

ONTARIO
SUPERIOR COURT OF JUSTICE IN
BANKRUPTCY AND INSOLVENCY

THE HONOURABLE Madam) **FRIDAY, THE 4th DAY**
Justice Tranquilli) **OF JUNE, 2021**

**In the matter of the Bankruptcy of Silverio Manuel Dasilva (a.k.a. Manny Dasilva) of
the City of Cambridge, in the Province of Ontario**

B E T W E E N:

DANIEL JOVKOVIC

Moving Party

and

KEVIN THATCHER & ASSOCIATES

Responding Party

ORDER

UPON the application of **Daniel Jovkovic, a creditor** of the above-named Bankrupt, upon reading the affidavit of Janice Ly, filed, and upon hearing counsel for Daniel Jovkovic, and for the trustee, and it appearing that the said creditor has requested the trustee to take proceedings to obtain a declaration that the transfer of the property from the bankrupt to Carmen Dasilva and referred to below was a transfer at undervalue, and the said trustee has refused to take such proceedings,

1. IT IS ORDERED that Daniel Jovkovic may, and it is hereby authorized, to commence and prosecute proceedings in its own name and at its own expense and risk, for the purpose of obtaining a declaration that the transfer of the Property known municipally as 87 Light Dr., Cambridge, Ontario (the "**Property**") from the Bankrupt, Silverio Manuel Dasilva, to Carmen Dasilva is a transfer at undervalue and void as against the trustee in bankruptcy of the Bankrupt.

2. IT IS FURTHER ORDERED that Daniel Jovkovic may and it is hereby authorized to commence and prosecute proceedings in its own name and at his own expense and risk, for the purpose of obtaining an order:

(a) That the transfer of Silverio Manuel Dasilva's interest in the Property to Carmen Dasilva is void; and

(b) That Carmen Dasilva pays to the Bankrupt's estate the difference between the value of the consideration received by Silverio Manuel Dasilva and the value of the consideration given by Carmen Dasilva for the transfer of the Property.

3. IT IS FURTHER ORDERED that notice of the granting of this order upon the other creditors of the said Bankrupt shall be deemed to be sufficiently served by mail, courier, facsimile or electronic transmission to each of the said creditors who have proved claims against the Bankrupt's estate at their place of business or address as shown in the Bankrupt's statement of affairs filed.

4. IT IS FURTHER ORDERED that service of notice granting this order shall be deemed effective in accordance with the *Rules of the Bankruptcy and Insolvency Act*.

5. IT IS FURTHER ORDERED that all benefits to be derived from the proceedings authorized by this order together with the costs of same, shall belong exclusively to Daniel Jovkovic, and to such other creditors of the said Bankrupt who may within seven days of the service upon them of the notice of the granting of this order as hereinafter provided, agree to contribute *pro rata* according to the amount of their respective claims to the expense and risk of such proceedings, and who within the like time in writing directed to Payne Law Professional Corporation, attention: James R.D. Clark, 15 Gervais Dr., Suite 605A, Toronto, Ontario, M3C 1Y8, james.paynelaw@gmail.com, solicitors for Daniel Jovkovic herein, signify their agreement.

6. IT IS FURTHER ORDERED that the costs of Daniel Jovkovic and of such others as may join with it in the said proceedings shall be paid, and after paying the said costs, the balance, if any, shall be divided between Daniel Jovkovic and any creditors who may contribute under paragraph 5 hereof *pro rata* according to the respective amounts of their claims in addition to any dividends that they may be entitled to out of the said Bankrupt's other assets but only to the extent of their said claims.

7. IT IS FURTHER ORDERED that in case there be a surplus after paying Daniel Jovkovic his said claim and costs and the costs of the bankruptcy proceedings herein and the claims of such other parties, if any, entitled to participate, according to the priority of the same respectively as determined by paragraph 6 hereof, such surplus shall be paid to the trustee in augmentation of the said Bankrupt's estate.

8. IT IS FURTHER ORDERED that if any creditor or creditors shall fail to join in the said agreement provided for in paragraph 5 within the time hereby limited, they shall be thereafter excluded from participating in the benefits to be derived from the said proceedings.

9. IT IS FURTHER ORDERED that the trustee shall provide Daniel Jovkovic within four days of service of this order upon it with a list of the names and addresses of all creditors who have proven claims against the said estate.

10. IT IS FURTHER ORDERED that the trustee shall within four days of service of this order upon it, execute an assignment assigning all his right, title and interest in the subject matter of the proceedings and shall transfer and make available, all books and documents in support thereof or relevant thereto and that such assignment shall vest in Daniel Jovkovic and such other creditors as may join in these proceedings all the right, title and interest which the said trustee has, had or shall have in the subject matter of the proceedings by virtue of its office as trustee.

A handwritten signature in blue ink, appearing to read "Tranquilli J", is written above a horizontal line.

Judge

**IN THE MATTER OF THE PROPOSAL OF SILVERIO MANUEL DASILVA Of
(AKA MANNY DASILVA) of the City of KITCHENER, in the Province of ONTARIO**

**District of Ontario
Division No. 32 Kitchener
Court File No. 35-2314079
Estate No. 35-2314079**

**Ontario
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

Proceeding commenced at London

ORDER

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CORPORATION**

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