



**Notice of Creditor  
Disallowance of Proof of Claim  
(Section 135(3) of the Act)**

To: Claimant

You have recently lodged a proof of claim with us with respect to the proposal filed by John (Jack) Kenneth Purdy under the Bankruptcy and Insolvency Act (“BIA”). We wish to clarify certain procedural matters with respect to filing disputing the notice of determination or disallowance (“NDA”) we sent you.

On Friday, June 29, 2012, we sent by registered mail a notice of determination or disallowance (“NDA”) and a Notice of Dispute (“NOD”) with respect to your claim.

The NDA properly advised the creditor that if the creditor intended to dispute the NDA, a motion to court must be filed by the creditor within 30 days after receiving the NDA. However, the Trustee also included a NOD in the mail out package, as an example of what you might file with the Alberta Court and the Trustee.

The Trustee wishes to take this opportunity to clarify the following steps required to be taken by a creditor if the creditor wishes to appeal the NDA we sent you on Friday, June 29, 2012, which is in accordance with the BIA:

**Procedure for Appealing a NDA Notice**

- The onus is on the claimant to prove his or her claim, and if the claimant fails to do so, the appeal will be dismissed.
- After the claimant receives the NDA from the Trustee, the creditor has 30 days to file a motion to court to appeal the NDA.
- To appeal the NDA, the Creditor must file a notice of motion to the Court directly, which must include
  - The original notice of motion;
  - Every affidavit to be used in support of the motion; and
  - Proof of service of the notice of motion and supporting affidavits;
- A copy of the notice of motion must be filed with us (Trustee) by personal delivery, mail, courier, facsimile or electronic transmission (“email”);
- If the notice of motion (and all other materials) is not filed with the Alberta Court within the 30-day period by the claimant from receipt of the NDA, the NDA is considered final and conclusive.

If you have any further questions or concerns, please feel free to contact my associate Orest Konowalchuk at (403) 538-4736 or by email at [okonowalchuk@alvarezandmarsal.com](mailto:okonowalchuk@alvarezandmarsal.com) .

Dated at Calgary, this 6<sup>th</sup> day of July 2012.

Alvarez & Marsal Canada Inc.  
In its capacity as Trustee in the  
Proposal of John (Jack) Kenneth Purdy

A handwritten signature in blue ink, appearing to read 'Tim Reid', is written over a faint circular watermark or stamp.

Tim Reid, CA•CIRP  
Senior Vice-President