

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL COURT**

THE HONOURABLE MR.  
JUSTICE MORAWETZ

FRIDAY, THE 15TH  
DAY APRIL, 2010

B E T W E E N:

IN THE MATTER OF THE *COMPANIES' CREDITORS  
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF BRUCE R. SMITH LIMITED and  
JOHN HENRY SMITH LAND INC.



Applicants

**ORDER**

**THIS MOTION**, made by the Applicants for an Order, *inter alia*, approving and authorizing John Henry Smith Land Inc. to proceed with the listing for sale of certain real properties located in Chatham, Ontario, as more particularly described below, and other relief, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Affidavit of John Henry Smith, sworn March 19, 2010, and the exhibits attached thereto, the Confidential Supplementary Affidavit of John Henry Smith, sworn March 19, 2010, and the exhibits attached thereto, the Sixth Report of the Monitor, The Fuller Landau, dated April 14, 2010, and on hearing the submissions of counsel for the Applicants, the Monitor, Royal Bank of Canada, G.E. Canada Equipment Finance G.P, Roynat Inc. CIT Financial Ltd., Alter Moneta Corporation and Finloc 2000 Inc. and such other counsel as may appear,

1. **THIS COURT ORDERS** that John Henry Smith Land Inc. is hereby approved and authorized to list the properties municipally known as 370 Colborne Street, Chatham, Ontario and 3 Ivan Street, Chatham, Ontario for sale pursuant to a multiple listing agreement with Re/Max Chatham-Kent Realty Inc. for a period of 120 days.

2. **THIS COURT ORDERS** that the Confidential Supplementary Affidavit of John Henry Smith, sworn March 19, 2010 shall be ~~segregated from other documents filed in connection with this motion and shall be provided to the Court in a sealed envelope identifying the action and prominently marked with the following legend:~~

**~~"CONFIDENTIAL INFORMATION"~~**

~~Pursuant to an Order, dated April 15, 2010 (the "Order"), this envelope shall remain sealed in the court file and shall not be opened until further order of the Court.~~

*be sealed 1/10/10*

and the sealed envelope shall not be opened until further order of the Court. Upon the making of an order under this paragraph, the Applicants shall forthwith advise the Service List by email of the filing or order, and shall provide a copy of the Confidential Supplementary Affidavit of John Henry Smith, sworn March 19, 2010, to any party who requests it.



ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

APR 19 2010

PER / PAR:

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT  
OF BRUCE R. SMITH LIMITED and JOHN HENRY SMITH LAND INC.  
APPLICANTS**

Court File No. 09-8339-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL COURT**

**PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

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