



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-727884-00CL

DATE: October 21, 2024

NO. ON LIST: 2

TITLE OF PROCEEDING: MELBOURNE DISREALI EQUITIES INC v VUKOTA

BEFORE: JUSTICE PENNY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------------------------|--|
| Roger M Jaipargas | MELBOURNE DISREALI EQUITIES INC | rjaipargas@blg.com |
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For Defendant, Respondent, Responding Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------|--------------|
| | VUKOTA | |
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For Other, Self-Represented:

| Name of Person Appearing | Name of Party | Contact Info |
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ENDORSEMENT OF JUSTICE PENNY:

- [1] The applicant Melbourne seeks the appointment of a Receiver over two specific assets of the respondent, a condominium at 311 Bay Street and 100 common shares of Vukota Capital Management Inc.
- [2] Mr. Vukota sent an email to counsel's law clerk, in which he expressly does not consent to the appointment of a Receiver, for various reasons set out in his email. Mr. Vukota stated, however, that we not proposing to attend.
- [3] I am satisfied that the appointment of a Receiver is just or convenient in the circumstances. This case involves more than a simple mortgage enforcement. There is a second mortgagee who has not responded to any of counsel's enquiries. His interest will have to be dealt with in any eventual sale. More importantly, part of the security involves common shares of a different company. Those shares may or may not have value but they cannot be dealt with under power of sale.
- [4] Receivership order to issue in the form signed by me this day.

A handwritten signature in blue ink, appearing to read 'Penny J.' with a stylized flourish at the end.

Penny J.