

April 29, 2024

**To The Creditors of Symphony Condominium Ltd. (the “Company”)**

**Re: First Meeting of Creditors**

On April 25, 2024, the Company was assigned into bankruptcy and MNP Ltd. was appointed as the Licensed Insolvency Trustee (the “Trustee”) of the bankrupt estate subject to affirmation at the first meeting of creditors (the “FMOC”). The FMOC is being held on May 15, 2024, at 11:00 a.m.

The Trustee will maintain a website for these proceedings which will be updated to include notices, reports, and Court documents. The website can be found at: <https://mnpdebt.ca/en/corporate/corporate-engagements/symphony-condominium-ltd-bankruptcy>. In addition, attached for your information are the following documents:

1. Notice of bankruptcy and FMOC;
2. Statement of affairs;
3. Proof of claim/ proxy and related instructions.

It is not mandatory to attend the FMOC. Creditors can file proofs of claim with the Trustee's office electronically at the following email address: [Temitope.muraina@mnp.ca](mailto:Temitope.muraina@mnp.ca).

The FMOC will be convened only by Microsoft Teams. The link to join the FMOC is <https://tinyurl.com/symphonyFMOC> (Meeting ID: 242 608 010 462/ Passcode: eAVqzQ). Call in details are also provided below.

Should you wish to attend the FMOC via teleconference, please review the following procedures:

**Meeting Details**

1. Date: May 15, 2024
2. Time: 11:00 a.m. Mountain Time
3. Call in Details: (877) 252-9279
4. Conference Code: 553 601 443#

**Requirements Prior to FMOC**

1. Should you wish to file a proof of claim/ proxy prior to the FMOC, please do so not later than 12:00 p.m. Mountain Time on May 14, 2024, to permit reasonable time for review by the Trustee. The Trustee will use its best efforts to review and register proof of claim forms and proxies for the FMOC that are filed after this time.
2. Filing a proof of claim/ proxy and having it admitted by the Trustee prior to the FMOC permits creditors to vote at the FMOC. Matters that are typically voted upon at the FMOC include affirmation or substitution of the Trustee and the appointment of inspectors (creditor representatives).

3. Creditors filing a claim within a reasonable period after the convening of the FMOC will still be eligible to receive any dividends should funds become available for distribution to creditors. In this case, no funds are anticipated to be available for distribution to creditors.

### **Registration**

1. The Trustee will open the conference line 15 minutes in advance of the appointed meeting time. We encourage creditors to call in earlier than the appointed time to permit registration and attendance to be completed and to avoid a delay in proceeding with the FMOC.
2. Callers will be acknowledged on a “first come first served” basis and registration will include the following:
  - a) Identify yourself by the creditor number listed beside your name in the Form 78 statement of affairs, a copy of which is attached;
  - b) Identify any additional individuals attending with you;
  - c) Confirm the amount of your claim;
  - d) Confirm any proxies that you may hold for other creditors; and
  - e) Confirm whether you want your name to stand as a potential inspector to the estate (details of this role will be provided during the FMOC).

### **Procedure at the FMOC**

1. Please have your phone on mute unless you are speaking to prevent background noise that will interfere with properly conducting the FMOC.
2. The Trustee will act as Chair of the FMOC.
3. The Chair will call the FMOC to order and may need to immediately adjourn the meeting for a period of time to allow the registration process to be completed.
4. The Chair will reconvene the FMOC as soon as possible and resume with the agenda set for the FMOC.

If you have any questions, please contact Temitope Muraina directly at (403) 537-8393 or at [Temitope.muraina@mnp.ca](mailto:Temitope.muraina@mnp.ca).

**MNP Ltd.**

In its capacity as Licensed Insolvency Trustee  
In the Bankruptcy of Symphony Condominium Ltd.  
and not in its personal capacity



Per: Vanessa Allen, CIRP, LIT  
Senior Vice President

District of: Alberta  
Division No. 01 - Edmonton  
Court No. 24-116360  
Estate No. 24-116360

FORM 68  
Notice of Bankruptcy, First Meeting of Creditors  
(Subsection 102(1) of the Act)

Original  Amended

In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

Take notice that:

1. Symphony Condominium Ltd. filed (or was deemed to have filed) an assignment (or a bankruptcy order was made against Symphony Condominium Ltd.) on the 25th day of April 2024 and the undersigned, MNP Ltd., was appointed as trustee of the estate of the bankrupt by the official receiver (or the Court); subject to affirmation by the creditors of the trustee's appointment or substitution of another trustee by the creditors.
2. The first meeting of creditors of the bankrupt will be held on the 15th day of May 2024 at 11:00 AM via a virtual meeting through Microsoft Teams Meeting ID: 242 608 010 462, Passcode: eAVqzQ, Phone: (877) 252-9279, Phone conference ID: 553 601 443#.
3. To be entitled to vote at the meeting, a creditor must file with the trustee, before the meeting, a proof of claim and, where necessary, a proxy.
4. Enclosed with this notice are 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 to share in any distribution of the proceeds realized from the estate.

Dated at the city of Calgary in the Province of Alberta, this 29th day of April 2024.

MNP Ltd. - Licensed Insolvency Trustee  
Per:



---

Vanessa Allen - Licensed Insolvency Trustee  
2000, 112 - 4 Avenue SW  
Calgary AB T2P 0H3  
Phone: (403) 538-3187 Fax: (403) 537-8437

District of: Alberta  
 Division No. 01 - Edmonton  
 Court No.  
 Estate No.

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 Bankruptcy of  
 Symphony Condominium Ltd.  
 of the city of Edmonton, in the Province of Alberta

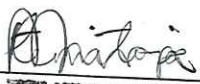
To the bankrupt:  
 You are required to carefully and accurately complete this form and the applicable attachments showing the state of your affairs on the date of the bankruptcy, on the 25th day of April 2024. When completed, this form and the applicable attachments will constitute the Statement of Affairs and must be verified by oath or solemn declaration.


LIABILITIES (as stated and estimated by the officer)	
1. Unsecured creditors as per list "A" .....	5,668,300.86
Balance of secured claims as per list "B" .....	2,366,497.41
Total unsecured creditors .....	8,034,798.27
2. Secured creditors as per list "B" .....	13,205,854.00
3. Preferred creditors as per list "C" .....	0.00
4. Contingent, trust claims or other liabilities as per list "D" estimated to be reclaimable for .....	0.00
Total liabilities .....	21,240,652.27
Surplus .....	NIL

ASSETS (as stated and estimated by the officer)	
1. Inventory .....	0.00
2. Trade fixtures, etc. ....	0.00
3. Accounts receivable and other receivables, as per list "E"	
Good .....	0.00
Doubtful .....	0.00
Bad .....	0.00
Estimated to produce .....	0.00
4. Bills of exchange, promissory note, etc., as per list "F" .....	0.00
5. Deposits in financial institutions .....	0.00
6. Cash .....	342,970.00
7. Livestock .....	0.00
8. Machinery, equipment and plant .....	0.00
9. Real property or immovable as per list "G" .....	12,734,309.00
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" .....	128,575.00
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 .....	13,205,854.00
Deficiency .....	8,034,798.27

I, MNP Ltd., in its capacity as Receiver and Manager of Symphony Condominium Ltd. and not in its personal capacity, of the city of Calgary in the Province of Alberta, 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 the affairs of the Corporation on the 25th day of April 2024 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 Calgary in the Province of Alberta, on this 25th day of April 2024.

  
**TEMITOPE MURAINA**  
 A Commissioner for Oaths  
 in and for the Province of Alberta  
 My Commission Expires February 13, 2026

  
 MNP Ltd., in its capacity as Receiver and  
 Manager of Symphony Condominium Ltd.  
 and not in its personal capacity

District of: Alberta  
 Division No. 01 - Edmonton  
 Court No.  
 Estate No.

FORM 78 – Continued

In the Matter of the Bankruptcy of  
 Symphony Condominium Ltd.  
 of the city of Edmonton, in the Province of Alberta

List "A"  
 Unsecured Creditors

Symphony Condominium Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
1	Alberta Infrastructure Attn: Shari Oko/ Sheldon Roth/ Richard Landry	Properties Division/Realty Services 3rd Floor, Infrastructure Building, 6950 113 Street Edmonton AB T6H 5V7	1.00	0.00	1.00
2	Alberta Treasury Board & Finance Attn: Hazel Trombley	9811 - 109 Street Edmonton AB T5K 2L5	2,213.08	0.00	2,213.08
3	Canada ICI Capital Corporation	3540 Manulife Place, 10180 - 101 Street Edmonton AB T5J 3S4	5,589,076.60	0.00	5,589,076.60
4	City of Edmonton Attn: Accounts Receivable	Municipal property taxes PO Box 2600 Edmonton AB T5J 5A1	1.00	0.00	1.00
5	CRA - Tax - Pacific	Insolvency Intake Centre Surrey National Verification and Collection Centre 9755 King George Blvd Surrey BC V3T 5E1	1.00	0.00	1.00
6	CRA - Tax - Prairies	GST/Payroll Surrey National Verification and Collection Centre 9755 King George Blvd Surrey BC V3T 5E1	64,898.18	0.00	64,898.18
7	Crowe MacKay LLP	2410 Manulife Place 10180 - 101 Street Edmonton AB T5J 3S4	1,155.00	0.00	1,155.00
8	Direct Energy Regulated Services Credit & Collections Centre Attn: Credit & Collections Centre	PO Box 1520 639-5 Avenue SW Calgary AB T2P 5R6	1.00	0.00	1.00
9	Epcor Attn: Roberta MacDonald	PO Box 500 Edmonton AB T5J 3Y3	1.00	0.00	1.00
10	First National GP Financial Corporation Attn: Christopher Sebben	800 5 Avenue SW Calgary AB T2P 3T6	1.00	0.00	1.00
11	HSBC Bank Canada	10250 101 Street Edmonton AB T5J 3P4	1.00	0.00	1.00
12	KDM Management Inc. Attn: Accounting	210, 150 Carleton Drive St. Albert AB T8N 6W2	1.00	0.00	1.00
13	Metergy Solutions Inc.	PO Box 4638, Station A Toronto ON M5W 5C7	1.00	0.00	1.00
14	Scheffer Andrew Ltd.	12204-145 Street NW Edmonton AB T5L 4V7	10,947.00	0.00	10,947.00
15	Timbercreek Mortgage Servicing Inc. Attn: Patrick Smith	25 Price Street Toronto ON M4W 1Z1	1.00	2,709,467.41	2,709,468.41
16	WCB Workers Compensation Board of Alberta Attn: Collection Department	PO Box 2415 Edmonton AB T5J 2S5	1.00	0.00	1.00
<b>Total:</b>			<b>5,668,300.86</b>	<b>2,709,467.41</b>	<b>8,377,768.27</b>

25-Apr-2024

Date

MNP Ltd., in its capacity as Receiver and Manager of  
 Symphony Condominium Ltd. and not in its personal  
 capacity

District of: Alberta  
 Division No. 01 - Edmonton  
 Court No.  
 Estate No.

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
 Symphony Condominium Ltd.  
 of the city of Edmonton, in the Province of Alberta

List "B"  
 Secured Creditors

Symphony Condominium Ltd.

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	Timbercreek Mortgage Servicing Inc. Attn: Patrick Smith	25 Price Street Toronto ON M4W 1Z1	15,572,351.41	Real Property or Immovable - Building - Calgary - 9720 106 Street NW	25-Jun-2019	10,143,833.00		
				Real Property or Immovable - Building - Edmont on - 9720 106 Street NW	25-Jun-2019	2,590,476.00		
				Other - Other deposits held in trust	25-Jun-2019	95,830.00		2,709,467.41
				Other - Deposit held in trust (pending litigation)	25-Jun-2019	32,745.00		
				Cash on Hand - Cash held by Receiver	25-Jun-2019	0.00		
<b>Total:</b>			<b>15,572,351.41</b>			<b>12,862,884.00</b>	<b>0.00</b>	<b>2,709,467.41</b>

25-Apr-2024

Date



MNP Ltd., in its capacity as Receiver and Manager of  
 Symphony Condominium Ltd. and not in its personal  
 capacity

District of: Alberta  
Division No. 01 - Edmonton  
Court No.  
Estate No.

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

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

Symphony Condominium Ltd.

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

25-Apr-2024

Date

  
MNP Ltd., in its capacity as Receiver and Manager of  
Symphony Condominium Ltd. and not in its personal  
capacity



District of: Alberta  
Division No. 01 - Edmonton  
Court No.  
Estate No.

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

List "D"  
Contingent or Other Liabilities

Symphony Condominium Ltd.

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		

25-Apr-2024

Date

  
MNP Ltd., in its capacity as Receiver and Manager of  
Symphony Condominium Ltd. and not in its personal  
capacity

District of: Alberta  
Division No. 01 - Edmonton  
Court No.  
Estate No.

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

List "E"  
Debts Due to the Bankrupt

Symphony Condominium Ltd.

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
				0.00				
			Total:	0.00			0.00	
				0.00				

25-Apr-2024

Date



MNP Ltd., in its capacity as Receiver and Manager of  
Symphony Condominium Ltd. and not in its personal  
capacity

District of: Alberta  
Division No. 01 - Edmonton  
Court No.  
Estate No.

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

List "F"

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

Symphony Condominium Ltd.

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.
Total:				0.00		0.00	

25-Apr-2024

Date

  
MNP Ltd., in its capacity as Receiver and Manager of  
Symphony Condominium Ltd. and not in its personal  
capacity

District of: Alberta  
 Division No. 01 - Edmonton  
 Court No.  
 Estate No.

FORM 78 – Continued

In the Matter of the Bankruptcy of  
 Symphony Condominium Ltd.  
 of the city of Edmonton, in the Province of Alberta

List "G"  
 Real Property or Immovables Owned by Bankrupt

Symphony Condominium Ltd.

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 - Calgary - 9720 106 Street NW - 20 remaining units in the Symphony Tower Being sold in the receivership proceedings.	Owner of Subject Lands	Symphony Condominium Ltd.	10,143,833.00	Timbercreek Mortgage Servicing Inc. 25 Price Street Toronto ON M4W 1Z1 15,572,351.41	0.00
Building - Edmonton - 9720 106 Street NW - Pending sales on 3 units within the Symphony Tower Being sold in the receivership proceedings.	Owner of Subject Lands	Symphony Condominium Ltd.	2,590,476.00	Timbercreek Mortgage Servicing Inc. 25 Price Street Toronto ON M4W 1Z1 15,572,351.41	0.00
<b>Total:</b>			<b>12,734,309.00</b>		<b>0.00</b>

25-Apr-2024

Date



MNP Ltd., in its capacity as Receiver and Manager of  
 Symphony Condominium Ltd. and not in its personal  
 capacity

District of: Alberta  
 Division No. 01 - Edmonton  
 Court No.  
 Estate No.

FORM 78 -- Concluded

In the Matter of the Bankruptcy of  
 Symphony Condominium Ltd.  
 of the city of Edmonton, in the Province of Alberta

List "H"  
 Property

Symphony Condominium Ltd.  
 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		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		Deposit held in trust (pending litigation)	65,490.00	32,745.00
		Other deposits held in trust	279,160.00	95,830.00
			<b>Total:</b>	<b>128,575.00</b>

25-Apr-2024

Date



MNP Ltd., in its capacity as Receiver and Manager of  
 Symphony Condominium Ltd. and not in its personal  
 capacity

District of: Alberta  
Division No. 01 - Edmonton  
Court No. 24-116360  
Estate No. 24-116360

FORM 31 / 36  
Proof of Claim / Proxy  
In the Matter of the Bankruptcy of  
Symphony Condominium Ltd.  
of the city of Edmonton, in the Province of Alberta

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

\_\_\_\_\_  
\_\_\_\_\_

In the matter of the bankruptcy of Symphony Condominium Ltd. of the city of Calgary in the Province of Alberta and the claim of \_\_\_\_\_, creditor.

I, \_\_\_\_\_, of the city of \_\_\_\_\_, 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.

I, \_\_\_\_\_ (name of creditor or representative of the creditor), of the city of \_\_\_\_\_ in the province of \_\_\_\_\_ do hereby certify:

1. That I am a creditor of the above named debtor (or I am \_\_\_\_\_ (position/title) 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, namely the 25th day of April 2024, and still is, indebted to the creditor in the sum of \$ \_\_\_\_\_, as specified in the statement of account (or affidavit or solemn declaration) 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.

Regarding the amount of \$ \_\_\_\_\_, I do not claim a right to a priority.

(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 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/am not) (or the above-named creditor \_\_\_\_\_ (is/is not)) related to the debtor within the meaning of section 4 of the Act, and \_\_\_\_\_ (have/has/have not/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, and 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 Section 2 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

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

\_\_\_\_\_  
Witness

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

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

Return To:

Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

MNP Ltd. - Licensed Insolvency Trustee  
Per:

\_\_\_\_\_  
Vanessa Allen - Licensed Insolvency Trustee  
2000, 112 - 4 Avenue SW  
Calgary AB T2P 0H3  
Fax: (403) 537-8437  
E-mail: calgary.insolvency@mnp.ca

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.

# CHECKLIST FOR COMPLETING A PROOF OF CLAIM FORM

This checklist is provided to assist you in preparing a complete and accurate Proof of Claim form and, where required, a Proxy. A creditor who does not prove their claim is not entitled to vote or share in any distribution. Please check each requirement.

## GENERAL

- The form must be signed by the person completing the Proof of Claim and that person must be an authorized signatory.
- The signature of a witness is required.
- Give the complete address, including postal code, where any notice or correspondence is to be forwarded.
- The amount on the Statement of Account must correspond with 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

- A Schedule A or Statement of Account must be attached.
- 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 creditors or payments. A Statement of Account is not complete if it begins with an amount brought forward.
- If the claim is for a guarantee of a debt, a copy of the guarantee must be attached.

## PARAGRAPH 4

- An unsecured creditor must strike out sub-paragraphs B, C, D and E.
- A secured creditor must attach proof of registration of the security, including the date on which the security was given and the value at which you assess the security.
- A claim by a farmer, fisherman or aqua culturist must attach a copy of the sales agreement and delivery documents.
- Details of Section 136 are listed below.

## PARAGRAPH 5

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

## 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 debtor are not related;
  - Within the twelve (12) months preceding the bankruptcy/proposal, in the case where the claimant and debtor are related.

## PROXY

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 unless the proxy form is completed by the creditor appointing the authorized agent as proxy.

- A creditor may vote either in person or by proxy.
- The Trustee may be appointed as a 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 property executed proxy, showing the name of the creditor.

## SECTION 136 (Condensed Priority of Claims)

Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:

- The cost of administration of the estate in the following order:
  - Expenses and fees of the trustee
  - Legal costs
- Wages, salaries, commissions or compensation for services rendered in the six months immediately preceding the date of bankruptcy, to a maximum of \$2,000 per person together with, in the case of a travelling salesman, disbursements incurred by the salesman during this same period to a maximum of \$1,000;
- Alimony, support or maintenance for a spouse or child for periodic amounts accrued in the year before the date of bankruptcy plus any lump sum amount;
- Municipal taxes assessed or levied within the two years immediately preceding the bankruptcy which do not constitute a lien or charge on real property of the bankrupt but this claim is restricted to the interest in the property held by the bankrupt;
- Landlord for rent arrears in the three months immediately preceding the date of bankruptcy and accelerated rent for three months following the bankruptcy if provided for in the lease but this claim is restricted to the realization from the property and any accelerated rent paid by the Trustee must be credited against the amount payable by the Trustee for occupation rent;
- A solicitor's bill of costs, including sheriff's and land registration fees, for the first creditor to attach or execute against the property of the bankrupt but this claim is restricted to the amount realized from the applicable property;
- Claims resulting from injuries to employees of the bankrupt in which the *Workers' Compensation Act* does not apply but this claim is restricted to the amount of moneys received from persons guaranteeing the bankrupt against damages for those claims.

A creditor whose rights are restricted by this section are entitled to rank as an unsecured creditor for any balance remaining on their claim.