



COURTHOUSE OF MASSA

RG/year no: 3/2022

Fallimento Fiber Srl (già Fibra Srl) in liquidazione volontaria nr: 3/2022
(Fiber Srl Bankruptcy Proceeding (previously Fibra Srl) placed into voluntary liquidation no: 3/2022)

Bankruptcy Judge: Mr. ALESSANDRO PELLEGRINI

NOTICE OF SALE BY ELECTRONIC MEDIA UNDER ARTICLE 107 OF THE ITALIAN BANKRUPTCY LAW

1st Attempt

I, the undersigned Mr. Enrico Bernardini with office in LA SPEZIA, certified email address of the Bankruptcy Proceeding f3.2022massa@pecfallimenti.it, appointed as Official Receiver in the Bankruptcy Proceeding as above,

considering the presence, among the bankruptcy assets, of a majority shareholding in Marmo Quarries Canada Inc.,

INFORM

that as from 11/9/2024 (starting at 12:00 p.m.) to 18/9/2024 (ending at 12:00 p.m.), an exclusive sale by electronic media of the following lot will take place, accessible from the websites www.astemobili.it, www.doauction.it and www.garavirtuale.it:

- **SINGLE LOT: 67% (sixty-seven percent) ownership interest in the Corporation Marmo Quarries Canada Inc.** (also referred to as "MQC") with registered office at 20, Queen Street West – SUITE 3300 Toronto ON M5H 3R3 Canada.

Ontario Corporation no. 002229016, part of lot 11, Concession 25, Amabel Township, Part 1 on Reference Plan 3R-1095, Town of South Bruce Peninsula, Aggregate Resource Property under Class B Aggregate Resource Licence no. 4816.

The Corporation owns the land and buildings on the quarry located at 141 Quarry Road, Wiarton, Ontario, Canada, identified as lot XXV of the Town of South Bruce Peninsula.

The property has been improved with all the existing structures and improvements and is accessed along Quarry Road. The Corporation has the right to use the common areas and the external structures shared with third-party owners.

The property on sale is a 67% interest in a single and not separable real estate and business complex owned by the Bankruptcy Proceeding no. 3/2022 Fiber Srl (previously Fibra Srl) placed into voluntary liquidation.

The Corporation has leased all its existing structures to Big Stone Productions Inc. under a 15-year contract due to expire on January 31st, 2025.

Shareholding of MQC was regulated on January 29th, 2010 by the President of MQC who issued a share certificate in favour of Fibra Srl (currently Fiber Srl) certifying that the company is the registered holder of

67 shares of MQC.

- ❖ **BASIC AUCTION PRICE:** euro 326,000.00
- ❖ **DEPOSIT:** euro 32,600.00
- ❖ **MINIMUM BID INCREMENT :** 5,000.00

WHEREAS

All the amounts expressed herein are in EUROS, official currency of the EU Member States; the previous company name of Fiber Srl was Fibra Srl (as results in the notarial deed dated as of August 8th, 2019 by Sara Rivieri Notary, Registration no. 3903);

COMMUNICATE

- 1) Anyone interested in participating shall register on the website www.astemobili.it expressly accepting the general conditions, as well as the conditions and terms of this notice of sale;
- 2) When registering, each user is requested to choose a username and a password, as well as to provide a valid identity document. Username and password shall be used as credentials to access the website and participate in auctions;
- 3) In case the bidder is a legal entity, they shall register as such in the appropriate section providing the requested company information and the relevant required documents;
- 4) The participant in the auction who is duly registered and intends to act on behalf of third parties must have a power of attorney (even if not notarized), containing all the information about the company and the relevant lot on sale they intend to bid on, to be sent to the certified email address commissionario.edicom@pec.it before registration;
- 5) In case the power of attorney is granted by a natural person, it shall be accompanied by a photocopy of a valid identity card and tax code of both the delegate and the delegator to be sent to the certified email address commissionario.edicom@pec.it before registration;
- 6) In case the power of attorney is granted by a legal person, it shall be accompanied by a photocopy of a valid identity card and tax code of both the delegate and the delegator, along with a photocopy of a valid Chamber of Commerce registration of the delegating company to be sent to the certified email address commissionario.edicom@pec.it before registration;
- 7) The delegate participating in the auction and the delegator are in any case jointly and severally liable for any procedural non-compliance;
- 8) In any case participations with generic proxies "for a person to be named" will not be accepted;
- 9) At the end of the tender, the bidder who has submitted the highest offer by the end of the tender is declared the provisional successful bidder;

- 10) At the end of the electronic tender the Commission Agent shall send the final tender report to the certified email address of the Proceeding (containing, in case tenders are received, the personal details of the provisional successful bidder, and confirming the payment of the deposit);
- 11) In order to ensure the maximum participation and the best outcome of the Proceeding, if multiple offers and bids are placed during the last three minutes prior to the end time of the telematic tender, the end time for the bids will be extended by another three minutes until there are no more bids remaining;
- 12) A bid lapses if a higher bid is placed using the same method;
- 13) Communications to the tender participants and the provisional successful bidder shall be sent by the Commission Agent by email and/or certified email;
- 14) In order to be enabled to participate in the electronic sale, each bidder **shall provide evidence of payment of a security deposit equal to 10% of the offered price.** The payment of the security deposit shall be carried out by bank transfer (or, if applicable, by credit card as indicated on the web portal) to the bank account held by **EDICOM SERVIZI SRL IBAN IT90E0326804607052737800862 – Banca Sella Spa;**

The reason for payment shall include as follows: RF 3/2022 Lotto UNICO Tribunale di MASSA, according to what indicated on the web portal (id asta). **The credit to the indicated bank account shall occur by 12:00 p.m. on the day before the end of the tender.**

When accessing the auction from the previously indicated website using the "Make an offer" function, it is necessary to enter the requested data into the appropriate fields regarding the bank transfer made within the specified time limit, under penalty of exclusion from the auction;

- 15) Deposits paid by unsuccessful bidders shall be refunded as follows: 1) if the deposit was made by credit card, full availability will be restored within 48 hours after the request, otherwise if there is no request, automatically at the close of the sale; 2) if the deposit was made by bank transfer, the Commission Agent shall refund it by bank transfer within 48 hours of the request or, if there is no request, after the close of the sale. For any further request regarding the management of deposits, unsuccessful bidders can contact the qualified person at the email address info@doauction.com providing the details of the payments made;
- 16) The amounts collected by the Commission Agent which were paid by the subject declared the provisional successful bidder as a security deposit, and, if required by the Proceeding, as payment of the balance due, shall be transferred by bank transfer to the international bank account number (IBAN) of the Proceeding;
- 17) **The successful buyer is required to pay the Commission Agent a premium based on the hammer price which is equal to 4% plus 22% VAT for the services provided;**
- 18) **The payment of the balance due** shall be made by the successful bidder at the end of the auction and in any case not later than 60 (sixty) days from the award date to the following bank account: EDICOM SERVIZI SRL IBAN IT90E0326804607052737800862 Banca Sella Spa (or, if applicable, by credit card as indicated on the web portal)
- 19) The sale shall be considered completed only when the buyer's premium - as described above - is fully paid to the Commission Agent. The payment of the premium, plus applicable VAT, shall be made directly by bank transfer, or, where applicable, by credit card as indicated on the web portal, to: **EDICOM SERVIZI SRL - IBAN IT16D0326804607052737800861 not later than 15 (fifteen) days starting from the date of the provisional**

award, by accessing the "profile" menu, "awards" section, selecting Banca Sella and making sure to register the payment.

- 20) In case of failure to pay within the aforesaid terms, the award will be forfeited and the security deposit paid shall be retained as a penalty, reserving the right to claim compensation for greater damage. In this case, the Proceeding may call for a new attempt or decide to award the sale to the second-highest bidder. However, the fees due to Edicom Servizi for the activity carried out shall be borne by the successful bidder who is declared disqualified;
- 21) If I, the undersigned, in agreement with the Judicial Authority, for any reason consider it necessary not to complete the sale in favour of the provisional successful bidder resulting from the online tender, then the Commission Agent, upon written notice by the undersigned Official Receiver, shall return the security deposit to the successful bidder as described above;
- 22) Any improved offer that is at least 10% higher than the hammer price pursuant to Article 107, paragraph 4 of the Italian Bankruptcy Law shall be sent to the certified email address of the Proceeding within 10 days of the provisional award, and the Proceeding reserves the right to evaluate, in its sole interest, the possibility to suspend the sale;
- 23) The Commission Agent shall provide any useful information, including by phone or email/certified email, to the interested parties regarding the sales procedures, characteristics and amount of the assets put up for auction;
- 24) The goods are sold as is, in their current condition and legal status, with all associated appurtenances, accensions, active and passive easements under the existing laws of the Canadian territory;
- 25) The property is sold in the condition indicated in the appraisal report prepared by the appraiser and published on the following web portals: www.astemobili.it, www.doauction.it and www.garavirtuale.it;
- 26) The property is sold in bulk and not by measure and any differences in size shall not give rise to compensation, indemnity or price reduction;
- 27) The sale is not subject to the rules concerning the guarantee for defects or lack of quality pursuant to Article 2922 of the Italian Civil Code;
- 28) The presence of any defects, lack of quality or non-conformity of the sold item, including urban or environmental burdens or compliance with current regulations regarding prevention and safety – even if hidden or not mentioned in the appraisal reports – shall not entitle anyone to any indemnity, compensation or price reduction. All associated costs and expenses shall be borne by the successful bidder;
- 29) As regards any condition of sale not expressly indicated in this notice, refer to the general rules and conditions of sale outlined on the websites www.astemobili.it, www.doauction.it and www.garavirtuale.it;
- 30) Any notary fees, registration fees, transcription and transfer fees, VAT and other taxes, charges and fees as well as the costs of ownership transfer shall be borne by the successful bidder;
- 31) The transfer of the awarded share shall take place through an Order of Transfer issued by the Bankruptcy Judge after the payment of the balance due. The order shall be legalized and translated at the Prefecture of Massa or at the Prosecutor's Office at the Courthouse of Massa by the Official Receiver and all relative costs shall be borne by the successful bidder. This administrative act falls under the provisions of Article 33, paragraph 1, of Presidential Decree no. 445 of December 28th, 2000. After that, the act will be registered

with the relevant provincial and federal authorities with the assistance of a Canadian lawyer chosen by the Official Receiver, at the expense of the successful bidder. Note that all costs are generally borne by the successful bidder, including but not limited to, the translation of the Order of Transfer of the shares held by Fiber Srl in MQC.

- 32) This sale is subject to registration tax or VAT according to the applicable legal rates;
- 33) The bodies of the Proceeding reserve the right, without any obligation to provide justification, to suspend or interrupt the online auction in agreement with the Judicial Authority;
- 34) This notice of sale will be published on the public sales portal - <https://portalevenditepubbliche.giustizia.it> under Article 490, paragraph 1 of the Italian Code of Civil Procedure as well as in the national newspapers 'Il Sole 24 ore' and 'Milano Finanza';
- 35) This notice of sale will be published and accessible on the following websites authorized under the Ministerial Decree of October 31st, 2006 www.asteannunci.it; www.asteavvisi.it; www.canaleaste.it; www.rivistaastegiudiziarie.it.
- 36) Specific advertising campaigns shall be launched through commercial channels identified by the Commission Agent, as well as specific Facebook campaigns;
- 37) For further information on how to participate in the online auction, you may contact Edicom via chat on the portal www.doauction.it or the Help Desk by telephone on Monday and Tuesday from 9:00 a.m. to 1:00 p.m. and from 2:30 p.m. to 6:30 p.m., or on Friday from 9:00 p.m. to 1:00 p.m. and from 2:30 p.m. to 5:00 p.m., telephone number 041-8622235 asking for Ms. Velida Fontan or Benedetta Cacace.

Massa, May 9th, 2024

(Massa, 9/5/2024)

The Official Receiver

Mr. Enrico Bernardini