

PROOF OF CLAIM, Form 31

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

All correspondence is to be forwarded to the following address: _____

Postal Code: _____ Phone: _____ Fax: _____ Email: _____

IN THE MATTER OF THE BANKRUPTCY (or Proposal or Receivership) OF _____ (name of debtor),

of _____ (city & province) and the claim of _____, creditor.

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, 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 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 _____, _____, and still is, indebted to the 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. **(CHECK AND 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 **[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 of the Act. **[Set out on an attached sheet details to support priority claim].**

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

That I hereby make a claim under subsection 65.2(4) of the Act, particulars of which are as follows:

[Give full particulars of the claim, including the 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:

[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].

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 sales agreement and delivery receipts].**

E. CLAIM AGAINST DIRECTOR OF \$ _____

[To be filed 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 as follows:

[Give full particulars of the claim, including the calculations upon which the claim is based].

5. That, to the best of my knowledge, 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 Act.

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 Act, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of Section 2 of the 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 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.

PRIVACY POLICY: Filing this claim will be implicit consent for the collection, use and disclosure of personal information.

DATED at _____, this _____ day of _____.

WITNESS

CREDITOR

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

WARNING: 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.

PROXY
(Subsection 102(2) and paragraphs 51(1)(e) and 66.15(3)(b) of the Act)

In the matter of the bankruptcy (or proposal or consumer proposal) of _____, a bankrupt (or an insolvent person or a consumer debtor). I (or we), _____ (name of creditor), of _____ (name of city, town or village), a creditor in the above matter, hereby appoint _____ of _____, to be my (or our) proxy in the above matter, except as to the receipt of dividends, with (or without) power to appoint another proxy in his or her place.

DATED at _____ this _____ day of _____, _____.

| | |
|---------|-------------------------------------|
| Witness | Individual Creditor |
| OR | |
| Witness | Name of Corporate Creditor |
| | per: |
| | (Name and Title of Signing Officer) |

DIRECTIONS FOR COMPLETING PROOF OF CLAIM

Claims not correct in every respect will be returned. Please take time to read these instructions and complete the Proof of Claim correctly.

References are to the paragraph numbers on the Proof of Claim form.

1. Delete that which is inapplicable. Complete this to indicate either "That I am a creditor of the above-named debtor." or "That I am Credit Manager of 'Unfortunate Creditor Limited'."
3. Delete either Bankruptcy, Proposal, or Receivership. Prepare a Statement of Account or Affidavit and mark it "Schedule A".
4. (A) Most creditors will be unsecured, that is ordinary creditors who do not have the right to repossess assets. If this is the case, then check the appropriate box. Within the unsecured status are ordinary creditors and preferred creditors. Preferred creditors are set out under Section 136 of the Bankruptcy and Insolvency Act, which is paraphrased below. Indicate in the boxes whether you are a ordinary unsecured creditor, or a preferred unsecured creditor. If preferred, prepare and attach a "Schedule B", setting out the nature of your priority and the Subsection number under Section 136.
(B) Secured creditors are those who hold some security agreement which gives the right to repossess assets. If secured, indicate in the parenthesis and give an assessment of the estimated realizable value of the assets that you hold. Prepare a "Schedule C" setting out full particulars of the security, and attach a copy of the security documents and independent proof of registration in the appropriate registry.
(C) Farmers, fisherman or aquaculturists have a secured claim for any goods delivered within fifteen days of the bankruptcy or receivership. You should indicate by checking in the parenthesis beside "C" and indicate the amount. You must attach a copy of sales agreements, delivery slips and any other evidence to support your claim. Note that you may also be an unsecured creditor under "A" for goods delivered outside of the fifteen days.
5. Underline the applicable statement regarding if or if not related to debtor.
6. Record any payments or credits, and the reason for such credits, given within three months of the date of bankruptcy, or twelve months if you are related to the debtor.

The Proof of Claim must be signed by the individual completing same and must be witnessed, notwithstanding that it may be submitted on behalf of a corporation. The Proof of Claim must have the complete address of where all notices and correspondence are to be forwarded.

PROXY

The Proxy need not be completed, however if, as a corporate creditor, you wish to be represented at the meeting by an officer or employee, the corporation must complete the Proxy and sign it in the corporate name. If an individual creditor wishes a third party to represent it, then it should also complete the proxy.

CONDENSED EXTRACTS FROM SECTION 136
ORDER OF DISTRIBUTION

- 1(b) The cost of administration of the estate:
 - (i) the expenses and fees of any person acting under a direction made under paragraph 14.03(1)(a);
 - (ii) the expenses and fees of the Trustee, and
 - (iii) legal costs.
- 1(d) Wages, salaries, commissions or compensation of any clerk, servant or employee of a company to a maximum of \$2,000. In the case of travelling salesmen, an additional claim of \$1,000 is allowable for expenses incurred in and about the business of the Bankrupt. This only applies to wages and holiday pay earned in the six months preceding the date of bankruptcy. If holiday pay or wages are owing outside the six month limit, you may claim for same as an unsecured creditor.
- 1(d.1) Claims in respect of debts or liabilities referred to in paragraph 178(1)(b) or (c), (spousal and child support), if provable by virtue of subsection 121(4), for periodic amounts accrued in the year before the date of the bankruptcy that are payable, plus any lump sum amount that is payable.
- 1(e) Municipal taxes.
- 1(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.
- 1(g) One solicitor's bill of costs shall be payable to the creditor who has first attached by way of garnishment, attachment, execution or other process against the property of the Bankruptcy.

SECTION 4 (Summarized)

If you are related by blood, marriage or adoption 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.