

District of: Nova Scotia  
Division No. 04 - Yarmouth  
Court No. 37735  
Estate No. 04 - 1810705

FORM 67  
Notice of Bankruptcy and First Meeting of Creditors  
(Subsection 102(1) of the Act)

In the matter of the bankruptcy of  
Blue Wave Seafoods Inc.  
of the Village of Port Mouton, in the Province of Nova Scotia

Take notice that:

1. Blue Wave Seafoods Inc. was deemed to have filed an assignment in bankruptcy on March 24, 2014, following the rejection of its proposal at a meeting of creditors held on March 24, 2014 to vote on the proposal.
2. The first meeting of creditors for the bankrupt estate was also held on March 24, 2014 and Deloitte Restructuring Inc.'s appointment as trustee of the estate of the bankrupt was affirmed by the creditors present at said meeting.
3. Enclosed with this notice is a proof of claim form and list of creditors with claims amounting to \$25 or more showing the amounts of their claims.
4. Creditors must prove their claims against the estate of the bankrupts in order to share in any distribution of the proceeds realized from the estate.

Dated at the City of Halifax in the Province of Nova Scotia, this 1st day of April 2014.

Deloitte Restructuring Inc. - Trustee

Per: Neil Jones, CA, CIRP



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District of: Nova Scotia  
Division No. 04- Yarmouth  
Court No. 37735  
Estate No. 51-1810705

FORM 31  
Proof of Claim  
(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)

In the matter of the bankruptcy of  
Blue Wave Seafoods Inc.  
of the Village of Port Mouton, in the Province of Nova Scotia

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

\_\_\_\_\_  
\_\_\_\_\_

In the matter of the proposal of Blue Wave Seafoods Inc. of the Village of Port Mouton in the Province of Nova Scotia and the claim of \_\_\_\_\_, creditor.

I, \_\_\_\_\_ (name of creditor or representative of the creditor), of the city of \_\_\_\_\_ in the province of \_\_\_\_\_, do hereby certify:

1. That I am a creditor of the above named debtor (or I am \_\_\_\_\_ (position/title) 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, namely the 24th day of March 2014, 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 vouchers or other evidence in support of the claim.)
4. (Check and complete appropriate category.)

A. UNSECURED CLAIM OF \$ \_\_\_\_\_

(other than as a customer contemplated by Section 262 of the Act)

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 claim a right to a priority under section 136 of the Act.

Regarding the amount of \$ \_\_\_\_\_, I do not claim a right to a priority.  
(Set out on an attached sheet details to support priority claim.)

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 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 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 BY EMPLOYEE FOR UNPAID AMOUNT REGARDING PENSION PLAN OF \$ \_\_\_\_\_

That I hereby make a claim under subsection 81.5 of the Act in the amount of \$ \_\_\_\_\_,

That I hereby make a claim under subsection 81.6 of the Act in the amount of \$ \_\_\_\_\_,

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

H. 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:

5. That, to the best of my knowledge, I \_\_\_\_\_ (am/am not) (or the above-named creditor \_\_\_\_\_ (is/is not)) related to the debtor within the meaning of section 4 of the Act, and \_\_\_\_\_ (have/has/have not/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 of the Act: *(Provide details of payments, credits and transfers at undervalue.)*

7. *(Applicable only in the case of the bankruptcy of an individual.)*

Whenever the trustee reviews the financial situation of a bankrupt to redetermine whether or not the bankrupt is required to make payments under section 68 of the Act, I request to be informed, pursuant to paragraph 68(4) of the Act, of the new fixed amount or of the fact that there is no longer surplus income.

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.

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 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.

**Blue Wave Seafoods Inc.****Creditor Listing****Per Books and Records of Blue Wave Seafoods Inc.**

Acadian Fish Processors	522,066.26
ACA Credit Services	113.00
Allied industrial Supplies	271.40
Allstream Inc.	422.91
Amos & Andy Fisheries Ltd.	26,717.65
Aon Reed Stenhouse Inc.	30,618.83
Atlantic Opportunities Agency	539,569.49
B. Harris Welding Services Ltd.	208.67
Bank of Montreal	492,365.40
Bell Aliant Telecom	1,415.12
Bell Mobility Inc.	1,540.44
BLL Enterprises (NAPA)	1,678.12
Bluewave Energy	12,942.01
Boyne Clarke Barristers & Solicitors	94,555.28
Burbridge, Nelson	291.13
Cabot Shipping Supplies Ltd.	2,402.14
Canada Revenue Agency	154,741.82
Cape Breeze Seafoods Limited	2,376.00
Cassa Business Equipment	213.73
Castle Appraisals Ltd.	2,875.00
Christopher Robar Contracting	3,358.19
Clyde W. Whynot	229.08
Cox & Palmer	20,730.86
Culligan Water Store	80.20
De La Tour Cooperative Society	206.95
Deloitte LLP	21,294.26
D'Eon, Wesley	6,957.40
Deringer Managing Logistics	829.00
Dufferin Auto & Diesel	376.05
Ernst & Young Inc.	8,734.20
Fader Agencies	312.80
Farnell Packaging Ltd.	1,957.20
Gerrard Ovalstrapping	3,357.26
Glenn Fitzgerald Trucking Ltd.	4,069.80
Great West Life Assurance Co.	29,915.96
Gullewin International Co.	183.72
Hervik Enterprises Ltd.	1,530.00
Home Hardware (Liverpool)	182.39
Ingram, Douglas	854.45
Irving Oil Limited	904.71
Irving Oil Marketing GP	1,665.07
Liteco Inc.	98.95
Little Hope Management Co.	710.40
Lyle Tilley Davidson Chartered Accountants	24,495.00
Lyreco (Canada) Inc.	540.90
Maders Refrigeration & Air Conditioning	1,730.40
NAPA Liverpool (214)	462.96
Nova Industrial (1966) Ltd.	450.75
Nova Industrial Supplies Ltd.	281.64

**Blue Wave Seafoods Inc.****Creditor Listing****Per Books and Records of Blue Wave Seafoods Inc.**

Nova Scotia Business Inc.	3,479,671.21
Nova Scotia Economic and Rural Development and Tourism	505,514.67
Nova Scotia Power Inc.	70,424.18
OEC Overseas Express	20,206.90
PAL Advisory Services	6,438.74
PCF Consulting	747.50
Primrose Computers	51.75
Provincial Equipment Ltd.	1,000.47
Purolator Courier Ltd.	91.58
Receiver General (CRA)	823.05
Region of Queens Municipality	56,947.87
Royal Bank Visa	11,462.26
Sable River Wood Products	106.95
Sambro Fisheries Limited	9,970.99
Scotia Garden Seafood Inc.	2,400.00
Scotiabank Visa	6,145.05
South Shore Truck Center	3,548.01
Skipper Fisheries Ltd.	86.25
Sure Courier Services Ltd.	137.03
Tech Pak Inc.	116,488.78
Thomas L. Swaine Ltd.	13,450.01
Valley Tire Ltd.	1,427.31
Veinot's Print	1,046.50
W.R. Bolivar Transport Limited	140,716.04
Wajax Industrial Components LP	96.14
Whitman, Alma	4,830.00
WHS Enterprises	7,823.59
Workplace Essentials	778.55
Yarmouth and Area Chamber of Commerce	172.50

**CHECKLIST FOR PROOF OF CLAIM**

This checklist is provided to assist you in preparing the proof of claim form and, if appropriate, the proxy form in a complete and accurate manner. Please check each requirement.

**GENERAL**

- The signature of a witness is required.
- The document must be signed by the individual completing the declaration.
- Provide the complete address where all notices or correspondence are to be forwarded along with your phone number, fax number and email address where appropriate.

Notes:

- It is permissible to file a proof of claim by fax.
- A creditor may vote either in person or by proxy at any meeting of creditors if the proof of claim is filed with the trustee prior to the time appointed for the meeting.
- A quorum at any meeting of creditors is at least one creditor with a valid proof of claim in attendance in person or by proxy.
- A corporation may vote by an authorized agent or mandatary at meetings of creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.
- A creditor who is participating in any distribution from an estate must have filed a proof of claim prior to the distribution being declared.
- In the case of an individual bankrupt, by checking the appropriate box or boxes at the bottom of the proof of claim form, you may request that the trustee advise you of any material change in the financial situation of the bankrupt or the amount the bankrupt is required to pay into the bankruptcy, and a copy of the trustee's report on the discharge of the bankrupt.

**PARAGRAPH 1**

- Creditor must state full and complete legal name of the individual, company or firm.
- If the individual completing the proof of claim is a representative of the creditor, the individual's position or title must be identified.

**PARAGRAPH 3**

- The amount owing must be set out in paragraph 3.
- A detailed statement of account must be attached to the proof of claim and marked "Schedule A" and must show the date, number and amount of all invoices or charges, together with the date, number and amount of all credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

**PARAGRAPH 4**

Notes:

- Paragraph A applies to *ordinary unsecured claims*. In addition to recording the amount of the claim, please indicate whether the claim has a priority pursuant to section 136 of the Act.
- Paragraph B applies to *lessor claims* in a commercial proposal. Please ensure that the claim applies to a commercial proposal and, if so, include the full particulars of the claim.
- Paragraph C applies to *secured claims*. Please indicate the dollar value of the security and attach copies of the security document. In addition, please attach copies of the security registration documents, where appropriate.
- Paragraph D applies to *inventory claims of farmers, fishermen and aquaculturists*. Please note that such claims apply only to inventory supplied from farmers, fishermen and aquaculturists within 15 (fifteen) days of the date of bankruptcy. In addition, please attach copies of any applicable sales agreements and delivery slips.
- Paragraph E applies to *claims by wage earners*. Please note that such claims apply only for unpaid wages owed upon the bankruptcy of an employer or when the employer becomes subject to a receivership.

- Paragraph F applies to *claims by employees for unpaid amounts regarding pension plans*. Please note that such claims apply only to unremitted pension contributions outstanding when the sponsoring employer becomes bankrupt or is subject to a receivership.
- Paragraph G applies to *claims against directors*. Please note that such claims apply only to directors of corporations that have filed a commercial proposal to creditors that includes a compromise of statutory claims against directors.
- Paragraph H applies to *claims of customers of a bankrupt securities firm*. Please ensure that the claim of the customer is for net equity and, if so, include the full particulars of the claim, including the calculations upon which the claim is based.

#### **PARAGRAPH 5**

- All claimants must indicate whether or not they are related to the debtor, as defined in section 4 of the Act, or dealt with the debtor in a non-arm's-length manner.

#### **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 initial bankruptcy event (including the bankruptcy or the proposal);
  - (b) within the twelve (12) months preceding the initial bankruptcy event (including the bankruptcy or the proposal) in the case where the claimant and the debtor were not dealing at arm's length.

#### **- PROXYHOLDER -**

#### **NOTE**

The Act permits a proof of claim to be made by a duly authorized representative of a creditor but, in the absence of a properly executed proxy, does not give such an individual the power to vote at the first meeting of creditors nor to act as the proxyholder of the creditors.



**GENERAL**

- In order for duly authorized persons to have a right to vote, they must themselves be creditors or be the holders of a properly executed proxy. The name of the creditor must appear in the proxy.

Notes:

- A creditor may vote either in person or by proxyholder.
- A proxy may be filed at any time prior to a vote at a meeting of creditors.
- A proxy can be filed with the trustee in person, by mail or by any form of telecommunication.
- A proxy does not have to be under the seal of a corporation unless required by its incorporating documents or its bylaws.
- The individual designated in a proxy cannot be substituted unless the proxy provides for a power of substitution.
- Bankrupts/debtors may not be appointed as proxyholders to vote at any meeting of their creditors.
- The trustee may be appointed as a proxyholder for any creditor.
- A corporation cannot be designated as a proxyholder.

## LISTE DE CONTRÔLE POUR LES PREUVES DE RÉCLAMATION

La présente liste de contrôle vous aidera à remplir correctement la preuve de réclamation et, s'il y a lieu, la procuration. Veuillez vérifier chacun des points mentionnés.

### GÉNÉRALITÉS

- La signature d'un témoin est nécessaire.
- Le document doit être signé par la personne qui le remplit.
- Indiquez l'adresse complète à laquelle tous les avis ou toutes les lettres devront être envoyés (avec le numéro de téléphone, le numéro de télécopieur et, s'il y a lieu, l'adresse électronique).

Remarques :

- Une preuve de réclamation peut être déposée par télécopieur.
- Un créancier peut voter personnellement ou au moyen d'une procuration aux assemblées des créanciers, pourvu que la preuve de réclamation ait été dûment remise au syndic avant le moment fixé pour l'assemblée.
- Le quorum à une assemblée des créanciers est constitué lorsqu'un seul créancier ayant une réclamation prouvée est présent en personne ou par procuration.
- Une personne morale peut voter par un mandataire autorisé aux assemblées des créanciers.
- Pour qu'une personne dûment autorisée ait le droit de voter, elle doit elle-même être créancier ou détenir une procuration en règle. Le nom du créancier doit figurer sur le formulaire de procuration.
- Un créancier a le droit de partage dans la distribution d'un actif pourvu que la preuve de réclamation ait été déposée avant la déclaration de la distribution.
- Dans le cas de la faillite d'un particulier, en cochant la case ou les cases appropriée(s) à la fin du formulaire de la preuve de réclamation, vous pouvez demander au syndic de vous aviser de

tout changement important quant à la situation financière du failli ou de toute modification au montant que le failli doit verser à l'actif de la faillite, ou demander une copie du rapport rempli par le syndic quant à la demande de libération du failli.

#### **PARAGRAPHE 1**

- Le créancier doit fournir le nom légal au complet du particulier, de la société ou de l'entreprise.
- Si la preuve de réclamation est faite par une personne autorisée à agir au nom du créancier, cette personne doit déclarer sa position ou son titre.

#### **PARAGRAPHE 3**

- Le montant à inscrire à titre de dette doit figurer au paragraphe 3.
- Un état de compte détaillé doit être joint à la preuve de réclamation et indiquer la date, le numéro et le montant de toutes les factures ou de tous les comptes ainsi que la date, le numéro et le montant de tous les crédits ou paiements. Le montant inscrit à l'état de compte doit correspondre au montant inscrit sur la preuve de réclamation.

#### **PARAGRAPHE 4**

Remarques :

- L'alinéa a) s'applique aux *réclamations non garanties*. En plus d'inscrire le montant de la réclamation, veuillez indiquer si la réclamation a un rang prioritaire en vertu de l'article 136 de la Loi.
- L'alinéa b) s'applique aux *réclamations des locateurs* dans le cadre d'une proposition commerciale. Veuillez vous assurer que la réclamation se rapporte à une proposition commerciale et, si tel est le cas, veuillez donner tous les détails de la réclamation.
- L'alinéa c) s'applique aux *réclamations garanties*. Veuillez indiquer la valeur attribuable à la garantie et joindre une copie des documents relatifs à la garantie. De plus, veuillez annexer une copie des documents relatifs à l'enregistrement de la garantie.
- L'alinéa d) s'applique aux *réclamations des agriculteurs, des pêcheurs ou des aquiculteurs*. Veuillez noter que la garantie n'est valable que si les produits d'un agriculteur, d'un pêcheur ou d'un aquiculteur ont été livrés dans les quinze (15) jours précédant la date de la faillite. Veuillez annexer, le cas échéant, une copie de la convention de vente et du bordereau de livraison.

- L'alinéa e) s'applique aux *réclamations des salariés*. Veuillez noter que de telles réclamations sont possibles uniquement en cas de faillite ou de mise sous séquestre de l'employeur, au bénéfice des employés pour le paiement des salaires non payés.
- L'alinéa f) s'applique aux *réclamations des employés relatives au régime de pension*. Veuillez noter que de telles réclamations concernent les cotisations au fonds de retraite non versées qui demeurent en souffrance au moment de la faillite ou d'une mise sous séquestre de l'employeur.
- L'alinéa g) s'applique aux *réclamations contre les administrateurs*. Veuillez noter que de telles réclamations sont possibles uniquement lorsqu'une proposition commerciale est déposée et qu'elle comporte, au profit des créanciers, des dispositions relatives à une transaction sur les réclamations contre les administrateurs.
- L'alinéa h) s'applique aux *réclamations des clients d'un courtier en valeurs mobilières failli*. Veuillez vous assurer que la réclamation se rapporte à une réclamation de client pour des capitaux nets et, si tel est le cas, veuillez donner tous les détails de la réclamation, y compris les calculs s'y rapportant.

#### **PARAGRAPHE 5**

- En vertu de la définition de l'article 4 de la Loi, tous les demandeurs doivent indiquer s'ils sont liés ou non liés avec le débiteur, ou s'ils ont un lien de dépendance avec ce dernier.

#### **PARAGRAPHE 6**

- Tous les demandeurs doivent joindre une liste détaillée de tous les paiements ou crédits reçus ou consentis :
  - a) dans les trois (3) mois précédant l'ouverture de la faillite ou la proposition;
  - b) dans les douze (12) mois précédant l'ouverture de la faillite ou la proposition, si le débiteur et le créancier ont un lien de dépendance.

### **– PROCURATION –**

#### **REMARQUE**

La Loi autorise qu'une preuve de réclamation soit préparée par le représentant dûment autorisé du créancier. Toutefois, en l'absence d'une procuration dûment remplie, cette personne n'a pas

le droit de vote à la première assemblée des créanciers ni le droit d'agir à titre de fondé de pouvoir des créanciers.

### **GÉNÉRALITÉS**

- Pour qu'une personne dûment autorisée ait le droit de voter, elle doit elle-même être créancier ou détenir une procuration en règle. Le nom du créancier doit figurer sur la procuration.

Remarques :

- Un créancier peut voter en personne ou par procuration.
- La procuration peut être déposée en tout temps avant le moment fixé pour le vote à l'assemblée des créanciers.
- Une procuration peut être déposée auprès du syndic, en personne, par courrier ou par tout moyen de télécommunication.
- Dans le cas d'une personne morale, il n'est pas nécessaire que la procuration soit marquée du sceau de la société, à moins que les statuts constitutifs ou les règlements administratifs de la personne morale ne l'exigent.
- La personne désignée sur la procuration ne peut être substituée, à moins que la procuration ne prévoie un pouvoir de substitution.
- Un failli ou un débiteur ne peut voter par procuration à aucune assemblée de ses créanciers.
- Le syndic peut être nommé fondé de pouvoir de tout créancier.
- Une personne morale ne peut être nommée fondé de pouvoir.