

1 Investment Company and Deans knight Management Ltd.; the files and records herein, and
2 being fully advised,

3 THE COURT FINDS as follows:

4 A. Oswego Group LLC, doing business as Inverness Group (“Receiver”),¹ gave
5 appropriate notice of the Motion and the hearing. No other or further notice in connection
6 with the entry of this Order is or shall be required.

7 NOW THEREFORE, IT IS HEREBY ORDERED THAT:

8 1. The Receiver’s Motion is GRANTED in its entirety.

9 2. Any objections to the Motion, if not previously withdrawn, are hereby
10 overruled.

11 3. Pursuant to RCW 7.60.190(6)(a) and RCW 7.60.210(4), the Wells Fargo
12 Secured Claim is hereby allowed and fixed in the amount of \$4,195,771.03, plus (a) interest
13 accruing on and after May 6, 2017, at the rate of \$711.38 per diem, and (b) attorneys’ fees
14 and costs incurred on and after May 6, 2017, which are properly payable in the exercise of
15 the Receiver’s business judgment, and (x) as such claim may be reduced on account of
16 unfunded liabilities under letters of credit.

17 4. The Receiver is authorized to pay the Wells Fargo Secured Claim, subject to
18 and conditioned upon entry of a Court order disallowing the claim of Geodis Logistics, LLC,
19 in part, on the terms set forth in the Receiver’s Geodis Claim Objection filed
20 contemporaneously with the Motion.

21 5. Entry of this Order and the withdrawal of the Objections is without prejudice
22 to (a) all rights of Geodis with respect to the proceeds of the sale and its alleged first priority
23 lien claim, (b) all rights of Gerler, Caleres Investment Company, Inc., and Deans Knight
24 Capital Management Ltd., to assert any legal or equitable claim or defense in this

25 _____
26 ¹ Capitalized terms not otherwise defined in this Order have the meanings ascribed to
them in the Motion.

1 proceeding, and in any other proceeding, including the Canadian Proceeding (as defined in
2 Gerler's original Opposition memorandum), and (c) all rights of the Receiver, creditors, and
3 any other interested party to object to such claims, except with respect to the allowance and
4 payment of the Wells Fargo Secured Claim as provided herein.

5 6. This Order shall be binding in all respects on all creditors and interest holders
6 of the Receivership Entity, and their successors and assigns.

7 Dated this 12th day of June, 2017.

8
9 By:


~~COMMISSIONER~~ → Judge

10 Approved for Entry;
11 Presented by:

12 SCHWABE WILLIAMSON & WYATT, P.C.

13
14 

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21 Stipulated and Agreed;
22 Notice of Presentation Waived:

23 WENOKUR RIORDAN PLLC

24 /s/ Alan J. Wenokur per 6/9/17 email authorization

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AGREED ORDER (1) ALLOWING CLAIM OF WELLS FARGO, AND
(2) AUTHORIZING PAYMENT OF WELLS FARGO'S SECURED
CLAIM - 3

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