

October 13, 2023

**IN THE MATTER OF THE BANKRUPTCY OF  
NOMODIC MODULAR STRUCTURES INC., AITHRA PROJECTS INC.,  
AND NOMODIC MODULAR STRUCTURES (ONTARIO) LTD.  
OF THE CITY OF CALGARY  
IN THE PROVINCE OF ALBERTA**

To all known Creditors of Nomodic Modular Structures Inc., Aithra Projects Inc., and Nomodic Modular Structures (Ontario) Ltd. (collectively referred to as "Nomodic")

Enclosed are the following documents:

- Form 68
  - Notice of Bankruptcy, First Meeting of Creditors;
- Form 78
  - Statement of Affairs;
  - Creditor Mailing List;
- Bankruptcy Order; and
- Form 31 & 36
  - Proof of Claim / Proxy and related instructions.

Please complete your proof of claim form and submit it with required documentation to Cameron Browning by email at [cameron.browning@fticonsulting.com](mailto:cameron.browning@fticonsulting.com) or by fax at (403) 232-6116.

Yours truly,

FTI Consulting Canada Inc.



Deryck Helkaa, CIRP, LIT  
Senior Managing Director

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

\_FORM 68\_  
Notice of Bankruptcy, First Meeting of Creditors  
(Subsection 102(1) of the Act)

Original  Amended

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta

Take notice that:

1. Nomodic Modular Structures (Ontario) Ltd. filed (or was deemed to have filed) an assignment (or a bankruptcy order was made against Nomodic Modular Structures (Ontario) Ltd.) on the 6th day of October 2023 and the undersigned, FTI Consulting Canada 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 26th day of October 2023 at 10:00 AM at 1610 - 520 5 Ave SW, Calgary, AB or Microsoft Teams Meeting ID: 218 614 306 62, Passcode: hdfVvZ, 1-587-319-2925,,81580881#.
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 13th day of October 2023.

FTI Consulting Canada Inc. - Licensed Insolvency Trustee  
Per:



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Deryck Helkaa - Licensed Insolvency Trustee  
Suite 1610, 520 - 5th Ave S.W.  
Calgary AB T2P 3R7  
Phone: (403) 454-6032 Fax: (403) 232-6116

District of: Alberta  
 Division No. 02 - Calgary  
 Court No. 25-2997541  
 Estate No. 25-2997541

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  
 Nomodic Modular Structures (Ontario) Ltd.  
 of the city of Calgary  
 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 6th day of October 2023. 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)	ASSETS (as stated and estimated by the officer)
1. Unsecured creditors as per list "A" . . . . . 0.00	1. Inventory . . . . . 0.00
Balance of secured claims as per list "B" . . . . . 1,001.00	2. Trade fixtures, etc. . . . . 0.00
Total unsecured creditors . . . . . 1,001.00	3. Accounts receivable and other receivables, as per list "E"
2. Secured creditors as per list "B" . . . . . 0.01	Good . . . . . 0.00
3. Preferred creditors as per list "C" . . . . . 0.00	Doubtful . . . . . 0.00
4. Contingent, trust claims or other liabilities as per list "D"	Bad . . . . . 0.00
estimated to be reclaimable for . . . . . 0.00	Estimated to produce . . . . . 0.00
Total liabilities. . . . . 1,001.01	4. Bills of exchange, promissory note, etc., as per list "F" . . . . . 0.00
Surplus . . . . . NIL	5. Deposits in financial institutions . . . . . 0.00
	6. Cash . . . . . 0.01
	7. Livestock . . . . . 0.00
	8. Machinery, equipment and plant . . . . . 0.00
	9. Real property or immovable as per list "G" . . . . . 0.00
	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" . . . . . 0.00
	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 . . . . . 0.01
	Deficiency . . . . . 1,001.00

I, FTI Consulting Canada Inc. in its capacity as Trustee, 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 6th day of October 2023 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 13th day of October 2023.

  
 FTI Consulting Canada Inc. in its capacity  
 as Trustee

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "A"  
Unsecured Creditors

Nomodic Modular Structures (Ontario) Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
1	ATB Financial	600 - 585 8 Ave SW Calgary AB T2P 1G1	0.00	1,001.00	1,001.00
<b>Total:</b>			<b>0.00</b>	<b>1,001.00</b>	<b>1,001.00</b>

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

District of: Alberta  
 Division No. 02 - Calgary  
 Court No. 25-2997541  
 Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
 Nomodic Modular Structures (Ontario) Ltd.  
 of the city of Calgary  
 in the Province of Alberta  
 List "B"  
 Secured Creditors

Nomodic Modular Structures (Ontario) 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	ATB Financial	600 - 585 8 Ave SW Calgary AB T2P 1G1	1,428,746.34	Cash on hand		0.01		1,428,746.33
2	Business Development Bank of Canada	The Edison, Suite 1310, 150-9th Avenue SW Calgary AB T2P 3H9	1,000,000.00	Cash on hand		0.00		1,000,000.00
3	Tokio Marine Canada Ltd.	330 Bay St. Suite 400 Toronto ON M5H 2S8	1.00	Cash on hand		0.00		1.00
<b>Total:</b>			<b>2,428,747.34</b>			<b>0.01</b>	<b>0.00</b>	<b>2,428,747.33</b>

13-Oct-2023

Date

  
 FTI Consulting Canada Inc. in its capacity as  
 Trustee

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "C"  
Preferred Creditors for Wages, Rent, etc.

Nomodic Modular Structures (Ontario) 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

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "D"  
Contingent or Other Liabilities

Nomodic Modular Structures (Ontario) 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		

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

District of: Alberta  
 Division No. 02 - Calgary  
 Court No. 25-2997541  
 Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
 Nomodic Modular Structures (Ontario) Ltd.  
 of the city of Calgary  
 in the Province of Alberta  
 List "E"  
 Debts Due to the Bankrupt  
 Nomodic Modular Structures (Ontario) 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
			Total:	0.00 0.00 0.00			0.00	

13-Oct-2023

Date

  
 FTI Consulting Canada Inc. in its capacity as  
 Trustee



District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "F"

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

Nomodic Modular Structures (Ontario) 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	

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "G"  
Real Property or Immovables Owned by Bankrupt  
Nomodic Modular Structures (Ontario) 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

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 78 -- Concluded

In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta  
List "H"  
Property

Nomodic Modular Structures (Ontario) 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			0.01	0.01
(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
			<b>Total:</b>	<b>0.01</b>

13-Oct-2023

Date

  
FTI Consulting Canada Inc. in its capacity as  
Trustee

Court No. 25-2997541

Estate No. 25-2997541

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In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta

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

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FTI Consulting Canada Inc. - Licensed Insolvency  
Trustee

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Suite 1610, 520 - 5th Ave S.W.  
Calgary AB T2P 3R7  
Phone: (403) 454-6032 Fax: (403) 232-6116

Clerk's Stamp

COURT FILE NUMBER

COURT

COURT OF KING'S BENCH OF ALBERTA  
IN BANKRUPTCY AND INSOLVENCY

PROCEEDINGS:

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY*  
*ACT, R.S.C. 1985, C. B-3, AS AMENDED*

AND IN THE MATTER OF THE BANKRUPTCY OF NOMODIC  
MODULAR STRUCTURES INC., AITHRA PROJECTS INC.,  
and NOMODIC MODULAR STRUCTURES (ONTARIO) LTD.

JUDICIAL CENTRE

CALGARY

DOCUMENT

**BANKRUPTCY ORDER**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

McCarthy Tétrault LLP  
4000, 421 – 7<sup>th</sup> Avenue SW  
Calgary, AB T2P 4K9  
Attention: Pantelis Kyriakakis / Nathan Stewart  
Tel: 403-260-3536 / 3536  
Fax: 403-260-3501  
Email: pkyriakakis@mccarthy.ca / nstewart@mccarthy.ca

DATE ON WHICH ORDER WAS PRONOUNCED:

October 6, 2023

LOCATION OF HEARING OR TRIAL:

Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER:

Registrar Justice D.B. Nixon

**UPON THE APPLICATION FOR BANKRUPTCY ORDER** (the "**Application**") filed by ATB Financial (the "**Applicant**"), creditor of Nomodic Modular Structures Inc. ("**Nomodic**") Aithra Projects Inc. ("**Aithra**"), and Nomodic Modular Structures (Ontario) Ltd. ("**Nomodic Ontario**", Nomodic Ontario, Aithra and Nomodic are collectively referred to as, the "**Bankrupts**"), filed the to be filed

9 day of October 6, 2023; **AND UPON HAVING READ** the Application and the Affidavit of Truth of Muhammad Ashraf, sworn on October 6, 2023 (the "**Affidavit**"), filed in support hereof; **AND UPON HAVING READ** the Affidavit of Service of Katie Hynne, sworn on October 6, 2023 (the "**Service Affidavit**"), filed; to be sworn and filed

**AND UPON NOTING** the consent of FTI Consulting Canada Inc., in its capacity as court-appointed trustee in bankruptcy of the Bankrupts (the "**Trustee**") to the within Order; **AND UPON** noting the consent endorsed hereon of counsel to the Bankrupts, for the Bankrupts; **AND UPON HEARING** the submissions of counsel for the Applicant and any other parties present at the

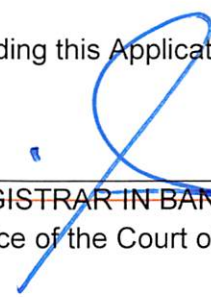
Application; **AND UPON** it appearing that all interested and affected parties have been served with notice of this Application; **AND UPON** it appearing to the Court that the following acts of bankruptcy have been committed by the Bankrupts:

- (a) the debts owing by the Bankrupts exceed \$1,000; and,
- (b) within the 6 months preceding the date of filing of the Application for Bankruptcy Order, the Bankrupts ceased to meet its liabilities generally as they become due.

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The time for service of the Application is abridged, if necessary, the Application is properly returnable today, service of the Application on the service list (the "**Service List**") attached as Exhibit "A" to the Service Affidavit, in the manner described in the Service Affidavit, is good and sufficient, and no other persons other than those listed on the Service List, are entitled to service of the Application.
2. Nomodic, a corporation who carries on business in Alberta, be and is hereby adjudged bankrupt and a Bankruptcy Order is hereby made against Nomodic.
3. Aithra, a corporation who carries on business in Alberta, be and is hereby adjudged bankrupt and a Bankruptcy Order is hereby made against Aithra.
4. Nomodic Ontario, a corporate who carries on business in Ontario, be and is hereby adjudged bankrupt and a Bankruptcy Order is hereby made against Nomodic Ontario.
5. The Trustee be and is hereby appointed as trustee of the estate of the Bankrupts, Nomodic, Aithra, and Nomodic Ontario, without security.
6. The costs of and incidental to this Application and of this Order shall be paid to the Applicant, on a full indemnity, solicitor and his own client basis, out of the assets of the estate of the Bankrupts, Nomodic, Aithra, and Nomodic Ontario.
7. This Order must be served only upon those interested parties attending or represented at the within application and serve may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.

8. Service of this Order on any party not attending this Application is hereby dispensed with.

  
\_\_\_\_\_  
REGISTRAR IN BANKRUPTCY  
Justice of the Court of King's Bench of Alberta

**CONSENTED TO BY:**

**BORDEN LADNER GERVAIS LLP**

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



Name: Kevin E. Barr  
Counsel to Nomodic Modular Structures  
Inc., Aithra Projects Inc., and Nomodic  
Modular Structures (Ontario) Ltd.





District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

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  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
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 Nomodic Modular Structures (Ontario) Ltd. of the city of Calgary in the Province of Alberta 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 6th day of October 2023, 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.)

District of Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

FORM 31 --- Concluded  
In the Matter of the Bankruptcy of  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta

- 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 201(1) of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2997541  
Estate No. 25-2997541

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  
Nomodic Modular Structures (Ontario) Ltd.  
of the city of Calgary  
in the Province of Alberta

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:

FTI Consulting Canada Inc. - Licensed Insolvency Trustee

\_\_\_\_\_  
Suite 1610, 520 - 5th Ave S.W.  
Calgary AB T2P 3R7  
Fax: (403) 232-6116  
E-mail: cameron.browning@fticonsulting.com



## Instructions to Creditors Respecting Proof of Claim and Proxy Form

*Claims not completed correctly in every respect will be returned.*

### General

- A properly completed and supported Proof of Claim form must be submitted to the Trustee in order to be eligible for any potential distribution.
- This checklist is provided to assist you in preparing the accompanying Proof of Claim form and, where required, Proxy Forms in a complete and accurate manner. Please specifically check each requirement.
- **Give the complete address** where any notice or correspondence is to be forwarded.

### Paragraph 1

- Creditor must state full and complete legal name of company or firm.
- If the individual completing the proof of claim is not the creditor himself, he must state his position or title.

### Paragraph 2

- No action is needed except to read this clause.

### Paragraph 3

- A **detailed statement of account** must be attached to the Proof of Claim and must show the date, number and amount of all invoices or charges, together with the date, number and amount of all credits or payments. A statement of account is not complete if it begins with an amount brought forward.
- The amount on the **statement of account** (Schedule A) must correspond to the amount indicted on the proof of claim.

### Paragraph 4

- Please check (x) the type of claim which applies to you. **\*\*PLEASE DO NOT LEAVE THIS SECTION BLANK\*\***.
- A priority claim is only granted to specific creditors under S.136 of The *Bankruptcy and Insolvency Act*. Please review the legislation to determine if you are eligible to make such a claim in this estate.
- A secured creditor must **attach a copy of the security agreement as registered**, and must give full particulars of the security, including the date the security was given and the value assessed to the security by the creditor.
- Claim by Farmer, Fisherman or Aquaculturist must **attach a copy of sales agreement and delivery documents**.

## Paragraph 5

- If you are related by blood or marriage to the debtor, then you should consider yourself to be a related person pursuant to Section 4 of the Act. If the debtor is a corporation, you would be considered to be related to it if you were a shareholder or if your company was controlled by the same shareholders as the bankrupt corporation. You must also indicate if you have dealt with the debtor in a non-arm's-length transaction.

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

## General

- This document **must be signed** personally by the individual completing this declaration.
- The signature of a witness is required.
- Completing the phone and fax number and email address is essential, especially if the claim is sent via fax or email.

## Proxy Form

The *Bankruptcy and Insolvency Act* permits a Proof of Claim to be made by a duly authorized agent of the creditor but, in order for such a person to vote at the first meeting of creditors they must hold a properly completed proxy.

- A creditor may vote either in person or by proxy.
- A debtor may not be appointed a proxy to vote at any meeting of his creditors.
- The Trustee may be appointed as a proxy for any creditor.
- A corporation may vote by an authorized agent at a meeting of creditors.
- In order for a duly authorized person to have a right to vote, he must himself be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.