

CANADA  
DISTRICT OF NEWFOUNDLAND AND LABRADOR

DIVISION NO.: 01 – NEWFOUNDLAND AND LABRADOR  
COURT NO.: 21222  
ESTATE NO. : 51-2233571

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

**AVIS DE FAILLITE ET DE LA  
PREMIÈRE ASSEMBLÉE DES CRÉANCIERS**  
(Paragraphe 102(1) de la Loi)

**IN THE MATTER OF BANKRUPTCY OF:**

**DANS L'AFFAIRE DE LA FAILLITE DE :**

**10804 NEWFOUNDLAND LTD.**

5 Hallett Crescent, St-John's NL A1B 4C4

Take **NOTICE** that:

1. **10804 NEWFOUNDLAND LTD.** is deemed bankrupt pursuant to the non-filing of cash flow statement as of the 10<sup>th</sup> day of April 2017, and that the undersigned, **MNP LTD.**, was appointed as trustee of the estate of the bankrupt by the official receiver, subject to the affirmation by the creditors of the trustee's appointment or the substitution of another trustee by the creditors.
2. The first meeting of creditors will be held on the **1<sup>st</sup> day of May, 2017 at 2:00 P.M.** at the meeting room of Fairfield Inn & Suites by Marriott at **199 Kenmount Road, St. John's, NL.**
3. To be entitled to vote at the meeting, a creditor must lodge with the trustee, prior to the meeting, a proof of claim and, where necessary, a proxy.
4. Enclosed with this notice is a proof of claim form, proxy form and list of creditors with claims amounting to \$25 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.

**AVIS** est donné de ce qui suit :

1. **10804 NEWFOUNDLAND LTD.** est réputée avoir fait cession de ses biens suite au non dépôt d'un état de l'évolution de l'encaisse le 10<sup>e</sup> jour d'avril 2017, et que la soussignée, **MNP LTÉE**, a été nommée syndic de l'actif de la débitrice par le séquestre officiel, sous réserve de la confirmation par les créanciers de sa nomination ou sous réserve de la nomination par ceux-ci d'un syndic de remplacement.
2. La première assemblée des créanciers sera tenue le **1<sup>er</sup> jour de mai 2017, à 14h00**, à la salle de réunion de Fairfield Inn & Suites par Marriott au **199, Kenmount Road, St-Jean de Terre-Neuve, T.-N.-L.**
3. Pour avoir le droit de voter à l'assemblée, chaque créancier doit déposer à mon attention, une preuve de réclamation et, au besoin, une procuration.
4. Sont joints au présent avis un formulaire de preuve de réclamation, un formulaire de procuration générale et une liste des créanciers dont les réclamations se chiffrent à 25 \$ ou plus ainsi que le montant de leurs réclamations.
5. Les créanciers doivent prouver leurs réclamations à l'égard de l'actif de la personne faillie pour avoir droit de partage dans la distribution des montants réalisés provenant de l'actif.

**DATED AT Mount Pearl**, this 18<sup>th</sup> day of April 2017.

**DATÉ À Mount Pearl**, ce 18<sup>e</sup> jour d'avril 2017.

**MNP LTD.**

Gregory Steven Gosse, FCPA-FCMA, CIRP, LIT  
Senior Manager / Directeur principal



District of: Newfoundland and Labrador  
 Division No. 01 - Newfoundland and Lab  
 Court No. 21222  
 Estate No. 51-2233571

Original

Amended

\_Form 78\_  
 Statement of Affairs (Business Bankruptcy) made by an entity  
 (Subsection 49(2) and Paragraph 158(d) of the Act / Subsections 50(2) and 62(1) of the Act)

In the matter of the proposal of  
 10804 Newfoundland Limited  
 of the City of St. John's, in the Province of Newfoundland and Labrador

To the bankrupt:

You are required to carefully and accurately complete this form and the applicable attachments showing the state of your affairs on the date of the bankruptcy, on the 10th day of April 2017. When completed, this form and the applicable attachments will constitute the Statement of Affairs and must be verified by oath or solemn declaration.

LIABILITIES (as stated and estimated by the officer)		ASSETS (as stated and estimated by the officer)	
1. Unsecured creditors as per list "A" .....	6,595,877.46	1. Inventory .....	0.00
Balance of secured claims as per list "B" .....	863,300.00	2. Trade fixtures, etc. ....	0.00
Total unsecured creditors .....	7,459,177.46	3. Accounts receivable and other receivables, as per list "E"	
2. Secured creditors as per list "B" .....	7,220,412.13	Good .....	18,992.00
3. Preferred creditors as per list "C" .....	0.00	Doubtful .....	38,461.59
4. Contingent, trust claims or other liabilities as per list "D" estimated to be reclaimable for .....	0.00	Bad .....	0.00
Total liabilities .....	14,679,589.59	Estimated to produce .....	18,992.00
Surplus .....	NIL	4. Bills of exchange, promissory note, etc., as per list "F" ...	0.00
		5. Deposits in financial institutions .....	0.00
		6. Cash .....	0.00
		7. Livestock .....	0.00
		8. Machinery, equipment and plant .....	0.00
		9. Real property or immovable as per list "G" .....	8,169,900.00
		10. Furniture .....	0.00
		11. RRSPs, RRIFs, life insurance, etc. ....	0.00
		12. Securities (shares, bonds, debentures, etc.) .....	0.00
		13. Interests under wills .....	0.00
		14. Vehicles .....	0.00
		15. Other property, as per list "H" .....	0.00
		If bankrupt is a corporation, add:	
		Amount of subscribed capital .....	0.00
		Amount paid on capital .....	0.00
		Balance subscribed and unpaid .....	0.00
		Estimated to produce .....	0.00
		Total assets .....	8,188,892.00
		Deficiency .....	6,490,697.59

I, Craig Williams, of the City of St. John's in the Province of Newfoundland and Labrador, do swear (or solemnly declare) that this statement and the attached lists are to the best of my knowledge, a full, true and complete statement of my affairs on the 18th day of April 2017 and fully disclose all property of every description that is in my possession or that may devolve on me in accordance with the Act.

SWORN (or SOLEMNLY DECLARED)

before me at the City of St. John's in the Province of Newfoundland and Labrador, on this 18th day of April 2017.

Craig Williams

District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "A"  
 Unsecured Creditors

10804 Newfoundland Limited

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
1	75275 NL Ltd.	5 Hallett Crescent St. John's NL A1B 4C4	1,104,448.28	0.00	1,104,448.28
2	Baraco-Atlantic Corp.	5 Hallett Crescent St. John's NL A1B 4C4	439,574.71	0.00	439,574.71
3	BMO Mastercard	Account Management Centre, PO Box 3100 Streetsville ON L5M 0S1	26,697.97	0.00	26,697.97
4	Buddens Bumper to Bumper Car Care	14 Hallett Crescent St. John's NL A1B 4C5	100.57	0.00	100.57
5	Business Development Bank of Canada Attn: Robert Prince	770 Main Street, 4th Floor Moncton NB E1C 1E7	0.00	863,300.00	863,300.00
6	City of St. John's	10 New Gower Street, PO Box 908 St. John's NL A1C 5M2	634.24	0.00	634.24
7	City of St. John's	10 New Gower Street, PO Box 908 St. John's NL A1C 5M2	102,604.80	0.00	102,604.80
8	Dynamic Engineering Ltd.	62 Campbell Avenue St. John's NL A1E 2Z6	2,028.35	0.00	2,028.35
9	Ford Credit Canada Leasing Company	PO Box 2400 Edmonton AB T5J 5C7	4,429.14	0.00	4,429.14
10	Greenmark Construction Ltd.	5 Hallett Crescent St. John's NL A1B 4C4	718,720.85	0.00	718,720.85
11	Kent (St. John's)	10 Stavanger Dr. St. John's NL A1A 5E8	1.00	0.00	1.00
12	MAE Design Limited	615 Conception Bay Hwy, 2nd Floor, PO Box 17162, Stn. Kelligrews CBS NL A1X 3H1	362.73	0.00	362.73
13	Newfoundland Power Inc.	PO Box 8910 St. John's NL A1B 3P6	8,622.11	0.00	8,622.11
14	Rentokil	51 Duke Street Bedford NS B4A 2Z2	197.12	0.00	197.12
15	Skymark Contracting Ltd.	5 Hallett Crescent St. John's NL A1B 4C4	4,125,207.52	0.00	4,125,207.52
16	Stantec Consulting Ltd	c/o Lockbox 310260, PO Box 578, Stn. M Calgary AB T2P 2J2	9,574.68	0.00	9,574.68
17	TD Visa Attn: Mike Blaesing 4520737001384049	1791 Barrington St, #300 Halifax NS B3J 3K9	36,982.53	0.00	36,982.53
18	Town of Conception Bay South	11 Remembrance Square, PO Box 14040 Stn. Manuals CBS NL A1W 3J1	1,215.50	0.00	1,215.50
19	Town of Logy Bay-Middle Cove-Outer	744 Logy Bay Road Logy Bay NL A1K 3B5	391.33	0.00	391.33
20	Town of Torbay	PO Box 1160, 1288 Torbay Road Torbay NL A1K 1K4	14,084.03	0.00	14,084.03
<b>Total:</b>			<b>6,595,877.46</b>	<b>863,300.00</b>	<b>7,459,177.46</b>

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "B"  
 Secured Creditors

10804 Newfoundland Limited

No.	Name of creditor	Address	Amount of claim	Particulars of security	When given	Estimated value of security	Estimated surplus from security	Balance of claim
1	BMO Bank of Montreal Attn: Anna Graham	5151 George Street, 5th Floor Halifax NS B3J 3C4	1,910,321.20	Real Property or Immovable - Building and Land - . - Pine River Valley - Phase I		1,910,321.20	89,678.80	
2	BMO Bank of Montreal Attn: Anna Graham	5151 George Street, 5th Floor Halifax NS B3J 3C4	749,915.21	Real Property or Immovable - Building and Land - . - Pineridge Creek - Phase IV		749,915.21	50,084.79	
3	BMO Bank of Montreal Attn: Anna Graham	5151 George Street, 5th Floor Halifax NS B3J 3C4	630,420.72	Real Property or Immovable - Building and Land - . - 952-980 Torbay Road Real Property or Immovable - Building and Land - . - 912-924 Torbay Road Real Property or Immovable - Building and Land - . - 451-457 Pine Line Real Property or Immovable - Building and Land - . - 246 Pine Line		290,420.72 195,000.00 75,000.00 70,000.00		
4	Business Development Bank of Canada Attn: Robert Prince	770 Main Street, 4th Floor Moncton NB E1C 1E7	3,863,300.00	Real Property or Immovable - Building and Land - . - 5 Hallett		3,000,000.00		863,300.00
5	Moscowitz Capital Attn: Brian J. Moskowitz	2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6	929,755.00	Real Property or Immovable - Building and Land - . - Pine River Valley - Phase II Real Property or Immovable - Building and Land - . - 947-965 Torbay Road Real Property or Immovable - Building and Land - . - 16, 20 Tilley's Road Real Property or Immovable - Building and Land - . - 952-980 Torbay Road Real Property or Immovable - Building and Land - . - 451-457 Pine Line Real Property or Immovable - Building and Land - . - 912-924 Torbay Road Real Property or Immovable - Building and Land - . - 246 Pine Line		662,755.00 187,000.00 80,000.00 0.00 0.00 0.00 0.00	37,245.00 529,579.28	
<b>Total:</b>			<b>8,083,712.13</b>			<b>7,220,412.13</b>	<b>706,587.87</b>	<b>863,300.00</b>

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
Division No. 01 -  
Court No. 21222  
Estate No. 51-2233571

FORM 78 -- Continued

List "C"  
Preferred Creditors for Wages, Rent, etc.

10804 Newfoundland Limited

No.	Name of creditor	Address and occupation	Nature of claim	Period during which claim accrued	Amount of claim	Amount payable in full	Difference ranking for dividend
Total:					0.00	0.00	0.00

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
Division No. 01 -  
Court No. 21222  
Estate No. 51-2233571

FORM 78 -- Continued

List "D"  
Contingent or Other Liabilities

10804 Newfoundland Limited

No.	Name of creditor or claimant	Address and occupation	Amount of liability or claim	Amount expected to rank for dividend	Date when liability incurred	Nature of liability
Total:			0.00	0.00		

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "E"  
 Debts Due to the Bankrupt  
 10804 Newfoundland Limited

No.	Name of debtor	Address and occupation	Nature of debt	Amount of debt (good, doubtful, bad)	Folio of ledgers or other book where particulars to be found	When contracted	Estimated to produce	Particulars of any securities held for debt
1	Accounts Receivable	.	Accounts receivable	5,000.00 22,469.59 0.00		19-Jan-2015	5,000.00	n/a
2	Refundable Deposits	.	Other Receivables	13,992.00 15,992.00 0.00		01-Oct-2013	13,992.00	n/a
Total:				18,992.00 38,461.59 0.00			18,992.00	

18-Apr-2017

Date

Craig Williams



District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "F"

Bills of Exchange, Promissory Notes, Lien Notes, Chattel  
 Mortgages, etc., Available as Assets

10804 Newfoundland Limited

No.	Name of all promissory, acceptors, endorsers, mortgagors, and guarantors	Address	Occupation	Amount of bill or note, etc.	Date when due	Estimated to produce	Particulars of any property held as security for payment of bill or note, etc.
<b>Total:</b>				0.00		0.00	

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "G"  
 Real Property or Immovables Owned by Bankrupt

10804 Newfoundland Limited

Description of property	Nature of bankrupt interest	In whose name does title stand	Total value	Particulars of mortgages, hypothecs, or other encumbrances (name, address, amount)	Equity or surplus
Building and Land - . - 16, 20 Tilleys Road	Unknown	10804 Newfoundland Ltd.	80,000.00	Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	0.00
Building and Land - . - 246 Pine Line	Unknown	10804 Newfoundland Ltd.	70,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 630,420.72 Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	0.00
Building and Land - . - 30-48 Wind Gap Rd.	100% Interest	10804 Newfoundland Ltd.	50,000.00		50,000.00
Building and Land - . - 451-457 Pine Line	Unknown	10804 Newfoundland Ltd.	75,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 630,420.72 Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	0.00
Building and Land - . - 5 Hallett	Unknown	10804 Newfoundland Ltd.	3,000,000.00	Business Development Bank of Canada 770 Main Street, 4th Floor Moncton NB E1C 1E7 3,863,300.00	0.00
Building and Land - . - 912-924 Torbay Road	Unknown	10804 Newfoundland Ltd.	195,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 630,420.72 Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	0.00
Building and Land - . - 947-965 Torbay Road	Unknown	10804 Newfoundland Ltd.	187,000.00	Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	0.00
Building and Land - . - 952-980 Torbay Road	Unknown	10804 Newfoundland Ltd.	820,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 630,420.72 Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	529,579.28

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
 Division No. 01 -  
 Court No. 21222  
 Estate No. 51-2233571

FORM 78 -- Continued

List "G"  
 Real Property or Immovables Owned by Bankrupt

10804 Newfoundland Limited

Description of property	Nature of bankrupt interest	In whose name does title stand	Total value	Particulars of mortgages, hypothecs, or other encumbrances (name, address, amount)	Equity or surplus
Building and Land - . - Cape Broyle	Unknown	10804 Newfoundland Ltd.	79,900.00		79,900.00
Building and Land - . - Pine River Valley - Phase I	Unknown	10804 Newfoundland Ltd.	2,000,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 1,910,321.20	89,678.80
Building and Land - . - Pine River Valley - Phase II	Unknown	10804 Newfoundland Ltd.	700,000.00	Moscowitz Capital 2200 Yonge Str., Suite 1002 Toronto ON M4S 2C6 929,755.00	37,245.00
Building and Land - . - Pineridge Creek - Phase IV	Unknown	10804 Newfoundland Ltd.	800,000.00	BMO Bank of Montreal 5151 George Street, 5th Floor Halifax NS B3J 3C4 749,915.21	50,084.79
Building and Land - . - Pineridge Creek - Phase V.	Unknown	10804 Newfoundland Ltd.	113,000.00		113,000.00
<b>Total:</b>			<b>8,169,900.00</b>		<b>949,487.87</b>

18-Apr-2017

Date

Craig Williams

District of: Newfoundland and Labrador  
Division No. 01 -  
Court No. 21222  
Estate No. 51-2233571

FORM 78 -- Concluded

List "H"  
Property

10804 Newfoundland Limited  
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
			<b>Total:</b>	<b>0.00</b>

18-Apr-2017

Date

Craig Williams



**MNP LTD**  
 860 Topsail Road  
 Mount Pearl, NL A1B 3J7  
 Telephone: 709 383-1502  
 Facsimile: 709-700-1820  
[Atlantic.poc@mnp.ca](mailto:Atlantic.poc@mnp.ca)

**PROOF OF CLAIM**

(Sections 50.1, 81.5, 81.6, subsections 65.2(4) 81.2(1), 81.3(8), 81.4(8), 102(2), 124(2) and 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:

\_\_\_\_\_

\_\_\_\_\_

In the matter of the Bankruptcy of **10804 Newfoundland Ltd.**, in the city of St. John's, Province of Newfoundland and Labrador, 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 or representative of the creditor)).
2. That I have knowledge of all of the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of bankruptcy, **namely April 10, 2017**, 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. ("Ordinary creditor")

Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under section 136 of the Act. ("Preferred creditor")  
 (Provide on an attached sheet details to support priority claims.)

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 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 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.)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Witness (signature)

\_\_\_\_\_  
 Creditor (signature)

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email address: \_\_\_\_\_

NOTES: 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.

**PROXY**

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

In the matter of bankruptcy of **10804 Newfoundland Ltd.**

I, \_\_\_\_\_, of \_\_\_\_\_,  
 (name of creditor) (name of town or city)

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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Witness

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

\_\_\_\_\_  
 Witness

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

### PREUVE DE RÉCLAMATION

(articles 50.1, 81.5 et 81.6, paragraphes 65.2(4) 81.2(1), 81.3(8), 81.4(8), 102(2), 124(2) et 128(1) et alinéas 51(1)(e) et 66.14(b) de la Loi)

Expédier tout avis ou toute correspondance concernant la présente réclamation à l'adresse suivante :

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Dans l'affaire de la faillite de **10804 Newfoundland Ltd.**, de la ville de St-Jean de Terre-Neuve, province de Terre-Neuve et Labrador, et de la réclamation de : \_\_\_\_\_, créancier. Je soussigné, \_\_\_\_\_ (nom du créancier ou du représentant du créancier), de \_\_\_\_\_ (ville et province), certifie ce qui suit :

1. Je suis le créancier du débiteur susnommé (ou je suis \_\_\_\_\_ (préciser le poste ou la fonction) de \_\_\_\_\_ (nom du créancier ou de son représentant)).
2. Je suis au courant de toutes les circonstances entourant la réclamation visée par le présent formulaire.
3. Le débiteur était, à la date de la faillite, **soit le 10 avril 2017**, endetté envers le créancier et l'est toujours, pour la somme de \_\_\_\_\_ \$, comme l'indique l'état de compte (ou l'affidavit) ci-annexé et désigné comme l'annexe A, après déduction du montant de toute créance compensatoire à laquelle le débiteur a droit. (L'état de compte ou l'affidavit annexé doit faire mention des pièces justificatives ou de toute autre preuve à l'appui de la réclamation.)

4. (Cochez la catégorie qui s'applique et remplissez les parties requises.)

A. RÉCLAMATION NON GARANTIE AU MONTANT DE \_\_\_\_\_ \$  
(autre qu'une réclamation d'un client visée par l'article 262 de la Loi)

En ce qui concerne cette créance, je ne détiens aucun avoir du débiteur à titre de garantie et :  
(Cochez ce qui s'applique.)

pour le montant de \_\_\_\_\_ \$, je ne revendique aucun droit à un rang prioritaire.  
(« Créancier ordinaire »)

pour le montant de \_\_\_\_\_ \$, je revendique le droit à un rang prioritaire en vertu de l'article 136 de la Loi.  
(« Créancier privilégié »)  
(Indiquez sur une feuille annexée les renseignements à l'appui de la réclamation prioritaire.)

B. RÉCLAMATION DU LOCATEUR SUITE À LA RÉSILIATION D'UN BAIL, AU MONTANT DE \_\_\_\_\_ \$

J'ai une réclamation en vertu du paragraphe 65.2(4) de la Loi, dont les détails sont mentionnés ci-après.  
(Donnez tous les détails de la réclamation, y compris les calculs s'y rapportant.)

C. RÉCLAMATION GARANTIE AU MONTANT DE \_\_\_\_\_ \$

En ce qui concerne la créance susmentionnée, je détiens des avoirs du débiteurs à titre de garantie, dont la valeur estimative s'élève à \_\_\_\_\_ \$ et dont les détails sont mentionnés ci-après :

(Donnez des renseignements complets au sujet de la garantie, y compris la date à laquelle elle a été donnée et la valeur que vous lui attribuez, et annexez une copie des documents relatifs à la garantie.)

D. RÉCLAMATION D'UN AGRICULTEUR, D'UN PÊCHEUR OU D'UN AQUICULTEUR AU MONTANT DE \_\_\_\_\_ \$

J'ai une réclamation en vertu du paragraphe 81.2(1) pour la somme impayée de \_\_\_\_\_ \$.  
(Veuillez joindre une copie de l'acte de vente et des reçus de livraison.)

FORMULAIRE 31 (suite)

- E. RÉCLAMATION D'UN SALARIÉ AU MONTANT DE \_\_\_\_\_ \$  
 J'ai une réclamation en vertu du paragraphe 81.3(8) DE LA Loi au montant de \_\_\_\_\_ \$.  
 J'ai une réclamation en vertu du paragraphe 81.4(8) DE LA Loi au montant de \_\_\_\_\_ \$.

- F. RÉCLAMATION D'UN EMPLOYÉ RELATIVE AU RÉGIME DE PENSION AU MONTANT DE \_\_\_\_\_ \$  
 J'ai une réclamation en vertu du paragraphe 81.5 DE LA Loi au montant de \_\_\_\_\_ \$.  
 J'ai une réclamation en vertu du paragraphe 81.6 DE LA Loi au montant de \_\_\_\_\_ \$.

- G. RÉCLAMATION CONTRE LES ADMINISTRATEURS AU MONTANT DE \_\_\_\_\_ \$  
(À remplir lorsque la proposition vise une transaction quant à une réclamation contre les administrateurs.

J'ai une réclamation en vertu du paragraphe 81.2(1) pour la somme impayée de \_\_\_\_\_ \$.  
(Donnez tous les détails de la réclamation, y compris les calculs s'y rapportant.)

- H. RÉCLAMATION D'UN CLIENT D'UN COURTIER EN VALEURS MOBILIÈRES FAILLI AU MONTANT DE \_\_\_\_\_ \$

J'ai une réclamation en TANT QUE CLIENT EN CONFORMITÉ AVEC L'ARTICLE 262 DE LA Loi pour des capitaux nets, dont les détails sont mentionnés ci-après :  
(Donnez tous les détails de la réclamation, y compris les calculs s'y rapportant.)

5. Au meilleur de ma connaissance, je suis lié (ou le créancier susnommé est lié) (ou je ne suis pas lié ou le créancier susnommé n'est pas lié) au débiteur selon l'article 4 de la Loi, et j'ai (ou le créancier susnommé a) (ou je n'ai pas ou le créancier susnommé n'a pas) un lien de dépendance avec le débiteur.
6. Les montants suivants constituent les paiements que j'ai reçus du débiteur, les crédits que j'ai attribués à celui-ci et les opérations sous-évaluées selon le paragraphe 2(1) de la Loi auxquelles j'ai contribué ou été partie intéressée au cours des trois mois (ou, si le créancier et le débiteur sont des « personnes liées » au sens du paragraphe 4(2) de la Loi ou ont un lien de dépendance, au cours des 12 mois) précédant immédiatement l'ouverture de la faillite, telle que définie au paragraphe 2(1) de la Loi. (Donnez les détails des paiements, des crédits et des opérations sous-évaluées.)

Daté le \_\_\_\_\_ à \_\_\_\_\_.

\_\_\_\_\_  
Témoïn (signature)

\_\_\_\_\_  
Créancier (signature)

Numéro de téléphone : \_\_\_\_\_

Numéro de télécopieur : \_\_\_\_\_

Adresse électronique : \_\_\_\_\_

REMARQUES : Si un affidavit est joint au présent formulaire, il doit avoir été fait devant une personne autorisée à recevoir des affidavits.

AVERTISSEMENTS : Le syndic peut, en vertu du paragraphe 128(3) de la Loi, racheter une garantie sur paiement au créancier garanti de la créance ou de la valeur de la garantie telle qu'elle a été fixée par le créancier garanti dans la preuve de garantie.

Le paragraphe 201(1) de la Loi prévoit l'imposition de peines sévères en cas de présentation de réclamations, de preuves, de déclarations ou d'états de compte qui sont faux.

**FORMULAIRE DE PROCURATION**

(paragraphe 102(2) et alinéas 51(1)e) et 66.15(3)b) de la Loi)

Dans l'affaire de la faillite de **10804 Newfoundland Ltd.**

Je, \_\_\_\_\_, de \_\_\_\_\_,  
(nom du créancier) (nom du village ou de la ville)

Créancier dans l'affaire susmentionnée, nomme \_\_\_\_\_ de \_\_\_\_\_

Mon fondé de pouvoir à tous égards dans l'affaire susmentionnée, sauf la réception de dividendes, celui-ci étant habilité à nommer un autre fondé de pouvoir à sa place (ou n'étant pas habilité à nommer un autre fondé de pouvoir à sa place).

Daté le \_\_\_\_\_ à \_\_\_\_\_

\_\_\_\_\_  
Témoïn

\_\_\_\_\_  
Créancier Personne morale

\_\_\_\_\_  
Témoïn

\_\_\_\_\_  
Nom et titre du signataire autorisé