

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

THE HONOURABLE	)	WEDNESDAY, THE 21 <sup>st</sup>
	)	
MADAME JUSTICE STEELE	)	DAY OF MAY, 2025
	)	

B E T W E E N :

**COSMAN MORTGAGE HOLDING CORP.**

Applicant

- and -

**CACOELI WHITBY LP also known as CACOELI WHITBY LIMITED  
PARTNERSHIP, 11275127 CANADA INC. and 11250396 CANADA INC.**

Respondents

**ANCILLARY ORDER**

**THIS MOTION**, made by Pollard & Associates Inc. in its capacity as receiver and manager (the “**Receiver**”), without security, of (i) the real property municipally known as 132 Brock Street North, Whitby, Ontario, and 146 – 152 Brock Street North, Whitby, Ontario (the “**Real Property**”); (ii) all rents, issues and profits, due now or in the future, by virtue of any lease or agreement in respect of the Real Property; and (iii) all chattels, erections and improvements, fixed or otherwise, now or hereafter put upon the Real Property and owned by 11250396 Canada Inc. in its capacity as general partner of Cacoeli Whitby LP and 11275127 Canada Inc. (collectively, the “**Debtors**” or the “**Companies**”), including all of the proceeds therefrom, for an order, *inter alia*, approving the First Report of the Receiver dated May 5, 2025 (the “**First Report**”), and sealing certain appendices in the First Report, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the First Report and the appendices thereto, the factum of the Receiver,

and on hearing the submissions of counsel for the Receiver, and such other counsel as were present and appearing on the Counsel Slip, no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service of Sylvia Sauro dated May 13, 2025, filed:

## **SERVICE**

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

## **APPROVAL OF ACTIVITIES**

2. **THIS COURT ORDERS** that the First Report and the actions and activities of the Receiver described in the First Report 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 approval.

## **SALE AND MARKETING PROCESS**

3. **THIS COURT ORDERS** that the sales and marketing process undertaken by the Receiver as described in the First Report is hereby approved.

## **SEALING**

4. **THIS COURT ORDERS** that the Confidential Appendices (as defined in the First Report) are hereby sealed until the earlier of either the closing of the Transaction (as defined in the First Report), or upon further Order of the Court.

5. **THIS COURT ORDERS** that this Order is effective from today's date and is enforceable without the need for entry and filing.

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COSMAN MORTGAGE HOLDING  
CORP.

and

CACOELI WHITBY LP aka CACOELI  
WHITBY LIMITED PARTNERSHIP, 11275127  
CANADA INC., and 11250396 CANADA INC.

Court File No. CV-24-00723457-00CL  
Estate File No.: 31-459983

Applicant

Respondents

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE -**  
**COMMERCIAL LIST**

Proceeding commenced at **Toronto**

**ANCILLARY ORDER**

**LAISHLEY REED LLP**

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