

Court File No. 09-8302-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MADAM)
)
JUSTICE HOY) WEDNESDAY, THE 21st DAY
) OF OCTOBER, 2009

IN THE MATTER OF AN APPLICATION PURSUANT
RULE 14.05(2) OF THE ONTARIO *RULES OF CIVIL PROCEDURE*, R.R.O. 1990, Reg.
194 AND SECTION 35 OF THE *PARTNERSHIPS ACT*, R.S.O. 1990, c. P.5

IN THE MATTER OF AN APPLICATION PURSUANT
TO SECTION 101 OF THE *COURTS OF JUSTICE ACT*,
R.S.O. 1990, c. C. 43

BETWEEN:

JAMES HAGGERTY HARRIS

Applicant/Moving Party

- and -

BELMONT DYNAMIC GROWTH FUND,
an Ontario limited partnership

Respondent

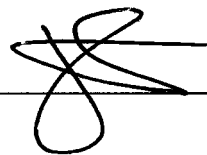
ORDER

THIS APPLICATION, made by the Applicant for the relief set out in the Notice of Application, including dissolution of the Belmont Dynamic Growth Fund, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING (i) the Notice of Application, (ii) the Motion Record of the Applicant, including the affidavit of Robert Craig McDonald sworn July 30, 2009 and the Exhibits thereto; (iii) the Supplementary Motion Record of the Applicant, and (iv) the first report of KPMG Inc. (the "**Receiver**"); and on hearing the submissions of counsel for the Applicant,

counsel for Harcourt Investment Consulting AG and Peter Fanconi, counsel for Omniscope Advisors Inc. and Daniel Nead and counsel for the Receiver, with no one else appearing,

1. THIS COURT ORDERS that capitalized terms used herein and not otherwise defined will have the meaning given to them in the Order of Justice Mesbur dated August 6, 2009 (the “**Receivership Order**”).
2. THIS COURT ORDERS that the Receivership Order is amended by deleting paragraph 4 of the Receivership Order, so that the Receiver is hereby expressly empowered and authorized to terminate or consent to the termination of any Forward Contract and to sell or otherwise dispose of any material portion of the Property where the Receiver considers it necessary or desirable to do so.
3. THIS COURT ORDERS AND DECLARES that, upon the filing of a Receiver’s certificate by the Receiver substantially in the form attached as Schedule “A” hereto, the Belmont Dynamic Growth Fund is dissolved. Prior to issuing its certificate, the Receiver shall report to the Court with respect to matters proposed to be certified.
4. THIS COURT ORDERS that the Receiver may seek the advice and direction of this Court in respect of the carrying out of this Order and any matters to be undertaken in effecting the dissolution of the Belmont Dynamic Growth Fund.



Joanne Nicoara
Registrar, Superior Court of Justice

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

OCT 22 2009

PER / PAR: 

SCHEDULE "A"

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- and -

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RECEIVER'S CERTIFICATE

RECITALS

A. KPMG Inc. is the receiver and manager (the "Receiver") of all of the assets, undertakings and properties of Belmont Dynamic Growth Fund (the "Belmont Fund") appointed by order of the Ontario Superior Court of Justice (the "Court") dated the 6th day of August, 2009 and amended on October 21, 2009.

B. By order dated October 21, 2009, the Court ordered the Belmont Fund dissolved upon the filing of a Receiver's Certificate (the "Dissolution Order").

THE RECEIVER CERTIFIES the following:

1. The Receiver has completed the process of realizing upon the assets of the Belmont Fund;

2. The Receiver has applied the property realized in payment of the debts and liabilities of the Belmont Fund and has distributed the surplus assets in final settlement of the accounts of the partners of the Belmont Fund in accordance with the *Partnership Act* (Ontario);

3. Pursuant to paragraph 3 of the Dissolution Order, as a result of the filing of this Certificate with the Court, the Belmont Fund is dissolved.

DATED THE _____ day of _____, 2009.

**KPMG Inc., solely in its capacity
as Receiver of the Property (as defined in the
Order), and not in its personal capacity**

Per: _____

Name:

Title:

JAMES HAGGERTY HARRIS
Applicant

and **BELMONT DYNAMIC GROWTH FUND,**
an Ontario Limited partnership
Respondent

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Proceeding commenced at Toronto

ORDER

McCarthy Tétrault LLP
Suite 5300, Toronto Dominion Bank Tower
Toronto ON M5K 1E6

Malcolm M. Mercer LSUC#: 23812W
Tel: (416) 601-7659

James D. Gage LSUC#: 34676I
Tel: 416-601-7539

Heather L. Meredith LSUC#: 48354R
Tel: 416-601-8342
Fax: 416-868-0673

Lawyers for the Applicant/Moving Party
#699228