

Action No. 0201-13248

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

KENDAX INVESTMENTS INC.

Applicant

- and -

DONALD CARMICHAEL and 658051 ONTARIO LIMITED

Respondents

BEFORE THE HONOURABLE)
MADAM JUSTICE K. HORNER)
IN CHAMBERS)

At the Court House, in the City of)
Calgary, in the Province of Alberta, on)
the 10th day of April, 2003)

ORDER

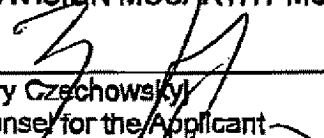
UPON THE APPLICATION made on behalf of the Applicant, Kendax Investments Inc., filed January 30, 2003; **AND UPON** having heard read and having reviewed the Affidavit of Lisa Harness, filed January 30, 2003; the Affidavit of Sue Jackson, filed February 3, 2003; the Affidavit of Margaret Kunkel, filed April 7, 2003; the Affidavit of Gail MacKillican, filed April 9, 2003; the Transcript of the Proceedings of December 4, 2003; the Notice of Appeal filed February 18, 2003; **AND UPON** having reviewed the Orders granted December 4, 2002, January 14, 2003, January 22, 2003 and February 4, 2003 by the Honourable Justice Cairns, filed herein; **AND UPON HEARING** from Counsel for the Applicant and Counsel for the Respondents; **IT IS HEREBY ORDERED THAT:**


1. The application for the return of funds received from Fireside Management Ltd. on or after December 5, 2002 is dismissed.



THE HONOURABLE MADAME JUSTICE K. HORNER.

APPROVED AS TO FORM:
MILES DAVISON MCCARTHY MCNIVEN LLP

Per: 
Terry Czechowsky
Counsel for the Applicant

BISHOP & MCKENZIE LLP
Per: 
Maureen M. Dawson
Counsel for the Respondents

BURNET DUCKWORTH & PALMER LLP

Per: _____

Carla Murray
Counsel for the Judicial Trustee

ENTERED this 7 day of April, 2003:



Clerk of the Court

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COURT OF QUEEN'S BENCH OF
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ORDER

BISHOP & MCKENZIE LLP
Barristers and Solicitors
2500, 700-9th Avenue SW
Calgary, AB T2P 3V4

Attention: Maureen M. Dawson
Phone: 237-5550
File No. 59,333-2

CLERK OF THE COURT
MAY - 8 2003
CALGARY, ALBERTA