

# Mintz & Partners Limited

Trustee in Bankruptcy  
1 Concorde Gate, Suite 200, North York, Ontario M3C 4G4 • Telephone (416) 391-2900 • Telefax (416) 644-4303

## PROOF OF CLAIM

(Section 50.1, Subsections 65.2(4), 81.2(1), 102(2), 124(2), 128(1) and paragraphs 51(1)(e) and 66.14(b) of the Bankruptcy and Insolvency Act)  
(see reverse for instructions)

IN THE MATTER OF THE PROPOSAL OF:

**DISTINCTIVE DESIGNS FURNITURE INC.** (referred to in this form as "the debtor"), of  
the CITY OF TORONTO IN THE PROVINCE OF ONTARIO

(City and Province)

and the claim of \_\_\_\_\_ (referred to in this form as "the creditor").  
(name of creditor)

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

Telephone: \_\_\_\_\_ Fax / email \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_  
(name of creditor or representative of the creditor) (City and Province)

DO HEREBY CERTIFY THAT:

If an officer of the company,  
state position or title

1.  I am a creditor of the above-named debtor, or  
 I am \_\_\_\_\_ of the creditor.  
(state position or title)

The attached statement of  
account or affidavit or solemn  
declaration must specify the  
vouchers or other evidence in  
support of the claim

2. I have knowledge of all the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of the filing of the Proposal, namely the 27<sup>th</sup> day of July, 2007, and still is, indebted to the above-named creditor (referred to in this form as (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.

Check and complete appropriate  
category

- 4A. Unsecured claim of \$ \_\_\_\_\_

That in respect of the said debt, the creditor does not hold any assets of the debtor as security and:

Check appropriate description

- (i)  regarding the amount of \$ \_\_\_\_\_, the creditor does not claim a right to a priority.
- (ii)  regarding the amount of \$ \_\_\_\_\_, the creditor does claim a right to a priority under Section 136 of the *Bankruptcy and Insolvency Act*.

Set out on an attached schedule  
details to support priority claim

Give full particulars of the claim,  
including the calculations upon  
which the claim is based

- 4B.  Claim of Landlord for Disclaimer of a Lease \$ \_\_\_\_\_  
The creditor hereby makes a claim under Subsection 65.2(4) of the *Bankruptcy and Insolvency Act*, 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 the  
creditor assesses the security,  
and attach a copy of the security  
documents

- 4C.  Secured claim of \$ \_\_\_\_\_  
In respect of the said debt, the creditor holds assets of the debtor valued at \$ \_\_\_\_\_ as security, particulars of which are as follows:

Attached a copy of sales  
agreement and delivery receipts

- 4D.  Claim by farmer, fisherman, or aquaculturist of \$ \_\_\_\_\_  
The creditor hereby makes a claim under Subsection 81.2 (1) of the *Bankruptcy and Insolvency Act* for the unpaid amount of \$ \_\_\_\_\_

To be completed when a  
proposal provides for the  
compromise of claims against  
directors (Give full particulars of  
the claim, including the  
calculations upon which the  
claim is based).

- 4E.  Claim against Director \$ \_\_\_\_\_  
The creditor hereby makes a claim under subsection 50(13) of the *Bankruptcy and Insolvency Act*, particulars of which are as follows:

Strike out "is" or "is not"

5. To the best of my knowledge, the creditor is / is not related to the debtor within the meaning of section 4 of the *Bankruptcy and Insolvency Act*.

Provide details of payments and  
credits. Attach a separate  
schedule, if necessary. Leaving  
a blank will indicate there were  
no such payments or credits.

6. The following are the payments that the creditor has received from, and the credits that the creditor has allowed to, the debtor within the three months (or, if the creditor and the debtor are related within the meaning of Section 4 of the *Bankruptcy and Insolvency Act*, within the twelve months) immediately before the date of the initial bankruptcy event within the meaning of Section 2 of the *Bankruptcy and Insolvency Act*.

### (Applicable only in the case of the bankruptcy of an individual)

- The creditor requests to be advised of any material change in the financial situation of the bankrupt, pursuant to Subparagraph 102(3)(b)(i) of the *Bankruptcy and Insolvency Act*.
- The creditor requests to be advised of any amendments made regarding the amount that the bankrupt is required to pay, pursuant to Subsection 68(4) of the *Bankruptcy and Insolvency Act*.
- The creditor requests that a copy of the report filed by the Trustee regarding the bankrupt's application for discharge pursuant to Subsection 170(1) of the *Bankruptcy and Insolvency Act* be sent to the above address.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Witness

Signature of Creditor

**Note:** If an affidavit or solemn declaration is attached, it must have been made before a person qualified to take affidavits or solemn declarations.

**Warnings:** A trustee may, pursuant to Subsection 128(3) of the *Bankruptcy and Insolvency 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 *Bankruptcy and Insolvency Act* provide severe penalties to 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)

I \_\_\_\_\_ (name of creditor) of \_\_\_\_\_ (name of city or town), a creditor in the above matter, hereby appoint \_\_\_\_\_ of \_\_\_\_\_, to be my proxy in the above matter, except as to the receipt of dividends, with (or without) power to appoint another proxy in his or her place.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Witness

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

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

\_\_\_\_\_  
Witness

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

Note: If it is desired to appoint a proxy, the proxy form must be completed and signed by the creditor. If the creditor is a corporation, the proxy form must be signed in the corporate name (not necessarily by the individual signing the proof of claim form), and the proxy must be witnessed.

## Instructions for completing proof of claim forms

Every creditor who does not prove his claim is not entitled to share in any distribution. Claims not completed correctly in every respect will be returned.

In completing the proof of claim form (see reverse), your attention is directed to the marginal notes on the form and to the following requirements:

### Proof of Claim:

1. The form must be completed by an individual and not by a corporation. If you are acting for a corporation or other person, you must state the capacity in which you are acting, such as, "Credit Manager", "Treasurer", "Authorized Agent", etc.
2. The person signing the form must have knowledge of the circumstances connected with the claim.
3. The debtor's name and date of the bankruptcy or if a proposal, the date of the notice of intention to make a proposal or of the proposal must be filled in, **and a Statement of Account containing details of the claim must be attached and marked "A"**. The date of bankruptcy or notice of intention to make a proposal, or proposal and the correct name of the debtor may be found on the Notice sent to the creditor.
4. The nature of the claim must be indicated by ticking the type of claim which applies, e.g.
  - Ticking (A) indicates the claim is unsecured;
  - Ticking (A)(i) indicates that the creditor is not claiming any priority;
  - Ticking (A)(ii) indicates the creditor is claiming priority status under section 136 of the Bankruptcy and Insolvency Act. Details to support the priority claim must be set out on an attached schedule;
  - Ticking (A.1) indicates the creditor is a landlord with a claim under subsection 65.2(4) of the Bankruptcy and Insolvency Act.
  - Ticking (B) indicates the claim is secured and the value at which the creditor assesses the security must be inserted. Details of each item of security held should be attached as a separate schedule and submitted with a copy of the chattel mortgage, conditional sales contract, security agreement, etc.;
  - Ticking (C) indicates that the creditor is a farmer, fisherman or aquaculturist who supplied goods within 15 days prior to the date of receivership or bankruptcy and has not yet been paid for those goods.
  - Ticking (D) indicates that the creditor has a claim against the director(s) of a company when a proposal provides for the compromise of claims against directors.
5. The person signing the form must indicate (by striking out "is" or "is not") whether the creditor and the debtor are related. Section 4 of the Bankruptcy and Insolvency Act defines persons related to a debtor. If the creditor is related by blood or marriage to the debtor, the creditor should consider itself to be a related person. If the debtor is a corporation, a creditor would be related if it was a shareholder or if the creditor was controlled by the same shareholders as the debtor.
6. The person signing the form must provide full details of all payments and credits received from or allowed to the debtor during the period indicated. Leaving a blank will indicate that there were no such payments and credits.
7. The person signing the form must insert the place and date, and the signature must be witnessed.

If there are any questions in completing the proof of claim, please write or telephone the office of the trustee at:

**Mintz & Partners Limited**  
Trustee in Bankruptcy  
1 Concorde Gate  
Suite 200  
North York, Ontario  
Canada M3C 4G4  
Telephone: (416) 391-2900  
Telefax: (416) 644-4303

IN THE MATTER OF THE PROPOSAL OF  
DISTINCTIVE DESIGNS FURNITURE INC.  
OF THE CITY OF TORONTO  
IN THE PROVINCE OF ONTARIO

**Voting Letter**

I, \_\_\_\_\_ of \_\_\_\_\_  
(name of person signing) (name of company)  
\_\_\_\_\_, a creditor in the above matter for the sum of  
\$ \_\_\_\_\_, hereby request the trustee of the said estate to record my vote  
\* \_\_\_\_\_ \* the acceptance of the Proposal of the said debtor filed on  
July 27, 2007.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2007.  
(city/town)

\_\_\_\_\_  
(Company Name)

Per:  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Witness

\* Insert here the word "for" or the word "against" as the case may be.

**Note:** *A person is not entitled to vote unless a properly completed proof of claim has been lodged with the trustee before the time appointed for the meeting. In the case of a corporation the voting letter should be signed under seal, or witnessed.*

IN THE MATTER OF THE PROPOSAL OF  
DISTINCTIVE DESIGNS FURNITURE INC.  
OF THE CITY OF TORONTO  
IN THE PROVINCE OF ONTARIO

**General Proxy**

In the matter of the Proposal of Distinctive Designs Furniture Inc., I/We \_\_\_\_\_

\_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the  
(company or creditor name) (city/town)

Province of \_\_\_\_\_, creditor hereby appoint \_\_\_\_\_  
(Name of proxy holder)

of \_\_\_\_\_ of \_\_\_\_\_ to be my (or our) general proxy in  
(company name) (city/town/province)

the above matter (excepting only as to the receipt of dividends).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2007.  
(city/town)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature(s) of Creditor(s)

**SCHEDULE I**

**ELECTION TO REDUCE CLAIM**

**TO:** MINTZ & PARTNERS LIMITED ("Mintz"), in its capacity as Trustee in re The Proposal of Distinctive Designs Furniture Inc. ("Distinctive Designs")

**RE:** THE PROPOSAL OF DISTINCTIVE DESIGNS FURNITURE INC. (the "Distinctive Designs Proposal")

**For Use by Unsecured Creditors of Distinctive Designs with aggregate Proven Unsecured Claims in excess of \$1,500 who wish to reduce their total Proven Unsecured Claims to \$1,500 and receive a cash payment.**

THE UNDERSIGNED CREDITOR with Proven Unsecured Claims against Distinctive Designs acknowledges that the total amount of its Proven Unsecured Claims exceeds \$1,500 and hereby:

- (a) reduces the aggregate of the undersigned's Proven Unsecured Claims to \$1,500;
- (b) releases all other Unsecured Claims of the undersigned; and
- (c) elects to receive payment in accordance with Section 6.1(b) rather than Section 6.1(c) of the Distinctive Designs Proposal.

Dated this \_\_\_\_ day of August, 2007.

\_\_\_\_\_  
Print Name of Unsecured Creditor

\_\_\_\_\_  
Signature of Unsecured Creditor or, if the Unsecured Creditor is a corporation, signature of an authorized signing officer of the corporation

\_\_\_\_\_  
Title of Authorized Signing Officer

**THIS ELECTION MUST BE PROVIDED TO THE TRUSTEE SO THAT IT IS RECEIVED BY THE TRUSTEE AT THE FOLLOWING ADDRESS ON OR BEFORE THE DATE WHICH IS TWO BUSINESS DAYS FOLLOWING THE MAKING OF THE APPROVAL ORDER (WHICH APPROVAL ORDER IS CURRENTLY INTENDED TO BE SOUGHT ON OR ABOUT SEPTEMBER 11, 2007).**

**Mintz & Partners Limited**  
(In its capacity as Trustee in re The Proposal of  
Distinctive Designs Furniture Inc.)  
200 - 1 Concorde Gate  
Toronto, ON M3C 4G4

**Attention:** Daniel R. Weisz  
**Telephone:** (416) 644-4386  
**Fax:** (416) 644-4303