

THE QUEEN'S BENCH
WINNIPEG CENTRE
in Bankruptcy and Insolvency

IN THE MATTER OF: **THE BANKRUPTCY OF K-STONE CONSTRUCTION INC.**

TRUE COPY

ORDER

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(File No. 40452/4)

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WINNIPEG CENTRE
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THE HONOURABLE)
)
MR. JUSTICE KROFT) Wednesday, the 6th day of April, 2022.

IN THE MATTER OF: **THE BANKRUPTCY OF K-STONE CONSTRUCTION INC.**

ORDER

THIS MOTION, made by LAZER GRANT INC. (the "**Trustee**"), Licensed Insolvency Trustee of the estate of K-Stone Construction Inc., bankrupt ("**K-Stone**"), for, *inter alia*, the advice and directions of this Honourable Court pursuant to subsection 34(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, was heard this day at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

ON READING the Affidavit of Collin LeGall affirmed February 10, 2022, the Affidavit of Cathie Gowryluk affirmed February 10, 2022, the Affidavit of Faye Monaghan sworn February 14, 2022, the Supplementary Affidavit of Collin LeGall affirmed March 9, 2022, and on hearing the submissions of counsel for the Trustee, and in the presence of Susan De Luca, inspector of the bankruptcy estate of K-Stone, with no one else appearing, although properly served as appears from the Affidavit of Service of Chantale DeBlois affirmed April 4, 2022.

1. THIS COURT ORDERS that service of the Notice of Motion herein and the materials filed in support thereof (collectively, the "**Motion Materials**") be and is hereby validated, and that no further service of the Motion Materials is required;

2. THIS COURT ORDERS that any further materials, notices or other correspondence in this proceeding may be served on any interested parties by forwarding true copies thereof by electronic transmission or prepaid ordinary mail at their respective addresses as set out in the Service List that is attached hereto as Schedule "A", and that any such service or notice by electronic transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing;
3. THIS COURT ORDERS that the Trustee is hereby authorized to liquidate all assets of the estate of The Oaks Limited Partnership, bankrupt (the "**Partnership**"), and, specifically, the strip mall known as "Oak's Plaza", located at 449 Main Street in the Town of Oakbank, Manitoba ("**Oak's Plaza**"), notwithstanding that the Trustee has not been nominated to act as liquidating trustee by two-thirds of the limited partners of the Partnership (the "**Limited Partners**") pursuant to Article V of the Partnership Agreement dated May 4, 1990;
4. THIS COURT ORDERS that the Trustee and its counsel shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by this Honourable Court on the passing of accounts, out of the bankruptcy estate of K-Stone, or, in the alternative, out of the net sale proceeds arising from the sale of Oak's Plaza (the "**Sale Proceeds**"), in priority to any amounts owing to the creditors of the Partnership, including the Limited Partners; and
5. THIS COURT ORDERS that the Trustee shall pay to the Office of the Superintendent in Bankruptcy, as an unpaid dividend, the share of the Sale Proceeds belonging to each of the Limited Partners who cannot be located by the Trustee using reasonable efforts.

April 14, 2022



KROFT, J.

SCHEDULE "A"

File No. BK 22-01-05989

THE QUEEN'S BENCH
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IN THE MATTER OF: **THE BANKRUPTCY OF K-STONE CONSTRUCTION INC.**

SERVICE LIST AS OF APRIL 14, 2022

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IN THE MATTER OF: **THE BANKRUPTCY OF K-STONE CONSTRUCTION INC.**

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