

**PROOF OF CLAIM**

(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)

In the matter of the bankruptcy of \_\_\_\_\_ of \_\_\_\_\_  
 (name of debtor) (city and province)

and the claim of \_\_\_\_\_, creditor.

All correspondence concerning this claim should be sent to:

\_\_\_\_\_  
 (address, city, province, postal code)

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

(phone number) (fax number)

I, \_\_\_\_\_ (name of creditor), of \_\_\_\_\_ (city and 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, namely the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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.)

( ) A.1. 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)

( ) B. 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.)

( ) C. 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.)

( ) D. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_

(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.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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.

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.

## CHECKLIST TO ASSIST IN COMPLETING PROOF OF CLAIM

### 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 all notices or correspondence is to be forwarded.

The amount on the *statement of account* must correspond to the amount indicated on the proof of claim.

#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.

#3- The statement of account must be complete.

A *detailed statement of account of the last three months* 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.

#4- Please *strike out* those phrases that do not apply.

- A. An unsecured creditor must indicate whether he does or does not claim a right to a priority. A schedule must be attached to support priority claims.
- B. If you are filing as a secured creditor, a certified copy of the security documents must be attached to the proof of claim.
- C. If making a claim as a farmer, fisherman or aquaculturist, attach a copy of sales agreement and delivery documents.

#5- All claimants must indicate if they *are or are not related* to the debtor, as defined in Section 4 of the Bankrupt Act, by striking out "*are*" or "*are not*". If you are related by blood or marriage to the debtor, you should consider yourself to be a related person. 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.

#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 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

*All signatures must be witnessed.*

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.

In order for a duly authorized person to have a right to vote he must himself be a creditor or be holder of a property executed proxy. The name of the creditor must appear in the proxy.