

PROOF OF CLAIM
(see reverse for instructions)



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

Brian Poreba (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 to be forwarded to the creditor at the following address:

Telephone: Fax:
I, (name of person signing claim) residing in the (city, town, etc.)
of in the Province of (name of city, town ,etc.)

Do hereby certify that:

If an officer of the company, state position or title.

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

Check and complete appropriate category. Other than as a customer contemplated by Section 262 of the Act
Check appropriate description. Set out an attached sheet details to support priority claim.

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

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.

Attach a copy of sales agreement and delivery receipts.

Give full particulars of any wage eraner’s claim, including the calculations upon which the claim is based.

To be completed when a proposal provides for the compromise of claims against directors. Give full particulars of the claim, including the calculations upon which the claim is based.

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Strike out “is” or “is not”

Provide details of payments, credits and transfers at undervalue.

Applicable only in the case of the bankruptcy of an individual

Must be signed and witnessed

Notes: All references to “the Act” refer to the Bankruptcy and Insolvency Act.
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.

See General Proxy on reverse

GENERAL PROXY

(with power of substitution)

In the matter of the bankruptcy or proposal of the debtor, the creditor hereby appoints (with power of substitution)

_____ of the _____ of _____

to be the creditor’s general proxy in the above matter (excepting only as to the receipt of dividends).

Dated at _____, this _____ day of _____, 20_____.

Witness

Per:

Name of creditor (print)

Signature

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 will be returned.

In completing the attached form, your attention is directed to the marginal notes on the form and to the following requirements:

Proof of Claim:

1.

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.
2.

The person signing the form must have knowledge of the circumstances connected with the claim.
3.

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 “A”. The date at which claims are to be calculated and the correct name of the debtor may be found on the Notice sent to the creditor.
4.

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 and

Ticking A(i)

indicates that the creditor is not claiming any priority or

Ticking A(ii)

indicates the creditor is claiming preferred status under section 136 of the Act. Details to support the priority claim must be set out on an attached schedule.
- Ticking B

indicates a claim of landlord for disclaimer of a lease under subsection 65.2(4) of the Act. Details to support this claim must be set out on an attached schedule.
- Ticking C

indicates the claim is secured and 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 D

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 E

indicating that the creditor is a former employee of the debtor.
- Ticking E(i)

The claim of a clerk, servant, travelling salesperson, labourer or worker who is owed wages, salaries, commissions or compensation by a bankrupt for services rendered during the period beginning on the day that is six months before the date of the initial bankruptcy event and ending on the date of the bankruptcy is secured, as of the date of the bankruptcy, to the extent of \$2,000 — less any amount paid for those services by the trustee or by a receiver — by security on the bankrupt’s current assets on the date of the bankruptcy.
- Ticking E(ii)

The claim of a clerk, servant, travelling salesperson, labourer or worker who is owed wages, salaries, commissions or compensation by a person who is subject to a receivership for services rendered during the six months before the first day on which there was a receiver in relation to the person is secured, as of that day, to the extent of \$2,000 — less any amount paid for those services by a receiver or trustee — by security on the person’s current assets that are in the possession or under the control of the receiver.
- Ticking F

indicates the claim is against a director under subsection 50(13) of the Act. It is applicable only in the case of a proposal which provides for the compromise of claims against directors. Details to support this claim must be set out on an attached schedule.
- Ticking G

(applies only to bankruptcies of security firms) indicating that the creditor is a customer of the bankrupt securities firm.
5.

The person signing the form must indicate (by striking out “is” or “is not”) whether the creditor and the debtor are related. Section 4 of the Act defines persons related to a debtor. If the creditor is related by blood or marriage to the debtor, the creditor should consider itself to be a related person. If the debtor is a corporation, a creditor would be related if it was a shareholder or if the creditor was controlled by the same shareholders as the debtor.
6.

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.
7.

In the case of the bankruptcy of an individual, tick one or more of the three boxes in No. 7 as appropriate.
8.

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

General Proxy:

If it is desired to appoint a proxy, the 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 the proxy must be witnessed.

If there are any questions in completing the proof of claim, please write or telephone the office of the trustee

PricewaterhouseCoopers Inc.
Suite 3000, Box 82
Royal Trust Tower
77 King Street West
Toronto, ON M5K 1G8
Attention: Wend y Pittman
Telephone: 416 941 8383, Ext 13848
Fax: 416 814 3219