



## **NOTICE TO CLAIMANTS**

### **(Claims Process)**

On November 19, 2021, the Court of Queen's Bench of Alberta (the "**Court**"), granted an order in Action No. 2001-09142 (the "**Referee Order**") made effective at 12:00 pm November 26, 2021, appointing Alvarez & Marsal Canada Inc. as referee (the "**Referee**") in respect of 1178929 Alberta Ltd. (the "**Debtor**"), pursuant to section 218(c) of the *Business Corporations Act*, RSA 2000 B-9 and Rules 6.44 to 6.46 of the *Alberta Rules of Court*, Alta Reg 124/2010.

Pursuant to section 3(i) of the Referee Order, the Referee is authorized to design, run and execute the enclosed claims process (the "**Claims Process**") for the purpose of determining the Claims (as defined in the Claims Process) against the Debtor.

Any claimant having a Claim against the Debtor of any nature whatsoever, including an unsecured, secured, proprietary, contingent or unliquidated Claim is required to file, in the manner set out in this Notice to Claimants, a Proof of Claim in the prescribed form (which has been provided to you with this Notice to Claimants) with the Referee in order to participate in any distribution there may be of the estate of the Debtor.

A copy of the prescribed Proof of Claim form is enclosed and can also be obtained at <http://www.alvarezandmarsal.com/117AB>.

Any claimant who chooses to file a Proof of Claim is required to provide whatever documentation they may have to support their Claim against the Debtor, such as records of advances, contracts, invoices, bills of lading, and shipping receipts, in the appropriate currency under which their Claim arose.

**All Proof of Claim forms, together with the required supporting documentation, must be sent to Alvarez & Marsal Canada Inc. to the attention of Duncan MacRae by e-mail ([dmacrae@alvarezandmarsal.com](mailto:dmacrae@alvarezandmarsal.com)), prepaid registered mail, or by courier to Bow Valley Square 4, Suite 1110, 250 6th Ave SW, Calgary, AB, T2P 3H7 on or before 5:00 pm Mountain Time on January 31, 2022 ("Claims Submission Deadline").**

**All Claims received by the Referee or, in the case of mailing, postmarked, after the Claims Submission Deadline may be rejected by the Referee.**

With respect to all Claims, the Referee will in turn provide to the claimant a notice in writing as to whether their Claim is accepted, revised or disallow, in whole or in part, and indicating the reason for pursuant to a Notice of Revision or Disallowance.


Where a claimant objects to a Notice of Revision or Disallowance, the claimant shall notify the Referee of its objection in writing (the "**Dispute Notice**") no later than 15 days from the date the Notice of Revision or Disallowance was received or such later date as the Referee may agree to in writing or as otherwise ordered by the Court.

The Referee will attempt to consensually resolve disputes with respect to any Claim. If the dispute cannot be resolved the Referee will advise as such in its report to the Court and its reasons for the Referee's determination or recommendation of the value and priority of such Claim for distribution purposes, as the case may be.

**A claimant that does not provide to the Referee a Dispute Notice to a Notice of Revision or Disallowance issued by the Referee may be deemed to have accepted the assessment of its Claim as set out in such Notice of Revision or Disallowance.**

Dated at Calgary, Alberta this 15<sup>th</sup> day of December, 2021.

**ALVAREZ & MARSAL CANADA INC.**, in its capacity as Court-appointed Referee of the Debtor and not in its personal or corporate capacity

Per:   
Duncan MacRae, CPA, CA, CIRP, LIT  
Vice President

## PROOF OF CLAIM

### (Claims Process)

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

#### TO THE REFEREE

#### **ALVAREZ & MARSAL CANADA INC.**

Bow Valley Square IV

Suite 1110, 250 6<sup>th</sup> Avenue SW

Calgary, AB T2P 3H7

Attention: Duncan MacRae

E-mail: [dmacrae@alvarezandmarsal.com](mailto:dmacrae@alvarezandmarsal.com)

In the matter of the Court-appointed referee proceedings of **1178929 Alberta Ltd.** of Calgary, Alberta

and the claim of \_\_\_\_\_,

claimant.

I, \_\_\_\_\_ (*name of claimant or representative of the claimant*), of \_\_\_\_\_ (*city and province*), do hereby certify:

1. That I am a claimant of the above-named debtor (or that I am \_\_\_\_\_) (*state position or title*) of \_\_\_\_\_ (*name of claimant or representative of the claimant*)).

2. That I have knowledge of all of the circumstances connected with the claim referred to below.

3. That the debtor is indebted to the claimant 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. Complete appropriate category:

A. UNSECURED CLAIM OF \$ \_\_\_\_\_

That in respect of this debt, I do not hold any assets of the debtor as security; and

B. SECURED CLAIM OF \$ \_\_\_\_\_

That in respect of this debt, I hold assets of the debtor valued at \$ \_\_\_\_\_ as security,  
particularsof 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)*

Dated at \_\_\_\_\_ (city), \_\_\_\_\_ (province), this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Claimant

Telephone No.:

\_\_\_\_\_

E-mail address:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

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

## CHECKLIST FOR PROOF OF CLAIM

This checklist is provided to assist you in preparing the proof of claim form in a complete and accurate manner.

### 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, mailing address and e-mail address.
- After completion, please submit your proof of claim to Alvarez & Marsal Canada Inc. either by registered mail, courier, or email, using the contact information provided below:
  - E-mail: [dmacrae@alvarezandmarsal.com](mailto:dmacrae@alvarezandmarsal.com)
  - Registered Mail/Courier: Suite 1110 250 6th Avenue SW, Calgary, AB, T2P 3H7
- A claimant who is participating in any distribution from an estate must have filed a proof of claim prior to the distribution being declared.

### Paragraph (1)

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

### 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 marked "Schedule A" and must show the date, number and amount of all the advances, invoices, charges, credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

### Paragraph (4)

- **Paragraph A** applies to the ordinary unsecured claims.
- **Paragraph B** applies to secured claims. Please indicate the dollar value of the security and attach copies of the security documents. In addition, please attach copies of the security registration, where appropriate.