

<b>SUMMARY OF CURRENT DOCUMENT</b>	
<b>Name of Issuing Party or Person</b>	PricewaterhouseCoopers Inc., Receiver
<b>Date of Document:</b>	10th day of February 2003
<b>Summary of Order/Relief Sought or statement of purpose in filing:</b>	Application of the Receiver for Court approval of the proposed method for the final disposition of certain remaining assets of Hickman Equipment (1985) Limited
<b>Court Sub-File Number:</b>	8:d5 (see application sub-file 7:19)

2002 01T 0352

## IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

IN THE MATTER OF a Court ordered  
 Receivership of Hickman Equipment (1985) Limited  
 ("Hickman Equipment") pursuant to Rule 25 of the  
*Rules of the 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*, Chapter B-3 of the Revised Statutes of Canada, 1985, as amended (the "BIA")

**ORDER ON INTERLOCUTORY APPLICATION (INTER PARTES)**

OF PRICEWATERHOUSECOOPERS INC. AS RECEIVER OF HICKMAN EQUIPMENT(1985) LIMITED ("HICKMAN EQUIPMENT")

BEFORE THE HONOURABLE Mr. Justice Hall

WHEREAS this matter having come on for hearing on the 7<sup>th</sup> day of October 2002;

AND WHEREAS the parties listed in Schedule "A" to this Order having been served with notice of this application in the manner ordered by this Court on March 28, 2002;

*Filed Feb 20/03  
kba*



**AND WHEREAS** the parties listed in Schedule "B" to this Order having appeared and having been heard;

**AND UPON** reading the Affidavit of James Kirby, C.A., CIRP, Senior Vice President of PricewaterhouseCoopers Inc., St. John's, Newfoundland and Labrador, dated 24 September 2002 (the "Kirby Affidavit");

**IT IS THIS DAY ORDERED AS FOLLOWS:**

1. The time for service of the Application herein be and it is hereby abridged and validated such that 5 clear days notice of this Application upon the various Interested Parties be deemed adequate notice of the Application for the purposes of hearing this matter by this Honourable Court.
2. The Receiver be and is hereby authorized and empowered to dispose of the 18 motor vehicles more particularly described at Exhibit "A" to the Kirby Affidavit by consigning them to Hickman Motors Limited for retail sale, with the proceeds of the sale of any of these 18 motor vehicles being paid to the Receiver to be held by the Receiver in a separate trust account pending further order of this Court.
3. The Receiver be and is hereby authorized and empowered to dispose of the miscellaneous equipment and/or inventory and the miscellaneous equipment attachments more particularly described at Exhibits "B" and "C" to the Kirby Affidavit by either public auction or private sale and the Receiver is further authorized and empowered to engage such agents as it determines appropriate for assistance in effecting such sales. The Proceeds of the sale of any sale of these assets shall be held in trust by the Receiver, pending further order of this Court.



4. The Receiver be and is hereby authorized and empowered to sell other miscellaneous items of a value by item, or category of item, of less than \$25,000 that may be determined to be assets of the Receivership now or in the future, by public auction or private sale without further Court order. For individual items or categories of items of \$25,000 value or more the Receiver shall seek further Court authorization for any proposed sale. The Proceeds of the sale of any sale of these assets shall be held in trust by the Receiver, pending further order of this Court.
  
5. The Receiver be and is hereby authorized and empowered at any time and from time to time to apply to this Court for advice and directions in the discharge of its power and duties hereunder.

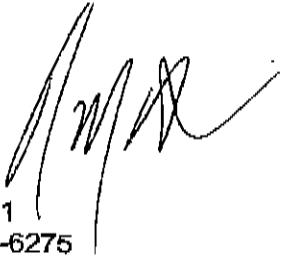
DATED at St. John's, in the Province of Newfoundland and Labrador this 7<sup>th</sup> day of October, 2003. (s/p) Leslie Burke

Joint Deputy REGISTRAR



**Schedule "A"**  
**Parties who have been Served**

ABN Amro Bank Canada/ ABN Amro Leasing & Tramac Equipment Ltd.	Aubrey L. Bonnell, Q.C./ Brian Winsor David Timms Brent Keenan	722-7521 905-331-2020
Bombardier Capital Leasing & Culease Financial Services	John French	754-2701
Caterpillar Equipment	Colin D. Grant	905-849-5512
CAT Finance	James Smyth, Q.C./ Philip Warren	754-5662
Cedarrapids	Nathan Mixdorf/ Francoise Belzil	319-399-4760 780-413-3152
CIBC	R. Wayne Myles/ Geoffrey Spencer	579-2647
CIBC Equipment Finance Ltd./CIT Financial Ltd./	Gregory W. Dickie	722-9210
Contract Funding Group Inc.	Mark G. Klar	416-218-1831
Daimler Chrysler Financial Services/ Daimler Chrysler Capital Services/ Mercedes- Benz of Canada Inc.	Philip Buckingham/ Peter O'Flaherty Elaine Gray	722-4720 416-863-3527
Fabtek Corp.	Linc A. Rogers Rhodie E. Mercer, Q.C.	416-863-2653 726-5705
GE Capital	Harvey Chalton Frederic Scalabrin	416-218-1849 905-319-4855
GMAC	Thomas R. Kendall, Q.C.	722-1763
Group Holdings Ltd./ Hickman Equipment/ Hickman Holdings Ltd.	Robert Stack/ Griffith D. Roberts	726-2992



Ingersoll-Rand Canada Inc.	R. Barry Learmonth, Q.C. Jonathan Wigley	739-8151 416-863-6275
John Deere Ltd./ John Deere Credit Inc.	Neil L. Jacobs / Bruce Grant/ Maureen Ryan	722-4565
MTC Leasing Inc./ National Leasing Group Inc.	R. Paul Burgess	754-0915
ORIX Financial Services Canada Ltd.	Donald Yaeck	416-236-3010
Goodman Associates	Paul G. Goodman	902-425-3777
Royal Bank of Canada	Thomas O. Boyne, Q.C.	902-463-7500
TD Asset Finance Corp.	D. Bradford L. Wicks	753-5221
Wells Fargo Equipment Finance Co.	Richard B. Jones	416-361-6303



**Schedule "B"**  
**Parties who have been heard**

Frederick J. Constantine	Counsel for PricewaterhouseCoopers Inc.,
Tom Kendall, Q.C.	Counsel for GMAC & GMAC Leasco
Bruce Grant	Counsel for John Deere Limited & John Deere Credit Inc.
Sheila Osborne-Brown	CIBC
Brian Winsor, Amy Crosbie	Counsel for ABN-AMRO Bank Canada / ABN Amro Leasing and Royal Bank of Canada
Gregory Dickie	CIT Financial Ltd./ CIBC Equipment Finance Ltd.
Griffith Roberts	Counsel for Group Holdings Ltd./ Hickman Holdings Ltd.