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Action No. 1003 11241

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON**

BETWEEN:

ROYAL BANK OF CANADA

Plaintiff

- and -

**COW HARBOUR CONSTRUCTION LTD. and
1134252 ALBERTA LTD.**

Defendants

Action No. 1003 05560

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON**

**IN THE MATTER OF THE
BANKRUPTCY AND INSOLVENCY ACT,
R.S.C. 1985, c. B-3, AS AMENDED**

**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 COW HARBOUR CONSTRUCTION LTD.**

BEFORE THE HONOURABLE)	
JUSTICE K.D. YAMAUCHI)	ON FRIDAY, THE 3RD
IN CHAMBERS, LAW COURTS)	DAY OF SEPTEMBER, 2010
CALGARY, ALBERTA)	

ORDER
(Discharge Monitor)

UPON THE APPLICATION of PricewaterhouseCoopers Inc. (the "Receiver") in its capacity as Court appointed Transaction Facilitator (the "Facilitator") and Receiver of the Defendants Cow Harbour Construction Ltd. ("CHC") and 1134252 Alberta Ltd. ("113"); **AND**

- 2 -

UPON READING THE Final Report of Deloitte & Touche Inc. (the "Monitor") as Monitor in the *Companies' Creditors Arrangement Act* ("CCAA") proceedings of Cow Harbour Construction Ltd. ("CHC") in Action Number 1003-05560 (the "CCAA Action"); **AND UPON READING** the pleadings and proceedings filed herein, and the pleadings, proceedings, Reports and Orders of this Court in the CCAA Action; **AND UPON HEARING** counsel for the Receiver, counsel for the Monitor, and counsel for various other interested parties;

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. Time for service of the Notice of Motion and supporting materials for this motion is hereby abridged, and service of same is hereby declared to be good and sufficient.
2. The Monitor is hereby discharged from its role as Monitor of CHC in the CCAA Action.
3. The statements of account rendered by the Monitor and its legal counsel as described in the Monitor's Final Report are hereby approved, the Monitor's actions and those of its legal counsel in the CCAA Action are hereby approved.
4. Subject to the provisions of the August 25, 2010 Order (Transition Order) granted by this Court concurrently in the CCAA Action and in Action No. 1003 11241 (the "Receivership Action"), the provisions of the April 7, 2010 Initial Order (the "Initial Order") and the July 6, 2010 Order Amending the Initial Order (the "Order Amending the Initial Order") are hereby vacated with the exception only of the following paragraphs of the Initial Order and the Order Amending the Initial Order, which remain in full force and effect: 13, 24 to 26, 32 to 35 (as amended by the June 1, 2010 Orders of this Court), 38, 39, 41, 44, 45, 46, 50, 52 (as varied and corrected by Order June 4, 2010 in the CCAA Action), 54, 55, 58 to 64, and 73 to 75, and paragraphs 13.3 and 13.4 of the Order Amending the Initial Order.
5. Notwithstanding the foregoing, nothing in this Order shall diminish or alter the rights or obligations of any person arising under the Initial Order which had vested or accrued prior to the granting of this Order.
6. Any pleadings, motions, evidence and reports filed in the CCAA Action (and which are not sealed) shall be available for use in the Receivership Action as though same were

- 3 -

filed in the Receivership Action without necessity of having such documents filed in the Receivership Action.

7. The Receiver's application in paragraph 6 of its September 1, 2010 Notice of Motion with respect to payment of the sum of \$382,116.25 by Syncrude Canada Ltd. is hereby adjourned *sine die*.
8. A copy of this Order shall be filed with the Clerk of this Honourable Court in each of the CCAA Action and the Receivership Action and the Clerk is hereby directed to file such Order irrespective of whether or not a photocopy as opposed to an original is submitted for filing.



J.C.Q.B.A.

ENTERED this 3 day
of September, 2010.



Clerk of the Court



Action No. 1003 11241
Action No. 1003-05560

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE OF EDMONTON

Action No. 1003 11241
BETWEEN:
ROYAL BANK OF CANADA Plaintiff

- and -

**COW HARBOUR CONSTRUCTION LTD. and
1134252 ALBERTA LTD.**

Defendants

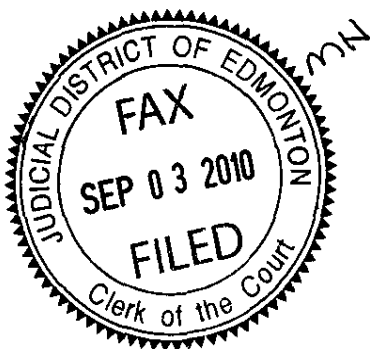
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HARBOUR CONSTRUCTION LTD.



ORDER

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File No. 268109