

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE

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Kim A. Carpenter
GWN

THURSDAY, THE 24TH

DAY OF OCTOBER, 2019

BETWEEN:

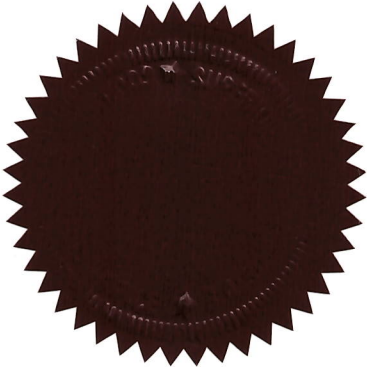
CANADIAN IMPERIAL BANK OF COMMERCE

Applicant

and

AMAX HEALTH INC.

Respondent



ORDER

THIS MOTION, made by RSM Canada Limited, in its capacity as Court-Appointed Receiver of all of the assets, property and undertaking of Amax Health Inc. (the "Receiver"), for an Order approving and accepting the Third Report of the Receiver, dated October 17, 2019, authorizing the Receiver to make distributions to the Applicant and for other relief, was heard this day at the court house, 45 Main Street E., Hamilton, Ontario, L8N 2B7.

ON READING the Third Report of the Receiver, dated October 17, 2019 (the "Third Report"), and on hearing submissions of counsel for the Receiver, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Valerie Luis, sworn October 17, 2019, filed,

1. THIS COURT ORDERS that any requirement for service and filing of this Notice of Motion, the Third Report and Motion Record be and is hereby abridged, such that the Motion is properly returnable today and all parties requiring notice of this Motion have been duly served and that service on all parties is hereby validated and any further service is hereby dispensed with.
2. THIS COURT ORDERS that the Third Report is both accepted and approved by this Honourable Court.
3. THIS COURT ORDER that the conduct, activities and actions of the Receiver as set out in the Third Report are both authorized and approved.
4. THIS COURT ORDERS that the Receiver's interim Statement of Receipts & Disbursements as at September 30, 2019 as detailed in the Third Report are approved.
5. THIS COURT ORDERS that the Receiver's fees and disbursements for the period of August 1, 2019 to September 30, 2019 and the fees and disbursements of its Ontario counsel, Scarfone Hawkins LLP, for the period of August 10, 2019 to September 30, 2019 and the fees and disbursements of the Receiver's Quebec counsel, Sarna Neudorfer, for the period of August 27, 2019 to August 28, 2019 as detailed in the Third Report, are approved and the Receiver is authorized to pay them.
6. THIS COURT ORDERS that the Receiver is hereby authorized to make distributions to the Applicant, Canadian Imperial Bank of Commerce ("CIBC") provided that the aggregate amount of all distributions made to CIBC shall not, without further order of this Court, exceed the aggregate obligations owing to CIBC by the Respondent.

7. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative 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 or to assist the Receiver and its agents in carrying out the terms of this Order.

ENTERED AT HAMILTON
IN Book No. 394
as Document No. 234
on OCT 25 2019
by JOAN AMICARELLI


(Signature of Judge)

RCP-E 59A (July 1, 2007)

CANADIAN IMPERIAL BANK OF COMMERCE
Applicant

-and- **AMAX HEALTH INC.**
Respondent

Court File No. 19-69485

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT HAMILTON

ORDER

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RCP-E 4C (May 1, 2016)