

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE	)	MONDAY, THE 23 rd
	)	
JUSTICE S. ANTONIANI	)	DAY OF OCTOBER, 2023

B E T W E E N:

LEE POLLOCK

Applicant

AND

EXECUTIVE PROPERTIES INC.

Respondent



ORDER

THIS APPLICATION, made by the Applicant, Lee Pollock, for, an Order, amongst others, that the Property known as 577 Burlington Street East, Hamilton, Ontario L8L 4J5 be sold under s.3 of the *Partition Act*, R.S.O. 1990, c. P.4., and to determine the nature of the Applicant's interest in the Property, the extent thereof, and an amount that is due to be paid to the Applicant from the sale proceeds, was read this day at the Courthouse located at 45 Main Street East, Hamilton, Ontario L8N 2B7.

ON READING the Application Record, filed, and the consent of the parties,

1. **THIS COURT ORDERS AND DIRECTS** that the land and premises, municipally described as 577 Burlington Avenue East, Hamilton, Ontario L8L 4J5, and legally described as PT LT 204-205 PL 32 AS IN CD353757; CITY OF HAMILTON [17575-0007

(LT)] (the “**Property**”) be forthwith listed for sale at an initial listing price of \$1,500,000.00 and for an initial period of one hundred twenty (120) days.

2. **THIS COURT ORDERS** that the Respondent , Executive Properties Inc., shall have carriage of the sale; and that the Respondent shall forthwith appoint Adrian Pannozzo and Danni Migueis as agents to list the Property for sale, and that any change in the initial listing price shall be recommended by Adrian Pannozzo and Danni Migueis jointly , acting reasonably and submitted to the Applicant for his prior approval; that George Street Law Group be appointed the real estate solicitors; and, that Adrian Pannozzo and Danni Migueis, and George Street Law Group acting for the parties on the sale shall conduct himself or herself in the interest of the parties and not prefer one party over the other.

3. **THIS COURT ORDERS** that Adrian Pannozzo of Executive Properties Inc., is authorized and directed to sign any and all documents required to give effect to the sale of the Property, including signing of the Transfer/Deed on behalf of Executive Properties Inc.

4. **THIS COURT ORDERS** that George Street Law Group and Executive Properties Inc., shall pay from the sale of the Property all ordinary closing costs including but not limited to:

- a) all amounts that form a lien against the Property, including all realty taxes and utilities;

- b) real estate commissions, not to exceed 5% of the sale price, plus applicable HST;
- c) reasonable legal fees, disbursements and HST relating to the sale of the Property; and
- d) the amount owing under the first collateral mortgage (the “**Mortgage**”) registered as instrument number WE1431394 on February 26, 2020 against the Property in favor of Royal Bank of Canada and securing the maximum principal amount of \$656,250.

5. **THIS COURT ORDERS** that George Street Law Group shall provide a full accounting of the sale of the Property, including the proposed payments for all items it pays on closing of the sale, and that are referenced in paragraph 4 herein, and the accounting shall be provided to the Applicant, for his approval, at least five (5) days prior to the completion of the sale of the Property.

6. **THIS COURT ORDERS** that George Street Law Group shall, following the completion of the sale of the Property, deposit the balance of the net sale proceeds into its trust account and advise the Applicant of the amount of the net sale proceeds in trust and shall not payout the net proceeds of the sale except as directed by a written direction signed and witnessed by the Applicant or in accordance with an order of the Court.

7. **THIS COURT ORDERS** that the Applicant or the Respondent may, on proper notice, request an appointment for a hearing before a justice or associate justice in Hamilton, for further directions regarding this Order, who will act as a referee and consider directions

for any necessary inquiries to be made and/or for any steps to be taken for the sale of the Property.

8. **THIS COURT ORDERS** that the Applicant or the Respondent may, on proper notice, request an appointment for a hearing before a justice or associate justice in Hamilton, to consider any dispute regarding the nature of the Applicant's interest in the Property, the extent thereof, and such amount that should be paid to the Applicant from the net sale proceeds and the timeliness of payment of such monies to the Applicant.

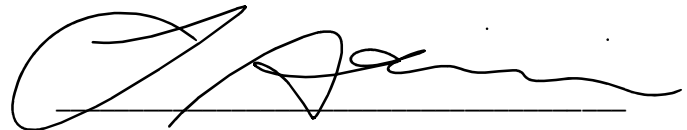
9. **THIS COURT ORDERS** that should the parties fail to reach agreement as regards to the costs of this application, the parties may seek direction from this Court as to how the costs, if any, are to be granted and if so, whether the costs of the application shall be paid from the proceeds of the sale of the Property and in advance of any distribution of the net proceeds to the parties.

Electronically Issued and Entered

Beatriz Perez
Corona

Digitally signed by Beatriz
Perez Corona
Date: 2023.10.25 14:06:45
-04'00'

Local Registrar
45 Main St. E.
Hamilton, ON L8N 2B7

A handwritten signature in black ink, appearing to read 'S Antoniani', written over a horizontal line.

Justice S Antoniani

LEE POLLOCK
Applicant

- and -

EXECUTIVE PROPERTIES INC.
Respondent

Court File No. CV-23-00080868-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
HAMILTON

ORDER

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Executive Properties Inc.