CV-09-386836

FORM 2

AFFIDAVIT OF CLAIM

Creditors' Relief Act

(Section 7 (1))

In the Superior Court of Justice sitting in the City of Toronto, Province of Ontario:

Doreen Tennina

Claimant

And

Domenic Carchidi

Debtor

I, Doreen Tennina., of the City of Vaughan, in the Regional Municipality of York, lender, make oath and say:

1. I am the above-mentioned claimant in this behalf, and have a personal knowledge of the matters hereinafter deposed to.

2. The above-named debtor is justly and truly indebted to me in the sum of $70,000.00, on account of monies lent by me, to the Debtor, for which the Debtor has signed promissory notes but which monies have not been repaid.

SWORN before me at the City of Vaughan, in the Regional Municipality of York, this 8th day of September, 2009.

Doreen Tennina

Doreen Tennina

Commissioner for Taking Affidavits, etc.

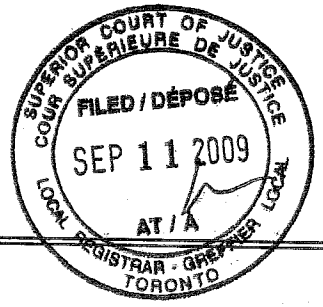
ADAM WAINSTOCK

DOREEN TENNINA
CLAIMANT

and.

DOMENIC CARCHIDI
DEBTOR

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at TORONTO
Creditors' Relief Act



AFFIDAVIT OF CLAIM

DRUDI ALEXIOU KUCHAR LLP
Barristers-At-Law
7050 Weston Road
Suite 610
Vaughan, Ontario L4L 8G7

Marco Drudi – LSUC #27267H
(905) 850-6116
(905) 850-9146 Fax
Lawyer for the Claimant,
Doreen Tennina

CV-09-386836

Court File No. CV-09-371488

ONTARIO
SUPERIOR COURT OF JUSTICE

M.A. Sandler) THURSDAY, THE 9TH DAY OF
) JULY, 2009
)

BETWEEN:

DOMENIC CARCHIDI and CARMELINA CARCHIDI

Plaintiffs

-and-

DOREEN TENNINA

Defendants

ORDER

THIS MOTION, made by the Plaintiffs for an order paying out the funds held by the Accountant of the Superior Court, was heard on this day at 393 University Avenue, Toronto, Ontario.

ON READING, the Notice of Motion, Affidavit of Carmelina Carchidi, sworn June 29, 2009, and attached exhibits, Factum, Book of Authorities and Responding Motion Record of the Defendant, Doreen Tennina and attached exhibits and on hearing submissions from counsel the motion having been served on the execution creditors and no one NA appearing for the execution creditors

1. **THIS COURT ORDERS** the amount of $28,097.08, held by the Accountant of the Superior Court, Account No. P00103479, be paid out on the following basis:

(a) Payment to Zeppieri & Associates of the following amounts:

(i) $772.32, for photocopying the herein motion;

(ii) $127.00, for filing the herein motion (Court Fee);

(iii) $850.00, for serving the herein motion;

(iv) $ 1500 , for costs the herein motion;

(b) $ 12423.88, to the Plaintiff, Carmelina Carchidi representing the remaining 50% of the net sale proceeds;

(c) $12423.88 , to be paid the Sheriff in Toronto representing the remaining 50% of the sale proceeds, which funds would thereafter be distributed in accordance with the *Executioners and Creditors Relief Act.*

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

JUL 28 2009

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:

M A Sanderson

CV-05-386836

FORM 3

NOTICE TO BE SERVED WITH CLAIM

Creditors' Relief Act
(Section 7 (3); Section 8 (3, 4))

In the Superior Court of Justice sitting in the City of Toronto, Province of Ontario:

Doreen Tennina

Claimant

And

Domenic Carchidi

Debtor

To the above-named debtor.

Take notice that the claimant intends to file with the local registrar of the Superior Court of Justice sitting in the City of Toronto, Province of Ontario, the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the Sheriff for the said City, an execution against your property, and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of the said *Creditors' Relief Act.*

And further take notice that, if you desire to contest the said claim or any part thereof, you must, within ten (10) days* after the service of this notice upon you, file with the local registrar of the said Court an affidavit stating that you have a good defence to the said Claim on the merits, or that you have such defence to a specified part of the claim. If no such affidavit is filed, the claim will be treated as admitted by you. If the affidavit is filed contesting the claim as to part only, such claim may be so treated as to the part not contested.

And further take notice that, unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county at which service may be made upon you, or the address of some solicitor in Ontario who may be served on your behalf, service may be made upon you of any notice, paper or document by sending it by registered mail addressed to you at the said county town.

Dated: the 8th day of September, 2009

Doreen Tennina

Doreen Tennina
Claimant