



**ONTARIO
SUPERIOR COURT OF JUSTICE – COMMERCIAL LIST**

THE HONOURABLE MADAM
JUSTICE MESBUR

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WEDNESDAY, THE 5TH DAY
OF JANUARY, 2011

IN THE MATTER OF
6356095 CANADA INC. (FORMERLY EXCAPSA SOFTWARE INC.), IN LIQUIDATION
APPLICATION UNDER SECTION 211(8) OF THE *CANADA BUSINESS CORPORATIONS
ACT*, R.S.C. 1985, c. C-44, AS AMENDED, AND RULE 14.05(2) OF THE *RULES OF
CIVIL PROCEDURE*

**ORDER
(Approval of Settlement)**

THIS MOTION made by XMT Liquidations Inc., in its capacity as the liquidator of 6356095 Canada Inc. (formerly known as Excapsa Software Inc.) (the "**Liquidator**") for an Order approving the Liquidator's entering into a Settlement Agreement with, among others, Blast Off Limited and Tokwiro Enterprises ENRG (the "**Settlement Agreement**") attached as Appendix "I" to the Fifth Report of the Liquidator dated December 23, 2010 (the "**Report**") and the Mutual Release with, among others, Blast Off Limited and Tokwiro Enterprises ENRG (the "**Mutual Release**") attached as Appendix "J" to the Report, and executing and implementing on behalf of 6356095 Canada Inc. all of the transactions and collateral agreements as set out therein was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Report and on hearing the submissions of counsel for the Liquidator, Gail Gleed in her capacity as sole

inspector appointed in the liquidation of 6356095 Canada Inc., ~~and Blast Off Limited~~ ✓ and ~~Joseph Tokwiro Norton~~ ✓, and on being advised that the Service List was served with the Notice of Motion herein:

Rem

I. SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record be and it is hereby abridged and validated and that the motion is properly returnable today and further that service thereof upon any interested party other than those served is hereby dispensed with.

II. SETTLEMENT

2. **THIS COURT ORDERS** that the Liquidator's entering into the Settlement Agreement and Mutual Release and executing and implementing on behalf of 6356095 Canada Inc. all of the transactions and collateral agreements as set out in or contemplated by the Settlement Agreement and Mutual Release be and is hereby authorized and approved.

3. **THIS COURT ORDERS** that the Liquidator's motion as set out in its Notice of Motion dated September 10, 2010 is hereby withdrawn without costs.

4. **THIS COURT ORDERS** that the cross-motion brought by Blast Off Limited and Tokwiro Enterprises ENRG as set out in their Notice of Cross-Motion dated September 21, 2010 is hereby withdrawn without costs.

IN THE MATTER OF
6356095 CANADA INC. (FORMERLY EXCAPSA SOFTWARE INC.), IN LIQUIDATION
APPLICATION UNDER SECTION 21(8) OF THE CANADA BUSINESS CORPORATIONS ACT, R.S.C. 1985, c. C-44, AS AMENDED,
AND RULE 14.05(2) OF THE RULES OF CIVIL PROCEDURE

**ONTARIO
SUPERIOR COURT OF JUSTICE -
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Proceeding commenced at Toronto

ORDER

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Solicitors for XMT Liquidations Inc., in its capacity as
the liquidator of 6356095 Canada Inc. (formerly known
as Excapsa Software Inc.), and not in its personal
capacity