

**PROOF OF CLAIM (Form 31)**

(Sections 50.1, 81.5, 81.6, Subsections 65.2(4), 81.2(1), 81.3(8), 81.4(8), 102(2), 124(2), 128(1), and Paragraphs 51(1)(e) and 66.14(b) of the *Bankruptcy Insolvency Act* ("the Act"))

*This completed claim must be forwarded to the above-noted address*

**IN THE MATTER OF THE BANKRUPTCY (OR THE PROPOSAL, OR THE RECEIVERSHIP) OF:**

\_\_\_\_\_ (name of debtor) of \_\_\_\_\_ (city and province) and the claim of \_\_\_\_\_, creditor.

I, \_\_\_\_\_ (name of creditor or representative of the creditor), of \_\_\_\_\_ (state full company/creditor address)

**DO HEREBY CERTIFY:**

1. That I am a creditor of the above-named debtor (or that I am \_\_\_\_\_ (state position or title) of \_\_\_\_\_ (name of creditor or representative of creditor)).
2. That I have knowledge of all the circumstances connected with the claim referred to below.
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 \_\_\_\_\_, 20\_\_\_\_\_, and still is, indebted to the creditor in the sum of \$ \_\_\_\_\_, as specified in the **statement of account (or affidavit) attached and marked Schedule "A,"** after deducting any counterclaims 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 \$ \_\_\_\_\_** (other than as a customer contemplated by Section 262 of the Act)  
 That in respect of this debt, I do not hold any assets of the debtor as security and (check appropriate description)  
 ( ) 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 priority claim)  
 ( ) Regarding the amount of \$ \_\_\_\_\_, I **DO NOT** claim a right to a priority.
  - ( ) **B. CLAIM OF LESSOR 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)
  - ( ) **C. 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 you assess the security, and attach a copy of the security documents)
  - ( ) **D. 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 the sales agreement and delivery receipts)
  - ( ) **E. CLAIM BY A WAGE EARNER OF \$ \_\_\_\_\_**  
 ( ) That I hereby make a claim under subsection 81.3(8) of the Act in the amount of \$ \_\_\_\_\_  
 ( ) That I hereby make a claim under subsection 81.4(8) of the Act in the amount of \$ \_\_\_\_\_
  - ( ) **F. CLAIM BY EMPLOYEE FOR UNPAID AMOUNT REGARDING PENSION PLAN OF \$ \_\_\_\_\_**  
 ( ) That I hereby make a claim under subsection 81.5 of the Act in the amount of \$ \_\_\_\_\_  
 ( ) That I hereby make a claim under subsection 81.6 of the Act in the amount of \$ \_\_\_\_\_
  - ( ) **G. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_**  
 (To be completed when a proposal provides for the compromise of claims against directors)  
 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)
  - ( ) **H. 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 full particulars of the claim, including the calculations upon which the claim is based)
5. That, to the best of my knowledge, I am (or the above-named creditor is) (or am not or is not) related to the debtor within the meaning of section 4 of the Act, and have (or has) (or have not or has not) dealt with the debtor in a non-arm's-length manner.
6. That the following are the payments that I have received from, the credits that I have allowed to, and the transfers at undervalue within the meaning of subsection 2(1) of the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 4 of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of subsection 2(1) of the Act: (provide details of payments, credits and transfers at undervalue)
7. (Applicable only in the case of the bankruptcy of an individual)
  - ( ) Whenever the trustee reviews the financial situation of a bankrupt to redetermine whether or not the bankrupt is required to make payments under section 68 of the Act, I request to be informed, pursuant to paragraph 68(4) of the Act, of the new fixed amount or of the fact that there is no longer surplus income.
  - ( ) 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 \_\_\_\_\_ (city and province), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Witness

Creditor

**CONTACT NAME:** \_\_\_\_\_

**CONTACT PHONE No:** \_\_\_\_\_

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

**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.

**INSTRUCTIONS AND PROXY ON REVERSE**

**PROXY (Form 36)**

(Subsection 102(2) and paragraphs 51(1)(e) and 66.15(3)(b) of the Act)

I, \_\_\_\_\_ (name of creditor), of \_\_\_\_\_ (name of town or city), a creditor in the above matter, hereby appoint \_\_\_\_\_ of \_\_\_\_\_, to be my proxyholder in the above matter, except as to the receipt of dividends, with (or without) power to appoint another proxyholder in his or her place.

Dated at \_\_\_\_\_ (city and province), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

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

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

\_\_\_\_\_  
Witness

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

**NOTE:** If a copy of this Form is sent electronically by means such as email, the name and contact information of the sender, prescribed in Form 1.1, must be added at the end of the document.

**GENERAL PROXY INFORMATION**

The *Bankruptcy and Insolvency Act* permits a Proof of Claim to be made by a duly authorized agent of a creditor; however, 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.
- The Trustee may be appointed as proxy for any creditor.
- A Corporation may vote by an authorized agent at a meeting of creditors.
- Debtors may not be appointed a proxy to vote at any meeting of their creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor themselves or be the holder of a properly executed proxy, showing the name of the creditor.

**DIRECTIONS TO COMPLETING A PROOF OF CLAIM FORM**

The checklist below is provided to assist in the preparation of a Proof of Claim (Form 31) and, if required, a Proxy (Form 36). Every creditor who does not prove his claim is not entitled to share in any distribution. **Claims not completed correctly in every respect will be returned.**

**GENERAL**

- The signature of a witness is required.
- This document must be signed personally by the person completing the Proof of Claim.
- Give the complete address, including postal code, where any notice or correspondence is to be forwarded.
- The amount on the Schedule "A" or Statement of Account must correspond to the amount indicated on the Proof of Claim

**PARAGRAPH 1**

- The creditor must state the full and complete legal name of the company or firm.
- If the individual completing the Proof of Claim is not the creditor himself, he must state his position or title.

**PARAGRAPH 3**

- The Schedule "A" or Statement of Account must be complete and detailed, showing 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.

**PARAGRAPH 4**

- An unsecured creditor must specify if they do or do not have a right to a priority. A schedule must be attached to support the priority claim. Details of Section 136 are available from the trustee upon request.
- Secured creditors must attach a certified copy of the security documents to the Proof of Claim for each claim.
- For claims arising from a realization of lease, the creditor must provide full details of the claim including the relating calculations.
- A claim by a farmer, fisherman or aquaculturalist must attach a copy of the sales agreement and delivery documents.

**PARAGRAPH 5**

- All claimants must indicate if they are / are not related to the debtor, as defined in Section 4 of the *Bankruptcy and Insolvency Act*; "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."

**PARAGRAPH 6**

- All claimants must attach a detailed list of all payments or credits received or granted, as follows:
- Within the three (3) months preceding the bankruptcy / proposal, in the case where the claimant and the debtor are not related;
- Within the twelve (12) months preceding the bankruptcy / proposal, in the case where the claimant and the debtor are related.