

**BANNERS**

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION



CAUSE No: FSD 158 of 2012 (AJJ)

**BETWEEN:**

**BBX CAPITAL ASSET MANAGEMENT LLC**

Plaintiff

**-and-**

- (1) ROYAL BANK OF CANADA TRUST COMPANY (CAYMAN) LIMITED**  
**(As Managing Trustee of the Firetrucks Trust dated 28/10/08)**
- (2) DANIEL CATALFUMO**
- (3) SUSAN'S PASSION LIMITED**

Defendants

TOMLIN ORDER

UPON the Plaintiff, Mr Daniel Catalfumo, PGA Flyover Corporate Park LLC ("FCP") and others having entered into a settlement agreement dated 7 June 2013 ("the Agreement") in connection with the Chapter 11 Bankruptcy Proceedings of FCP before the United States Bankruptcy Court for the Southern District of Florida, West Palm Beach Division ("Bankruptcy Court"), Case No. 13-18701-EPK, a copy of which is annexed hereto as Schedule 1 to this Order;

AND UPON the Bankruptcy Court's approval of the Agreement on 11 June 2013;

AND UPON the parties herein agreeing that:

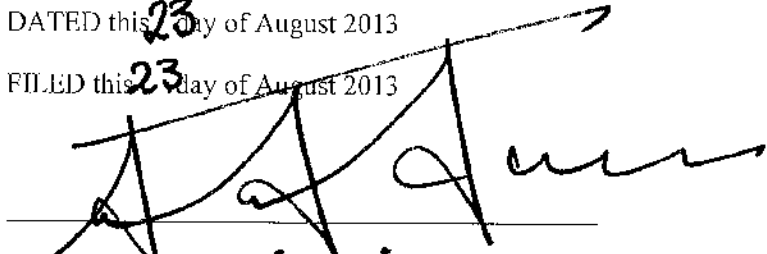
- (a) once the obligations of the parties to the Agreement are fully performed they will execute a consent order in the form annexed to Schedule 2 to this Order;
- (b) in the event that Mr. Catalfumo or any of the other said obligors or Catalfumo-related persons or entities fail to perform their obligations under the Agreement the Plaintiff may apply to lift the stay referred to in paragraph 1 below and any such application shall not be opposed by the Defendants or any of them save in relation to an issue as to whether there has been a failure of performance;

**BY CONSENT IT IS ORDERED THAT:**

1. Subject to paragraphs 2 to 4 below, all further proceedings in this claim be stayed until further order.
2. Notwithstanding the terms of paragraph 1, any party has liberty to apply for any order required for the purpose of carrying into effect the terms of the Agreement.
3. The freezing Order made on 23 November 2012, as varied by Orders dated 30 November 2012, 13 December 2012 and 9 April 2013, ("the Freezing Order") do continue until further order, save that, to the extent necessary to permit the terms of the Agreement to be performed (including any and all actions to be performed by the First Defendant to facilitate the terms of the Agreement), the Freezing Order be varied pursuant to paragraph 22 of the Freezing Order.
4. Any party has liberty to apply in respect of the Freezing Order.

DATED this <sup>23</sup> day of August 2013

FILED this <sup>23</sup> day of August 2013



The Honourable Mr Justice Andrew J. Jones QC

Judge of the Grand Court of the Cayman Islands



Approved as to form and content:

*Harney, Westwood & Riegels*

Harney, Westwood & Riegels

Attorneys-at-Law for the Plaintiff

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Walkers

Attorneys-at-Law for the 1<sup>st</sup> Defendant

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Maples and Calder

Attorneys-at-Law for the

3<sup>rd</sup> Defendant and Mr Daniel  
Catalfumo



Approved as to form and content:

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**Harney, Westwood & Riegels**  
**Attorneys-at-Law for the Plaintiff**

*Walkers*

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**Walkers**  
**Attorneys-at-Law for the 1<sup>st</sup> Defendant**

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**Maples and Calder**  
**Attorneys-at-Law for the**  
**3<sup>rd</sup> Defendant and Mr Daniel**  
**Catalfumo**



Approved as to form and content:



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**Harney, Westwood & Riegels**  
**Attorneys-at-Law for the Plaintiff**

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**Walkers**  
**Attorneys-at-Law for the 1<sup>st</sup> Defendant**

*Maples and Calder*

**Maples and Calder**  
**Attorneys-at-Law for the**  
**3<sup>rd</sup> Defendant and Mr Daniel**  
**Catalfumo**