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SUMMARY OF CURRENT DOCUMENT	
Name of Issuing Party or Person	The Court
Date of Documents:	2006 06
Nature of Document:	Consent Order in Respect of the Application of John Deere Limited for Return of Consigned Goods
Court Sub-File Number	7:03

2002 01T 0352

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

IN THE MATTER OF the *Companies' Creditors Arrangement Act*, Chapter C-36 of the Revised Statutes of Canada, 1985, as amended

AND IN THE MATTER OF the plan of compromise or arrangement of Hickman Equipment (1985) Limited

AND IN THE MATTER OF Rule 25 of the *Rules of the Supreme Court*, 1986 under the *Judicature Act*, R.S.N. 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

AND

District of Newfoundland
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**, carrying on business at 1269 Topsail Road, in the City of Mount Pearl, in the Province of Newfoundland and Labrador

ORDER

Filed	July 4/02	me
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BEFORE The Honourable Mr. Justice Robert Hall:

UPON APPLICATION made by John Deere Limited ("Deere") for Orders as set out in its Interlocutory Application (Inter Partes) dated and issued herein on May 10, 2002; and

UPON:

(a) the parties listed in Schedule "A" to this Order having been served with notice of this Application;

(b) the parties listed in Schedule "B" having filed Notice to be Heard and having appeared before me to be heard on this matter on June 3, 2002, at the Law Courts at St. John's, in the Province of Newfoundland and Labrador, and the matters having been adjourned to June 17, 2002;

(c) having read the materials on file herein;

(d) the parties listed in Schedule "B" (except Canadian Imperial Bank of Commerce, who did not appear) consenting hereto and PricewaterhouseCoopers Inc. ("PWC") in its capacity as Trustee of the Estate of Hickman Equipment (1985) Limited ("Hickman Equipment") and Receiver of the Assets of Hickman Equipment having recommended approval of the terms of the within Order;

NOW UPON MOTION, IT IS ORDERED that:

1. Leave is granted to Deere to bring the within application.
2. The time for any required service or notice of the within Application is abridged as and to the extent required to make this application properly returnable.
3. Deere pay PWC in its capacity as Receiver of the Assets of Hickman Equipment (the "Receiver") on or before June 21, 2002 the following amounts:
 - (a) \$180,000 in lieu of and in complete discharge of any obligations it may have had to contribute to costs pursuant to the Cost Allocation Plan approved by Order of this Court on May 14, 2002 in respect of the Equipment listed in Schedule "C" (the "Equipment");
 - (b) \$60,000 plus HST thereon in payment for and in complete discharge of any obligation it may have to pay for the value of Pre-Delivery Services rendered in respect of and attachments made to the Equipment;

(c) \$20,000 on account of and in complete discharge of any obligations Deere may have in respect of freight charges incurred by Hickman Equipment in transporting any of the Equipment;

- 4. In addition to the amounts provided for in paragraph 3, Deere will pay the Receiver any HST applicable to the amounts referred to in paragraphs 3(a) and 3(c).
- 5. Deere is responsible for and shall hold the Receiver harmless from any and all costs incurred heretofore, which remain unpaid, or hereafter relating to the transportation or storage within the United States of any of the Equipment;
- 6. The Receiver shall forthwith deliver and release to Deere and Deere shall forthwith accept the equipment at the locations where the Equipment is presently located in an as-is, where-is condition and, effective the date hereof, the Equipment and none of it shall constitute an Asset of which the Receiver is the Receiver;
- 7. All parties other than the Receiver shall bear their own costs of this application, the Receiver's costs shall constitute part of its costs pursuant to the terms of the Receivership Order of March 14, 2002.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 17th day of June, 2002.

Deputy Registrar

 REGISTRAR

Consented To:

BRUCE GRANT
 on behalf of John Deere Limited

THOMAS R. KENDELL, Q.C.
 on behalf of GMAC

CARL A. HOLM, Q.C.
 on behalf of PricewaterhouseCoopers Inc.
 as Trustee in Bankruptcy and
 Receiver of the Assets of
 Hickman Equipment (1985) Limited

GRIFFITH D. ROBERTS
 on behalf of Group Holdings Limited,
 Hickman Equipment (1985) Limited,
 Hickman Holdings Limited



Schedule "A"

TO: Ontrac Equipment Services Inc.	Gerlinde van Driel, Q.C. Brad Truelove	709-726-1813 905-670-9154
ABN Amro Bank Canada/ ABN Amro Leasing & Tramac Equipment Ltd.	Aubrey L. Bonnell, Q.C. Brian Winsor Terence M. Dolan/ John Salinas	709-722-7521 416-868-0673
Bombardier Capital Leasing & Culease Financial Services	J. Vernon French, Q.C.	709-754-2701
Caterpillar Equipment	Colin D. Grant	905-849-1023
Cedarrapids	Les Baumbach	319-399-4760
CIBC	R. Wayne Mylcs	709-579-2647
CIBC Equipment Finance Ltd./ CIT Financial Ltd./Tyco Capital	Gregory W. Dickie	709-722-9210
Craig Manufacturing Ltd. & International Union of Operating Engineers	V. Randell Earle, Q.C.	709-726-9600
Contract Funding Group Inc.	Mark G. Klar	416-218-1831
DaimlerChrysler Financial Services/ DaimlerChrysler Capital Services/ Mercedes-Benz of Canada Inc.	Philip Buckingham Peter O'Flaherty Elaine Gray	709-722-4720 416-836-3527

Schedule "B"



WBS

Michael Harrington, Q.C.

on behalf of John Deere Limited

Geoffrey Spencer

on behalf of CIBC

Griffith Roberts

on behalf of Group Holdings Limited
Hickman Equipment (1985) Limited
Hickman Holdings Limited

Thomas R. Kendell, Q.C.

on behalf of GMAC

Carl A. Holm, Q.C.
Frederick Constantine

on behalf of PricewaterhouseCoopers Inc.
as Trustee in Bankruptcy and
Receiver of the Assets of
Hickman Equipment (1985) Limited

[Handwritten signature]
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Schedule "C"

CLASS	REFERENCE/ORDER #	MAKE	MODEL	HOURS	SERIAL NUMBER	LOCATION
Hickman Equipment 76-6014						
CONSIGNED INVENTORY						
NEW	N052561301	JD	370 EXCAVATOR		FF0370X081333	Warehouse
NEW	N05277601	JD	50 COMPACT EXCAV		FF0502X240522	Warehouse
NEW	N05256201	JD	27 COMPACT EXCAV		FF0272X2206085	Warehouse
NEW	N05371601	JD	310G BKH LDR TUR		T0310GX901891	Mount Pearl
NEW	T00933201	JD	310SG TURBO BKH0	354	T0310SG900735	Mount Pearl
NEW	N05312901	JD	310SG TURBO BKH0	7	T0310SG902188	Mount Pearl
NEW	T00935001	JD	410G TURBO BKH L	25	T0410GX900366	Mount Pearl
NEW	N05260001	JD	850G CRAWLER DOZ		T0950CX900871	Warehouse
NEW	N05259101	JD	544H 4WD LOADER		DW544HX581149	Mount Pearl
NEW	N05259201	JD	544H 4WD LOADER		DW544HX581151	Warehouse
NEW	N05259401	JD	TC4MH FOUR WHEEL		DWTC441581146	Warehouse
NEW	N05259901	JD	644H 4WD LOADER	150	DW644HX581142	Labrador
NEW	N05259901	JD	744H LOADER	478	DW744HX580995	Mount Pearl
NEW	N05259901	JD	744H LOADER		DW7441X501004	Warehouse
CONSIGNED RENTALS						
OFF RENT	T00933301	JD	310SG TURBO BKH0	186	T0310SG900188	Mount Pearl
OFF RENT	T00933601	JD	770CH MOTOR GRAD	413	DW770CH580828	Mount Pearl
OFF RENT	N05257401	JD	290LC EXCAVATOR	439	FF0200X501911	Corrbrook
OFF RENT	N05250101	JD	290LC EXCAVATOR	958	FF0200X502015	Mount Pearl
OFF RENT	N05250301	JD	290LC EXCAVATOR	809	FF0200X502018	Mount Pearl
OFF RENT	T00934601	JD	290LC EXCAVATOR	560	FF0200X502049	Grand Falls
OFF RENT	N05277701	JD	290LC EXCAVATOR	589	FF0200X502053	Corrbrook
OFF RENT	N05257301	JD	290LC EXCAVATOR	437	FF0200X502067	Grand Falls
OFF RENT	T00934401	JD	450LC EXCAVATOR	1222	FF0450X090642	Mount Pearl
OFF RENT	T00934001	JD	450LC EXCAVATOR	582	FF0450X090649	Mount Pearl
				TOTAL CONSIGNED INVENTORY		

Hickman Inventory