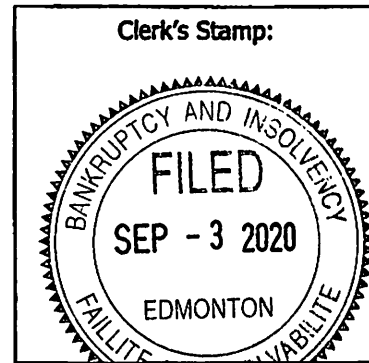


COURT FILE NO. 24-2616200

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON



IN THE MATTER OF THE BANKRUPTCY OF TRI-AG IMPLEMENTS LTD.

DOCUMENT ORDER

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

McLENNAN ROSS LLP  
#600 McLennan Ross Building  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4

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File No.: 20201028

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**DATE ON WHICH ORDER WAS PRONOUNCED:** August 28, 2020

**LOCATION OF HEARING OR TRIAL:** Edmonton, Alberta

**NAME OF MASTER/JUDGE WHO MADE THIS ORDER:** Justice J. Little

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UPON THE APPLICATION of The Bowra Group Inc. in its capacity as the Trustee in Bankruptcy (the "Trustee") of Tri-Ag Implements Ltd. (the "Debtor") for an Order for the distribution of proceeds of sale of assets of the Debtor as set out in the Trustee's Second Report to the Court (the "Second Report") and approval of the Trustee's activities; AND UPON HAVING READ the Order granted by Justice R.A. Graesser on March 10, 2020 and the Second Report; AND UPON HEARING the submissions of counsel for the Trustee, counsel for various secured creditors of the Debtor, and other interested parties who may be present; IT IS HEREBY ORDERED AND DECLARED THAT:

**SERVICE**

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

**APPROVAL OF ACTIVITIES OF THE TRUSTEE**

2. The Trustee's activities as reported in the Second Report are approved.
3. The Interim Statement of Receipts and Disbursements for the period February 10, 2020 to July 31, 2020 is approved.

**DISTRIBUTION OF FUNDS**

4. CNH Industrial Capital Canada Ltd. ("CNH") is directed to pay to the Trustee the amounts held by CNH which are in excess of the known secured liability of Tri-Ag to CNH, and the Trustee is directed to hold back sufficient funds to satisfy in full CNH's anticipated exposure to the Canada Revenue Agency ("CRA") deemed trust claim, plus any final legal costs of CNH.
5. Blamonte LLP, solicitors for Encompass Credit Union Ltd. ("Encompass") is directed to pay to the Trustee the amounts held by it which are in excess of the known secured liability of Tri-Ag to Encompass less a holdback of \$10,000 for final legal costs. The Trustee is directed to hold back sufficient funds to satisfy Encompass' anticipated exposure to the CRA deemed trust claim plus any legal costs not covered by the holdback. Blamonte LLP shall remit any surplus funds from the holdback to the Trustee.
6. The Trustee is directed to distribute to Morris Industries Ltd., STIHL Limited, Wells Fargo Capital Finance Corporation Canada and De Lage Landen Financial Services Canada Inc. the following amounts:
  - (a) Morris Industries Ltd.: \$17,614.00;
  - (b) STIHL Limited: \$12,503.00;
  - (c) Wells Fargo Capital Finance Corporation Canada ("Wells Fargo"): \$40,922.00;
  - (d) De Lage Landen Financial Services Canada Inc.: \$51,300.00;

as set out in the Second Report.

**MISCELLANEOUS**

7. The Trustee is at liberty to apply for further advice, assistance and direction as may be necessary to give full force and effect to, and in carrying out the terms of, this Order.

8. The Trustee is directed to hold back sufficient funds to satisfy Wells Fargo's anticipated exposure to the CRA deemed trust claim, plus any final legal costs of Wells Fargo.
9. Determination of which of the secured creditors of the Debtor bear which portion of CRA's deemed trust, shall be:
  - (a) Effected by way of agreement of those secured creditors who are affected by such deemed trust and the Trustee; or
  - (b) Further Court order in the event such secured creditors and the Trustee cannot agree thereto.
10. Subject to paragraph 9 and pending determination and payment of the CRA deemed trust, the Trustee will not disburse to creditors any further funds from the estate, without further Court order or agreement of those parties having charges over collateral which may entitle them to payment of further costs in priority to the bankruptcy estate.
11. This Order must be served only upon those interested parties attending or represented at the within Application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.

  
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Justice of the Court of Queen's Bench of Alberta