

PROOF OF CLAIM
BANKRUPTCY AND INSOLVENCY ACT

(Sections 50.1 81.5, 81.6., Subsections 65.2(4),81.2(1), 81.3(8), 81.4(8), 102(2), 124(2), 128(1), and paragraphs 51(1)(e) and 66.14(b) of the Act)

Table with 2 columns: Debtor information (Name, City, Province) and Creditor information (Name, Address).

I, (name of creditor or representative of the creditor) of (City, Province), DO HEREBY CERTIFY:

- 1. That I am a creditor of the above-named debtor...
2. That I have knowledge of all the circumstances connected with the claim...
3. That the debtor was, at the date of bankruptcy...
4. (Check and complete appropriate category.)
5. That, to the best of my knowledge, I am...
6. That the following are the payments that I have received from...

- Applicable only in the case of the bankruptcy of an individual.
I request to be informed, pursuant to subparagraph 68(4)(a)(ii) of the Act...
If the trustee determines that there is no surplus income...
I request that a copy of the report filed by the trustee regarding the bankrupt's application...

Dated at this day of

Witness Creditor

Phone Number: Fax Number: E-Mail Address:

NOTE: If an affidavit is attached, it must have been made before a person qualified to take affidavits.
WARNINGS: A trustee may, pursuant to subsection 128(3) of the Act, redeem a security on payment to the secured creditor...
NOTE: If a copy of this Form is sent electronically by means such as email, the name and contact information of the sender, prescribed in Form 1.1, must be added at the end of the document.

GENERAL PROXY (WITH POWER OF SUBSTITUTION)

(WHERE CREDITOR IS A CORPORATION, PROXY MUST BE COMPLETED AND SIGNED IN THE CORPORATE NAME)

In the Matter of the Bankruptcy (or proposal) of (name of debtor)
I/We, (name of creditor) of (City, Province)
a creditor in the above matter, hereby appoint of (City, Province)
to be my/our general proxy in the above matter except as to the receipt of dividends, with (or without) power to appoint another general proxy in his or her place.
Dated at (City, Province), this day of A.D. 20

(Creditor Name)

(Signature of Witness)

(Signature of proxy grantor or authorized signing officer if a corporation)

DIRECTIONS AS TO COMPLETING PROOF OF CLAIM FORM

CLAIMS NOT COMPLETED CORRECTLY IN EVERY RESPECT WILL BE RETURNED.

Every creditor who does not prove his claim is not entitled to share in any distribution.

This checklist is provided to assist you in preparing the accompanying proof of claim for and, where required, proxy form in a complete and accurate manner. Please specifically check each requirement.

GENERAL

- The signature of a witness is required.
- This document must be signed personally by the individual completing this declaration.
- Give the complete address where any notice or correspondence is to be forwarded.
- The amount of the statement of account must correspond to the amount on the proof of claim.

PARAGRAPH (1)

- Creditor must state full and complete legal name of company or firm.
- If the individual completing the proof of claim is not the creditor himself, he must state his position or title.

PARAGRAPH (3)

- The statement of account must be complete.
- A detailed statement of account must be attached to the proof of claim and must show the date, the number and the amount of all the invoices or charges, together with the date, the number and the amount of all credits or payments. A statement of account is not complete if it begins with an amount brought forward.

PARAGRAPH (4)

- A secured creditor must provide a certified true copy of the security instrument as registered, and must give full particulars of the security, including the date on which the security was given and the value at which the creditor assesses the security and attach a copy of the security documents.
- Claim by Farmer, Fisherman or Aquaculturist must attach a copy of sale agreement and delivery documents.
- Claims under Paragraph (4) (E), (F), (G) and (H) must attach full particulars of the claim, including the calculations upon which the claim is based.

PARAGRAPH (5)

- All claimants must indicate if he or she is related or not to the debtor, as defined in Section 4 of the Bankruptcy Act, by striking out "I am" or "am not", as applicable.

PARAGRAPH (6)

- All claimants must attach a detailed list of all payments or credits received or granted, as follows:
 - (a) Within the three (3) months preceding the date of initial bankruptcy event, in the case where the claimant and the debtor are not related.
 - (b) Within the twelve (12) months preceding the date of initial bankruptcy event, in the case where the claimant and the debtor are related or were not dealing with each other at arm's length.

A transaction is not at arm's length where one of the co-contracting parties is in a situation where he or she may exercise a control, influence or moral pressure on the free will of the other.

PROXY

NOTE: The Bankruptcy Act permits a proof of claim to be made by a duly authorized agent of a creditor but this does not give such a person power to vote at the first meeting of the creditors or to act as the proxy of the creditors.

GENERAL

- A creditor may vote either in person or by proxy.
- A debtor may not be appointed a proxy to vote at any meeting of his creditors.
- The trustee may be appointed as a proxy for any creditor.
- A corporation may vote by an authorized agent at a meeting of creditors.
- In order for a duly authorized person to have a right to vote, he must himself be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.

SECTION 136(1) (CONDENSED)

ORDER OF DISTRIBUTION

- (b) The cost of administration of the estate.
 - (ii) The expense and fees of the Trustee;
 - (iii) Legal costs
- (d) Wages, Salaries, commissions or compensation of any clerk, servant or employee of a company to a maximum of \$2,000.00. In the case of travelling salesmen, an additional claim of \$1,000.00 is allowable for expenses incurred in and about the business of the Bankrupt. This includes wages, commissions and holiday pay earned in only the six months preceding the date of initial bankruptcy event. If holiday pay, wages or commissions are owing outside the six months limit, you may claim for same as an unsecured creditor.
- (d.1) Alimony or support under certain circumstances.
- (e) Municipal taxes.
- (f) The Landlord for arrears of rent for a period of three months preceding the bankruptcy, and accelerated rent for a period not exceeding three months subsequent to the bankruptcy, if provision is made for same in the lease. The Landlord's preferred claim is limited to the value of the assets on the premises under lease and any payments made by the Trustee on account of accelerated rent shall be credited by the Landlord against the amount payable by the Trustee for occupation rent.
- (g) One solicitor's bill of costs, including sheriff's fees and land registration fees shall be payable to the creditor who has first attached by way of garnishment or lodged with the sheriff an attachment execution of other process against the property of the Bankrupt.
- (i) Claims resulting from injuries to employees of the Bankrupt to which the provisions of any Workers' Compensation Act do not apply, but only to the extent of monies received from persons or companies guaranteeing the Bankrupt against damage resulting from such injuries, such as liability insurance policies.

A creditor whose rights are restricted by this section is entitled to rank as an unsecured creditor for any balance of his claim.

SECTION 4 (summarized)

If you are related by blood or marriage to the Bankrupt, then you should consider yourself to be a related person pursuant to Section 4. If the Bankrupt is a corporation, you would be considered to be related to it if you were a shareholder or if your company was controlled by the same shareholders as the bankrupt corporation.