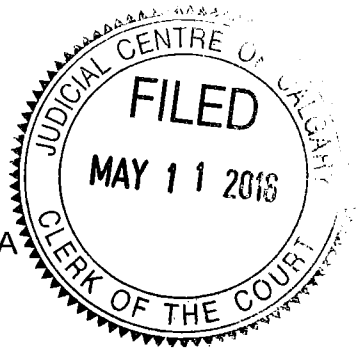

COURT FILE NUMBER	1401-13650
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFFS	JOHN EDMUNDS, and MERLYN STECIW as representative plaintiffs and THE INVESTMENT EXCHANGE MORTGAGE CORPORATION
DEFENDANT	ROYAL BANK OF CANADA
DOCUMENT	**ORDER**

I hereby certify this to be a true copy of the original
Dated this 11 day of May 2016
for Clerk of the Court

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Code Hunter LLP
Barristers
850, 440 – 2 Avenue SW
Calgary, AB T2P 5E9

Christian Popowich
Ravi Jadusingh
Telephone: 403.234.9800
Facsimile: 403.261.2054
Email: christian.popowich@codehunterllp.com
ravi.jadusingh@codehunterllp.com

File No: 11296.001

DATE ON WHICH ORDER WAS PRONOUNCED: **11 May 2016**

NAME OF JUSTICE WHO MADE THIS ORDER: S.L. Hunt McDonald

LOCATION OF HEARING: **Calgary, Alberta**

UPON THE APPLICATION of the plaintiffs filed 4 April 2016; AND UPON the application coming on for hearing in chambers on 11 May 2016; AND UPON reviewing the affidavit of Jon Edmunds sworn 4 March 2016 and filed 30 March 2016; AND UPON noting that the defendant Royal Bank of Canada takes no position on the application; AND UPON noting the attendance of the respondent Kenneth Charles Fowler at the hearing; AND UPON hearing submissions by counsel for the plaintiffs;

IT IS HEREBY ORDERED THAT:

1. The applicant Jon Edmunds is permitted *nunc pro tunc* as of the filing of the Amended Statement of Claim (22 February 2016) to bring and control the conduct of the within action in the name and on behalf of The Mortgage Investment Exchange Corporation ("TIE").

2. Any amount adjudged to be payable by the defendant in the action shall be paid to security holders of TIE as follows:

   a. counsel for the plaintiffs may hold the funds in trust pending distribution pursuant to this Order;

   b. those who have contributed to the cost of prosecuting the action shall first be indemnified for such fees actually paid;

   c. the balance shall be distributed according to the following protocol:

      i. an advertisement inviting TIE security holders to submit proof of their claim to shall be placed by the applicants in a daily newspaper in Calgary for 7 consecutive days;

      ii. the plaintiffs' counsel shall administer and receive claim submissions, which shall be made by an affidavit;

      iii. following a period of 30 days from the publication of the first of the aforementioned advertisements, the plaintiffs shall on application to the Court (on notice to each claimant who submitted a claim pursuant to this protocol) seek an order of the court approving disbursement of the funds;

iv. the funds shall be distributed to claimants, in proportion to their pro-rata share of the total of the claims submitted pursuant to the foregoing protocol.

Justice of the Court of Queen's Bench of Alberta