

District of: Ontario
Division No. 07 – Hamilton
Court No. 32-2464621
Estate File No.: 32-2464621

**IN THE MATTER OF THE BANKRUPTCY OF
MARK ANGELO SPADAFORA,
OF THE CITY OF NIAGARA FALLS, IN THE PROVINCE OF ONTARIO
NOTICE OF BANKRUPTCY AND OF IMPENDING AUTOMATIC DISCHARGE
OF FIRST-TIME BANKRUPT**

TAKE NOTICE THAT:

1. A bankruptcy order was made against Mark Angelo Spadafora on the 16th day of January, 2019, and KSV Kofman Inc. was appointed Trustee (the "Trustee") of the estate of the bankrupt by the Ontario Superior Court of Justice, in Bankruptcy and Insolvency, 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 19th day of February, 2019, at 2:30 p.m., at the offices of the Trustee, 150 King Street West, Suite 2308, 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 proof of claim form, a general proxy form, and a list of creditors with claims amounting to twenty-five dollars or more, showing the amounts of their claims.
5. Also enclosed pursuant to subsection 102(3) of the *Bankruptcy and Insolvency Act* ("Act") is information concerning the financial situation of the bankrupt and the obligation of the bankrupt, if any, to make payments to the estate of the bankrupt, as required under Section 68 of the Act.
6. 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.
7. Pursuant to subsection 168.1 of the Act, the bankrupt, being an individual who has never before been bankrupt, will be given an automatic discharge on the expiry of 9 months after the date of bankruptcy, being October 17, 2019, unless the Superintendent of Bankruptcy, the Trustee or a creditor of the bankrupt gives notice of intended opposition to the discharge of the bankrupt before that date.
8. Any creditor who intends to oppose the discharge of the bankrupt shall give notice of the intended opposition, stating the grounds for their opposition, to the Trustee and the division office of the Superintendent of Bankruptcy at 55 Bay Street North, 9th Floor, Hamilton, Ontario, L8R 3P7 at any time before the 17th day of October, 2019.
9. If any creditor opposes the discharge of the bankrupt, a Court fee applies.
10. If the discharge of the bankrupt is opposed, the Trustee will apply to the Court without delay for an appointment for the hearing of the opposition in the manner prescribed by the Act, unless it is a matter to be dealt with by mediation pursuant to Section 170.1 of the Act.

Dated at Toronto, Ontario, this 4th day of February, 2019.



KSV Kofman Inc.
150 King Street West, Suite 2308
Toronto, ON M5H 1J9

Phone: 416-932-6262 Fax: 416-932-6266


District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
Estate No. 32-2464621

-- FORM 79 --
Statement of Affairs (Non-Business Bankruptcy)
(Subsection 49(2) and 158(d) of the Act / Subsections 50(2) and 62(1) and Paragraph 66.13(2)(d) of the Act)

☒ Original ☐ Amended

In the matter of the bankruptcy of
Mark Angelo Spadafora
of the City of Niagara Falls, in the Province of Ontario

ASSETS						
Type of assets	Description (Provide details)	Estimated Dollar Value	Exempt Property		Secured Amount/ Liens	Estimated net realizable dollar value
			Yes	No		
1. Cash on Hand						
2. Furniture	Household furniture	10,000.00	x		0.00	0.00
3. Personal Effects		1,000.00	x		0.00	0.00
4. Policies & RRSPs						
5. Securities						
6. Real Property or Immovable	House					
	Cottage					
	Land					
7. Motor Vehicles	Automobile					
	Motorcycle					
	Snowmobile					
	Other					
8. Recreational Equipment						
9. Taxes						
10. Other	Other	100% of shares of 570230 Ontario Inc.	1.00	x	0.00	1.00
		100% of shares of 2499874 Ontario Inc.	1.00	x	0.00	1.00
		100% of shares of 2481382 Ontario Inc.	1.00	x	0.00	1.00
		100% of shares of 2534912 Ontario Inc.	1.00	x	0.00	1.00
		100% of shares of 2499874 Ontario Inc.	1.00	x	0.00	1.00
TOTAL		11,005.00			0.00	5.00

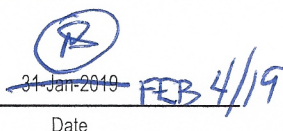

~~31-Jan-2019~~ FEB 4/19
Date


Mark Angelo Spadafora
Bankrupt

District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
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FORM 79 -- Continued

LIABILITIES						
Liabilities type code (LTC): 1 Real Property or Immovable Mortgage or Hypothec 2 Bank Loans (except real property mortgage) 3 Finance Company Loans 4 Credit Cards Bank/Trust Companies Issuers 5 Credit Cards Other Issuers 6 Taxes Federal/Provincial/Municipal 7 Student Loans 8 Loans from Individuals 9 Other						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
1742240 Ontario Inc.	398 Ruth Ave. Toronto ON M2M 2J2		1.00	0.00	0.00	9
2M7 Financial Solutions	64 Signet Drive North York ON M9L 2Y4		1.00	0.00	0.00	3
Blueshore Leasing Ltd.	250 Lonsdale Ave. North Vancouver BC V7M 2H6		1.00	0.00	0.00	9
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 192,187.79	55 Bay St. North Hamilton ON L8R 3P7	788997120RP0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 162,799.08	55 Bay St. North Hamilton ON L8R 3P7	788997120RT0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 165,876.31	55 Bay St. North Hamilton ON L8R 3P7	805599362RP0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 175,735.15	55 Bay St. North Hamilton ON L8R 3P7	805599362RT0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 226,066.35	55 Bay St. North Hamilton ON L8R 3P7	805597960RP0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 175,735.15	55 Bay St. North Hamilton ON L8R 3P7	805599362RP0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 244,097.84	55 Bay St. North Hamilton ON L8R 3P7	805597960RT0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 82,624.87	55 Bay St. North Hamilton ON L8R 3P7	106391360RT0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 207,558.15	55 Bay St. North Hamilton ON L8R 3P7	106391360RP0001	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 113,052.94	55 Bay St. North Hamilton ON L8R 3P7	752927723RT	0.00	0.00	0.00	6
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 113,052.94	55 Bay St. North Hamilton ON L8R 3P7	752927723RT	0.00	0.00	0.00	6



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Mark Angelo Spadafora
Bankrupt

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
Canada Revenue Agency Attn: G. Duffy (1216) Contingent \$ = 193,974.90	55 Bay St. North Hamilton ON L8R 3P7	752927723RP	0.00	0.00	0.00	6
Canada Revenue Agency	Shawinigan – Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd. Shawinigan QC G9P 5H9	731817774	0.00	0.00	399,056.00	6
Canada Revenue Agency	Shawinigan – Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd. Shawinigan QC G9P 5H9	731817486	0.00	0.00	21,774.00	6
Canada Revenue Agency	Shawinigan – Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd. Shawinigan QC G9P 5H9	731817108	0.00	0.00	74,505.00	6
Canada Revenue Agency	Shawinigan – Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd. Shawinigan QC G9P 5H9	000681946350	36,156.62	0.00	0.00	6
Canada Revenue Agency c/o R. Kamin	32 Church St. St. Catharines ON L2R 3B9		1.00	0.00	0.00	6
Canadian Tire Bank - Mastercard	P.O. Box 4653, Station :A: Toronto ON M5W 5G4	5259950785992101	17,631.85	0.00	0.00	4
Capmor Financial Services Corporation - in Trust	5575 North Service Rd., Suite 401 Burlington ON L7L 6M1		1.00	0.00	0.00	3
CIBC c/o Common Collection Agency	5900 Finch Ave. E., Suite 200A Scarborough ON M1B 5P8	9570034662	6,204.00	0.00	0.00	4
CIBC c/o Metropolitan Credit Adjusters	E300 6860 Century Ave. Mississauga ON L5N 2V8	4504400022331420	18,668.00	0.00	0.00	4
CWB National Leasing Inc. c/o CGI Credit Guard Inc.	2425 Matheson Blvd. E., Suite 800 Mississauga ON L4W 5K4	File No. 48297	7,174.27	0.00	0.00	9
Essex Capital Leasing Corp.	3280 Devon Dr. Windsor ON N8X 4L4		1.00	0.00	0.00	9
Evolocity Financial Group Attn: Christopher Lawrence	20 Valleywood Dr. Markham ON L3R 5E5		1.00	0.00	0.00	3
Excel Leasing Inc.	302 - 460 Main St. Winnipeg MB R3B 1B6		1.00	0.00	0.00	9
Federated Cash LLC	975 W41st St, Suite 406 Miami Beach, FL 33149 USA		1.00	0.00	0.00	
ICapital Attn: Domenic Sgambelluri	91 Skyway Avenue, Suite 103 Toronto ON M9W 6R5		1.00	0.00	0.00	3



31-Jan-2019

Date

FEB 04 / 19





Mark Angelo Spadafora
Bankrupt

District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
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FORM 79 -- Continued

LIABILITIES						
Creditor	Address including postal code	Account No.	Amount of debt			Enter LTC
			Unsecured	Secured	Preferred	
Indcom Leasing Inc.	5061 Ure St. Oldcastle ON N0R 1L0		1.00	0.00	0.00	9
LBC Capital Inc.	5035 South Service Rd., PO Box 5080 Burlington ON L7R 4C8		1,888,758.20	0.00	0.00	3
Lendified Inc.	330 Bay St., Suite 306 Toronto ON M5H 2S8		1.00	0.00	0.00	3
Merchant Advance Capital Ltd.	2000 - 1500 West Georgia St. Vancouver BC V6G 2Z6		1.00	0.00	0.00	3
Meridian Credit Union c/o CRM Uplevel	P.O. Box Station Main Stratford ON N5A 6S8	1261901	22,511.00	0.00	0.00	3
National Leasing Group Inc.	1525 Buffalo Place Winnipeg MB R3T 1L9		1.00	0.00	0.00	9
Niagara West c/o Lenczner Slaght Attn: Mark Veneziano	130 Adelaide St. W., Suite 2600 Toronto ON M5H 3P5	#47428, CV-16-5545 69	1.00	0.00	0.00	2
Recipe Unlimited Corporation Attn: Jennifer Pocock	199 Four Valley Drive Vaughan ON L4K 0B8		1.00	0.00	0.00	9
Silver Chef Rentals Inc. c/o Chaitons LLP Attn: Maya Poliak	5000 Yonge St., 10th Floor North York ON M2N 7E9		1.00	0.00	0.00	9
Toronto Dominion Bank c/o Harrison Pensa LLP Attn: Tom Masterson	450 Talbot St., PO Box 3237 London ON N6A 4K3	#167887, Court 2861-16	1.00	0.00	0.00	2
	TOTAL	Unsecured	1,997,121.94			
	TOTAL	Secured		0.00		
	TOTAL	Preferred			495,335.00	
	TOTAL				2,492,456.94	



~~31-Jan-2019~~ FEB 04/19
Date


Mark Angelo Spadafora
Bankrupt

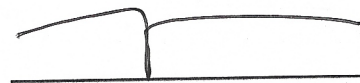
District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
Estate No. 32-2464621

FORM 79 -- Continued

INFORMATION RELATING TO THE AFFAIRS OF THE BANKRUPT			
A. PERSONAL DATA			
1. Family name: Spadafora	Given names: Mark Angelo Gender: Male	Date of birth: YYYY / MM / DD 1981/05/11	
2. Also known as:			
3. Complete address, including postal code: 7617 Drummond Road Niagara Falls ON L2G 0G9			
4. Marital status: (Specify month and year of event if it occurred in the last five years)		Married April 2015	
5. Full name of spouse or common-law partner: Sarah Spadafora			
6. Name of present employer:		Occupation:	
7A. Number of persons in household family unit, including bankrupt:		4	
7B. Number of persons 17 years of age or less:		2	
8. Have you operated a business within the last five years?		Yes	
Business Name	Business Type	From	To
2534912 Ontario Inc.	Restaurant	01-Nov-2016	16-Jan-2019
2499874 Ontario Inc.	Restaurant	01-Apr-2016	16-Jan-2019
2481368 Ontario Inc.	Restaurant	01-Nov-2015	16-Jan-2019
570230 Ontario Inc.	Restaurant	01-Oct-2015	16-Jan-2019
2481382 Ontario Inc.	Restaurant	01-Oct-2015	16-Jan-2019
B. WITHIN THE 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
9A. Sold or disposed of any of your property?	No		
9B. Made payments in excess of the regular payments to creditors?	No		
9C. Had any property seized by a creditor?	No		
C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN CANADA OR ELSEWHERE:			
10A. Sold or disposed of any property?	Yes		
10B. Made any gifts to relatives or others in excess of \$500?	No		
D. BUDGET INFORMATION: Attach Form 65 to this Form.			
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?		No	
11B. Have you ever been bankrupt before in Canada?		No	
12. Do you expect to receive any sums of money which are not related to your normal income, or any other property within the next 12 months? No			
13. If you answered Yes to any of questions 9, 10 and 12, provide details:			
10A:			


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Date



Mark Angelo Spadafora
Bankrupt

District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
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FORM 79 -- Continued

Sold rental property at 4727 Jepson Street, Niagara Falls, Ontario approximately two years ago. Most of the proceeds were paid to lenders.

14. Give reasons for your financial difficulties:
Business Debts

I, Mark Angelo Spadafora of the City of Niagara Falls in the Province of Ontario, do swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the ~~01st day of January 2019~~ **4th DAY OF FEB. 2019** and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the Bankruptcy and Insolvency Act.

SWORN (or SOLEMNLY DECLARED)

before me at the City of Niagara Falls in the Province of Ontario, on this ~~31st day of January 2019~~ **4th day of February, 2019**



SANDRA LA SELVA
Barrister, Solicitor, and Notary Public
28 Lake Street
St. Catharines, ON L2R 5W8
905-321-2427




~~31-Jan-2019~~ **FEB 4/19**
Date


Mark Angelo Spadafora
Bankrupt

District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
Estate No. 32-2464621

FORM 79 -- Concluded

List "H" - Business Assets
Property

FULL STATEMENT OF PROPERTY

Nature of Property	Location	Details of property	Original cost	Estimated to produce
(a) Stock-in-trade			0.00	0.00
(b) Trade fixtures, etc.			0.00	0.00
(c) Cash in financial institutions			0.00	0.00
(d) Cash on hand			0.00	0.00
(e) Livestock			0.00	0.00
(f) Machinery, equipment and plant			0.00	0.00
(g) Furniture			0.00	0.00
(h) Life insurance policies, RRSPs, etc.			0.00	0.00
(i) Securities			0.00	0.00
(j) Interests under wills, etc.			0.00	0.00
(k) Vehicles			0.00	0.00
(l) Taxes			0.00	0.00
(m) Other		100% of shares of 570230 Ontario Inc.	0.00	1.00
		100% of shares of 2499874 Ontario Inc.	0.00	1.00
		100% of shares of 2481382 Ontario Inc.	0.00	1.00
		100% of shares of 2534912 Ontario Inc.	0.00	1.00
		100% of shares of 2499874 Ontario Inc.	0.00	1.00
			Total:	5.00



31-Jan-2019

Date

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Mark Angelo Spadafora
Bankrupt

District of Ontario
Division No. 07 - Hamilton
Court No. 32-2464621
Estate No. 32-2464621

- FORM 65 -

Monthly Income and Expense Statement of the Bankrupt and the Family Unit
and Information (or Amended Information) Concerning
the Financial Situation of the Individual Bankrupt
(Section 68 and Subsection 102(3) of the Act; Rule 105(4))

☒ Original

☐ Amended

In the matter of the bankruptcy of
Mark Angelo Spadafora
of the City of Niagara Falls, in the Province of Ontario

Information concerning the monthly income and expense statement of the bankrupt and the family unit, the financial situation of the bankrupt and the bankrupt's obligation to make payments required under section 68 of the Act to the estate of the bankrupt are as follows:

MONTHLY INCOME	Bankrupt	Other Members of the family unit	Total
Net employment income	0.00		
Net pension/Annuities	0.00		
Net child support	0.00		
Net spousal support	0.00		
Net employment insurance benefits	0.00		
Net social assistance	0.00		
Self-employment income			
Gross 0.00 Net	0.00		
Child tax benefit	0.00		
Other net income	0.00		
	0.00		
TOTAL MONTHLY INCOME	0.00 (1)	3,500.00 (2)*	
TOTAL MONTHLY INCOME OF THE FAMILY UNIT ((1) + (2))			3,500.00 (3)
MONTHLY NON- DISCRETIONARY EXPENSES			
Child support payments	0.00		
Spousal support payments	0.00		
Child care	200.00		
Medical condition expenses	400.00		
Fines/penalties imposed by the Court	0.00		
Expenses as a condition of employment	0.00		
Debts where stay has been lifted	0.00		
Other expenses	0.00		
TOTAL MONTHLY NON-DISCRETIONARY EXPENSES	600.00 (4)	0.00 (5)	
TOTAL MONTHLY NON-DISCRETIONARY EXPENSES OF THE FAMILY UNIT ((4) + (5))			600.00 (6)
AVAILABLE MONTHLY INCOME OF THE BANKRUPT ((1) - (4))	-600.00 (7)		
AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT ((3) - (6))			2,900.00 (8)
BANKRUPT'S PORTION OF THE AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT			0.00 % (9)

MONTHLY DISCRETIONARY EXPENSES: (Family unit)

Housing expenses

Rent/mortgage/hypothec.	1,850.00
Property taxes/condo fees.	450.00
Heating/gas/oil.	150.00
Telephone.	50.00
Cable.	150.00
Hydro.	250.00
Water.	200.00
Furniture.	0.00
Other.	0.00

Personal expenses

Smoking.	0.00
Alcohol.	50.00
Dining/lunches/restaurants.	500.00
Entertainment/sports.	500.00
Gifts/charitable donations.	100.00
Allowances.	50.00
Other.	0.00

Non-recoverable medical expenses

Prescriptions.	200.00
Dental.	500.00
Other.	0.00

Living expenses

Food/grocery.	1,000.00
Laundry/dry cleaning.	100.00
Grooming/toiletries.	400.00
Clothing.	500.00
Other.	0.00

Transportation expenses

Car lease/payments.	1,500.00
Repair/maintenance/gas.	700.00
Public transportation.	0.00
Other.	0.00

Insurance expenses

Vehicle.	450.00
House.	180.00
Furniture/contents.	0.00
Life insurance.	260.00
Other.	0.00

Payments

Payments to the estate.	0.00
To secured creditor.	0.00
(Other than mortgage and vehicle).	0.00
Other.	0.00

TOTAL MONTHLY DISCRETIONARY EXPENSES (FAMILY UNIT) 10,090.00 (10)

MONTHLY SURPLUS OR (DEFICIT) FAMILY UNIT ((8) - (10)) -7,190.00 (11)

Information (or Amended Information) Concerning the Financial Situation of the Individual Bankrupt

Payments to the estate as per agreement

Number of persons in household family unit, including bankrupt: 4

Total amount bankrupt has agreed to pay monthly. 0.00 (12)

Amount bankrupt has agreed to pay monthly to repurchase assets. 0.00 (13)

Residual amount paid into the estate ((12) - (13)). 0.00 (14)

Payments required by Directive No. 11R2 (Surplus Income)

Monthly amount required by Directive No. 11R2 (Surplus Income) based on percentage established on line (9). 0.00 (15)

Difference between amounts at lines (14) and (15). 0.00 (16)

Dated at the City of Toronto in the Province of Ontario, this 31st day of January 2019

KSV Kofman Inc. - Licensed Insolvency Trustee

Per:

David Sieradzki - Licensed Insolvency Trustee
150 King Street West, Suite 2308
Toronto ON M5H 1J9
Phone: (416) 932-6022 Fax: (416) 932-6266

Mark Angelo Spadafora



Bankruptcy and Insolvency Act (“Act”)

Proof of Claim

(Section 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 Act)

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

Bankruptcy and Insolvency Act ("Act")

Proof of Claim

(Section 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 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.)
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 _____, this _____ day of _____, _____

Witness

Creditor

NOTE:

WARNINGS:

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

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 PROOF 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;
- Provide the complete address where all notices or correspondence are to be forwarded;
- The amount of the statement of account must correspond to the amount indicated on the proof of claim.

Notes:

- It is permissible to file a proof of claim by fax.
- A creditor may vote either in person or by proxy at any meeting of creditors if the proof of claim is filed with the trustee prior to the time appointed for the meeting.
- A quorum at any meeting of creditors consists of at least one creditor with a valid proof of claim in attendance in person or by proxy.
- A corporation may vote through an authorized agent or mandatary at meetings of creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.
- A creditor who is participating in any distribution from an estate must have filed a proof of claim prior to the distribution being declared.
- In the case of an individual bankrupt, by checking the appropriate box or boxes at the bottom of the proof of claim form, you may request that the trustee advise you of any material change in the financial situation of the bankrupt or the amount the bankrupt is required to pay into the bankruptcy, and a copy of the trustee's report on the discharge of the bankrupt.

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 amount owing must be set out in paragraph 3.
- 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

- **Paragraph A** applies to *ordinary unsecured claims*. In addition to recording the amount of the claim, please indicate whether the claim has a priority pursuant to Section 136 of the Act.
- **Paragraph B** applies to lessor claims in a commercial proposal. Please ensure that the claim applies to a commercial proposal and, if so, include the full particulars of the claim.
- **Paragraph C** applies to *secured claims*. Please indicate the dollar value of the security and attach copies of the security document. In addition, please attach copies of the security registration documents, where appropriate.
- **Paragraph D** applies to *inventory claims of farmers, fishermen and aquaculturists*. Please note that such claims apply only to inventory supplied from farmers, fishermen and aquaculturists within 15 (fifteen) days of the date of bankruptcy. In addition, please attach copies of any applicable sales agreements and delivery slips.
- **Paragraph E** applies to *claims by wage earners*. Please note that such claims apply only for unpaid wages owed upon the bankruptcy of an employer or when the employer becomes subject to a receivership.
- **Paragraph F** applies to *claims by employees for unpaid amounts regarding pension plans*. Please note that such claims apply only to unremitted pension contributions outstanding when the sponsoring employer becomes bankrupt or is subject to a receivership.
- **Paragraph G** applies to *claims against directors*. Please note that such claims apply only to directors of corporations that have filed a commercial proposal to creditors that includes a compromise of statutory claims against directors.
- **Paragraph H** applies to *claims of customers of a bankrupt securities firm*. Please ensure that the claim of the customer is for net equity and, if so, include the full particulars of the claim, including the calculations upon which the claim is based.

Paragraph 5

- All claimants must indicate whether or not they are related to the debtor, as defined in Section 4 of the Act, or dealt with the debtor in a non-arm's-length manner.

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 initial bankruptcy event (including 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 initial bankruptcy event (including the bankruptcy or the proposal), in the case where the claimant and the debtor were not dealing at arm's length.

APPOINTING PROXY

Note: The Act permits a proof of claim to be made by a duly authorized representative of a creditor but, in the absence of a properly executed proxy, does not give such an individual the power to vote at the first meeting of creditors nor to act as the proxyholder of the creditors.

General

- In order for duly authorized persons to have a right to vote, they must themselves be creditors or be the holders of a properly executed proxy. The name of the creditor must appear in the proxy.

Notes:

- A creditor may vote either in person or by proxyholder.
- A proxy may be filed at any time prior to a vote at a meeting of creditors.
- A proxy can be filed with the trustee in person, by mail or by any form of telecommunication.
- A proxy does not have to be under the seal of a corporation unless required by its incorporating documents or its bylaws.
- The individual designated in a proxy cannot be substituted unless the proxy provides for a power of substitution.
- Bankrupts/debtors may not be appointed as proxyholders to vote at any meeting of their creditors.
- The trustee may be appointed as a proxyholder for any creditor.
- A corporation cannot be designated as a proxyholder.