



Court File No.: CV-19-628258-00CL

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

THE HONOURABLE MR. )

JUSTICE HAINEY )

TUESDAY, THE 5<sup>TH</sup>

DAY OF MAY, 2020

BETWEEN:

LAW SOCIETY OF ONTARIO

**Applicant**

- and -

DEREK SORRENTI and  
SORRENTI LAW PROFESSIONAL CORPORATION

**Respondents**

APPLICATION UNDER  
SECTION 49.47 OF THE *LAW SOCIETY ACT*, R.S.O. 1990, c. L.8  
AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43

LAND REGISTRY OFFICE DIRECTION ORDER

**THIS MOTION**, made by FAAN Mortgage Administrators Inc., in its capacity as Court-appointed trustee (in such capacity, the "**Trustee**") pursuant to an Order of this Court made on September 30, 2019 (the "**Appointment Order**") of all of the assets, undertakings and properties in the possession, power or control of Derek Sorrenti or Sorrenti Law Professional Corporation (collectively, "**Sorrenti**") relating to Sorrenti's trusteeship and administration of syndicated mortgage loans in projects affiliated with Fortress Real Developments Inc. ("**FRDI**") and all of

its direct or indirect affiliates, and any entity under common control with FRDI, pursuant to section 49.47 of the *Law Society Act*, R.S.O. 1990, c. L.8, as amended, and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended, for an Order, *inter alia*, directing the land registrar of the applicable land registry office to, upon the delivery of a copy of this Order and a certificate substantially in the form attached as Schedule "A" hereto (a "**Trustee's Certificate**"), delete and expunge the Land Title Instrument from title to the Property (as each such term is defined below), was heard this day by videoconference due to the COVID-19 crisis;

**ON READING** the Second Report of the Trustee dated March 6, 2020 (the "**Second Report**"), the Supplement to the Second Report of the Trustee dated April 13, 2020 (the "**Supplement to the Second Report**") and on hearing the submissions of counsel for the Trustee, Chaitons LLP, in its capacity as Representative Counsel, and such other counsel as were present, no one else appearing for any other person on the service list, as appears from the affidavits of service of Sean Stidwill sworn March 10, 2020 and April 13, 2020;

#### **SERVICE AND INTERPRETATION**

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Motion Record, the Supplementary Motion Record, the Second Report, and the Supplement to the Second Report is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that all capitalized terms used in this Order but not defined herein shall have the meanings given to them in the Second Report.

#### **DIRECTION REGARDING APPOINTMENT ORDER**

3. **THIS COURT ORDERS** that the Trustee may file a Trustee's Certificate with the Court certifying that (a) the Appointment Order has been registered by or on behalf of the Trustee on title to the property identified in such Trustee's Certificate (the "**Property**") with the applicable land registry office (such registration as identified in such Trustee's Certificate, the "**Land Title Instrument**"), and (b) the Trustee requires that such Land Title Instrument be deleted and expunged from title to the Property.

4. **THIS COURT ORDERS** that, upon receipt of a copy of this Order and the applicable Trustee's Certificate, the applicable land registry office is hereby directed to delete and expunge the Land Title Instrument from title to the Property.

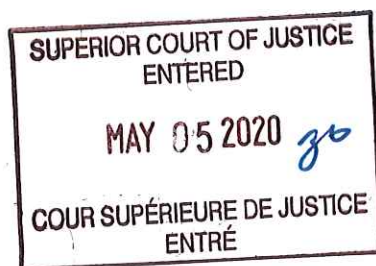
**GENERAL**

5. **THIS COURT ORDERS** that the Trustee and its affiliates, partners, employees and agents shall have no liability with respect to any and all losses, claims, damages or liability of any nature or kind to any person in connection with or as a result of performing any of their duties in carrying out the provisions of this Order, except to the extent that such losses, claims, damages or liabilities result from the gross negligence or wilful misconduct of the Trustee, as determined by this Court.

6. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories of Canada.

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada to give effect to this Order and to assist the Trustee and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Trustee, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Trustee and its agents in carrying out the terms of this Order.

8. **THIS COURT ORDERS** that the Trustee be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.



A handwritten signature in black ink, appearing to read "Hainey", written over a horizontal line.

SCHEDULE "A"

Form of Trustee's Certificate

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TRUSTEE'S CERTIFICATE

(LAND REGISTRY OFFICE DIRECTION ORDER)

**RECITALS**

A. Pursuant to an Order of the Honourable Justice Hainey of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated September 30, 2019 (the "**Appointment Order**"), FAAN Mortgage Administrators Inc. was appointed as the trustee (in such capacity, the "**Trustee**") of all of the assets, undertakings and properties of Derek Sorrenti or Sorrenti Law Professional Corporation (collectively, "**Sorrenti**") relating to Sorrenti's trusteeship and administration of syndicated mortgage loans in projects affiliated with Fortress Real Developments Inc. ("**FRDI**") and all of FRDI's direct or indirect affiliates, and any entity under common control with FRDI (the "**Syndicated Mortgage Loan Administration Business**").

B. Pursuant to an Order of the Court made on May 5, 2020 (the "LRO Direction Order"), the Court directed the land registry office listed below to delete and expunge the Land Title Instrument from title to the Property (each as defined below).

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the LRO Direction Order.

**THE TRUSTEE CERTIFIES** the following:

(a) the Appointment Order has been registered by or on behalf of the Trustee on title to the property identified in the table below (the "Property") with the applicable land registry office (such registration, the "Land Title Instrument"); and

(b) the Trustee requires that such Land Title Instrument be deleted and expunged from title to the Property.

Land Registry Office	PIN	Registration Number	Registration Date
•	•	•	•

This Certificate was filed by the Trustee at \_\_\_\_\_ [TIME] on \_\_\_\_\_ [DATE].

**FAAN MORTGAGE ADMINISTRATORS  
INC., solely in its capacity as Court-appointed  
Trustee of the undertaking, property and  
assets of Derek Sorrenti or Sorrenti Law  
Professional Corporation in respect of the  
Syndicated Mortgage Loan Administration  
Business, and in no other capacity**

Per: \_\_\_\_\_  
Name:  
Title:

LAW SOCIETY OF ONTARIO

Applicant

- and -

DEREK SORRENTI and SORRENTI LAW PROFESSIONAL CORPORATION

Respondents

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ONTARIO

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(COMMERCIAL LIST)

Proceeding commenced at Toronto

LAND REGISTRY OFFICE  
DIRECTION ORDER

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Inc., in its capacity as Court-Appointed Trustee  
of Derek Sorrenti or Sorrenti Law Professional  
Corporation in respect of the Syndicated  
Mortgage Loan Administration Business