

17-Sep-2003 14:47 From-  


T-409 P.002/004 F-859

**SUMMARY OF CURRENT DOCUMENT****NAME OF ISSUING PARTY OR PERSON:****CATERPILLAR  
FINANCIAL SERVICES  
LIMITED  
("CFSL")****DATE OF DOCUMENT:****4<sup>th</sup> SEPTEMBER 2003****SUMMARY OF ORDER/RELIEF SOUGHT:****APPLICATION OF CFSL  
FOR PAYMENT TO CFSL  
OF THE PROCEEDS OF  
THE SALE BY THE  
RECEIVER OF THE 1998  
TIMBERJACK, MODEL  
610 FORWARDER  
("Timberjack"), SERIAL  
NUMBER 993395****COURT SUB-FILE NO.:****7:29****2002 01T 0352****IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION**

**IN THE MATTER of a Court ordered Receivership  
of Hickman Equipment (1985) Limited  
("Hickman Equipment") pursuant to Rule 25 of  
the **Rules of Supreme Court, 1986** under the  
**Judicature Act**, R.S.N.L. 1990, c. J-4, as amended**

**AND IN THE MATTER of the **Bankruptcy  
and Insolvency Act** R.S.C. 1985, c.B-3, as  
amended ("the BIA")**

**-AND-**

District of Newfoundland and Labrador  
Court No. 9733  
Estate No. 100813

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER of the **Bankruptcy of  
Hickman Equipment (1985) Limited  
("Hickman Equipment")**, carrying on business  
at 1269 Topsail Road, in the City of Mt. Pearl,  
in the Province of Newfoundland and Labrador**

**Filed**

*September 17/03*

*JK*

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CONSENT ORDER**BEFORE THE HONOURABLE MR. JUSTICE HALL:**

**UPON IT APPEARING THAT** Caterpillar Financial Services Limited ("CFSL") has made Application for payment of the proceeds of the sale by the receiver of the 1998 Timberjack, model 610 forwarder ("Timberjack"), serial number 993395.

**AND UPON HEARING** James J. Smyth, of Counsel for CFSL, and Bruce Grant of Counsel for John Deere Credit Inc., and Geoffrey Spencer of Counsel for the Canadian Imperial Bank of Commerce, and Anna Locke of Counsel for the Receiver, Price WaterhouseCoopers Inc.

**IT IS THIS DAY ORDERED THAT:**

1. PriceWaterHouseCoopers Inc. pay an amount equal to eighty five percent (85%) of the proceeds from the sale of the Timberjack as follows:
  - (1) Fifty percent (50%) of the net proceeds from the Timberjack to Caterpillar Financial Services Limited;
  - (2) Twenty five (25%) of the net proceeds from the Timberjack to John Deere Credit Inc.;
  - (3) Twenty five (25%) of the net proceeds from the Timberjack to the Canadian Imperial Bank of Commerce.
2. The remaining fifteen percent (15%) of the proceeds from the sale of the Timberjack be heldback by PriceWaterHouse Coopers Inc. as a contribution to costs pursuant to the Cost Allocation Plan.

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DATED at St. John's, in the Province of Newfoundland and Labrador, this 17<sup>th</sup> day of September, 2003.

Elaine Burns  
Asst Deputy Registrar