

COURT FILE NUMBER

2003-02536

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

PLAINTIFF

FARM CREDIT CANADA

DEFENDANTS

TRI-AG IMPLEMENTS LTD., EDWARD
ARTHUR FORD, CHESTER ROY FORD, TED
S. GROCOCK



AND

COURT FILE NUMBER

24-2616200

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE BANKRUPTCY
AND INSOLVENCY ACT



IN THE MATTER OF THE NOTICE OF
INTENTION OF TRI-AG IMPLEMENTS LTD.

APPLICANT

CNH INDUSTRIAL CAPITAL CANADA LTD.

I hereby certify this to be a
true copy of the original.

Christina Supul
for Registrar in Bankruptcy

DOCUMENT

ORDER

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

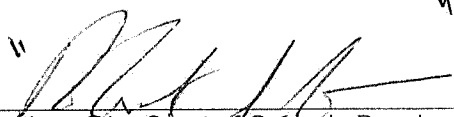
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DATE ON WHICH ORDER WAS PRONOUNCED: MARCH 10, 2020
LOCATION OF HEARING: EDMONTON, ALBERTA
NAME OF JUSTICE WHO MADE THIS ORDER: THE HONOURABLE MR. JUSTICE R.A. GRAESSER

UPON the Application of CNH Industrial Capital Canada Ltd. ("CNH"), a secured creditor of Tri-Ag Implements Ltd. (the "Debtor"); **AND UPON** reading the Affidavit of Dawn Gass sworn and filed on March 9, 2020 and the Affidavit of Service of Cassy Anderson sworn March 10, 2020 and to be filed; **AND UPON** hearing that Farm Credit Canada ("FCC"), another secured creditor of the Debtor, was granted an *ex parte* order appointing Ernst & Yong Inc. as an interim receiver (the "Interim Receiver") over property secured to FCC and identified on Schedule "A" to the Interim Receivership Order (the "FCC Security") granted on February 6, 2020 (the "Interim Receivership Order"); **AND UPON** hearing that CNH instructed a Civil Enforcement Agency to seize property secured to CNH on February 10, 2020 (the "Seizure") and left such property in the possession of the Debtor pursuant to a Bailee's Undertaking, after the Interim Receivership Order was granted; **AND UPON** noting that the Interim Receivership Order was confirmed by an Order of this Honourable Court on February 12, 2020, notwithstanding that the Debtor filed a Notice of Intention to Make a Proposal pursuant to Section 50.4 of the *Bankruptcy and Insolvency Act* on February 10, 2020; **AND UPON** noting that the Interim Receivership Order stayed all persons from commencing or continuing any action against the Debtor or the FCC Security and stays all rights and remedies of any person in respect of the Debtor, the FCC Security or the Interim Receiver (the "Stay"); **AND UPON** hearing that both FCC and the Interim Receiver do not oppose this Application; **AND UPON** noting that the Interim Receivership Order has expired, that CNH is a secured creditor, that the Seizure did not capture any of the FCC Security and that no interested persons will be materially prejudiced by this Order; **AND UPON** hearing submission of counsel for CNH; **IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The time for service of the Notice of Application for this Order and its supporting materials is hereby abridged to time actually given, service thereof is deemed good and sufficient and any requirement for further service on any person not receiving notice of this Application is hereby dispensed with.
2. It is hereby declared that the Stay ordered in Paragraphs 8 and 9 of the Interim Receivership Order is not applicable to the Seizure conducted on behalf of CNH, effective *nunc pro tunc*, to February 10, 2020 and the Seizure is declared valid notwithstanding the Stay and the Interim Receivership Order.


Justice of the Court of Queen's Bench of Alberta