragraph 5 of this Order,

was adjourned to, and heard this day by zoom video conference at the Kingston Courthouse at 5 Court Street in Kingston, Ontario, as a result of Covid 19.

ON READING the Third Report and the Supplement, and on hearing the submissions of counsel for the Receiver, counsel for Harbour Edge Mortgage Investment Corporation (“**Harbour Edge**”), counsel for Cecil Harnden, counsel for the City of Kingston, no one else appearing although served;

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Motion Record, the Third Report, and the Supplement is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Third Report and the Supplement, and the activities of the Receiver described therein are hereby approved, with prejudice to any claims or rights of Cecil Harnden.

3. **THIS COURT ORDERS** that after payment by the Receiver of its fees and disbursements and the fees and disbursements of its counsel, and distribution of the Reserve (as defined in the Third Report) the Receiver is hereby authorized and directed to pay to Harbour Edge, the balance of funds in its hands, if any, not including any funds distributed by the City of Kingston in respect of the future development of the Properties, as described in the Third Report (the “**Kingston Security**”). Nothing in this Order shall affect the rights or claims of any person to the Kingston Security, including without limitation, any rights or claims of Cecil Harnden and Harbour Edge.

4. **THIS COURT ORDERS** that upon completion of its remaining administrative tasks, as set out in the Third Report, Rosen Goldberg Inc. shall be discharged as Receiver of the undertaking, property and assets of the Debtors, provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, including, without limitation, distribution of the Kingston Security, and (b) the Receiver shall 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 Rosen Goldberg Inc., in its capacity as Receiver.

5. **THIS COURT ORDERS AND DECLARES** that Rosen Goldberg Inc. is hereby released and discharged from any and all liability that Rosen Goldberg Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Rosen Goldberg Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Rosen Goldberg Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.

Justice R. Leroy

ENTERED AT KINGSTON
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SEPTEMBER 17, 2020

IN BOOK NO. 73-21
AU REGISTRE NO.73-21

**HARBOUR EDGE MORTGAGE INVESTMENT
CORPORATION**

Applicant

-and- **HARNDEN ENTERPRISES INCORPORATED et al**

Respondent

Court File No. CV-15-68-00

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
KINGSTON

DISCHARGE ORDER

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