

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

**THE HONOURABLE MR ) MONDAY, THE 9TH DAY  
JUSTICE CUMMING ) OF JANUARY, 2006**

**BETWEEN:**

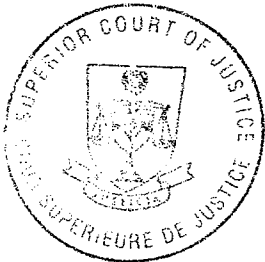
**I. F. PROPCO HOLDINGS (ONTARIO) 23 LTD.**

**Applicant**

**- and -**

**AFM HOSPITALITY CORPORATION**

**Respondent**



**ORDER**

**THIS MOTION**, made by Mintz & Partners Limited in its capacity as Interim Receiver and Receiver and Manager (in such capacities, the "Receiver") of all of the assets, undertakings and properties of AFM Hospitality Corporation ("AFM") appointed pursuant to the Order of the Honourable Mr. Justice Campbell dated April 29, 2005 (the "Appointment Order"), for certain relief as described in the Notice of Motion, was heard this day at 393 University Avenue, Toronto, Ontario.

**ON READING** the First Report of the Receiver dated December 29, 2005 and the appendices thereto (the "First Report"), and on hearing the submissions of counsel for the Receiver, I.F. Propco Holdings (Ontario) 23 Ltd., Cendant Corporation and counsel for Kevin Loh and others,

1. **THIS COURT ORDERS AND DIRECTS** Deloitte & Touche LLP ("Deloitte") to forthwith provide to the Receiver, without compensation, the financial statements, income tax returns and other documentation relating to AFM and its subsidiaries that are in the possession or control of Deloitte, as requested by the Receiver in its letter to counsel for Deloitte dated September 28, 2005, provided that any documentation produced by Deloitte pursuant to this Order shall not be used by the Receiver for any purpose other than carrying out the terms of the Appointment Order including without limitation, providing a copy of the documentation to prospective purchasers of the shares or assets of AFM or any of the Specified Subsidiaries (as defined in the Appointment Order) unless otherwise ordered by the Court.
2. **THIS COURT ORDERS** that the right of the Receiver to request additional documentation from Deloitte and if necessary, to bring a motion to compel delivery of additional documentation by Deloitte is expressly reserved and preserved.
3. **THIS COURT ORDERS** that any additional documentation that may be produced by Deloitte at the request of the Receiver shall similarly not be used by the Receiver for any purpose other than those purposes set out in paragraph 1 above, unless otherwise ordered by the Court.
4. **THIS COURT ORDERS** that the authorized borrowings of the Receiver pursuant to paragraph 22 of the Appointment Order are hereby increased to \$1,100,000.

5. **THIS COURT ORDERS** that the balance of the motion be and is hereby adjourned to Monday January 23, 2006.

January 18, 2006 Peter A. Cumming J.

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

JAN 20 2006

PER/PAR: A

I.F. PROPCO HOLDINGS (ONTARIO) 3 LTD.  
AFM HOSPITALITY CORPORATION

APPLICANT  
RESPONDENT

and

Court File No. 05-CL-5878

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

Proceedings commenced at TORONTO

**ORDER**

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Court-appointed Interim Receiver and  
Receiver and Manger of AFM Hospitality  
Corporation