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Trustee in Bankruptcy
www.dkabc.ca

PROOF OF CLAIM FORM

Subsections 50.1(1) and 65.2(4), Paragraphs 51(1)(e) and 66.14(b), Subsections 81.2(1), 102(2), 124(2) and 128(1) of the Act

All notices or correspondence regarding this claim are to be forwarded to the following address:

IN THE MATTER OF THE BANKRUPTCY / PROPOSAL / RECEIVERSHIP OF

(NAME OF DEBTOR)

of the City of and the claim of

(CITY & PROVINCE)

(NAME OF CREDITOR)

I, , residing in the City of in the Province of ,

DO HEREBY CERTIFY THAT:

1. I am a creditor of the above-named debtor (or that I am of)

(POSITION OR TITLE)

(NAME OF CREDITOR)

2. I have knowledge of all circumstances connected with the claim referred to below.

3. The debtor was, at the date of the bankruptcy (or the date of the receivership or, in the case of a proposal, the date of the notice of intention or of the proposal if no notice of intention was filed), namely the day of 20, and still is indebted to the above-named creditor in the sum of \$ as specified in the statement of account (or affidavit or solemn declaration) attached and marked Schedule "A" after deducting any counterclaims to which the debtor is entitled. (The attached statement of account or affidavit or solemn declaration must specify the vouchers or other evidence in support of the claim.)

4. Complete appropriate category:

A. UNSECURED CLAIM of \$

That in respect of this debt, I do not hold any assets of the debtor as security and:

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 of the Act.

B. CLAIM OF LANDLORD FOR DISCLAIMER OF A LEASE of \$

That I hereby make a claim under Subsection 65.2(4) of the Act, particulars of which are as follows: (Attach full particulars of the claim, including calculations upon which the claim is based.)

C. SECURED CLAIM of \$

That in respect of this debt, I hold assets of the debtor valued at \$ as security, particulars of which are as follows: (Attach 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 document.)

D. CLAIM BY FARMER, FISHERMAN or AQUACULTURIST of \$

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

E. CLAIM AGAINST DIRECTOR of \$

(To be completed when a proposal provides for the compromise of claims against directors.)

That I hereby make a claim under Subsection 50(13), particulars of which are as follows: (Attach full particulars of the claim, including the calculations upon which the claim is based.)

5. To the best of my knowledge and belief, I AM / AM NOT related to the debtor within the meaning of Section 4 of the Act.

6. The following are the payments I have received from and the credits 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 Act within the twelve months) immediately before the date of the initial bankruptcy event within the meaning of Section 2 of the Act: (Attach details of payments and credits.)

Dated at , this day of , 20.

(CITY & PROVINCE)

(SIGNATURE OF CREDITOR)

(SIGNATURE OF WITNESS)

(CREDITOR' PHONE NUMBER)

(CREDITOR' FAX NUMBER)

APPLICABLE ONLY IN THE CASE OF 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 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 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 Act, be sent to the above address.

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

WARNINGS: A Trustee may, pursuant to Subsection 128(3) of the 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.
Subsection 201(1) of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.

GENERAL PROXY (with Power of Substitution)

IN THE MATTER OF THE BANKRUPTCY / PROPOSAL / RECEIVERSHIP OF

(NAME OF DEBTOR)

I, , of the City of , in the Province of ,

(NAME OF CREDITOR)

(CITY)

(PROVINCE)

a creditor in the above matter, hereby appoint of

(NAME OF PROXY)

(CITY & PROVINCE)

to be my general proxy in the above matter except as to the receipt of dividends with / without power to appoint another general proxy in his / her place.

Dated at the City of , in the Province of , this day of , 20.

(NAME OF CREDITOR)

(SIGNATURE OF WITNESS)

(NAME & TITLE OF SIGNING OFFICER FOR CORPORATION)

(SIGNATURE OF PROXY GRANTOR)

CHECKLIST FOR COMPLETING A PROOF OF CLAIM FORM

This checklist is provided to assist you in preparing a complete and accurate Proof of Claim form and, where required, a Proxy. A creditor who does not prove their claim is not entitled to vote or share in any distribution. Please check each requirement.

GENERAL

- The form must be signed by the person completing the Proof of Claim and that person must be an authorized signatory.
- The signature of a witness is required.
- Give the complete address, including postal code, where any notice or correspondence is to be forwarded.
- The amount on the Statement of Account must correspond with the amount indicated on the Proof of Claim.

PARAGRAPH 1

- The creditor must state the full and complete legal name of the 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

- **A Schedule A or Statement of Account must be attached.**
- The Schedule A or Statement of Account must be complete and detailed, showing the date, number and amount of all invoices or charges, together with the date, number and amount of all creditors or payments. A Statement of Account is not complete if it begins with an amount brought forward.
- If the claim is for a guarantee of a debt, a copy of the guarantee must be attached.

PARAGRAPH 4

- An unsecured creditor must strike out sub-paragraphs B, C, D and E.
- A secured creditor must attach proof of registration of the security, including the date on which the security was given and the value at which you assess the security.
- A claim by a farmer, fisherman or aquaculturist must attach a copy of the sales agreement and delivery documents.
- Details of Section 136 are listed below.

PARAGRAPH 5

- All claimants must indicate if they *are* or *are not* related to the debtor, as defined in Section 4 of the Bankruptcy and Insolvency Act.

PARAGRAPH 6

- All claimants must attach a detailed list of all payments or credits received or granted as follows:
 - Within the three (3) months preceding the bankruptcy / proposal, in the case where the claimant and debtor are not related;
 - Within the twelve (12) months preceding the bankruptcy / proposal, in the case where the claimant and debtor are related.

PROXY

The *Bankruptcy and Insolvency Act* permits a Proof of Claim to be made by a duly authorized agent of a creditor; however, 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 proxy form is completed by the creditor appointing the authorized agent as proxy.

- A creditor may vote either in person or by proxy.
- The Trustee may be appointed as a proxy for any creditor.
- A Corporation may vote by an authorized agent at a meeting of creditors.
- Debtors may not be appointed a proxy to vote at any meeting of their creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor themselves or be the holder of a properly executed proxy, showing the name of the creditor.

SECTION 136 (Condensed Priority of Claims)

Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:

- The cost of administration of the estate in the following order:
 - Expenses and fees of the trustee
 - Legal costs
- Wages, salaries, commissions or compensation for services rendered in the six months immediately preceding the date of bankruptcy, to a maximum of \$2,000 per person together with, in the case of a travelling salesman, disbursements incurred by the salesman during this same period to a maximum of \$1,000;
- Alimony, support or maintenance for a spouse or child for periodic amounts accrued in the year before the date of bankruptcy plus any lump sum amount;
- Municipal taxes assessed or levied within the two years immediately preceding the bankruptcy which do not constitute a lien or charge on real property of the bankrupt but this claim is restricted to the interest in the property held by the bankrupt;
- Landlord for rent arrears in the three months immediately preceding the date of bankruptcy and accelerated rent for three months following the bankruptcy if provided for in the lease but this claim is restricted to the realization from the property and any accelerated rent paid by the Trustee must be credited against the amount payable by the Trustee for occupation rent;
- A solicitor's bill of costs, including sheriff's and land registration fees, for the first creditor to attach or execute against the property of the bankrupt but this claim is restricted to the amount realized from the applicable property;
- Claims resulting from injuries to employees of the bankrupt in which the *Workers' Compensation Act* does not apply but this claim is restricted to the amount of moneys received from persons guaranteeing the bankrupt against damages for those claims;

A creditor whose rights are restricted by this section are entitled to rank as an unsecured creditor for any balance remaining on their claim.