

RSM Richter Inc.

200 King St. W., P.O. Box 48, Suite 1100
Toronto, ON M5H 3T4
Tel: 416.932.8000 Fax: 416.932.6200
www.rsmrichter.com

Estate File No.: 31-456669

**IN THE MATTER OF THE BANKRUPTCY OF HENRY GEORGE COLE,
OF THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO**

**NOTICE OF BANKRUPTCY AND FIRST MEETING OF CREDITORS
(Subsection 102(1))**

Take notice that:

1. A Bankruptcy Order was made against Henry George Cole on the 10th day of February, 2011 and RSM Richter Inc. was appointed as trustee of the estate of the bankrupt by the official receiver, subject to affirmation by the creditors of the trustee's appointment or the substitution of another trustee by the creditors.
2. The first meeting of creditors of the bankrupt will be held on the 2nd day of March, 2011, at 2:30 p.m., at the offices of the trustee, RSM Richter Inc., 200 King Street West, Suite 1100, Toronto, Ontario.
3. To be entitled to vote at the meeting, creditors must lodge with the trustee, prior to the meeting, proofs of claim and, where necessary, proxies.
4. Enclosed with this notice is a form of proof of claim, a form of general proxy, and a list of creditors with claims amounting to twenty-five dollars or more, showing the amounts of their claims.
5. Creditors must prove their claims against the estate of the bankrupt in order to share in any distribution of the proceeds realized from the estate.

DATED at Toronto, this 16th day of February, 2011.

RSM RICHTER INC.
TRUSTEE
200 King Street West
Suite 1100, P.O. Box 48
Toronto, Ontario M5H 3T4

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**IN THE MATTER OF THE BANKRUPTCY OF
HENRY GEORGE COLE
OF THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO**

(Preliminary list of creditors as at February 10, 2011,
as submitted by the debtor, without admission as to any liabilities or privilege herein shown)

Secured Creditors	Attention	Address	Account Number	Amount* (CDN\$)
DCFS Canada Corp.		2680 Matheson Blvd. E., #500, Mississauga ON L4W 0A5	V.I.N.: WDDGF87X99F312476	1.00
Deirdre Sloan Cole		89 Elm Ave., Unit 2W, Toronto ON M9W 1N9		400,000.00
Royal Bank of Canada Home Line Plan Mortgage	Jeremy Devereux	c/o Ogilvy Renault LLP, 200 Bay St., Box 84, Royal Bank Plaza, South Tower, Toronto ON M5J 2Z4		1,190,860.00
Transportation Lease Systems Inc.		51 Constellation Court, Rexdale ON M9W 1K4	V.I.N.: WP0AA2992XS624380	1.00
Subtotal				<u>1,590,862.00</u>
Unsecured Creditors				
BELL CANADA	Insolvency Group	2500 Daniel-Johnston, 8th Fl., Laval QC H7T 2P6	416-910-6839	1.00
BMO Bank of Montreal		Queen & Woodbine Branch, 1775 Queen St. E., Toronto ON M4L 6S6	5191-2301-3996-4515	40,480.46
Brady & Seidner Associates Limited		801 Alness Street, Downsview ON M3J 2H8	W/O #16232	532.51
DCFS Canada Corp.		2680 Matheson Blvd. E., #500, Mississauga ON L4W 0A5	V.I.N.: WDDGF87X99F312476	1,200.00
Deirdre Sloan Cole		89 Elm Ave., Unit 2W, Toronto ON M9W 1N9		19,000.00
MBNA		P.O. Box 4369, Stn "A", Toronto ON M5W 3P2	5.49198E+15	11,000.00
MBNA Canada		P.O. Box 4369, Stn. "A", Toronto ON M5W 3P2	770-60081-1175-92	22,000.00
Mercedes-Benz Financial		2680 Matheson Blvd. E., #500, Mississauga ON L4W 0A5	20090602	1.00
Ontario Court of Justice, Toronto Region	Parking Tag Operations	5100 Yonge St., Ground Fl., Toronto ON M2N 5V7	AW294612; AW298575; AT728327	412.00
Pro-House Management Limited		150 Bridgeland Ave., #201, Toronto ON M6A 1Z5	MTCC 867, Suite 3	1,866.24
RBC Dominion Securities Inc.	Jeremy Devereux	c/o Ogilvy Renault LLP, 200 Bay St., Box 84, Royal Bank Plaza, South Tower, Toronto ON M5J 2Z4		1.00
Rogers Wireless	Mary Manning	P.O. Box 9100, Don Mills ON M3C 3P9	5-3171-7288	2,263.91
Shore Newman & Rose LLP		100 Sheppard Ave. E., #850, Box 16, North York ON M2N 6N5	Client No.: 200337.0	1,890.00
TD Canada Trust		Account Recovery and Fraud Management, Box 5567, London ON N6A 6C7	1025-3257103; Branch 1025	173,705.18
TD Canada Trust	Line of Credit Services	P.O. Box 402, Scarborough Stn. "D", Scarborough ON M1R 5M3	1020-4162420	811,142.99
The Lambton Golf and Country Club Limited		100 Scarlett Road, Toronto ON M6N 4K2	Member No.: C220	4,110.58
Transportation Lease Systems Inc.		51 Constellation Court, Rexdale ON M9W 1K4	V.I.N.: WP0AA2992XS624380	1,200.00
Treasurer, City of Toronto		P.O. Box 5000, Toronto ON M2N 5V1	19-04-05-2-550-09730-0000-0 6	1,578.25
Subtotal				<u>1,092,385.12</u>
Total				<u><u>\$2,683,247.12</u></u>

Supplementary Mailing List:

Henry George Cole, Principal	
REGISTRAR OF BANKRUPTCY	330 University Avenue, 7th Floor, Toronto, ON M5G 1R7
SUPERINTENDENT OF BANKRUPTCY	25 St. Clair Avenue East, 6th Floor, Toronto, ON M4T 1M2 (by email)

* An amount of \$1.00 reflects that the balance due, if any, is undetermined or unknown.

Proof of Claim

(Section 50.1, 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 Act)

200 King Street West
P.O. Box 48, Suite 1100
Toronto, ON M5H 3T4
Facsimile: (416) 932-6200

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

Creditor Name: _____

Address: _____

Account No.: _____

Telephone: _____

Fax: _____

Email: _____

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 _____ (city and province), 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))
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 _____, 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 do not claim a right to a priority.
- ☐ 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.)

- ☐ 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 sales agreement and delivery receipts.)

- ☐ E. CLAIM BY 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 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 set out on the attached sheet(s). (Give full particulars of the claim, including the calculations upon which the claim is based.)

- ☐ G. 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 set out on the attached sheet(s). (Give full particulars of the claim, including the calculations upon which the claim is based.)

Continued on Page 2

Proof of Claim

(Section 50.1, 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 Act)

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.)

(Applicable only in the case of the bankruptcy of an individual.)

- ☐ 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

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.

DIRECTIONS FOR COMPLETION OF THIS FORM ARE ON THE REVERSE SIDE

GENERAL PROXY

(Paragraphs 51(1)(e) and 66.15(3)(b) and subsection 102(2))

In the matter of the bankruptcy) (or proposal) of _____, a bankrupt (or an insolvent)

I (or We), _____ (name of creditor), of _____ (name of city, town or village), a creditor in the above matter hereby appoint _____ of _____ to be my (or our) 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 _____

Witness

Individual Creditor
OR
Name of Corporate Creditor

Witness

Per:
Name and Title of Signing Officer

CHECKLIST FOR PROOFS 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. Please specifically check each requirement.

Under Section 109 of the Bankruptcy and Insolvency Act only those creditors who have filed their claims in the proper form with the trustee, before the time appointed for the meeting, are entitled to vote at the meeting.

Section 124 states that every creditor shall prove his claim and the creditor who does not prove his claim is not entitled to share in any distribution that may be made.

General

- ♦ 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 is to be forwarded;
- ♦ The amount of the statement of account must correspond to the amount indicated on the proof of claim.

Paragraph 1

- ♦ Creditor must state full and complete legal name of company or firm;
- ♦ If the individual completing the proof of claim is not the creditor himself, he/she must state his/her position or title.

Paragraph 3

- ♦ The statement of account must be complete;
- ♦ 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

- ♦ Subparagraph 4.A must be completed by an unsecured creditor and must indicate if priority is claimed pursuant to Section 136.
- ♦ Subparagraph 4.B must be completed by a landlord only in a Proposal, for any claim related to disclaimer of lease. The amount of the claim is to be calculated according to the terms of the proposal. Provide details of calculation.
- ♦ Subparagraph 4.C must be completed by a secured creditor. A certified true copy of the security instrument as registered must be provided.
- ♦ Subparagraph 4.D must be completed a farmer, fisherman or aquaculturist creditor. A copy of the sales agreement and delivery documents must be provided.
- ♦ Subparagraph 4.E applies if you are a wage earner (ie, a clerk, servant, travelling salesperson, labourer or worker who is owed wages, salaries, commissions or compensation by a bankrupt (subsection 81.3) or by a "person" that is subject to a receivership (subsection 81.4) for services rendered during the six months immediately before the date of bankruptcy or receivership).
- ♦ Subparagraph 4.F is to be completed only in a Proposal, and only if the proposal provides for the compromise of claims against Directors. Provide full details including calculations.
- ♦ Subparagraph 4.G applies if you are a "customer" of a bankrupt securities firm (as contemplated by Section 262 of the Bankruptcy and Insolvency Act).

Paragraph 5

- ♦ All claimants must indicate if he or she is related or not to the debtor, as defined in Section 4 of the Bankruptcy and Insolvency Act, by striking out "AM" or "IS" or "AM NOT" or "IS NOT".

Paragraph 6

- ♦ 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 proposal, in the case where the claimant and the debtor are related.

- APPOINTING PROXY -

Note: The Bankruptcy and Insolvency Act permits a proof of claim to be made by a duly authorized agent of a creditor but this does not give such a person power to vote at the first meeting of creditors or to act as the proxy of the creditor.

General

- ♦ A creditor may vote either in person or by proxy;
- ♦ A debtor may not be appointed as proxy to vote at any meeting of his creditors;
- ♦ The Trustee may be appointed as a proxy for any creditor;
- ♦ 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.