

**PROOF OF CLAIM**

**IN THE MATTER OF THE BANKRUPTCY/ PROPOSAL OF: \_\_\_\_\_ OF THE CITY OF \_\_\_\_\_, IN  
THE PROVINCE OF ONTARIO.**

and the claim of

Send all future notices to the following address: \_\_\_\_\_

I \_\_\_\_\_ OF \_\_\_\_\_  
(Name of person making declaration) (City and Province)

**DO HEREBY CERTIFY:**

1. That I am a creditor of the above-named debtor (or that I am) \_\_\_\_\_ of \_\_\_\_\_  
(State Position or Title) (Name of Creditor)

2. That I have knowledge of all circumstances connected with the claim referred to below.

3. That the said debtor was, at the date of bankruptcy / the proposal, namely \_\_\_\_\_ and still is, indebted to the creditor (hereinafter referred to as "the creditor") in the sum of \$ \_\_\_\_\_ as specified by the statement of account / affidavit attached hereto and marked "Schedule A" after deducting any counter claims 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 \$ \_\_\_\_\_.**

That in respect to the said 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 Bankruptcy and Insolvency Act.

**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 the creditor assesses 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 documents.)

**D. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_.**

That I hereby make a claim under subsection 50(13) of the Act, particulars of which are attached  
(Give full particulars of the claim, including the calculations upon which the claim is based)

5. That, to the best of my knowledge, and belief the creditor and the debtor are (or are not) related as defined in section 4 of the Bankruptcy Act.

6. That the following are the payments and credits 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 Bankruptcy Act, within twelve months) immediately preceding 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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
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 Bankruptcy and Insolvency Act provides severe penalties for making any false claim, proof, declaration or statement of account.

**A.B. ROBERTSON / JAMES A. CRINGAN, C.A. / JOHN J. TONNER**  
**Trustees in Bankruptcy, c/o Crawford Smith & Swallow, 531 Lake Street, St. Catharines, Ontario, L2N 4H6**

### **INSTRUCTIONS FOR COMPLETING PROOF OF CLAIM FORMS**

#### **GENERAL**

A creditor must prove his claim to share in any distribution. Claims not completed correctly in every respect will be returned.

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 are to be forwarded.

#### **PARAGRAPH 1**

The declaration must be completed by an individual and not by a corporation. If you are acting for a corporation or other authorized person, you must state the capacity in which you are acting, such as, "Credit Manager", "Treasurer", "Authorized Agent", etc.

#### **PARAGRAPH 3**

The date of bankruptcy which may be found on the notice of first meeting of creditors must be filled in and a Statement of Account containing details of the claim must be attached and marked "Schedule A". The statement must contain the dates and amounts of all invoices or charges, or the rendering of the service as the case may be, together with the date and the amount of all credits or payments. The total on the Statement of Account must correspond to the amount indicated on the Proof of Claim.

#### **PARAGRAPH 4**

The nature of your claim must be indicated by checking the type of claim which applies.

Checking (A) indicates your claim is unsecured - you should also indicate if you have a right to a priority.

Checking (B) indicates your claim is secured and you must insert the value at which you assess your security. Details of each item of security you hold should be attached as a separate schedule and submitted with a copy of your security document with particulars of registration when applicable.

Checking (C) indicates your claim as a farmer, fisherman, or aquaculturist.

#### **PARAGRAPH 5**

You must indicate (by striking out "I am" or "I am not") whether the creditor and the debtor are related. Section 4 of the Bankruptcy and Insolvency Act defines persons related to a bankrupt. If you are related by blood or marriage to the bankrupt, then 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 are a shareholder or if your company was controlled by the same shareholders as the bankrupt corporation.

#### **PARAGRAPH 6**

You must provide full details of all payments and credits received from or allowed to the debtor during the period indicated. If none, so state.

#### **CONFIRMATION**

**IF YOU REQUIRE CONFIRMATION THAT YOUR CLAIM IS FILED SEND A STAMPED-SELF ADDRESSED ENVELOPE AND AN EXTRA COPY OF YOUR CLAIM WHICH WILL BE RETURNED MARKED WITH THE DATE FILED.**

**GENERAL PROXY**

**IN THE MATTER OF** the bankruptcy of/ proposal of \_\_\_\_\_  
(Name of Debtor)

I/WE \_\_\_\_\_  
(Name of Creditor)

of \_\_\_\_\_ a creditor in the above matter, hereby appoint  
(Name of City, Town or Village)

\_\_\_\_\_ of \_\_\_\_\_ to be my / our general proxy in the above matter except as to the receipt of dividends, with / without power to appoint another general proxy in his or her place.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Individual Creditor

\_\_\_\_\_  
Name of Corporate Creditor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name of Title of Signing Officer (Seal)

ONLY THOSE CREDITORS WHO HAVE FILED THEIR CLAIMS IN THE PROPER FORM WITH THE TRUSTEE BEFORE THE TIME APPOINTED FOR THE MEETING OF CREDITORS ARE ENTITLED TO VOTE AT THE MEETING.

**INSTRUCTIONS FOR GENERAL PROXY**

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.

If the creditor is a corporation, the proxy form must be signed in the corporate name and it must be witnessed or executed under seal.