

## INSTRUCTIONS TO CREDITORS RESPECTING PROOF OF CLAIM FORM

*CLAIMS NOT COMPLETED CORRECTLY IN EVERY RESPECT WILL BE RETURNED.*

Any creditor who does not prove his claim is not entitled to share in any distribution. 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. Please specifically check each requirement.

### **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 any notice or correspondence is to be forwarded.
- The amount on the statement of account (Schedule A) must correspond to the amount indicted on the proof of claim.

### **POINT 2**

- A detailed statement of account must be attached to the proof of claim and must show the date, number and amount of all invoices or charges, together with the date, number and amount of all credits or payments. A statement of account is not complete if it begins with an amount brought forward.

### **POINT 3**

- A secured creditor must attach a certified true copy of the security agreement as registered, and must give full particulars of the security, including the date the security was given and the value assessed to the security by the creditor.
- Claim by Farmer, Fisherman or Aquaculturist must attach a copy of sales agreement and delivery documents.

### **POINT 4**

- 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.

### **POINT 5**

- 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 the case where the claimant and the debtor are not related.
  - (b) Within the twelve (12) months preceding the bankruptcy or the 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 the creditor, but in order for such a person to vote at the first meeting of creditors they must hold a properly completed proxy.

### **GENERAL**

- 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.
- 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 creditor must appear in the proxy.



**Collins Barrow Limited**

Trustee in Bankruptcy, Receiver and Manager, Liquidator  
400, 602 – 11th Avenue S.W.  
Calgary, Alberta T2R 1J8  
Fax: (403) 296-2988

**Downtown:** (403) 298-5800

**Market Mall** (403) 247-3376

**Sunridge** (430) 250-3007

**South** (403) 255-7066

<p style="text-align: center;"><b><u>PROOF OF CLAIM</u></b></p> <p>In the matter of the bankruptcy (or proposal or receivership of the property) of:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(Name of Debtor)</i></p>	<p><i>and the claim of</i></p> <p>Creditor Name: _____</p> <p>Mailing Address: _____</p> <p style="text-align: center;">_____</p> <p>Account #: _____</p>
--	---

**I CERTIFY:**

- I have knowledge of all the circumstances connected with the claim referred to in this form.
- The debtor was on \_\_\_\_\_ 20\_\_\_\_, and still is indebted to the above named creditor for the sum of \$ \_\_\_\_\_, as shown by the statement of account (or affidavit) attached as "Schedule A" . Any counterclaims to which the debtor is entitled have been deducted. *(The attached statement of account or affidavit must specify the vouchers or other evidence supporting the claim.)*
- Check and complete appropriate category.**
  - A. UNSECURED CLAIM**
    - i)  I do not claim a right to a priority
    - ii)  I claim a right to a priority under section 136 of the Act.
  - B. CLAIM OF LANDLORD FOR DISCLAIMER OF A LEASE \$ \_\_\_\_\_.**  
I make a claim under subsection 65.2(4) of the *Act*, particulars of which are attached. *(Give full particulars of the claim, including the calculations on which the claim is based.)*
  - C. SECURED CLAIM (mortgages, conditional sales, etc.)** *(Attach copies of registered documents and financing statements.)*  
Value of security held is \$ \_\_\_\_\_.
  - D. CLAIM BY FARMER, FISHERMAN, OR AQUACULTURIST** I make a claim under subsection 81.2(1) of the *Act*. *(Attach a copy of sales agreement and delivery documents.)*
  - E. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_.**  
*(To be filed when a proposal provides for the compromise of claims against directors)* I make a claim under subsection 50(13) of the *Act*, particulars of which are attached. *(Give full particulars of the claim, including the calculations on which the claim is based)*
- To the best of my knowledge and belief, the creditor and debtor are not (or are) related within the meaning of section 4 of the *Act*.
- The following are the payments I received from and the credits 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 *Act*, within twelve months) immediately before the date of bankruptcy within the meaning of Section 2 of the *Act*. *(Details to be shown on statement attached as "Schedule B".)*
- I request that I be advised of any material change in the financial situation of the bankrupt. Please check here ;
- I request that I be advised of any amendment regarding the amount the bankrupt is required to pay. Please check here ;
- I request a copy of the Trustee Report on the Bankrupt's Application for Discharge be sent to the above address. Please check here ;
- PROXY APPOINTED:** Yes  No  (If yes, please complete the proxy)

I, (WE) APPOINT: \_\_\_\_\_ (name of individual) as my (our) proxy at the Meeting of Creditors.

10. Dated at \_\_\_\_\_ (City, Province) \_\_\_\_\_, 20\_\_\_\_.

Print name and position of person signing \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Individual Completing this Claim

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email address: \_\_\_\_\_

**NOTE:** If an affidavit or solemn declaration is attached, it must be properly sworn.  
**WARNING:** Section 201(1) of the *Act* prescribes severe penalties for making a false claim, proof or declaration or statement of account.