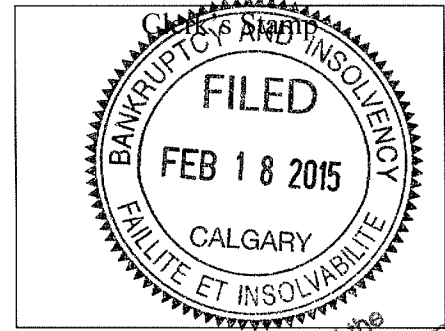


COURT FILE NO. **BK01-094419**  
COURT **Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency**  
JUDICIAL CENTRE **Calgary**  
  
MATTER **In the Matter of the Bankruptcy of  
Assistive Financial Corp.**



APPLICANT **Michael Kallis**  
  
RESPONDENT **Hardie & Kelly Inc.,  
(in their capacity as Trustee in Bankruptcy of  
Assistive Financial Corp.)**

I hereby certify this to be a true copy of the original of which it purports to be a copy.  
Dated this 18 day of February, 2015  
T. K. Registrar of Calgary  
Bankruptcy Division of the  
Court of Queen's Bench of Alberta

DOCUMENT **Order  
(s. 38 Bankruptcy and Insolvency Act)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **Michael A. Loberg Professional Corporation  
Barrister & Solicitor  
1000 Bankers Hall West (403) 668-6561 (Direct)  
888 - 3<sup>rd</sup> Street SW (403) 444-6935 (Office)  
Calgary, AB T2P 5C5 File No: 47,002.016**

DATE ON WHICH ORDER WAS PRONOUNCED: **February 18, 2015**

NAME OF JUSTICE WHO MADE THIS ORDER: C. Jones

**UPON THE APPLICATION** of Michael Kallis, a creditor of Assistive Financial Corp. (“Assistive”); **AND UPON** reading the Affidavit of Michael Kallis sworn the 23<sup>rd</sup> day of December 2014 (the “Kallis Affidavit”) and the Exhibits thereto; **AND UPON** reviewing the Affidavit of Verification of Spencer M. Copeland sworn the 17<sup>th</sup> day of January 2014 and the Schedule “A” thereto; **AND UPON** considering the claim (the “Claim”) described in the

*Amended Statement of Claim* marked as Exhibit 1 to the Kallis Affidavit (the "**Action**"); **AND UPON** hearing counsel for the trustee in bankruptcy of Assistive in this matter, Hardie & Kelly Inc. (the "**Trustee**"); **AND UPON** hearing counsel for the Applicant; **AND UPON** the Court being satisfied that the requirements under s. 38 of the *Bankruptcy and Insolvency Act* have been met and that is just and equitable to grant the within Order;

**IT IS ORDERED THAT:**

1. Michael Kallis is hereby authorized to take conduct of the Action and to take all future proceedings regarding the Claim, in his own name and at his own expense and risk, and on the terms set out herein, in respect of the whole of the interest, right, and claim of Assistive against the named Defendants in the Action (the "**Assigned Claim**").
2. The Trustee shall, upon receipt of service of this Order, assign and transfer all of the Trustee's right, title and interest in the Assigned Claim to Michael Kallis, and shall deliver to Michael Kallis all documents in support of the Assigned Claim.
3. Michael Kallis is directed to give notice to the other creditors of Assistive determined as of the date of this Order (the "**Creditors**") of the granting of this Order and of the proceedings contemplated by this Order (the "**Proceedings**"), as required by s. 38 of the *Bankruptcy and Insolvency Act* (the "**Notice**").
4. The Notice may be delivered to the Creditors by any means permitted under the *Bankruptcy and Insolvency General Rules*, including without limit the means provided under Rule 6 therein and may be delivered by e-mail to the Creditors where an e-mail address for the Creditor has been provided to Michael Kallis or the Trustee for that Creditor, and such delivery of the Notice shall be good and sufficient.
5. For the purposes of giving the Notice, the Trustee is authorized and directed to provide to Michael Kallis such e-mail addresses for the Creditors as have been provided to the Trustee.
6. The Creditors receiving the Notice may elect to participate in the Proceedings by confirming their agreement in writing (the "**Confirmation**") to Michael Kallis within 10 days of receipt of the Notice (who shall thereafter together with Michael Kallis be "**Participating Creditors**").

7. The Participating Creditors shall include with their Confirmation their agreement and undertaking to be liable for:

- (a) their proportionate share of all costs fees and expenses in conducting the Proceedings (inclusive of the costs of obtaining this Order, howsoever and whensoever incurred); and
- (b) their proportionate share for all awards of costs made pursuant to the *Alberta Rules of Court* against Michael Kallis or the Participating Creditors in the Proceedings.

8. The Participating Creditors shall, within 15 days of submitting their Confirmation to Michael Kallis, deposit with Michael Kallis funds to retain counsel having conduct of the Proceedings (the "**Initial Retainer**") as they may be advised is required following the submissions of the Confirmations, *pro rata* as the amounts of their respective claims stand to the sum of all claims of the Participating Creditors, which Initial Retainer shall be placed on deposit with counsel and used for the purposes of funding the Proceedings. The Participating Creditors shall provide such further *pro rata* deposits of funds to retain counsel as may be required from time to time (the "**Subsequent Retainers**").

9. All benefits to be derived from the Assigned Claim shall belong exclusively to the Participating Creditors who provided their Initial Retainers and Subsequent Retainers, excepting however that in case there is a surplus after paying the Participating Creditors their said claims in full and all costs and expenses of the Action, such surplus shall be paid to the Trustee in augmentation of the bankrupt estate.

10. Should any creditors fail to join in the Action as provided for in this Order, they shall thereafter be excluded from participating in the benefits to be derived from the Assigned Claim.

11. All the Trustee's reasonable fees and disbursements to give effect to this Order will be reimbursed by Michael Kallis to the Trustee within 30 days from the date of invoice or Assessment as the case may be.

12. Effective from the date of this Order, the Participating Creditors are deemed to have indemnified the Trustee against any liability for any cost orders that may be made in the Action constituting the Assigned Claim or in this S. 38 Application.

13. Service of the notice of this application and supporting materials is declared to be good and sufficient and no other person is required to have been served with notice of this application, and time for service is abridged to that actually given.

14. The Court retains jurisdiction to give such further and other directions and orders as may be required to implement and give effect to this Order.

"C. Jones"

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Justice of the Court of Queen's Bench  
in Chambers