

Please submit this Proof of Claim (Form 31) to the Deloitte office administering the Proposal estate.

Fax: (604) 602 - 1583  
www.bankruptcy.deloitte.ca

**BANKRUPTCY AND INSOLVENCY ACT  
PROOF OF CLAIM FORM**

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

Provide the complete address, including postal code, to which any notice or correspondence is to be forwarded.

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 \_\_\_\_\_ (CITY & PROVINCE), and the claim of \_\_\_\_\_ (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) of \_\_\_\_\_ (NAME OF CREDITOR OR REPRESENTATIVE))

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 \_\_\_\_\_, and still is indebted to the above-named 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 vouchers or other evidence in support of the claim.)

Ensure you **attach a Schedule "A"** consisting of relevant documents. The amount on Schedule "A" must correspond with the amount on your Proof of 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.

You must indicate if you are/are not claiming a priority. Ensure you tick the appropriate box. Section 136 may provide a priority to certain creditors such as employees and landlords.

- 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.)

If you are a Secured Creditor, you must provide a certified true copy of your registered security and provide full details.

- 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 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 \$ \_\_\_\_\_  
(Give full particulars of the claim, including the calculations upon which the claim is based.)

Ensure you indicate whether you or your company are related to the debtor.

- F. **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), particulars of which are as follows: (Attach full particulars of the claim, including the calculations upon which the claim is based.)

Provide a listing of all monies or credits received from the debtor within three months prior to bankruptcy.

- G. **CLAIM OF A CUSTOMER OF A 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 as follows: (Give full particulars of the claim, including the calculations upon which the claim is based.)

Insert city, province, and date. Sign the document and have someone witness your signature. Insert your phone number and facsimile number.

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, and have (or has) (or have not or has not) dealt with the debtor in a non-arm's-length manner.

6. That the following are the payments that I have received from, and the credits that I have allowed to, and the transfers at undervalue within the meaning of subsection 2(1) of the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 4 of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of Section 2(1) of the Act: (Provide details of payment, credits and transfers at undervalue.)

Dated at \_\_\_\_\_ (CITY & PROVINCE), this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE OF INDIVIDUAL COMPLETING THIS FORM)

\_\_\_\_\_  
(SIGNATURE OF WITNESS)

\_\_\_\_\_  
(CREDITOR'S PHONE NUMBER)

\_\_\_\_\_  
(CREDITOR'S FACSIMILE NUMBER)

**APPLICABLE ONLY IN THE CASE OF BANKRUPTCY OF AN INDIVIDUAL:**

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.

**PLEASE TURN OVER AND COMPLETE THE PROXY ON THE BACK OF THIS FORM.**

**GENERAL PROXY (with Power of Substitution)**

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

IN THE MATTER OF THE BANKRUPTCY / PROPOSAL / RECEIVERSHIP OF \_\_\_\_\_,

(NAME OF DEBTOR)

I, \_\_\_\_\_, of the City of \_\_\_\_\_, in the Province of \_\_\_\_\_,

(NAME OF CORPORATION)

(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 \_\_\_\_\_.

\_\_\_\_\_  
(CORPORATE NAME)

\_\_\_\_\_  
(SIGNATURE OF WITNESS)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(SIGNATURE OF PROXY GRANTOR)

**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.*

**GENERAL**

- 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.

**DIRECTIONS AS TO COMPLETING PROOF OF CLAIM FORM  
(CLAIMS NOT COMPLETED CORRECTLY IN EVERY RESPECT WILL BE RETURNED)**

Every creditor who does not prove a claim is not entitled to share in any distribution. The checklist below is provided to assist you in preparing the Proof of Claim and, where required, Proxy in a complete and accurate manner. Please check each requirement.

**GENERAL**

- The signature of a witness is required.
- This document must be signed personally by the person completing the Proof of Claim.
- 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**

- 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.

**PARAGRAPH 4**

- A claim by a farmer, fisherman or aquaculturist must attach a copy of the sales agreement and delivery documents.
- Details of Section 136 are available from Deloitte upon request.

**PARAGRAPH 5**

- All claimants must indicate if they are / are not related to the debtor, as defined in 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."

**PARAGRAPH 6**

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