



Court File No. CV-26-00000077-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE J.S. Cowan )  
 )  
 )

THIS DAY, THE **24** DAY  
OF **Sept** 2026

B E T W E E N :

**DONALD C. JOHNSTON**

APPLICANT

and

**BARRY JOHNSTON and GLADYS JOHNSTON**

RESPONDENTS

**APPLICATION UNDER THE PARTITION ACT, R.S.O. 1990, c. 9.4, AND RULES 14  
AND 66.01 OF THE RULES OF CIVIL PROCEDURE**

**ORDER**

**THIS MOTION** made by the Applicant, Donald C. Johnston for an order requiring the Registrar to issue a Certificate of Pending Litigation and to validate service of the Notice of Application and Motion Record, was heard in writing.

**ON READING** the Notice of Motion, the Affidavit of Donald Johnston and the exhibits thereto, the Affidavit of Swaantje Jacks and the exhibits thereto and the Consent of all parties:

1. **THIS COURT ORDERS** that service made by email on Stuart MacKay, counsel for the Respondents, of the Notice of Application and Motion Record is hereby validated and is effective as of September 16, 2026.

2. **THIS COURT FURTHER ORDERS** that the Registrar shall issue a Certificate of Pending litigation to be registered upon the property described as Lt. 7 Con. 7 Kinloss Except K111581 and KL13348, Municipality of Huron-Kinloss, Ontario (PIN No.: 33339-0060).
3. **THIS COURT FURTHER ORDERS** that this Order is without prejudice to the Respondents bringing a motion on notice at a later date to discharge the Certificate of Pending Litigation.
4. **THIS COURT FURTHER ORDERS** that the Respondents shall pay the Applicant's costs of this motion in an amount to be determined by the Judge hearing the Application in any event of the cause.



J.S. Cowan, J.  
September 24, 2026

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| DONALD C. JOHNSTON<br>Applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | -and-<br>Court File No: CV-26-000000777-0000 | BARRY JOHNSTON and GLADYS JOHNSTON<br>Respondents |
| <b>ONTARIO</b><br><b>SUPERIOR COURT OF JUSTICE</b><br>Proceedings Commenced at<br>WALKERTON                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                              |                                                   |
| <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                              |                                                   |
| <b>PAYNE LAW PROFESSIONAL CORPORATION</b><br>Barristers & Solicitors<br>6 Sakura Way, Suite 269<br>Toronto, Ontario M3C 1Z5<br><b>Yan David Payne, C.S. (LSO #48587N)</b><br><b>Nicholas L. Mester (LSO #57206W)</b><br><b>Pratik Batta (LSO #88948V)</b><br>Tel: (416) 447-4529<br>Fax: (416) 447-7529<br>Email: <a href="mailto: ydp@paynelaw.ca">ydp@paynelaw.ca</a><br><a href="mailto: nicholas@paynelaw.ca">nicholas@paynelaw.ca</a><br><a href="mailto: pratik@paynelaw.ca">pratik@paynelaw.ca</a><br><br>Lawyers for the Applicant<br>Donald C. Johnston |                                              |                                                   |