

District of: Ontario  
Division No. 09 - Toronto  
Court No. 31-2642560  
Estate No. 31-2642560

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

Original  Amended

In the matter of the bankruptcy of  
Fan Integrated Experiences Ltd.  
of the city of Toronto, in the Province of Ontario

Take notice that:

1. Fan Integrated Experiences Ltd. filed (or was deemed to have filed) an assignment on the 30th day of April 2020, and the undersigned, Dodick Landau Inc., 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 21st day of May 2020, at 11:00 AM, at the office of By Conference Call, at 416-933-9440, Conference ID 5850971,

3. To be entitled to vote at the meeting, a creditor must lodge with the trustee, before 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.

Dated at the city of Toronto in the Province of Ontario, this 4th day of May 2020.

Dodick Landau Inc. - Licensed Insolvency Trustee

Per:



Rahn Dodick - Licensed Insolvency Trustee  
4646 Dufferin St., Suite 6  
Toronto ON M3H 5S4  
Phone: (416) 736-4357 Fax: (416) 649-7725



District of:  
 Division No.  
 Court No.  
 Estate No.

Original  Amended

- Form 78 -  
 Statement of Affairs (Business Bankruptcy) made by an entity  
 (Subsection 48(2) and Paragraph 158(d) of the Act / Subsections 50(2) and 62(1) of the Act)

In the matter of the bankruptcy of  
 Fan Integrated Experiences Ltd.  
 of the city of Toronto, in the Province of Ontario

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 30th day of April 2020. 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" .....	309,517.43
Balance of secured claims as per list "B" .....	0.00
Total unsecured creditors .....	<u>309,517.43</u>
2. Secured creditors as per list "B" .....	0.00
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 .....	<u>309,517.43</u>
Surplus .....	<u>NIL</u>

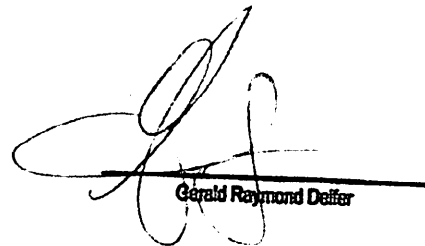
**ASSETS**  
 (as stated and estimated by the officer)

1. Inventory .....	1,000.00
2. Trade fixtures, etc. ....	<u>0.00</u>
3. Accounts receivable and other receivables, as per list "E"	
Good .....	0.00
Doubtful .....	0.00
Bad .....	<u>80,309.67</u>
Estimated to produce .....	0.00
4. Bills of exchange, promissory note, etc., as per list "F" ..	<u>0.00</u>
5. Deposits in financial institutions .....	<u>0.00</u>
6. Cash .....	<u>0.00</u>
7. Livestock .....	<u>0.00</u>
8. Machinery, equipment and plant .....	<u>0.00</u>
9. Real property or immovable as per list "G" .....	<u>0.00</u>
10. Furniture .....	<u>0.00</u>
11. RRSPs, RRRIFs, life insurance, etc. ....	<u>0.00</u>
12. Securities (shares, bonds, debentures, etc.) .....	<u>0.00</u>
13. Interests under wills .....	<u>0.00</u>
14. Vehicles .....	<u>0.00</u>
15. Other property, as per list "H" .....	<u>1,005.00</u>
If bankrupt is a corporation, add:	
Amount of subscribed capital .....	<u>0.00</u>
Amount paid on capital .....	<u>0.00</u>
Balance subscribed and unpaid .....	<u>0.00</u>
Estimated to produce .....	<u>0.00</u>
Total assets .....	<u>2,005.00</u>
Deficiency .....	<u>307,512.43</u>

I, Gerald Raymond Deffer, of the city of Toronto in the Province of Ontario, 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 30th day of April 2020 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 Toronto in the Province of Ontario, on this 30th day of April 2020.

  
 Rahn Dodick, Commissioner of Oaths  
 For the Province of Ontario  
 Expires June 1, 2020

  
 Gerald Raymond Deffer

Rahn Dodick, a Commissioner, etc.,  
 Province of Ontario, for Dodick  
 Lindsay Inc. and Dodick Lindsay  
 Partnership. Expires June 1, 2020.

District of:  
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FORM 78 - Continued

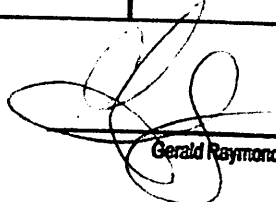
List "A"  
 Unsecured Creditors

Fan Integrated Experiences Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
1	Algolia	301 Howard Street, Suite 300 San Francisco CA 94105 USA	31.00	0.00	31.00
2	Anthony Di Iorio	500 Wellington Street West, Suite 701 Toronto ON M5V 1E3	174,436.00	0.00	174,436.00
3	Branch	1400B Seaport Blvd. Redwood City CA 94063 USA	210.94	0.00	210.94
4	Cloudinary	3400 Central Expressway, Suite 110 Santa Clara CA 95051 USA	29.00	0.00	29.00
5	CMCPA Bookkeeping	69 Tahir Street Maple ON L6A 4B4	452.00	0.00	452.00
6	CRA - Tax - Ontario 772606117RC0001	Shawinigan-Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd Shawinigan-Sud QC G5P 5H9	1.00	0.00	1.00
7	CRA - Tax - Ontario 772606117FP0001	Shawinigan-Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd Shawinigan-Sud QC G5P 5H9	1.00	0.00	1.00
8	CRA - Tax - Ontario 772606117RT0001	Shawinigan-Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd Shawinigan-Sud QC G5P 5H9	1.00	0.00	1.00
9	Dan Pfeifer	2891 Franklin Oaks Dr. Hamden VA 20171 USA	10,125.00	0.00	10,125.00
10	Google Inc GSuite	1600 Amphitheatre Pkwy Mountain View CA 94043 US	100.00	0.00	100.00
11	Google Inc Servers	1600 Amphitheatre Pkwy Mountain View CA 94043 US	180.00	0.00	180.00
12	Goodings Law Firm Legal	2600 - 160 Elgin Street Ottawa ON K1P 1C3	3,260.14	0.00	3,260.14
13	Kevin Strain	366 Broadway Avenue Toronto ON M4P 1X2	6,561.97	0.00	6,561.97
14	Lumen Power Tech Attr: Joe DeLonghi	94 Brockport Drive Etobicoke ON M9W 7J8	19,985.00	0.00	19,985.00
15	mLab	660 York Street, Suite 101 San Francisco CA 94110 USA	434.00	0.00	434.00
16	Natalie Ochrym	1 Connable Drive Toronto ON M5R 1Z7	8,423.00	0.00	8,423.00
17	NextBee	155 Bovee Rd., Suite 700 San Mateo CA 94402 USA	45,000.00	0.00	45,000.00
18	Peter Resnick	203 Greenwich Avenue Greenwich CT 06830 USA	0.00	0.00	0.00
19	Plaid	P.O. Box 7775 #35278 San Francisco CA 94120 USA	1.00	0.00	1.00
20	Pricewaterhouse Coopers	200 Apple Mill Road, Vaughan Metropolitan Centre Vaughan ON L4K 0J8	12,161.63	0.00	12,161.63
21	Pryor Cashman LLP Attr: Gerald Deffer 28214	7 Times Square New York NY 10036 USA	16,280.17	0.00	16,280.17

30-Apr-2020

Date



Gerald Raymond Deffer

District of:  
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FORM 78 - Continued

List "A"  
Unsecured Creditors

Fan Integrated Experiences Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
22	Redis	700 E. El Camino Real, Suite 250 Mountain View CA 94040 USA	138.00	0.00	138.00
23	Revenue Cat	633 Taraval St. #1 San Francisco CA 94116 USA	230.00	0.00	230.00
24	Send Grid	1601 California Street, Suite 500 Denver CO 80202 USA	450.00	0.00	450.00
25	TaxJar	TPS Unlimited Inc. 452 Washington St. #3066 Woburn MA 01888 USA	1.00	0.00	1.00
26	TotBox	501 2nd Street, Suite 310 San Francisco CA 94107 USA	1.00	0.00	1.00
27	Walter Lafka	30 Taylorwood Drive Toronto ON M9A 4R7	11,012.58	0.00	11,012.58
28	ZenDesk	1019 Market Street San Francisco CA 94103 USA	1.00	0.00	1.00
Total:			309,517.43	0.00	309,517.43

30-Apr-2020

Date

  
Gerald Raymond Deffer

District of:  
Division No. -  
Court No.  
Estate No.

FORM 78 - Continued

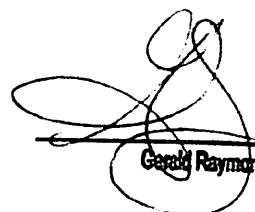
List 'B'  
Secured Creditors

Fan Integrated Experiences 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
			Total:			0.00	0.00	0.00

30-Apr-2020

Date



Gerald Raymond Deffer

District of:  
Division No. -  
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FORM 78 - Continued

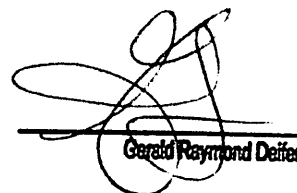
List "C"  
Preferred Creditors for Wages, Rent, etc.

Fan Integrated Experiences 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

30-Apr-2020

Date



Gerald Raymond Deifer

District of:  
Division No. -  
Court No.  
Estate No.

FORM 78 - Continued

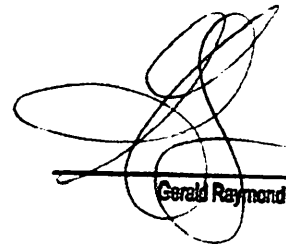
List 'D'  
Contingent or Other Liabilities

Fan Integrated Experiences 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		

30-Apr-2020

Date



Gerald Raymond Deffer



District of:  
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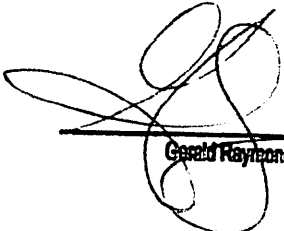
FORM 78 - Continued

List "E"  
 Debts Due to the Bankrupt  
 Fan Integrated Experiences 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
1	Accounts Receivable	.	Accounts Receivable	0.00		01-Jan-2019	0.00	
		...		0.00				
				80,309.67				
			Total:	0.00			0.00	
				0.00				
				80,309.67				

30-Apr-2020

Date



Gerald Raymond Deiter



District of:  
Division No. -  
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Estate No.

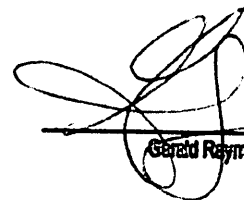
FORM 78 - Continued

List "G"  
Real Property or Immovables Owned by Bankrupt  
Fan Integrated Experiences 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
Total:			0.00		0.00

30-Apr-2020

Date



Gerald Raymond Deiter

District of:  
 Division No. -  
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FORM 78 - Concluded

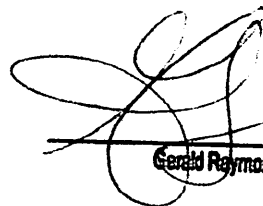
List "H"  
 Property

Fan Integrated Experiences Ltd.  
 FULL STATEMENT OF PROPERTY

Nature of property	Location	Details of property	Original cost	Estimated to produce
(a) Stock-in-trade		Merchandise	0.00	1,000.00
(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		Domains	0.00	1.00
		Software	0.00	1.00
		Trademarks	0.00	1.00
		Data: 350,000 Members	0.00	1.00
		Source Code	0.00	1.00
		Computers and Equipment	0.00	1,000.00
			<b>Total:</b>	<b>2,005.00</b>

30-Apr-2020

Date



Gerald Raymond Deiter

**Court No.**

**File No.**

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**In the matter of the bankruptcy of  
Fan Integrated Experiences Ltd.  
of the city of Toronto, in the Province of Ontario**

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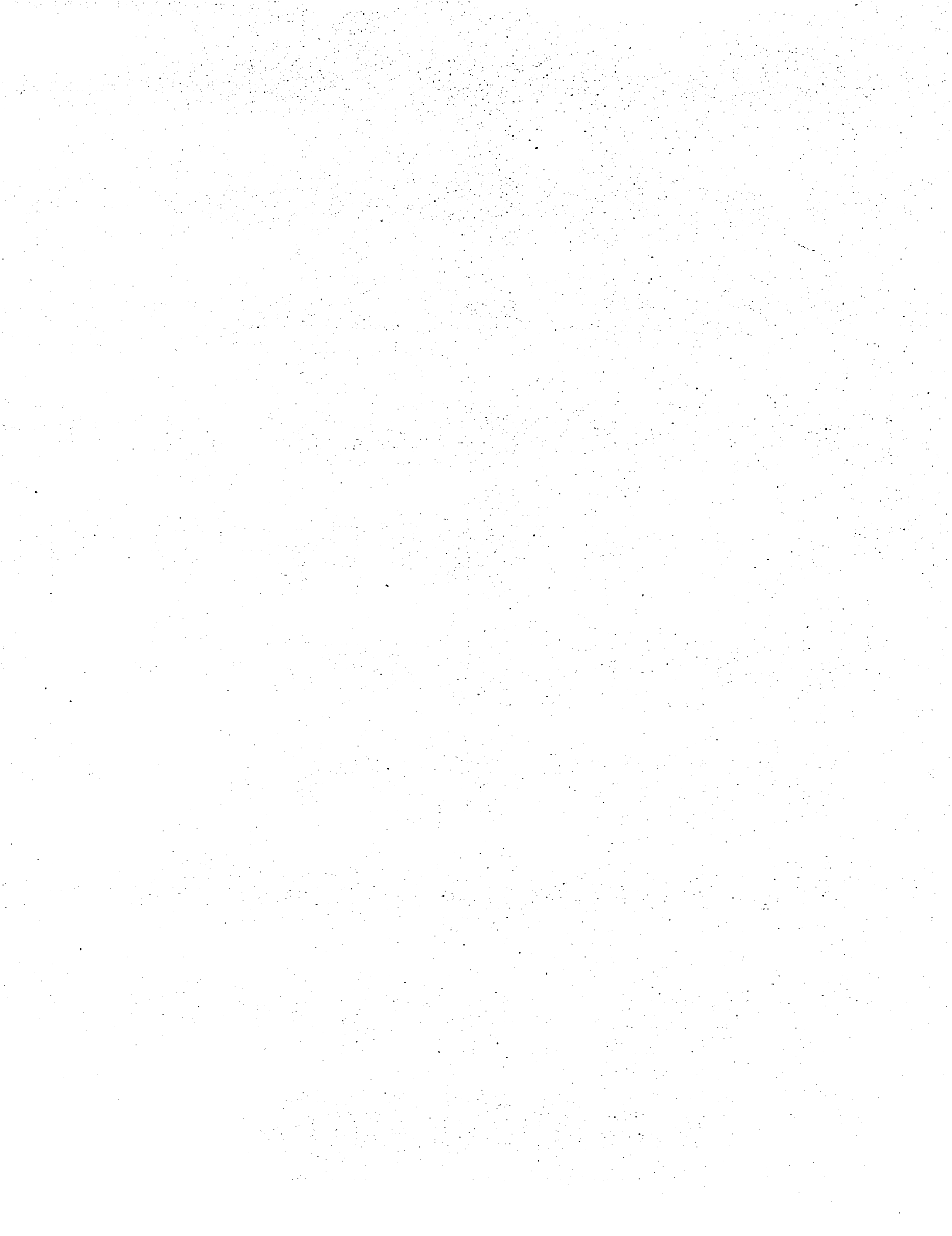
**Form 78 (Bill C-12)  
Statement of affairs (Business bankruptcy)**

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**Dodick Landau Inc. - Licensed Insolvency Trustee**

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**4646 Dufferin St., Suite 6  
Toronto ON M3H 5S4  
Phone: (416) 736-4357 Fax: (416) 649-7725**



District of: Ontario  
Division No. 09 - Toronto  
Court No. 31-2642560  
Estate No. 31-2642560

FORM 31  
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), 128(1),  
and Paragraphs 51(1)(e) and 66.14(b) of the Act)

In the matter of the bankruptcy of  
Fan Integrated Experiences Ltd.  
of the city of Toronto, in the Province of Ontario

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

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

In the matter of the bankruptcy of Fan Integrated Experiences Ltd. of the city of Toronto in the Province of Ontario and the claim of \_\_\_\_\_, creditor.

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 30th day of April 2020, 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 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 \$ \_\_\_\_\_

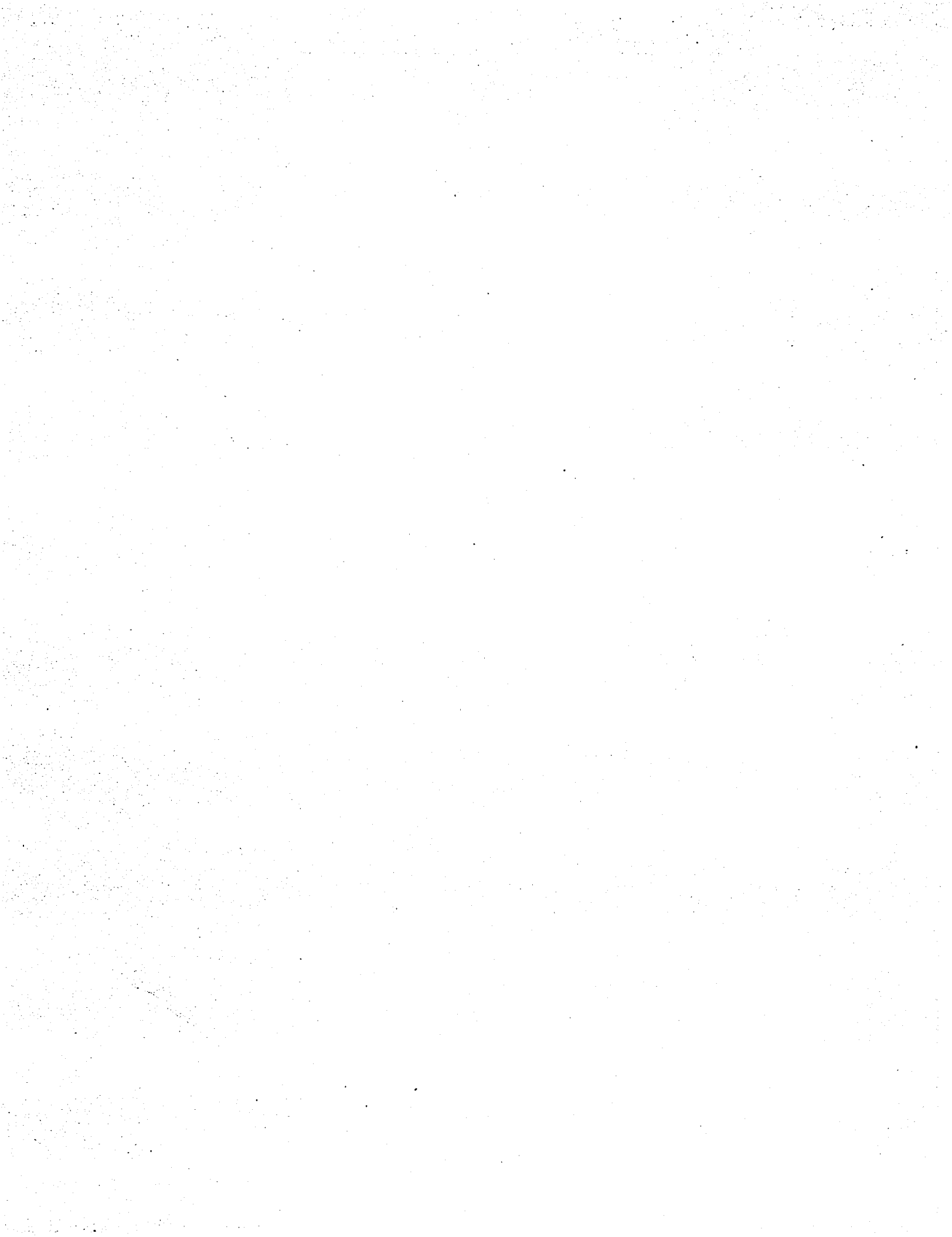
That I hereby make a claim under subsection 65.2(4) of the Act, particulars of which are as follows:  
(Give full particulars of the claim, including the calculations upon which the claim is based.)

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

\_\_\_\_\_  
 Creditor

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

**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 20(1) of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.



District of: Ontario  
Division No. 09 - Toronto  
Court No. 31-2642560  
Estate No. 31-2642560

FORM 36  
Proxy  
(Subsection 102(2) and paragraphs 51(1)(e) and 66.15(3)(b) of the Act)

In the matter of the bankruptcy of  
Fan Integrated Experiences Ltd.  
of the city of Toronto, in the Province of Ontario

I, \_\_\_\_\_, 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.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

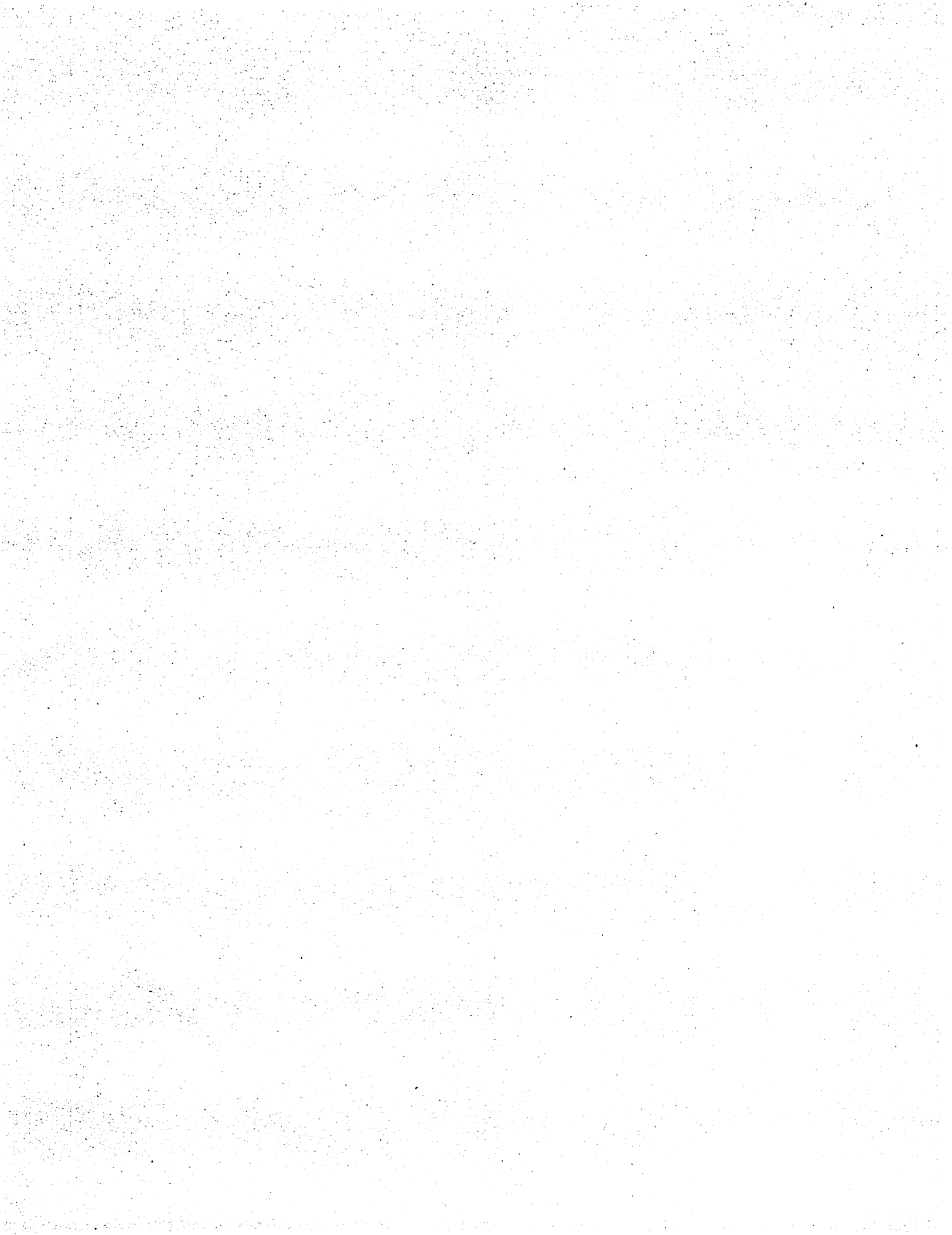
\_\_\_\_\_  
Name of Corporate Creditor

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

Return To:

Dodick Landau Inc. - Licensed Insolvency Trustee

\_\_\_\_\_  
4646 Dufferin St., Suite 6  
Toronto ON M3H 5S4  
Phone: (416) 645-0542 Fax: (416) 649-7725  
E-mail: [brenda.mcknight@dodick.ca](mailto:brenda.mcknight@dodick.ca)



## Appendix A

### Checklist for Proof of Claim

This checklist is provided to assist you in preparing the proof of claim form and, if appropriate, the proxy form in a complete and accurate manner. Please check each requirement.

#### General

- The **signature of a witness** is required.
- The document **must be signed** by the individual completing the declaration.
- **Provide the complete address** where all notices or correspondence are to be forwarded along with your phone number, fax number and email address where appropriate.

#### Notes

- It is permissible to file a proof of claim by fax or electronics mail.
- 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

- The creditor must state the full and complete legal name of the individual, company or firm.
- If the individual completing the proof of claim is a representative of the creditor, the individual's position or title must be identified.

#### Paragraph 3

- The amount owing must be set out in paragraph 3.

## Paragraph 4

### Notes

- **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. If you are a noteholder, attaching these documents is not necessary if you are in agreement with the amount on the Schedule "A" provided to you.
- **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);
  - 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.

## Proxyholder

### 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.