

DIRECTIONS AS TO COMPLETING "PROOF OF CLAIM" FORM

NOTE: THE MAJORITY OF FILES THIS OFFICE ADMINISTRATES RESULT IN A DIVIDEND. WE RECOMMEND ALL CREDITORS FILE A PROOF OF CLAIM.

Creditors who do not submit a claim do not share in any dividend, receive further notices, or have the right to object to the bankrupt's discharge.

SUPPORT DOCUMENTATION MUST ACCOMPANY PROOF OF CLAIM FORMS AND MUST SUPPORT THE AMOUNT FILED ON THE PROOF OF CLAIM OTHERWISE IT WILL NOT BE ACCEPTED.

In completing the attached "Proof of Claim" your attention is directed to the following:

1. The declaration must be completed and signed by an individual and not a corporation. The signature of a witness is required.
2. Give the complete address where all notices or correspondence is to be forwarded.
3. If the individual completing the claim at Item 1 is not the creditor they must state the capacity in which they are acting, such as "*Credit Manager*", "*Secretary*", "*Authorized Agent*".
4. **For Item 3**, a Statement of Account containing details of the claim must be attached and marked 'A'. There should be an account of each item giving the date, nature of goods or services provided and the amount in order that the claim may be checked. Statements with a mere "balance" or "account rendered" may be insufficient; the more recent transactions making up final balance must be shown.
5. The status of the claim must be shown at **Item 4**. Select the appropriate category.
 - A. Unsecured Unless a claim is filed under B or C, all claims will fall under this category. There may be special circumstances where priority is claimed. If you claim a priority, mark "X" in (ii) in this section and file the appropriate documents to support the claim.
 - B. Secured if you are claiming to be secured, the value at which you assess your security should be inserted in the blank space. Details of each item of security you hold should be attached as a separate schedule along with a copy of your security contract showing proof of registration.
 - C. "Producers" The Bankruptcy and Insolvency Act gives special status to Farmers, Fisherman and Aquaculturists who have supplied their produce within 15 days prior to bankruptcy. Attachment of evidence of delivery is required.
6. **Item 5** - All claimants must indicate if they are related or not to the debtor, as defined in Section 4 of the Bankruptcy and Insolvency Act, by striking out "are" or "are not".
7. **Item 6** requires a detailed list of payments received by you for specified periods. Please complete a separate schedule for reply.
 - i) This typically refers to a significant change in the bankrupt's household income or expenses.
 - ii) This refers to the amount that is established that the bankrupt is to remit to the estate monthly from his household income.
 - iii) The Section 170(1) report is prepared by the trustee when the bankrupt is approximately 6 to 7 months old. It provides a description of what assets have been realized, what the trustee anticipates realizing, a summary of essential facts about the bankrupt, a report on whether the bankrupt has complied with his duties or not, and the total of claims submitted to the date of the report.
8. **Item 7** - Proxy. In the event a meeting of creditors is called you may wish to appoint someone to vote on your behalf. You can appoint your nominee by providing this person your proxy.

Form 31
PROOF OF CLAIM

Subsections 81.2(1)(d), 102(2), 124(2) and 128(1) of the Act

IN THE MATTER OF THE BANKRUPTCY OF _____ of _____, and the claim of:

_____ creditor.

(name of creditor)

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

Name of Creditor: _____.

Account Number: _____.

Mailing Address: _____.

Phone Number: _____ Fax Number: _____.

I, _____ residing in the _____ of _____ in the

Province of _____.

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 the circumstances connected with the claim referred to below.
3. That the said debtor was at the **date of the bankruptcy**, namely _____, and still is indebted to the creditor in the sum of \$ _____ as specified by 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 the said debt, I do not hold any assets of the debtor as security and
(Check appropriate description)
 - i) () Regarding the amount of \$ _____, I do not claim a right to a priority.
 - ii) () Regarding the amount of \$ _____, I claim a right to priority under section 136 of the Act.
(Set out on an attached sheet details to support priority claim)
 - () B. SECURED CLAIM OF \$ _____
That in respect of the said 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. CLAIMS BY FARMER, FISHERMAN, OR AQUACULTURIST OF \$ _____
That I hereby make a claim under subsection 81.2(1) of the *Bankruptcy and Insolvency Act* for the unpaid amount of \$ _____ *(Attach a copy of sales agreement and delivery documents).*

FORM 31 - PROOF OF CLAIM - Continued

() D. CLAIM BY WAGE EARNER OF \$_____

i) () That I hereby make a claim under subsection 81.3(8) of the Act in the amount of \$_____

ii) () That I hereby make a claim under subsection 81.4(8) of the Act in the amount of \$_____

() E. CLAIM OF LESSOR FOR DISCLAIMER OF A LEASE \$_____

(Give particulars the claim, including the calculations upon which the claim is based.)

() F. 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 particulars the claim, including the calculations upon which the claim is based.)

5. That to the best of my knowledge and belief, the creditor and debtor are (or are not) related within the meaning of Section 4 of the *Bankruptcy and Insolvency Act*. (~~cross out that which does not apply~~)

6. That the following are the payments that I have received from, and credits that I have allowed to, the debtor within the three months (*or, if the creditor and the debtor are related as defined in Section 4 of the Bankruptcy and Insolvency Act, within 12 months*) immediately preceding _____ (*provide details of payments and credits.*)

() i) 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.

() ii) 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.

() iii) I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to section 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.

WARNING: 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.

FORM 31 - PROOF OF CLAIM - Continued

LIMITED PROXY

(For the Purpose of Voting at the First Meeting of Creditors if such a meeting is called)

In the matter of the bankruptcy of

I, (we) _____,
of the _____ of _____ in the Province of _____, a creditor,
hereby appoint _____ of the _____ of _____ in the
Province of _____ to be my (our) proxy at the meeting of creditors.

DATED at _____ this _____ day of _____ 20_____.

Signature of Witness

Signature of Proxy Grantor

Address

B130-1 Revised Apr/98