



FRASER MILNER CASGRAIN LLP

DOUGLAS I. KNOWLES, Q.C.
Also of the California, Alberta and Yukon Bars
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By fax, email or regular mail

To all parties of record

March 1, 2005

Dear Sirs/Mesdames:

British Columbia Securities Commission v. Berkshire Capital et al, No. SCBC L031587
Evans v. Silicon Valley IPO Network et al – SCBC No. L001677
Umbrella Capital, LLC v. Exchange Bank & Trust Inc., SCBC No. S032186
Wolverton Securities v. Galton Scott & Golett Inc. et al, SCBC No. S030720
Valenti v. Nevis American Trust Co. Ltd. et al, SCBC No. S032882
United States Securities & Exchange Commission v. Durante et al,
SCBC Nos. S026090, S030289 and S031086

Further to our letter of February 25, 2005, please find attached a copy of a draft Order of Madam Justice Brown as submitted for entry. We will provide you with an entered copy upon receipt of same from the Registry.

Yours truly,

FRASER MILNER CASGRAIN LLP

Per: *Iran Arbodean*

Douglas I. Knowles, Q.C.

DIK/fjt
enc
c.c. KPMG Inc.

Bank Casgrain

NO. L031587
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BRITISH COLUMBIA SECURITIES COMMISSION

PETITIONER

AND:

BERKSHIRE CAPITAL PARTNERS, INC., CARTER & ASSOCIATES, LTD.,
DOTTENHOFF FINANCIAL, LTD., GALTON SCOTT & GOLETT, INC.,
STRATEGIC FINANCIAL SERVICES, EXCHANGE BANK AND TRUST INC.,
AND STERLING INTERNATIONAL BANK INC.

RESPONDENTS

ORDER

BEFORE THE HONOURABLE

MADAM JUSTICE BROWN

FRIDAY, THE 25TH DAY

OF FEBRUARY, 2005

UPON THIS MATTER coming on before me in this proceeding on Friday, February 25, 2005 and in related proceedings No. L001677, No. S032186, No. S030720, No. S032882, No. S026090, No. S030289 and No. S031086, all of the Vancouver Registry, by way of a Case Management Conference; AND UPON HEARING those counsel listed in Schedule "A" attached hereto; AND UPON reading the reporting letter dated February 24, 2005 sent by Messrs. Fraser Milner Casgrain LLP to all parties of record; AND UPON considering the matters had and taken herein:

THIS COURT ORDERS that:

1. subject to a satisfactory form of consent and waiver (the "Consent") being agreed upon between the Receiver and Exchange Bank & Trust Inc. ("EBT"), the Receiver shall cause to be sent a Consent to each of the persons having entered an Appearance herein or filed a Proof of Claim herein and, provided such Consent is sent by or on behalf of the Receiver prior to 5:00 p.m. on Tuesday, the 1st day of March, 2005 by way of mail, facsimile or electronic means, that any persons having filed Appearances or Proofs of Claim in these proceedings who are claimants by reasons of being depositors of EBT shall sign and return the Consent to the Receiver or their counsel by no later than Friday, the 11th day of March, 2005.

2. endorsement of this Order by counsel appearing on this application is hereby dispensed with.

BY THE COURT

DEPUTY DISTRICT REGISTRAR

APPROVED AS TO FORM:



DOUGLAS I. KNOWLES, Q.C.
Counsel for KPMG, Inc.

SCHEDULE 'A'

Counsel:	Appearing for:
D. I. Knowles, Q.C.	<i>KPMG Inc.</i>
P. Brady	<i>British Columbia Securities Commission</i>
M. Bromm	<i>United States Securities and Exchange Commission</i>
M. Watt	<i>H. Thomas Moran II, Receiver of the assets of LifeTime Capital, Inc. and other assets including the assets of Umbrella Capital, LLC</i>
D. Church	<i>Michael J. Evans</i>
L. Broshko	<i>Michael J. Evans</i>
L. Donaldson	<i>Lukoil-Langepasneftegaz</i>
M. Baron	<i>Strategic Financial Services</i>
M. Tourigny	<i>United States Securities and Exchange Commission</i>
J. Giroday	<i>Bank Crozier</i>
P. Kletas	<i>W.H. (Chip) Ellis, doing business as Zona Franca Colonia and the said Zona France Colonia</i>
R. Patryluk	<i>Hoebet & Bernstein, Ltd., and Henninger Financial Inc.</i>
J. Frank	<i>Vito Di Fronzo and Sundown Management LLC; and Pro Vista Management Ltd., Pro Vista Investments Ltd.</i>

Fax/Email/Mail Service List for the following actions

British Columbia Securities Commission v. Berkshire Capital et al, No. SCBC L031587
 Evans v. Silicon Valley IPO Network et al – SCBC No. L001677
 Umbrella Capital, LLC v. Exchange Bank & Trust Inc., SCBC No. S032186
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 United States Securities & Exchange Commission v. Durante et al,
 SCBC Nos. S026090, S030289 and S031086

	Counsel	Party	Action(s)	Fax No/Email.
1.	Scarlett Manson Angus Att: <u>D. Manson</u>	Umbrella Capital LLC and David Svete	L031587 L001677 S026090 S030289 S031086 S032882 S030720	604-684-7773 dmanson@smalaw.com
2.	Lawson Lundell Att: <u>Peter Roberts</u>	Bank of Montreal	L031587 L001677	604-669-1620 proberts@lawsonlundell.com
3.	Richards Buell Sutton Att: <u>Mark Baron</u>	Strategic Financial Services	L031587	604-688-3830 mbaron@rbs.ca
4.	Church & Company Att: <u>David Church</u>	Michael Jason Evans	L031587 L001677 S032882 S030720 S032186 S031086 S030289 S030290	604-408-8278 church@churchlegal.com
5.	Bull Housser & Tupper Att: <u>Laura Donaldson</u>	Lukoil-Langepasneftegaz	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604- 641-4949 ld@bht.com
6.	Steve Jeffrey	Draco Limited	L031587	1-949-589-4153
7.	MacLeod & Company Att: <u>William MacLeod</u>	Richard and Rhina Gerhauser	L031587 S032186 L001677 S030720 S032882 S030289 S031086 S026090	604-682-2534 bmacleod@macleodlaw.com

	Counsel	Party	Action(s)	Fax No/Email.
8.	John Frank	Vito Di Fronzo and Sundown Management LLC and Pro Vista Management Ltd., Pro Vista Investments Ltd. and Vito R. Di Fronzo	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-688-6995
9.	Holmes Greenslade Att: S. Holmes	Exchange Bank & Trust	L031587 S030720 S026090 S030289 S031086	604-688-0426 sdh@holmescompany.com
10.	Terry L. Neal	(a) Terry Neal for Gillian Hobson (b) Terry Neal for Gillian Hobson and on instructions of KPMG in regards to the following property: Irish Tyndall Trading Ltd., First Technology Capital Ltd., Sovereign Securities Ltd. and Lion Fortune Ltd. (c) Terry L. Neal for Exchange Bank & Trust, Inc. and (d) Terry L. Neal for Exchange Bank & Trust, Inc. and on instructions of KPMG in regards to the following property: Irish Tyndall Trading Ltd., First Technology Capital Ltd., Sovereign Securities Ltd. and Lion Fortune Ltd. (e) Terry Neal for Nevis American Trust Co. Ltd. (f) Terry Neal for Nevis American Trust Co. Ltd. and on instructions of KPMG in regards to the following property: Irish Tyndall Trading Ltd., First Technology Capital Ltd., Sovereign Securities Ltd. and Lion Fortune Ltd.	S030720 S030720 S032186 L001677 S030720 S032882 L031587 S026090 S030289 S031086 S032186 L001677 S030720 S032882 L031587 S026090 S030289 S031086 S032882 S032882	By Mail: 2870 NE Hogan Road, E-506 Gresham, Oregon, USA 97030

	Counsel	Party	Action(s)	Fax No/Email.
11.	Dennis Harman, Executor	Estate of Juanita Harman	L031587	1-480-994-5141
12	DuMoulin & Boskovich Att: <u>Peter P. Kletas</u>	W.H. (Chip) Ellis, doing business as Zona Franca Colonia and the said Zona Franca Colonia	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-688-8491 peter@dubo.com
13	Gary L. Fitzgerald	Maritime Acceptance Corporation	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-688-0426
14	William B. Hayes, Esq.	Vista Capital Resources and John V. Breaker its owner	L031587 S032186 S030720 S032882 S026090 S030289 S031086	1-303-322-3115
15	Fasken Martineau Att: <u>John F. Grieve</u>	Bank Crozier	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-631-3232 jgrieve@van.fasken.com
16	William Garcia and Beatrice Garcia	self	L031587 L001677 L032186 L030289 L030720 S031086 S032882	c/o 248 Rael Street Sante Fe, New Mexico USA 87505
16A	Guild, Yule & Co. Att: Jim M. Baily	W. and B. Garcia		604-688-1315

	Counsel	Party	Action(s)	Fax No/Email.
11.	Dennis Harman, Executor	Estate of Juanita Harman	L031587	1-480-994-5141
12	DuMoulin & Boskovich Att: <u>Peter P. Kletas</u>	W.H. (Chip) Ellis, doing business as Zona Franca Colonia and the said Zona Franca Colonia	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-688-8491 peter@dubo.com
13	Gary L. Fitzgerald	Maritime Acceptance Corporation	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-688-0426
14	William B. Hayes, Esq.	Vista Capital Resources and John V. Breaker its owner	L031587 S032186 S030720 S032882 S026090 S030289 S031086	1-303-322-3115
15	Fasken Martineau Att: <u>John F. Grieve</u>	Bank Crozier	L031587 S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-631-3232 jgrieve@van.fasken.com
16	William Garcia and Beatrice Garcia	self	L031587 L001677 L032186 L030289 L030720 S031086 S032882	c/o 248 Rael Street Sante Fe, New Mexico USA 87505
16A	Guild, Yule & Co. Att: Jim M. Baily	W. and B. Garcia		604-688-1315

	Counsel	Party	Action(s)	Fax No/Email.
23	Lang Michener <u>Att: Mark Skwarok</u>	United States Securities and Exchange Commission	L031587 L001677 S030720 S032186 S032882	604-685-7084 mkskarok@lmls.com
24	Burns, Fitzpatrick <u>Att: Stephen Schwartz</u>	Terentum Investments Ltd. and Vendome Investments Inc.	L031587	604-685-2104 sschwartz@bfrs.ca
25	B.C. Securities Comm. <u>Att: Peter Brady</u>	B.C. Securities Commission	S032186 L001677 S030720 S032882 S026090 S030289 S031086	604-899-6633 pbrady@bcsc.bc.ca
26	Farris Vaughan <u>Att: Robert Anderson</u>	Wolverton Securities	S030720	604-661-9349 randerson@farris.com
27	Stephen C. Sayre	Self	L031587 L001677 S032882 S031086 S032186 S026090 S030720	e:mail: jeffchandler10@hotmail.com
28	Alan Andrews	Self	S030720	Fax: 604-985-2291 5811 Grousewood Crescent North Vancouver, BC V7R 4V2
29	Nancy Valenti	Self	S032882	2725 Empress Lane Lake Havasu City, AZ 86403-3282 Fax: n/a
30	Miguel Valenti	Self	S032882	6372 E. Weldon Avenue Scottsdale, AZ 85251 Fax: n/a
31	Engel & Lofton <u>Att: Peter C. Vitale</u>	Estate of Elise Hernandez, and Nancy Case as Conservator for Helen Simmons and Nancy Case Individually	L031587	1-505-986-1227

	Counsel	Party	Action(s)	Fax No/Email
32	Lyons Hamilton <u>Att: Larry A. Gold</u>	The Roc Capital Holdings Ltd. and Richard J. Hook, Losis Morie Hook Robin Date Hook Cynthia Louise McClury Jennifer Leigh Dudley, beneficiaries of The Roc Capital Holdings Ltd.	S032186	604-684-2501
33.	Steele Urquhart Payne <u>Att: Bronson Toy</u>	Tomomi Landsburg	L031587	604-684-1815 btoy@steelelawyers.com
34.	Peter Johansson	Exchange Bank and Trust, Inc.	L031587 L001677 S032882 S031086 S032186 S026090 S030720 S030289	604-688-0426