

## NOTICE TO THE CREDITORS OF BUDGET WASTE INC.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, as amended, AND IN THE MATTER OF BUDGET WASTE INC.

On March 4, 2009, Budget Waste Inc. ("BWI") received protection under the *Companies' Creditors Arrangement Act* (the "CCAA") from the Alberta Court of Queen's Bench (the "Court"). Hardie & Kelly Inc. was named monitor of BWI (the "Monitor").

On **June 15**, 2009 the Court directed the Monitor to solicit claims from all creditors of BWI for the purpose of determining the claims which will participate in the CCAA proceedings.

Any creditor (i) having a claim against BWI **arising on or before March 4, 2009** of any nature whatsoever, including an unsecured, secured, contingent or unliquidated claim, (a "Pre-Filing Claim") and/or (ii) having a claim against BWI arising after March 4, 2009 as a result of the disclaimer or repudiation, after March 4, 2009, of any contract, lease, employment agreement or other arrangement or agreement of any nature whatsoever, whether oral or written, and any amending agreement related thereto (a "Subsequent Claim") is required to file, in the manner set out in this *Notice to Creditors*, a *Notice of Claim* in the prescribed form (which has been provided to you with this *Notice to Creditors*) with the Monitor in order to participate in any voting or distributions associated with the CCAA proceedings.

Additional copies of the prescribed *Notice of Claim* form can be obtained by contacting the Monitor at (403) 252-1766 or can be downloaded from the Monitor's website at: [www.insolvency.net](http://www.insolvency.net) under the "*Current Engagements*" link.

Any creditor who chooses to file a Notice of Claim is required to provide whatever documentation they may have to support their Pre-Filing Claim and/or Subsequent Claim against BWI, such as contracts, invoices, bills of lading, and shipping receipts, in relation to the goods and/or services provided to BWI in the appropriate currency under which their Pre-Filing Claim and/or Subsequent Claim arose.

**All *Notice of Claim* forms, together with the required supporting documentation, must be delivered, sent by facsimile or mailed to Hardie & Kelly Inc. at 206, 5800 – 2<sup>nd</sup> Street S.W., Calgary, Alberta, T2H 0H2, fax: (403) 640-0591, to the attention of Ron Hardie:**

**(i) in the case of Pre-Filing Claims, on or before 5:00 p.m. Mountain Time on August 25, 2009 (the "Claims Bar Date"); and**

**(ii) in the case of Subsequent Claims, on or before the later of: (i) the Claims Bar Date; and (ii) 5:00 p.m. Mountain Time on the day which is 30 days after the date on which the disclaimer or repudiation giving rise to the Subsequent Claim occurred (the "Subsequent Claims Bar Date").**

All Pre-Filing Claims and Subsequent Claims must account for the following:

- (i) All Pre-Filing Claims and Subsequent Claims must be adjusted for equipment and/or other assets released by BWI to the creditors whether by court order or otherwise; and
- (ii) Where a creditor of BWI is claiming an offset against all or a portion of amounts owing by BWI, full particulars of the offset must be included.

**All Pre-Filing Claims received by the Monitor or, in the case of mailing, postmarked, after the Claims Bar Date and all Subsequent Claims received by the Monitor or, in the case of mailing, postmarked, after the Subsequent Claims Bar Date will, unless otherwise ordered by the Alberta Court of Queen's Bench, be forever extinguished, barred, and will not participate in any voting or distributions in the CCAA proceedings.**

**(SEE REVERSE)**

**(CONTINUED)**

The Monitor will accumulate the *Notice of Claim* forms and transmit them to BWI, who will, in turn:

(i) in the case of Pre-Filing Claims, on or before September 8, 2009, or

(ii) in the case of Subsequent Claims, on or before the later of: (i) September 8, 2009; and (ii) the day which is 14 days after the day the Subsequent Claim is received by the Monitor,

provide to the creditor a notice in writing by registered mail, by courier service or by facsimile as to whether their Pre-Filing Claim and/or Subsequent Claim is accepted, disputed in whole or disputed in part. Where the Pre-Filing Claim and/or Subsequent Claim is disputed in whole or in part, BWI will concurrently issue to the creditor a *Notice of Dispute* ("Notice of Dispute") indicating the reasons for the dispute.

Where a creditor objects to a *Notice of Dispute*, the creditor shall notify BWI of its objection in writing (the "Notice of Objection") by registered mail, courier service or facsimile:

(i) in the case of Pre-Filing Claims, on or before September 22, 2009; or

(ii) in the case of Subsequent Claims, on or before the later of: (i) September 22, 2009; and (ii) the day which is 14 days after the day the Creditor received the Notice of Dispute.

Where a *Notice of Objection* has been filed, the creditor shall:

(i) in the case of Pre-Filing Claims, on or before to September 29, 2009; or

(ii) in the case of Subsequent Claims, on or before the later of: (i) September 29, 2009; and (ii) 14 days after the *Notice of Objection* has been provided to BWI,

serve on BWI, with a copy to the Monitor, a Notice of Motion returnable within seven days before the Court in these proceedings for the determination of the Pre-Filing Claim and/or Subsequent Claim in dispute.

**A creditor not filing a *Notice of Objection* to a *Notice of Dispute* issued by BWI shall, unless otherwise ordered by the Court, be conclusively deemed to have accepted the assessment of its Pre-Filing Claim and/or Subsequent Claim as set out in such *Notice of Dispute*.**

Hardie & Kelly Inc, in its capacity as  
Monitor of Budget Waste Inc.

Dated the 4<sup>th</sup> day of August, 2009 in Calgary, Alberta