

**PROOF OF CLAIM**

(Subsection 50.1, 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)

**ALL NOTICES OR CORRESPONDENCE REGARDING THIS CLAIM ARE TO BE FORWARDED TO:**

Creditor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**IN THE MATTER OF THE BANKRUPTCY (OR THE PROPOSAL) OF**

\_\_\_\_\_ (name of debtor)

of the city of \_\_\_\_\_ and the claim of \_\_\_\_\_, creditor.

I, \_\_\_\_\_ (name of creditor) of \_\_\_\_\_ (city and province) do hereby certify:

1. That I am a creditor of the above-named debtor, (or that I am \_\_\_\_\_ (state position or title) of \_\_\_\_\_ (name of creditor))
2. That I have knowledge of all the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of the bankruptcy (or in the case of a proposal, the date of the proposal), namely the \_\_\_ day of \_\_\_\_\_ 20\_\_ and still is indebted to the creditor in the sum of \$ \_\_\_\_\_ as specified in the statement of account (or affidavit) attached and marked Schedule "A" after deducting any counterclaims to which the debtor is entitled.  
(The attached statement of account or affidavit must specify the invoices or other evidence in support of the claim.)

**4. CHECK AND COMPLETE THE APPROPRIATE CATEGORY**

- ( ) **A. UNSECURED CLAIM OF \$ \_\_\_\_\_**  
That in respect of this debt, I do not hold any assets of the debtor as security and (Check appropriate description)  
( ) Regarding the amount of \$ \_\_\_\_\_, I do not claim a right to a priority.  
( ) Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under section 136 \_\_\_\_\_ (specify which sub-section) of the Bankruptcy and Insolvency Act.  
(Set out on an attached sheet details to support a priority claim, which must be one of items a through j)

**YOUR CLAIM WILL BE RETURNED IF YOU DO NOT QUALIFY FOR A PRIORITY SO PLEASE READ THE NOTES CAREFULLY**

- ( ) **B. CLAIM OF LESSOR FOR DISCLAIMER OF A LEASE \$ \_\_\_\_\_**

That I hereby make a claim under subsection 65.2(4) of the Act, particulars of which are attached.  
(Give full particulars of claim, including the calculation upon which the claim is based.)

- ( ) **C. SECURED CLAIM OF \$ \_\_\_\_\_**

That in respect of the said debt, I hold assets of the debtor valued at \$ \_\_\_\_\_ as security, particulars of which are attached:  
(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attach a copy of the security documents along with evidence of PPSA or Land Title registration.)

**YOUR CLAIM WILL BE RETURNED OR DELAYED IF ALL OF THE ABOVE ARE NOT PROVIDED**

- ( ) **D. CLAIM BY FARMER, FISHERMAN, OR AQUACULTURIST OF \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.2(1) of the Bankruptcy and Insolvency Act for the unpaid amount of \$ \_\_\_\_\_ (Attach a copy of the sales agreement and delivery receipts)

- ( ) **E. CLAIM BY WAGE EARNER OF \$ \_\_\_\_\_**

( ) That I hereby make a claim under subsection 81.3(8) of the Act in the amount of \$ \_\_\_\_\_  
( ) That I hereby make a claim under subsection 81.4(8) of the Act in the amount of \$ \_\_\_\_\_

- ( ) **F. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_**

(To be completed when a proposal provides for the compromise of claims against directors.)  
That I hereby make a claim under subsection 50(13) of the Act, particulars of which are attached:  
(Give full particulars of claim, including the calculation upon which the claim is based.)

- ( ) **G. CLAIM OF A CUSTOMER OF BANKRUPT SECURITIES FIRM \$ \_\_\_\_\_**

That I hereby make a claim as a customer for net equity as contemplated by section 262 of the Act, particulars of which are attached:  
(Give full particulars of claim, including the calculation upon which the claim is based.)

5. That to the best of my knowledge and belief, I am (or the above-named creditor is) (or am not or is not) related to the debtor within the meaning of section 4 of the Bankruptcy and Insolvency Act.  
(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)
6. That the following are the payments that I have received from, and the credits that I have allowed to the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 4 of the Bankruptcy and Insolvency Act, within twelve months) immediately before the date of the initial bankruptcy event within the meaning of Section 2 of the Bankruptcy and Insolvency Act.  
(Provide details of payments and credits)  
(Applicable only in the case of the bankruptcy of an individual)

- ( ) I request to be advised of any material change in the financial situation of the bankrupt, pursuant to subparagraph 102(3) (b) (i) of the Bankruptcy and Insolvency Act.
- ( ) I request to be advised of any amendment made regarding the amount that the bankrupt is required to pay, pursuant to subsection 68 (4) of the Bankruptcy and Insolvency Act.
- ( ) I request that a copy of the report filed by the Trustee regarding the bankrupt's application for discharge pursuant to subsection 170(1) of the Bankruptcy and Insolvency Act be sent to the above address

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20.....

\_\_\_\_\_  
(SIGNATURE OF INDIVIDUAL COMPLETING THIS CERTIFICATE) WITNESS

**NOTE:** If an affidavit or solemn declaration is attached, it must have been made before a person qualified to take affidavits

**WARNING:** A Trustee may, pursuant to subsection 128(3) of the Bankruptcy and Insolvency Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

**WARNING:** Subsection 201(1) of the Bankruptcy and Insolvency Act provides severe penalties for making any false claim, proof, declaration or statement of account.

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## GENERAL PROXY (With Power of Substitution)

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

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### IN THE MATTER OF THE BANKRUPTCY (OR THE PROPOSAL) OF

I/We, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the Province of \_\_\_\_\_ a creditor in the above matter, hereby appoint \_\_\_\_\_ of \_\_\_\_\_, 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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20.....

Signature of Witness:

\_\_\_\_\_  
(Corporate Name)

Address:

\_\_\_\_\_  
(Signature of Proxy Grantor)

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#### DIRECTIONS TO COMPLETE 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 creditors or to act as the proxy of the creditors, unless the above proxy has been completed.

##### 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.

#### DIRECTIONS TO COMPLETE 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 form 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 on the statement of account must correspond to the amount indicated 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 and evidence of PPSA or Land Title Registration.
- Claim by Farmer, Fisherman or Aquaculturist must attach a copy of sales agreement and delivery documents.

##### 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 bankruptcy or the proposal, in the case where the claimant and the debtor are not related.
  - (b) Within the twelve (12) months preceding the bankruptcy or proposal, in the case where the claimant and the debtor are related.

#### SECTION 136 (CONDENSED)

##### PRIORITY CLAIMS

- (d) Wages, Salaries, commissions or compensation of any clerk, or employee of a company to a maximum of \$2,000.00. In the case of a travelling salesman, 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 bankruptcy. If holiday pay, wages or commissions are owing outside the six months limit, you may claim for same as an unsecured creditor.
- (d.1) Debts for Child Support or Alimony for amounts accrued in the 12 month period directly prior to the date of bankruptcy.
- (e) Municipal taxes.
- (f) A 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 or 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 their claim.