Ernst & Young Inc.
700 West Georgia Street
Vancouver, BC V7Y 1C7

Tel: +1 604 891 8200
Fax: +1 604 899 3530
ey.com

April 1, 2020

To the creditors of EncoreFX Inc.

**IN THE MATTER OF THE BANKRUPTCY OF ENCOREFX INC. (the "Company")**

On March 30, 2020, EncoreFX Inc. filed an assignment into bankruptcy. Ernst & Young Inc. was appointed as the licensed insolvency trustee in the estate (the "**Trustee**").

The Trustee encloses the following documents:

a) Form 68 - Notice of Bankruptcy and First Meeting of Creditors;
b) Certificate of Assignment;
c) Form 78 - Statement of Affairs;
d) List of Creditors;
e) Form 31 - Proof of Claim form;
f) Form 36 - Proxy form; and
g) Instructions to complete the Proof of Claim and Proxy forms

These materials are also published on a website the Trustee has set up for the bankruptcy proceedings at: www.ey.com/ca/encorefx.

It is not necessary for you to attend the first meeting of creditors if you wish to participate in the bankruptcy proceedings. If you do wish to attend the first meeting of creditors, 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 form.

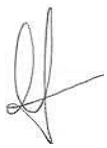
Please submit your Proof of Claim to and direct any questions relating to this matter to:

**Mr. Marko Gordic**
**700 West Georgia Street**
**Vancouver, BC V7Y 1C7**
**Phone: (604) 891-8280**
**Email: marko.gordic@ca.ey.com**

Sincerely,

**ERNST & YOUNG INC.**
*In its capacity as Trustee of EncoreFX Inc.*
*and not in its personal or corporate capacity*

Per:



**Mike Bell, CPA, CA, CIRP, LIT**
Senior Vice President

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No. 11-2634864

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

[x] Original [ ] Amended

In the matter of the Bankruptcy of
EncoreFX Inc.
of the city of Vancouver
in the Province of British Columbia

Take notice that:

1. EncoreFX Inc. filed (or was deemed to have filed) an assignment on the 30th day of March 2020, and the undersigned, Ernst & Young 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 conducted on the 16th day of April 2020, at 10:00 AM (PST), via telephone Conference Call. Please dial #+1 647-749-1785 and enter Conference ID: 696 265 419#.

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 Vancouver in the Province of British Columbia, this 31st day of March 2020.

Ernst & Young Inc. - Licensed Insolvency Trustee

Per:

_____
Mike Bell - Licensed Insolvency Trustee
700 West Georgia Street
Vancouver BC V7Y 1C7
Phone: (604) 891-8200 Fax: (604) 899-3530

Industry Canada | Industrie Canada

**Office of the Superintendent of Bankruptcy Canada** | **Bureau du surintendant des faillites Canada**

District of: British Columbia
Division No.: 03 - Vancouver
Court No.: 11-2634864
Estate No.: 11-2634864

In the Matter of the Bankruptcy of:

**EncoreFX Inc.**
Debtor

**ERNST & YOUNG INC.**
Licensed Insolvency Trustee

Ordinary Administration

| | | | |
|---|---|---|---|
| Date and time of bankruptcy: | March 30, 2020, 09:47 | Security: | $1,200,000.00 |
| Date of trustee appointment: | March 30, 2020 | | |
| Meeting of creditors: | April 16, 2020, 10:00<br>Meeting to be conducted via telephone<br>+1 647-749-1785<br>Conference ID: 696 265 419#, British Columbia<br>Canada, | | |
| Chair: | Trustee | | |

CERTIFICATE OF APPOINTMENT - Section 49 of the Act; Rule 85

I, the undersigned, official receiver in and for this bankruptcy district, do hereby certify that:

- the aforenamed debtor filed an assignment under section 49 of the *Bankruptcy and Insolvency Act*;
- the aforenamed trustee was duly appointed trustee of the estate of the debtor.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the official receiver.

Date: March 30, 2020, 19:44

E-File/Dépôt Electronique | Official Receiver

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

[X] 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)

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 March 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" | 47,535,147.36 |
| Balance of secured claims as per list "B" | 0.00 |
| Total unsecured creditors | 47,535,147.36 |
| 2. Secured creditors as per list "B" | 35,575,000.00 |
| 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 | 51,510,010.00 |
| Total liabilities | 134,620,157.36 |
| Surplus | NIL |

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

| | | |
|---|---|---|
| 1. Inventory | | 0.00 |
| 2. Trade fixtures, etc. | | 509,724.00 |
| 3. Accounts receivable and other receivables, as per list "E" | | |
| Good | 17,451,036.00 | |
| Doubtful | 10,302,002.00 | |
| Bad | 23,756,972.00 | |
| Estimated to produce | | 17,451,036.00 |
| 4. Bills of exchange, promissory note, etc., as per list "F" | | 0.00 |
| 5. Deposits in financial institutions | | 0.00 |
| 6. Cash | | 1,206,471.00 |
| 7. Livestock | | 0.00 |
| 8. Machinery, equipment and plant | | 0.00 |
| 9. Real property or immovable as per list "G" | | 0.00 |
| 10. Furniture | | 143,661.00 |
| 11. RRSPs, RRIFs, life insurance, etc. | | 0.00 |
| 12. Securities (shares, bonds, debentures, etc.) | | 0.00 |
| 13. Interesls under wills | | 0.00 |
| 14. Vehicles | | 0.00 |
| 15. Other property, as per list "H" | | 68,588,531.00 |
| 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 | | 87,899,423.00 |
| Deficiency | | 46,720,734.36 |

I, Peter Bjorn Gustavson, of the City of Victoria in the Province of British Columbia, 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 29th day of March 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 Victoria in the Province of British Columbia, on this 29th day of March 2020.

Peter Bjorn Gustavson

PETER VAARTNOU
Barrister & Solicitor
1212 - 1175 DOUGLAS STREET
VICTORIA, B.C. V8W 2E1
382-7222

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "A"
Unsecured Creditors

EncoreFX Inc.

| No. | Name of creditor | Address | Unsecured claim | Balance of claim | Total claim |
|---|---|---|---|---|---|
| 1 | 1504331 Alberta Inc. | --- | 104,400.00 | 0.00 | 104,400.00 |
| 2 | A and P Fruit Growers Ltd. | --- | 266,380.00 | 0.00 | 266,380.00 |
| 3 | ACAA Absolute Alliance Incorporated | --- | 231,105.12 | 0.00 | 231,105.12 |
| 4 | AFD Petroleum Ltd. | --- | 35,436.24 | 0.00 | 35,436.24 |
| 5 | Andreas Eberhard Wrede | --- | 28,757,243.00 | 0.00 | 28,757,243.00 |
| 6 | Arjazon Seed Trading Ltd. | --- | 22,725.96 | 0.00 | 22,725.96 |
| 7 | BLewis Trading Inc. | --- | 24,124.99 | 0.00 | 24,124.99 |
| 8 | C Y Grower Supplies Ltd. | -- | 32,811.52 | 0.00 | 32,811.52 |
| 9 | Canadian Wood Fiber Ltd. | -- | 8,190.00 | 0.00 | 8,190.00 |
| 10 | Cascade Gear Inc. | -- | 7,392.67 | 0.00 | 7,392.67 |
| 11 | Cell Phone Parts Canada | -- | 3,834.60 | 0.00 | 3,834.60 |
| 12 | Century Import and Export Inc. | -- | 2,044.36 | 0.00 | 2,044.36 |
| 13 | CWT Victor Travel | -- | 19,187.45 | 0.00 | 19,187.45 |
| 14 | Don Jeremy Enright | -- | 35,000.00 | 0.00 | 35,000.00 |
| 15 | Donald Eric John Calveley | -- | 4,814.14 | 0.00 | 4,814.14 |
| 16 | Dymac Canada Inc. | -- | 49,459.48 | 0.00 | 49,459.48 |
| 17 | DYNA Engineering Ltd. | -- | 25,523.62 | 0.00 | 25,523.62 |
| 18 | Dynamic Windows and Doors Inc. | -- | 3,261.67 | 0.00 | 3,261.67 |
| 19 | EBYT Productions Inc. | -- | 3,686.43 | 0.00 | 3,686.43 |
| 20 | EcoSafe Zero Waste Inc. | -- | 116,243.88 | 0.00 | 116,243.88 |
| 21 | Fillmore Riley LLP | 1700 - 360 Main Street<br>Winnipeg MB R3C 3Z3 | 968.80 | 0.00 | 968.80 |
| 22 | Fraser Valley Packers Inc | -- | 5,000.00 | 0.00 | 5,000.00 |
| 23 | Gigi Importing Limited | -- | 1,314.88 | 0.00 | 1,314.88 |
| 24 | H J S Wholesale Ltd. | -- | 276,062.08 | 0.00 | 276,062.08 |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "A"
Unsecured Creditors

EncoreFX Inc.

| No. | Name of creditor | Address | Unsecured claim | Balance of claim | Total claim |
|---|---|---|---|---|---|
| 25 | Kastor Energy Ltd. | -- | 532.00 | 0.00 | 532.00 |
| 26 | KB Financial Solutions | -- | 6,239.13 | 0.00 | 6,239.13 |
| 27 | Kimia Distributors Canada KDC | -- | 51,814.17 | 0.00 | 51,814.17 |
| 28 | KSW Holdings Inc. | -- | 7,819.00 | 0.00 | 7,819.00 |
| 29 | Lamb Cattle Company Ltd. | -- | 475.00 | 0.00 | 475.00 |
| 30 | Liberty Specialty Imports Inc. | -- | 155,000.00 | 0.00 | 155,000.00 |
| 31 | Limelight Pictures Inc. | -- | 722.50 | 0.00 | 722.50 |
| 32 | Lowfoot Inc. | -- | 7,000.00 | 0.00 | 7,000.00 |
| 33 | Machine and Product Design Inc. | -- | 23,486.79 | 0.00 | 23,486.79 |
| 34 | Mainmast International Ltd. | -- | 24,645.00 | 0.00 | 24,645.00 |
| 35 | Meadow Valley Meats Ltd. | -- | 144,119.44 | 0.00 | 144,119.44 |
| 36 | MENs Farming Inc. | -- | 20,714.63 | 0.00 | 20,714.63 |
| 37 | Microsoft Corporation | c/o 910430<br>PO Box 4090, Station A<br>Toronto ON -- | 1,924.07 | 0.00 | 1,924.07 |
| 38 | Mid Plains Implements Ltd. | -- | 13,625.32 | 0.00 | 13,625.32 |
| 39 | Mobilia Interiors Inc. | -- | 375.00 | 0.00 | 375.00 |
| 40 | Nash Jewellers | -- | 17,598.37 | 0.00 | 17,598.37 |
| 41 | Ocean Seafood Company | -- | 179,600.00 | 0.00 | 179,600.00 |
| 42 | Omnae Technologies Inc. | -- | 376.14 | 0.00 | 376.14 |
| 43 | Phoenix Commodities Pvt Ltd. | -- | 454,547.66 | 0.00 | 454,547.66 |
| 44 | Product Line Holdings and Logistics Ltd. | -- | 5,600.00 | 0.00 | 5,600.00 |
| 45 | PRS Plastic and Rubber Solutions Limited | -- | 23,800.00 | 0.00 | 23,800.00 |
| 46 | Qualichem Industrial Products Ltd. | -- | 491.76 | 0.00 | 491.76 |
| 47 | Ransom Cattle Co Ltd. | -- | 206,268.19 | 0.00 | 206,268.19 |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "A"
Unsecured Creditors

EncoreFX Inc.

| No. | Name of creditor | Address | Unsecured claim | Balance of claim | Total claim |
|---|---|---|---|---|---|
| 48 | Refinitiv Transaction Services Limited | The Thomson Reuters Building<br>South Colonnade, Canary Wharf<br>London -- United Kingdom | 4,541.64 | 0.00 | 4,541.64 |
| 49 | RenewABiLiTY Energy Inc. | --<br>-- -- -- | 46,871.61 | 0.00 | 46,871.61 |
| 50 | Rogers Communications Canada Inc. | Rogers Business Solutions<br>PO Box 2000, Station D<br>Scarborough ON -- -- | 562.70 | 0.00 | 562.70 |
| 51 | SaskTel CMR #02799807 | PO Box 2121<br>Regina SK S4P 4C5 | 761.21 | 0.00 | 761.21 |
| 52 | SBI Fine Chemicals Inc. | --<br>-- -- -- | 1,456.00 | 0.00 | 1,456.00 |
| 53 | Sergei Glebov | --<br>-- -- -- | 7,925.65 | 0.00 | 7,925.65 |
| 54 | Shaw Cablesystems GP #014-1952-4728 | PO Box 2468, Stn. Main<br>Calgary AB T2P 4Y2 | 285.87 | 0.00 | 285.87 |
| 55 | Shaw Cablesystems GP #030-8955-3030 | PO Box 2468, Stn. Main<br>Calgary AB T2P 4Y2 | 271.74 | 0.00 | 271.74 |
| 56 | Shaw Cablesystems GP #055-6319-4842 | PO BOx 2468, Stn. Main<br>Calgary AB T2P 4Y2 | 251.80 | 0.00 | 251.80 |
| 57 | Song Xing Trading Co Ltd. | --<br>-- -- -- | 1,363.57 | 0.00 | 1,363.57 |
| 58 | South Beach Trading Inc. | --<br>-- -- -- | 200,651.75 | 0.00 | 200,651.75 |
| 59 | Sparkes Corn Barn | --<br>-- -- -- | 3,500.00 | 0.00 | 3,500.00 |
| 60 | Spot Travel Inc. | --<br>-- -- -- | 3,882.06 | 0.00 | 3,882.06 |
| 61 | Stephen James Kralik | --<br>-- -- -- | 600.00 | 0.00 | 600.00 |
| 62 | Strategyworks Corp | --<br>-- -- -- | 500.00 | 0.00 | 500.00 |
| 63 | The Flower Factory | --<br>-- -- -- | 41,553.75 | 0.00 | 41,553.75 |
| 64 | The Premium Tool and Abrasive Co Ltd | --<br>-- -- -- | 4,050.45 | 0.00 | 4,050.45 |
| 65 | Tuberosum Technologies Inc. | --<br>-- -- -- | 511.50 | 0.00 | 511.50 |
| 66 | Various Customer OTM Margin Deposits | --<br>-- -- -- | 15,832,621.00 | 0.00 | 15,832,621.00 |
| | | **Total:** | **47,535,147.36** | **0.00** | **47,535,147.36** |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "B"
Secured Creditors

EncoreFX Inc.

| 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 | Gustavson Capital Corporation | 517 Fort Street<br>2nd Floor<br>Victoria BC V8W 1E7 | 35,575,000.00 | Debts Due - Business - Accounts receivable | | 17,451,036.00 | | |
| | | | | Other - Initial margin deposits - Deutsche bank | | 10,079,748.00 | 670,753.00 | |
| | | | | Other - Initial margin deposits - Goldman Sachs | | 6,328,021.00 | | |
| | | | | Cash on Hand - Cash and cash equivalents | | 1,206,471.00 | | |
| | | | | Business Assets - Trade Fixtures - Computer Equipment | | 509,724.00 | | |
| | | | | Other - MTM Deposits with Deutsche bank, Goldmand Sachs and ANZ | | 0.00 | 51,510,009.00 | |
| | | | | Furniture - Furniture | | 0.00 | 143,661.00 | |
| | | **Total:** | **35,575,000.00** | | | **35,575,000.00** | **52,324,423.00** | **0.00** |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

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

EncoreFX Inc.

| 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 |

20-Mar 2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "D"
Contingent or Other Liabilities

EncoreFX Inc.

| 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 |
|---|---|---|---|---|---|---|
| 1 | ANZ | --- | 14,465,998.00 | 0.00 | | Derivative liability |
| 2 | Deutsche Bank | -- | 32,846,869.00 | 0.00 | | Derivative liability |
| 3 | Goldman Sachs | -- | 4,197,143.00 | 0.00 | | Derivative Liability |
| | | **Total:** | **51,510,010.00** | **0.00** | | |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 – Continued

List "E"
Debts Due to the Bankrupt

EncoreFX Inc.

| 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 | --<br>-- -- | Accounts receivable | 17,451,036.00<br>10,302,002.00<br>23,756,972.00 | | 27-Mar-2020 | 17,451,036.00 | Net derivative assets owing from clients |
| | | | Total: | 17,451,036.00<br>10,302,002.00<br>23,756,972.00 | | | 17,451,036.00 | |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "F"

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

EncoreFX Inc.

| 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 | |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 -- Continued

List "G"
Real Property or Immovables Owned by Bankrupt

EncoreFX Inc.

| 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 |

29-Mar-2020
Date

Peter Bjorn Gustavson

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No.

FORM 78 – Concluded

List "H"
Property

EncoreFX Inc.

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. | | Computer Equipment | 0.00 | 509,724.00 |
| (c) Cash in financial institutions | | | 0.00 | 0.00 |
| (d) Cash on hand | | Cash on hand | 1,206,471.00 | 1,206,471.00 |
| (e) Livestock | | | 0.00 | 0.00 |
| (f) Machinery, equipment and plant | | | 0.00 | 0.00 |
| (g) Furniture | | Furniture | 0.00 | 143,661.00 |
| (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 | | Initial margin deposits - Goldman Sachs<br>Initial margin deposits - Deutsche bank<br>MTM Deposits with Deutsche bank, Goldmand Sachs and ANZ | 0.00<br>0.00<br>0.00 | 6,328,021.00<br>10,750,501.00<br>51,510,009.00 |
| | | | **Total:** | **70,448,387.00** |

29-Mar-2020
Date

Peter Bjorn Gustavson

Court No.

File No.

---

---

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

---

Ernst & Young Inc. - Licensed Insolvency Trustee
Per:

---

Mike Bell - Licensed Insolvency Trustee
700 West Georgia Street
Vancouver BC V7Y 1C7
Phone: (604) 891-8200 Fax: (604) 899-3530

Ernst & Young Inc.
700 West Georgia Street
Vancouver BC V7Y 1C7
Phone: (604) 891-8200 Fax: (604) 899-3530

| | |
|---|---|
| District of: | British Columbia |
| Division No. | 11 - Vancouver |
| Court No. | |
| Estate No. | 11-2634864 |

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
EncoreFX Inc.
of the city of Vancouver
in the Province of British Columbia

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

_____

_____

In the matter of the bankruptcy of EncoreFX Inc. of the City of Vancouver in the Province of British Columbia 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 March 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 201(1) of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.

District of: British Columbia
Division No. 11 - Vancouver
Court No.
Estate No. 11-2634864

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
EncoreFX Inc.
of the city of Vancouver
in the Province of British Columbia

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:

Ernst & Young Inc. - Licensed Insolvency Trustee
Per:

_____
Mike Bell - Licensed Insolvency Trustee
700 West Georgia Street
Vancouver BC V7Y 1C7
Phone: (604) 891-8200 Fax: (604) 899-3530

INSTRUCTIONS AND CHECKLIST TO COMPLETE THE
PROOF OF CLAIM FORM (FORM 31) AND PROXY (FORM 36)

## 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.
- 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.

INSTRUCTIONS AND CHECKLIST TO COMPLETE THE
PROOF OF CLAIM FORM (FORM 31) AND PROXY (FORM 36)

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.
- 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 invoices or charges, together with the date, number and amount of all credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

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.
- 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 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.

INSTRUCTIONS AND CHECKLIST TO COMPLETE THE
PROOF OF CLAIM FORM (FORM 31) AND PROXY (FORM 36)

- 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.