



PROOF OF CLAIM
(Form 31 - The Bankruptcy and Insolvency Act ("the Act"))

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

\_\_\_\_\_ (referred to in this form as "the debtor")

and the claim of \_\_\_\_\_ (referred to in this form as "the creditor")

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

\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (name of person signing claim), of \_\_\_\_\_ (city and province), do hereby certify:

If an officer state position or title 1. That I am a creditor of the above-named debtor (or that I am \_\_\_\_\_ of the creditor).

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

The attached statement of account or affidavit or solemn declaration must specify the vouchers or other evidence in support of the claim. 3. 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.

Check and complete appropriate category. 4. ( ) 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. ( ) A (i) Regarding the amount of \$ \_\_\_\_\_ I do not claim a right to a priority. ( ) A (ii) 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 the priority claim.)

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

Attach a copy of sales agreement and delivery receipts. ( ) 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 \$ \_\_\_\_\_

To be completed when a proposal provides for the compromise of claims against directors ( ) D. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_ 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)

Strike out "is" or "is not" 5. That, to the best of my knowledge, the creditor is/is not related to the debtor within the meaning of section 4 of the Act.

Provide details of payments and credits. 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: \_\_\_\_\_

(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 \_\_\_\_\_,

Witness \_\_\_\_\_ Creditor \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

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.

## General Proxy

I, \_\_\_\_\_ (name of creditor), of \_\_\_\_\_ (name of town or city), a creditor in the above matter, hereby appoint

\_\_\_\_\_ of \_\_\_\_\_ to be my 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 \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

(for Individual Creditors)

(for Corporate Creditors)

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

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

per \_\_\_\_\_  
Name and Title of Signing Officer

### Instructions for completing proof of claim forms

Every creditor who does not prove his claim is not entitled to share in any distribution. Claims not completed correctly in every respect may be returned.

In completing the proof of claim your attention is directed to the marginal notes on the form and to the following requirements:

- The form must be completed by an individual and not by a corporation. If you are acting for a corporation or other person, you must state the capacity in which you are acting, such as "Credit Manager", "Treasurer", "Authorized agent", etc.
- The person signing the form must have knowledge of the circumstances connected with the claim.
- The debtor's name and date of the bankruptcy must be filled in and a Statement of Account containing details of the claim must be attached and marked Schedule "A". The date of bankruptcy or of the proposal and the correct name of the debtor may be found on the Notice that was sent to the creditor.
- The nature of the claim must be indicated by ticking the type of claim which applies. e.g.
  - Ticking (A) indicates the claim is unsecured;
  - Ticking (A)(i) indicates that the creditor is not claiming any statutory priority over other unsecured creditors;
  - Ticking (A)(ii) indicates that the creditor is claiming priority as a preferred creditor under section 136 of the Act. Section 136 lists the specific claims that have a priority. They include wages (up to \$2,000), certain alimony and support payments and rent arrears. Details to support the priority claim must be set out on an attached schedule;
  - Ticking (B) indicates the claim is secured. The value at which the creditor assesses the security must be inserted. Details of each item of security held should be attached as a separate schedule and submitted with a copy of the chattel mortgage, conditional sales contract, security agreement, etc.;
  - Ticking (C) indicates that the creditor is a farmer, fisherman or aquaculturist who supplied goods within 15 days prior to the date of receivership or bankruptcy and has not yet been paid for those goods;
  - Ticking (D) indicates that this portion of the claim is a claim against the debtor that a director is also legally liable for and which would be compromised under a proposal pursuant to section 50(13) of the Act.
- The person signing the form must indicate (by striking out "is" or "is not") whether the creditor and the debtor are related as defined under section 4 of the Act. Related persons include (i) persons who are married to each other, (ii) parents and their children and (iii) siblings. Related persons also includes corporate relationships such as where one corporation or person controls another corporation.
- The person signing the form must provide full details of all payments and credits received from or allowed to the debtor during the period indicated. Leaving a blank will indicate that there were no such payments and credits.

The person signing the form must insert the place and the date and the signature must be witnessed.

**General Proxy:** If the creditor wishes to appoint a proxy, the above proxy form must be completed and signed by the creditor. If the creditor is a corporation, the proxy form must be signed in the corporate name (not necessarily by the individual signing the proof of claim form) and must be witnessed.

**Change of Address:** Please advise the trustee immediately if the address of the creditor changes.

If you have any questions regarding how to complete the proof of claim please write, telephone, fax or email the office of the trustee:

*A. John Page & Associates Inc.*

Suite 447, 100 Richmond St. West

Toronto, Ontario, Canada

M5H 3K6

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Fax: (416) 364-4869

Email: info@ajohnpage.com