

IN THE MATTER OF THE BANKRUPTCY (OR PROPOSAL OR RECEIVERSHIP OF THE PROPERTY) OF

\_\_\_\_\_ of \_\_\_\_\_  
(Name of Debtor) (City and Province)  
and the claim of \_\_\_\_\_, creditor.  
All notices or correspondence regarding this claim to be forwarded to the following address:

\_\_\_\_\_  
I, \_\_\_\_\_ residing in the \_\_\_\_\_  
(Name of Creditor)  
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 hereinafter referred to in this form.

3. That the said debtor was at the date of the bankruptcy (or proposal or the receivership) namely the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and still is indebted to the above - named creditor (referred to as "the creditor") in the sum of \$ \_\_\_\_\_ as shown by the statement of account (or affidavit) **attached hereto and marked "Schedule A"** after deducting any counter claims to which the debtor is entitled. (*The attached statement of account of affidavit must specify the Vouchers or other evidence in support of the claim.*)

4. (*Check and Complete appropriate category*)

*Check Only One*

**(A) Unsecured Claim**

That in respect of the said debt, I do not hold any assets of the debtor as security and (check appropriate description)

\* I do not claim any right to a priority,

\* I claim a right to priority under Section 136 of the Bankruptcy and Insolvency Act. (Set out on an attached schedule details to support priority claim, marked as "Schedule B").

**(B) Secured Claim**

That in respect to the said debt, I hold assets of the debtor valued at \$ \_\_\_\_\_ as security, particulars 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 attached hereto marked Schedule "B" and attach a copy of the security Documents marked "Schedule C").

**(C) Claim by Farmer, Fisherman or Aquaculturist**

That I hereby make a claim under subsection 81.2(l) of the Bankruptcy and Insolvency Act for unpaid amount of \$ \_\_\_\_\_ (attach a copy of sale agreement and delivery documents, marked "Schedule D").

NOTE: If an affidavit is attached, it must have been sworn to before a person qualified to take affidavits.

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

6. Proxy appointed: NO \_\_\_\_\_ YES \_\_\_\_\_ (If yes, please complete Proxy)

7. That 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 twelve months) immediately preceding the date of bankruptcy, are summarized on the schedule marked "Schedule E" and attached hereto.

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

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
(Signature of individual completing this certificate)

**WARNINGS:**

(1) Subsection 201(1) of the Bankruptcy and Insolvency Act prescribes severe penalties for making any false claim, declaration or Statement of Account.

(2) A Trustee may, pursuant to subsection 128(3) of the Bankruptcy and Insolvency Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed in the proof security by the secured creditor.

Do you wish to receive a copy of the report filed by the Trustee regarding the bankrupt's application for discharge pursuant to subsection 170(1) of the Act? \_\_\_\_\_ Yes \_\_\_\_\_ No

## CHECKLIST FOR PROOF OF CLAIM

This checklist is provided to assist you in preparing the accompanying proof of claim form and, where required, proxy form in a complete and accurate manner.

### GENERAL

- \_\_\_\_\_ The claim must be signed
- \_\_\_\_\_ The signature of a witness is required
- \_\_\_\_\_ The claim must be signed personally by the individual completing this declaration.
- \_\_\_\_\_ Give the complete address where all notices or correspondence are to be forwarded.
- \_\_\_\_\_ The amount of the statement of account must correspond to the amount indicated on the proof of claim

### PARAGRAPH (1) OF THE PROOF OF CLAIM

- \_\_\_\_\_ Creditor must state in full the 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, i.e. Credit Manager, Authorized Agent, Secretary, etc.

### PARAGRAPH (3) OF THE PROOF OF CLAIM

- \_\_\_\_\_ A detailed statement of account must be attached
- \_\_\_\_\_ The statement of account must be complete.

**NOTE:** 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) OF THE PROOF OF CLAIM

- \_\_\_\_\_ An unsecured creditor must strike out sub-paragraphs (B) and (C).
- \_\_\_\_\_ A preferred creditor must strike out sub-paragraphs (B) and (C) and must complete sub-paragraph (A).
- \_\_\_\_\_ A secured creditor must strike out sub-paragraphs (A) and (C) and must complete sub-paragraph (B) and provide a certified true copy of the security instrument as required.
- \_\_\_\_\_ Farmers, Fisherman, or Aquaculturists must strike out sub-paragraphs (A) and (B).

### PARAGRAPH (5) OF THE PROOF OF CLAIM

- \_\_\_\_\_ All claimants 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 and Insolvency Act permits a proof of claim to be made by a duly authorized agent of a creditor. This does not give such a person power to vote at the first meeting of 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 by proxy to vote at any meeting of creditors.
- \_\_\_\_\_ 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 person must appear in the proxy.
- \_\_\_\_\_ The Trustee in Bankruptcy may be named to exercise proxy.

### SECTION 136 PRIORITY OF CLAIMS

1. Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:
  - (a) In the case of a deceased bankrupt, the reasonable funeral and testamentary expenses incurred by the legal personal representative of the deceased bankrupt;
  - (b) The costs of administration, in the following order,
    - (i) the expenses and fees of the Trustee, and
    - (ii) legal cost;
  - (c) the levy payable under section 147;
  - (d) Wages, salaries, commissions, or compensation of any clerk, servant or travelling salesman, labourer or workman for services rendered during the six months immediately preceding the bankruptcy to the extent of two thousand dollars in each case, together with, (in the case of a travelling salesman), disbursements properly incurred by that salesman in and about the bankrupt's business, to the extent of an additional one thousand dollars in each case, during the same period, and for the purposes of this paragraph, commissions payable when goods are shipped, delivered or paid for, if shipped, delivered or paid for within the six month period, shall be deemed to have earned therein;
  - (e) Municipal taxes assessed or levied against the bankrupt, within the two years immediately preceding his bankruptcy, that do not constitute a preferential lien or charge against the real property of the bankrupt, but not exceeding the value of the interest of the bankrupt in the property in respect of which the taxes were imposed as declared by the Trustee;
  - (f) The Landlord for arrears of rent for a period of three months immediately preceding the bankruptcy and accelerated rent for a period not exceeding three months following the bankruptcy if entitled thereto under the lease, but the total amount so payable shall not exceed the realization from the property on the premises under lease, and any payment made on account of accelerated rent shall be credited against the amount payable by the Trustee for occupation rent;
  - (g) The fees and costs referred to in subsection 70(2) but only to the extent of the realization from the property eligible thereunder;
  - (h) In the case of a bankrupt who became bankrupt before the prescribed date, all indebtedness of the bankrupt under any Act respecting workers' compensation, under any Act respecting unemployment insurance or under any provision of the Income Tax Act creating an obligation to pay to Her Majesty amounts that have been deducted or withheld, rateably;
  - (i) Claims resulting from injuries to employees of the Bankrupt in respect of which the provisions of any Act respecting workers' compensation do not apply, but only to the extent of moneys received from persons guaranteeing the bankrupt against damages resulting from those injuries; and
  - (j) In the case of a bankrupt who became bankrupt before the prescribed date, claims of the Crown not mentioned in paragraphs (a) to (i), in right of Canada or any province, rateably notwithstanding any statutory preference to the contrary.

### SECTION 4 (Summarized)

If you are related by blood or marriage to the Bankrupt, then you should consider yourself to be a related person pursuant to Section 4. 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.

### GENERAL PROXY

In the Matter of the Bankruptcy (or Proposal or Consumer Proposal) of \_\_\_\_\_

(A bankrupt or insolvent person or a consumer debtor), I/We, \_\_\_\_\_  
(Name of Creditor)

of \_\_\_\_\_  
(Name of city, town or village)

a creditor in the above matter, hereby appoint \_\_\_\_\_  
(Name of Person or Trustee)

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

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

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Name and Title of Signatory)