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# Discharge From Bankruptcy

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# Discharge From Bankruptcy

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***The Law Information Centre (LInC) and the Court Registry Staff cannot give you legal advice or financial guidance, or predict the outcome of court decision.***

***This booklet provides general information only. You should speak to a lawyer for legal advice about your own situation.***

This booklet has been prepared for you by the staff at the Law Information Centre. You can reach us at:

**Calgary**

Calgary Courts Centre  
Main Floor, 601 - 5 Street SW  
Phone: 403-476-4744

**Edmonton**

Law Courts Building  
2nd Floor South (inside the library)  
1A Sir Winston Churchill Square  
Phone: 780-644-8217

**Grande Prairie**

Courthouse  
10260 - 99 St.  
Grande Prairie  
Phone: 780-833-4234

**Red Deer**

Courthouse  
Main Floor, 4909 - 48 Ave  
Phone: 403-755-1469

**Outside these centres, contact us toll free at 310-0000**

## Introduction

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This guidebook is for people who are bankrupt, but have not been granted a discharge from bankruptcy. If your trustee is no longer responsible for making another application for discharge, this guidebook will help you make your own application for discharge from bankruptcy.

If you are not currently in bankruptcy, but are dealing with significant debt and want to know more about the process, there is information in the right column of this page.

Discharge from bankruptcy is the legal process of being released from bankruptcy. Once all of the legal steps have been taken, in the bankruptcy, to process the person's assets and debts, the court can grant an order releasing the bankrupt from those debts which cannot be paid, with some exceptions (e.g. child support arrears).

Your trustee has duties set out in the *Bankruptcy and Insolvency Act*, with respect to the administration of your property. One of the last duties is to apply for your discharge from bankruptcy. After doing that, and once all of their own duties are completed, the trustee MUST apply for their own discharge.

If you were not granted a discharge when the trustee applied for you, you are an undischarged bankrupt, and your trustee is not responsible for making another application for your discharge. This is up to you.

This guidebook will help you make your application for discharge from bankruptcy if you are an undischarged bankrupt.

### Can't pay your debt?

There are many things you can do if you are dealing with significant debt:

- Get financial counselling (e.g., from [Alberta Credit Counselling Services](#) or [Money Mentors](#));
- Use the Orderly Payment of Debts program, which involves a written agreement between you and the person or company who lends you money;
- Consolidate and refinance your debts;
- Make a proposal to your creditors under Canada's bankruptcy laws; or
- As a last resort, declare personal bankruptcy.

Learn more about your options:

- [Financial Consumer Agency of Canada](#)
- [Credit and You](#)
- [Dealing With Credit](#)
- [Office of the Superintendent of Bankruptcy](#)

There will be reasons why you were not discharged from bankruptcy on the first application. In most cases, undischarged bankrupts have not done something that must be done, or have not met the conditions that were set out by the Registrar in Bankruptcy (the Registrar who hears the application for discharge).

Examples of reasons why a discharge is not granted:

- You may have been told to provide the trustee with monthly income and expense statements, but you have not done so;
- You may not have paid the amounts of surplus income to the trustee that you have been told to pay; or
- You may not have gone to your counselling sessions.

IF there were things that you did not do, or money that was not paid, the trustee will have objected to your discharge. When the trustee made the discharge application to the Registrar in Bankruptcy, it would have been adjourned or a payment amount would have been set.

Often the reasons why the trustee objected are set out in the Trustee's Report (also called a Section 170 report, an S170 Report or a Report of Trustee on Bankrupt's Application for Discharge).

The reasons why you were not discharged may also be noted on the Conditional Order for Discharge. Any amount that you have been ordered to pay will be noted on this Order.

You should review the Section 170 report and any Orders granted by the Registrar in Bankruptcy to see what you have not done. You must make sure that you have fulfilled all of your duties under the Bankruptcy and Insolvency Act and have obeyed all of the conditions set out in any Order.



**Tip:**

The instructions in this booklet are general and apply to most cases. There are cases where different rules apply. The *Bankruptcy and Insolvency General Rules* tell you the process and procedure for all kinds of cases in the Bankruptcy Court. See the Resources and Legal Help section of this booklet for information on how to find the Rules.

## ***Automatic Discharge from Bankruptcy***

You will be automatically discharged (without having to make a court application) 9 months after filing for bankruptcy if:

- this is your first bankruptcy;
- your discharge is not opposed by your trustee, your creditors, or the Office of the Superintendent of Bankruptcy;
- you have gone to counselling sessions;
- your income tax debt is less than \$200,000 and less than 75% of your total debt; and
- you have not been told to pay a portion of your surplus income to the bankruptcy estate. (“Surplus income” is calculated by your trustee following the requirements set out in the *Bankruptcy and Insolvency Act* and the standards set by the Superintendent of Bankruptcy.) If you do have to make payments, you may get an automatic discharge after 21 months.

In most cases, you will get an automatic discharge. The trustee will let the Superintendent of Bankruptcy and your creditors know of the upcoming date of your discharge. The trustee, the Superintendent of Bankruptcy and the creditors all have a right to object to your absolute discharge. If no one objects, a court hearing is not necessary and the trustee will send you a copy of the discharge.

If you are bankrupt for the second time, you may get an automatic discharge after 24 months, if you do not have to make payments of surplus income.

If you are a second-time bankrupt with surplus income, you must pay part of the surplus to the trustee for a period of 36 months. Once you have done that, you can get an automatic discharge.

## ***Bankrupt's Application for Discharge***

If you do not qualify for an automatic discharge, your trustee will make the first application to the court for your discharge. The trustee will also notify your creditors and the Office of the Superintendent of Bankruptcy of this application. At the hearing, the trustee will tell the court the facts about your bankruptcy. You are allowed come to the hearing yourself and tell the court more about your situation.

Your creditors and trustee and the Superintendent of Bankruptcy have the right to object to your discharge. The reasons why they may do that are set out in section 173 of the *Bankruptcy and Insolvency Act*.

Creditors may object to the discharge if they want the court to order you to pay more money to the trustee for the benefit of your creditors. This would be a conditional discharge. The Superintendent of Bankruptcy may object if you have been bankrupt before, or it appears you are abusing the bankruptcy process.

After your discharge hearing, the trustee will be able to be discharged. If your trustee has been discharged, it is up to you to apply for your own discharge from bankruptcy. However, if the trustee is not yet discharged, and the file is still open, the trustee may make the second application for discharge on your behalf.

The application for discharge is made before a court officer called the "Registrar in Bankruptcy".



## **Before You Begin**

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The first step is to get copies of your bankruptcy documents. The documents you will need are:

- your Assignment into Bankruptcy, which will include your Monthly Income and Expense Statement of Bankrupt (Form 65) your Statement of Affairs (Form 79)
- the Trustee's report (also called a section 170 report, a S170 report, or a Report of Trustee on Bankrupt's Application for Discharge (and any supplemental reports); and
- a copy of any Orders that are on your file.

You may be able to get those from your Trustee.

If you can't get the documents from your trustee, you must get them from your bankruptcy file at the courthouse. You must complete a search request, and ask for the documents listed above. You will be charged \$10 to pull the file, plus \$1 per page for photocopying.

You must ask for the copies of the court documents from the court where your file is located. For example, if your court file is in Calgary, you must make your request for copies of the materials to the courthouse in Calgary. Bankruptcies for which court files are opened will have the file either in Calgary (southern Alberta) or Edmonton (northern Alberta).

Next, locate copies of your income tax returns and Notices of Assessment for all of the years from the year you became bankrupt until the last tax year. Make copies of all of those documents.

Finally, make a list of any assets you have acquired since the date of your bankruptcy. Include any assets purchased or given to you, and include assets that you may no longer own.

## **Preparing Your Application**

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### ***Prepare the Application Form***

This form is at the back of this booklet.

Fill in the court file number, and your full name in the spaces where indicated – these are the same as is written on the bankruptcy documents that you have obtained from the court.

Fill in your complete mailing address on the first page. Do not fill in anything else on the first page.

On the second page, check off the box in #2 if it applies.

### ***Prepare the Affidavit***

The form is at the back of this booklet.

The Affidavit is a written statement, signed under oath, that contains important information about your case. Any evidence that you wish the court to consider in your application must be included in your Affidavit.

Your Affidavit should state what led up to your bankruptcy and what your financial situation is at the present time. You should provide details, as the court needs to have a clear picture of your circumstances.

Your Affidavit should only include evidence that is specifically about your application for discharge. The following information might be relevant to your application:

- The causes of your bankruptcy.
- Your personal and financial situation since the date of bankruptcy (e.g. your employment, income, marital status, etc.)
- Why you did not ask for the discharge earlier and/or why you have not been able to comply with the bankrupt's duties or the conditions ordered by the court.
- Why you are asking for a discharge now.
- What debts and liabilities you have incurred since the date of your bankruptcy.
- Your assets and debts as of today.

- What assets you have sold, given away, or otherwise disposed of since the date of your bankruptcy.
- Your response to any of the statements, recommendations or objections set out in the Trustee's Section 170 Report or any other reports that have been filed with the court.

Any documents that you want the Registrar to see, must be attached as exhibits to your Affidavit. You must refer to the document in the affidavit, and state which exhibit it is ("A", "B", "C", etc.)

Documents that should be attached to your affidavit include

- the Trustee's Section 170 Report and any supplemental reports;
- a financial statement showing your current income, expenses, assets and debts; and
- your tax returns since the date of your bankruptcy.

Your Affidavit is your evidence and the Registrar will use this to help make their decision. There are serious consequences for not telling the truth in your Affidavit.

Once you have finished filling in your Application and Affidavit, you must have your Affidavit sworn before a Commissioner for Oaths.

You may come to the Law Information Centre or the Clerk's office to have your Affidavit sworn. Bring photo identification with you when you come.



**Tips:**

Remember that you want your court materials to be as neat and easy to read as possible. The easier you can make the job for the Registrar, the better.

Make sure all of your pages have print only on one side (no double sided printing or copying!).

Your Affidavit must explain what each exhibit is.

If you want to attach documents as exhibits that are smaller than 8½ by 11 inches, tape them to a piece of paper.

Related documents can grouped into one exhibit.

Exhibits are labelled with letters: Exhibit "A", Exhibit "B", etc.

Make sure to bring a photocopy of your exhibit(s) with you when you have your Affidavit sworn otherwise you may lose your original.

DO NOT photocopy your Application or Affidavit until AFTER it is sworn.

***Prepare an Order for Discharge***

An Order for Discharge is included at the end of this booklet.

Fill in the court file number and your full name, where indicated.

Fill in your name and the date of your bankruptcy in the first paragraph of the Order. Leave the rest for the Registrar to fill in, in court.

## Filing and Serving Your Court Documents

Once you have had your Affidavit sworn, there are several steps you need to follow to get ready for court.

- Step 1:** Make copies of your Application and Affidavit
- Step 2:** Go to the Court of Queen's Bench Bankruptcy Clerk's office to speak to the clerk about a court date and to file your court materials
- Step 3:** Serve your court materials
- Step 4:** Prepare your Affidavit of Service

### ***Step 1- Make copies of your Application and Affidavit***

Remember that you should not make photocopies of your Application and Affidavit until after you have had your Affidavit sworn. After this is done, you should make **3 copies, plus one additional copy for each creditor who objected to your discharge**. Copy both your Application and Affidavit (including all exhibits).

### ***Step 2 – Go to the Court of Queen's Bench Bankruptcy Clerk's office to speak to the Clerk about a court date and to file your court materials***

Go to the Bankruptcy clerk's office in the Court of Queen's Bench and hand them your completed court materials. You will speak to the clerk about setting a court date.

When you set a court date, you are not just picking a date that is convenient for you. You must provide the other parties with enough notice of the court date or else the Registrar may refuse to hear your application. The clerk at the Chambers office can help you pick a date but be aware that if you are personally serving the documents or if you are serving electronically (see next page), they must be delivered

at least **4 days before your court date**. However if you are serving by mail or courier, they must be sent at least **10 days before your court date**.

When you are setting your court date, make sure you allow enough time for service. It may take a few days for you to get the documents served. Keep this in mind and don't schedule your court date too soon.

After you have picked a suitable court date, make sure the court date is written on the first page of all copies of your Application.

The clerk will stamp and keep the original copies of your Application and Affidavit and return all of the copies to you. These copies are what you will need for the next step.



**Tip:**

**Counting the days for service:** You do not count the day you serve the document when you are counting the number of days notice you are giving. If you must give 4 days notice and you can serve on Friday, Saturday is day 1, and Sunday is day 2, so the earliest court date you can pick is Tuesday.

**Step 3 – Serve your court materials on all other parties**

You or another person over the age of 18 must serve the people / offices listed below with copies of all the court materials you have filed.

You must serve:

- Your Trustee
- Each creditor who has filed an objection to your discharge
- The Office of the Superintendent of Bankruptcy. You can serve one of the Alberta locations of the office. They are:

**Calgary Office**

Suite 510 Standard Life Tower  
639 – 5 Avenue SW  
Calgary, Alberta T2P 0M9

**Edmonton Office**

Suite 725 Canada Place  
Building  
9700 Jasper Avenue  
Edmonton, Alberta T5J 4C3

You may serve in one of the following ways:

- Hand-deliver the documents directly to the person / office (this is called personal service);
- Send the documents by mailing them (this is service by mail);
- Send the documents by courier (this is service by courier); or
- Fax or e mail the documents (this is called electronic service).

When serving the court materials:

- You may serve the documents yourself, or you may have someone else serve the documents for you – i.e. ask a friend or family member or hire a process server;
- Have whoever is delivering the documents make a note of the address where the person is if they hand-deliver the documents;
- Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service.

#### ***Step 4– Prepare your Affidavits of Service***

After you have served your court materials on the Trustee, the creditors and the Office of the Superintendent of Bankruptcy, you have to prepare an Affidavit of Service for each person / office that was served. This is the court form that proves to the Registrar that the other party was properly notified of your application.

Three Affidavits of Service are included at the end of this booklet – one for service on your trustee, one for service on a creditor (make copies as needed) and one for service on the Office of the Superintendent of Bankruptcy.

Just like your Affidavit for your application, your Affidavit of Service must be sworn. Your Affidavit of Service must be completed and sworn by the person who served the documents.

The Affidavit of Service will:

- Explain who delivered (or sent) the documents;
- Say the date the documents were delivered (or sent); and
- Say the address of where the person was served.

You must be sure to **file** the original Affidavits of Service at the clerk's office before the court date and bring a copy of them with you to court.

## **Preparing for Court**

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Your court application will be heard by a Registrar in Bankruptcy. The Registrar sits in an open courtroom and hears several court applications on a list. The Registrar goes through the list, starting at either 10:00 or 2:00.

Because there can be many applications on a list for the Registrar to get through, you want to be sure not to waste any of the Registrar's time. For this reason, there are some things you should think about before you go to court:

- Make sure you know what you want to say;
- Make sure that everything you want to say to the Registrar is in your Affidavit; and
- Make sure you have filed your Affidavits of Service and that you bring filed copies of them with you.

Remember that you have put a lot of work into preparing and filing your court materials, and serving the other parties and you want to be as ready as you can on the court date.

The Court of Queen's Bench can seem quite intimidating. Although the staff and Registrars try to make the court system as open and friendly as possible, there are still some basic things you should know going in:

- Dress for court in a neat and respectable manner;
- Be on time;
- Do not eat, drink or chew gum/tobacco in the courtroom;
- Remove your hat;
- Turn off cell phones, pagers and music devices;
- Make sure you have copies of all of your filed court documents;
- Make sure to bring a pen and paper to write down the Registrar's decision, name, room number and the date;
- Speak clearly and loudly when you are in court;
- Stand up when the Registrar is speaking to you or when you are speaking to the Registrar;
- Be respectful of the Registrar and refer to him/her as "Sir" or "Madam"; and
- Be respectful of any other party and do not interrupt them while they are speaking.



## **At the Hearing**

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When your application is heard, you will have a chance to present your case in court to the Registrar in Bankruptcy. This is the usual procedure:

1. You explain why you believe you are entitled to an absolute discharge from bankruptcy.
2. Anyone opposing your application explains his or her position.
3. You have a chance to respond to any arguments made by any other party.
4. The Registrar makes their decision.

The Registrar in Bankruptcy will consider many factors at your application for discharge. Some of these factors may include:

- What was your conduct before your bankruptcy and during bankruptcy (as set out in the Trustee's Section 170 Report)?
- Did you cooperate by going to the financial counselling sessions paying your surplus income to the trustee for your creditors?
- What is your current income?
- Do you have exempt assets (such as RRSP's)?
- Do you have only one creditor, like the Canada Revenue Agency or a litigation creditor?

At the end of the hearing, the Registrar in Bankruptcy will:

- grant an Order for Discharge (absolute or conditional);
- grant an Order for Discharge, but suspend its effective date for a period of time;
- adjourn the hearing; or
- dismiss your application.

If the Registrar has agreed to give you an Absolute Discharge, hand up the Order that you have prepared, and the Registrar will sign it for you. If the Registrar has made any other Order, the Clerk can tell you how it will be prepared.

If the Registrar has dismissed your application, you will have to make another application for a discharge after a reasonable period of time. The Order dismissing your application may set out when you can apply again.

## Order for Discharge

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At the end of the hearing, the Registrar in Bankruptcy may grant one of the following types of discharges:

- An absolute discharge. When an absolute discharge is granted, you will be released from the obligation to repay the debts that you had as of the date that you became bankrupt. Note that you must still pay certain debts, which are discussed below.
- A conditional or suspended discharge. If you get a conditional discharge, you must do certain things before you can get an absolute discharge. For example, you may have to pay a certain amount of money to your trustee over a period of time. Once the conditions are met, you will be granted an absolute discharge. A suspended discharge is where the court sets a specific date in the future when your absolute discharge takes effect. Although no further court hearing is needed, you are not discharged until that date.

After discharge, you are legally released from paying debts that you owed as of the date of your bankruptcy, unless they are:

- Alimony payments and child support;
- Student loans, if it is less than 7 years since you stopped being a full or part-time student;
- A fine or penalty imposed by the court;
- Debt arising from fraud; or
- Another category of debt set out in section 178 of the *Bankruptcy and Insolvency Act*.

## **After the Hearing**

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If you have received an Order, it must be filed. Take the Order to the Bankruptcy Clerk's counter at the Court of Queen's Bench, and they will file it for you.

Deliver a copy of any Order granted to your Trustee and to the Office of the Superintendent of Bankruptcy. If you have received an absolute discharge, you may want to provide a copy to the Credit Bureaus.

## **Resources and Legal Help**

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**The *Bankruptcy and Insolvency Act*** sets out the steps in the bankruptcy process, the duties of the bankrupt, the reasons for objecting to the discharge and other important information. You can find the Act in the library at your courthouse, or at <http://laws-lois.justice.gc.ca/eng/acts/B-3/index.html>

**The *Bankruptcy and Insolvency General Rules*** set out the process for making the application for discharge. You can find the Rules in the library at your courthouse, or at [http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,\\_c.\\_368/index.html](http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._368/index.html)

**The Office of the Superintendent of Bankruptcy** has information on their website and links to helpful resources. Their website is <http://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/home>

**Legal Aid 310-0000**, then ask for the Legal Aid office near you. If you are a low income Albertan, and need a lawyer to take your case, you can apply for help from Legal Aid.

### ***Pro Bono (Volunteer) services by lawyers***

These services provide free legal advice to low income Albertans.

Calgary Legal Guidance	403-234-9266
Edmonton Community Legal Centre	780-702-1725
Lethbridge Legal Guidance	403-380-6338
Grande Prairie Legal Guidance	780-882-0036
Central Alberta Community Legal Clinic (Red Deer)	403-314-9129

Check the Pro Bono Law Alberta website [www.pbla.ca](http://www.pbla.ca) to see if there are any other services that can help you.

### ***Lawyer Referral Service 1-800-661-1095***

This service will refer you to lawyers in private practice. When you call, ask for a bankruptcy lawyer. You will be given the names of 3 lawyers who practice in the area of bankruptcy and insolvency, and in your area. You can speak to any of them for the first ½ hour for free.

There are other services that may be able to help you with legal information (not advice) and the filling in of forms. Some of these are:

- Student Legal Services (Edmonton) 780-492-8244
- Student Legal Assistance (Calgary) 403-220-8637
- Immigration Services in your area
- Paralegal Companies in your area

### ***Courthouse Libraries***

There are libraries located in most courthouses in Alberta. You can go to the library to:

- Do research on cases with facts similar to yours;
- Find sample court forms for other kinds of court applications; or
- Look for specific procedures in the Alberta Rules of Court.

The library has reference librarians who can answer questions and get you started; however, they can not give you legal advice.

This publication has been prepared by the Law Information Centre, and provides general information about the law as of the date it was written. It is not intended to provide you with legal advice. If you want advice on your case, speak to a lawyer.

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency  
MATTER **IN THE MATTER OF THE BANKRUPTCY OF**  
\_\_\_\_\_  
(Your full name)

DOCUMENT **Application by Bankrupt for  
Absolute Discharge**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT  
\_\_\_\_\_  
(Your full name)  
\_\_\_\_\_  
(Your full address)  
\_\_\_\_\_  
( )

### NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the judge. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_.  
*Weekday Month Day Year*

TIME: \_\_\_\_\_  
*Time of Day*

WHERE: \_\_\_\_\_  
*Courtroom (if known), Street address of courthouse*

BEFORE WHOM: **Registrar in Bankruptcy**

Go to the end of this document to see what else you must do and when you must do it.

**1. REMEDY CLAIMED OR SOUGHT:**

- a. Granting the Bankrupt an Absolute Discharge from bankruptcy and varying any outstanding Conditional Order of Discharge;
- b. In the alternative, granting the Bankrupt a Conditional Order of Discharge on terms as this court may approve; and
- c. Such other relief as may be necessary to give effect to the Order granted.
- d. Other *(specify)* \_\_\_\_\_

**2. GROUNDS FOR MAKING THIS APPLICATION:**

Having regard to the provisions of the Bankruptcy and Insolvency Act, it would be just and equitable to grant the Bankrupt a discharge at this time; and

*(Check off if this applies)*

- The Bankrupt has substantially complied with all of the terms for discharge in the Conditional Order dated \_\_\_\_\_.  
*(date of Conditional Order of Discharge)*

**3. MATERIAL OR EVIDENCE TO BE RELIED ON:**

The Affidavit of the Bankrupt filed with this Application.

**4. APPLICABLE RULES:**

None

**5. APPLICABLE ACTS AND REGULATIONS:**

Section 172 of the Bankruptcy and Insolvency Act, RSC 1985, as amended.

**6. ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:**

None

**7. HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:**

In person

**WARNING**

If you do not come to Court on the date and time shown above either in person or by your lawyer, the court may give the Applicant what the Applicant wants in your absence. You will be bound by any order that the Court makes.

If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must:

- Swear or affirm an affidavit;
- File the affidavit or other evidence with the Court; and
- Serve the affidavit or other evidence on the applicant a reasonable time before the application is scheduled to be heard or considered.

COURT FILE NUMBER \_\_\_\_\_

COURT Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency

MATTER **IN THE MATTER OF THE BANKRUPTCY OF**

\_\_\_\_\_  
(Your full name)

DOCUMENT **Affidavit of**

\_\_\_\_\_  
(Your full name)

SWORN / AFFIRMED ON \_\_\_\_\_  
(Date Affidavit sworn/affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT \_\_\_\_\_  
(Your full name)

\_\_\_\_\_  
(Your full address)

\_\_\_\_\_  
( )

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Your name) (Name of City/Town)

**SWEAR / AFFIRM AND SAY THAT:**

- 1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- 2. I became bankrupt on \_\_\_\_\_  
(date)
- 3. I wish to deal with any outstanding issues relating to my Assignment in Bankruptcy and make this Affidavit in support of my Application for an Absolute Discharge.
- 4. I have attached a copy of my Assignment into Bankruptcy (which includes my Monthly Income and Expense Statement of Bankrupt (Form 65) and my Statement of Affairs (Form 79)) as Exhibit "A" to this Affidavit



5. I have attached the Trustee's Report (Section 170 report) as Exhibit "B" to this Affidavit.

6. I have attached copies of all of my Income Tax Returns and Notices of Assessment for the period of time starting with the year I made the assignment in bankruptcy up to the last calendar year as Exhibit "C" to this Affidavit.

7.  I have attached my Conditional Discharge Order (and/or any other Orders granted in relation to my bankruptcy) as Exhibit "D" to this Affidavit

There have been no Orders granted in relation to my bankruptcy.

8.  I have completed all of my duties as a Bankrupt.

I have not completed my duties as a Bankrupt because:

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9. I have acquired the following assets since my assignment in Bankruptcy:

*(List vehicles, tools, computer equipment, jewellery, and other items of value)*

Describe the asset	Value
	\$
	\$
	\$
	\$

10. My Trustee is not making this application on my behalf because:

my Trustee has been discharged.

*(give other reasons if Trustee has not been discharged)*

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11. I have the following other information in support of my application:

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**Sworn (OR Affirmed) before me**

on \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Commissioner for Oaths in and for the  
Province of Alberta, Justice of the Peace  
or Notary Public

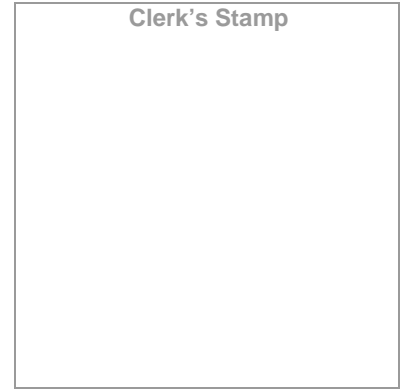


\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

ID Verified \_\_\_\_\_

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency  
MATTER **IN THE MATTER OF THE BANKRUPTCY OF**  
\_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_



DOCUMENT **Affidavit of Service on Trustee**

SWORN / AFFIRMED BY \_\_\_\_\_  
(Name of person who served)

SWORN / AFFIRMED ON \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
\_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_  
(Bankrupt's full address)  
\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On \_\_\_\_\_, I served \_\_\_\_\_,  
(Date) (Name of Trustee)  
who is my Trustee in Bankruptcy, with copies of the Application by Bankrupt for Absolute Discharge and the Affidavit, both of which were filed \_\_\_\_\_  
(Date filed)

4. I served the documents listed above using the following method of service:

*(Choose the method of service that you used)*

**Personal service:** I left the documents with \_\_\_\_\_  
*(Name of Trustee)*

at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Complete address where you served the Trustee)*

**Service by mail or courier:** I put the documents into an envelope addressed to \_\_\_\_\_ at the following address:

*(Name of Trustee)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Trustee's address as on the envelope)*

And sent the envelope to the address indicated above by  mail  courier.

Attached as Exhibit '\_\_\_\_\_' to this Affidavit is the receipt from

the Post Office where I mailed it.

the courier company who undertook to deliver it for me.

**Electronic service:** I sent an electronic (scanned) copy of the documents to \_\_\_\_\_ by way of  fax  e mail to

*(Name of Trustee)*

\_\_\_\_\_ which has been specified by the Trustee  
*(fax number or e mail address that the documents were sent to)*

as the address to which information or data may be transmitted in respect of the bankruptcy. Attached as Exhibit '\_\_\_\_\_' is a copy of

the fax transmission report

the e mail

showing the documents were delivered.

**Sworn (OR Affirmed) before me**

on \_\_\_\_\_, 20 \_\_\_\_  
at \_\_\_\_\_, Alberta.

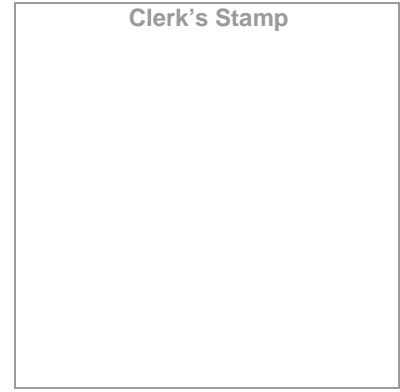
\_\_\_\_\_  
Commissioner for Oaths  
in and for the Province of Alberta, Justice  
of the Peace or Notary Public

\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

I.D. Verified \_\_\_\_\_

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency  
MATTER **IN THE MATTER OF THE BANKRUPTCY OF**  
\_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_



DOCUMENT **Affidavit of Service on Creditor**

SWORN / AFFIRMED BY \_\_\_\_\_  
(Name of person who served)

SWORN / AFFIRMED ON \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
\_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_  
(Bankrupt's full address)  
\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On \_\_\_\_\_, I served \_\_\_\_\_,  
(Date) (Name of Creditor who was served),  
who is a proven creditor in my bankruptcy, with copies of the Application by Bankrupt for Absolute Discharge and the Affidavit, both of which were filed \_\_\_\_\_  
(Date filed)

4. I served the documents listed above using the following method of service:

*(Choose the method of service that you used)*

**Personal service:** I left the documents with \_\_\_\_\_  
*(Name of Creditor who was served)*

at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Complete address where you served the Creditor)*

**Service by mail or courier:** I put the documents into an envelope addressed to \_\_\_\_\_  
\_\_\_\_\_ at the following address:

*(Name of Creditor who was served)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Creditor's address as on the envelope)*

And sent the envelope to the address indicated above by  mail  courier.

Attached as Exhibit '\_\_\_\_\_' to this Affidavit is the receipt from

the Post Office where I mailed it.

the courier company who undertook to deliver it for me.

**Electronic service:** I sent an electronic (scanned) copy of the documents to \_\_\_\_\_  
\_\_\_\_\_ by way of  fax  e mail to

*(Name of Creditor who was served)*

\_\_\_\_\_ which has been specified by the Creditor  
*(fax number or e mail address that the documents were sent to)*

as the address to which information or data may be transmitted in respect of the  
bankruptcy. Attached as Exhibit '\_\_\_\_\_' is a copy of

the fax transmission report

the e mail

showing the documents were delivered.

**As Ordered by the Court:** I obtained an Order for Substitutional Service from the Court, which Order was filed on \_\_\_\_\_.  
*(Date filed)*

I served the documents and a copy of the Substitutional Service Order on the Creditor in the following way:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Describe how you served the Creditor)*

**Sworn (OR Affirmed) before me**

on \_\_\_\_\_, 20 \_\_\_\_

at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Commissioner for Oaths  
in and for the Province of Alberta, Justice  
of the Peace or Notary Public

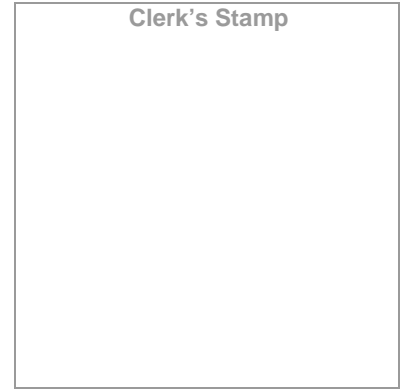


\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

I.D. Verified \_\_\_\_\_

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
COURT Court of Queen's Bench of Alberta  
In Bankruptcy and Insolvency  
MATTER **IN THE MATTER OF THE BANKRUPTCY OF**  
\_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_



DOCUMENT **Affidavit of Service on the  
Office of the Superintendent  
of Bankruptcy**

SWORN / AFFIRMED BY \_\_\_\_\_  
(Name of person who served)

SWORN / AFFIRMED ON \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Bankrupt's full name)  
\_\_\_\_\_  
(Bankrupt's full address)  
\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On \_\_\_\_\_, I served the Office of the Supervisor of  
(Date)  
Bankruptcy, with copies of the Application by Bankrupt for Absolute Discharge and the Affidavit, both of which were filed \_\_\_\_\_  
(Date filed)



4. I served the documents listed above using the following method of service:

*(Choose the method of service that you used)*

**Personal service:** I delivered the documents to the Office of the Superintendent of Bankruptcy at the following address:

- Suite 510 Standard Life Tower, 639 – 5 Avenue, SW, Calgary, Alberta
- Suite 725 Canada Place Building, 9700 Jasper Avenue, Edmonton, Alberta

**Service by mail or courier:** I put the documents into an envelope addressed to the Office of the Superintendent of Bankruptcy at the following address:

- Suite 510 Standard Life Tower  
639 – 5 Avenue SW  
Calgary, Alberta T2P 0M9
- Suite 725 Canada Place Building  
9700 Jasper Avenue  
Edmonton, Alberta T5J 4C3

And sent the envelope to the address indicated above by  mail  courier.

Attached as Exhibit '\_\_\_\_\_' to this Affidavit is the receipt from

- the Post Office where I mailed it.
- the courier company who undertook to deliver it for me.

**Service by fax:** I sent an faxed copy of the documents to the Office of the Superintendent of Bankruptcy to the following fax number:

- Calgary – 403-292-5188
- Edmonton – 780-495-2466

Attached as Exhibit '\_\_\_\_\_' is a copy of the fax transmission report, showing the documents were delivered.

**Sworn (OR Affirmed) before me**

on \_\_\_\_\_, 20 \_\_\_\_  
at \_\_\_\_\_, Alberta.

\_\_\_\_\_  
Commissioner for Oaths  
in and for the Province of Alberta, Justice  
of the Peace or Notary Public



\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

I.D. Verified \_\_\_\_\_

COURT FILE NUMBER

Clerk's Stamp

COURT Court of Queen's Bench of Alberta

In Bankruptcy and Insolvency

MATTER **IN THE MATTER OF THE BANKRUPTCY OF**

(Your full name)

DOCUMENT

**Order for Absolute Discharge**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

(Your full name)

(Your full address)

( )

**DATE ON WHICH ORDER WAS PRONOUNCED:** \_\_\_\_\_

**LOCATION OF HEARING:** \_\_\_\_\_, **ALBERTA**

**NAME OF REGISTRAR WHO MADE THIS ORDER:** \_\_\_\_\_

UPON THE APPLICATION of \_\_\_\_\_, a Bankrupt, who became bankrupt on \_\_\_\_\_; (Your name) (date)

AND UPON review of the Affidavits of Service confirming that the Application and Affidavit of the Bankrupt have been served upon the Trustee, the Office of the Superintendent of Bankruptcy and all Creditors;

AND UPON hearing from the Bankrupt and \_\_\_\_\_;

AND WHEREAS the Registrar is satisfied that the Bankrupt has complied with all of his/her duties under the Bankruptcy and Insolvency Act;

AND WHEREAS the Registrar is satisfied the Bankrupt has complied with the Order Setting Conditions of Discharge dated \_\_\_\_\_; (date)

**IT IS ORDERED THAT** the Bankrupt is discharged effective \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Registrar in Bankruptcy