



# PROOF OF CLAIM

305 King Street West, Suite 501  
Kitchener, Ontario  
N2G 1B9  
Telephone: (519) 570-4000  
Facsimile: (519) 576-5227

## BANKRUPTCY AND INSOLVENCY ACT *(Section 50.1, Subsections 65.2(4), 81.2(1), 102(2), 124(2), 128(1), and paragraphs 51(1)(c) and 66.14(b) of the Act)*

In the Matter of the Bankruptcy  
(or Proposal or Receivership of the Property) of:

and the claim of: (Name of Creditor)

.....  
(Name of Debtor)

.....  
(Address)

of: (City, Province)

.....  
Facsimile #

I, ..... of .....  
(Name of Creditor), (City, Province),

### DO HEREBY CERTIFY:

- That I am a creditor of the above-named debtor (or that I am ..... (state position or title) of ..... (name of creditor)).
- That I have knowledge of all the circumstances connected with the claim referred to below.
- 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.

### 4. (Check and complete appropriate category.)

- 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.)
- 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)
- 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 details including date given, asset value and attach a copy of the security documents)
- 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.)
- 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 \$ \_\_\_\_\_.
- CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_.**  
(To be filed with 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.)

- 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.
- 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 that a copy of the report filed by the trustee regarding the bankrupt's application of discharge pursuant to subsection 170(1) of the Act be sent to the above address.  
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.

Dated at ....., this ..... day of .....

Witness ..... day of .....  
Creditor: .....

Phone Number: ..... Fax Number: ..... E-Mail Address: .....

.....  
Mailing Address: .....

**IT IS YOUR RESPONSIBILITY TO KEEP YOUR ADDRESS INFORMATION CURRENT FOR SEVERAL YEARS AFTER FILING THIS NOTICE TO ENSURE ANY DIVIDEND PAYOUTS CAN BE FORWARDED TO YOU.**

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

In the Matter of the Bankruptcy (or proposal) of .....(name of debtor).....(name of debtor)

I/We, .....(name of creditor) of .....(City, Province)

a creditor in the above matter, hereby appoint .....of .....(City, Province) 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 .....(City, Province), this ..... day of .....A.D.  
20.....

.....(Creditor Name)

.....(Signature of Witness)

.....(Signature of proxy grantor or authorized signing officer if a corporation)

**DIRECTIONS AS TO COMPLETING 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 for 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 of the statement of account must correspond to the amount 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)**

- Section 4(A) priority claims are typically wages, alimony or support and some landlord rent claims.
- 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.
- Claim by Farmer, Fisherman or Aquaculturist must attach a copy of sale 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.

**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 the creditors or to act as the proxy of the creditors.

**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.