CIPF
Canadian Investor Protection Fund

CANADIAN INVESTOR PROTECTION FUND /
FONDS CANADIEN DE PROTECTION DES EPARGNANTS

NOTICE

TO: **Customers of Thomson Kernaghan & Co. Limited**

By Receiving Order dated July 12, 2002 (the "Bankruptcy Order"), the Ontario Superior Court of Justice declared Thomson Kernaghan & Co. Limited ("TK") to be bankrupt and appointed Ernst & Young Inc. as Trustee In Bankruptcy (the "Trustee"). TK was a securities dealer and was registered with the Ontario Securities Commission pursuant to the Securities Act (Ontario).

Pursuant to the Bankruptcy Order and subsection 261(2)(a) of the Bankruptcy and Insolvency Act (Canada) ("BIA"), the Trustee established a customer pool fund consisting of securities and cash held by TK for the benefit of customers of the firm. Under the BIA and the Bankruptcy Order, the Trustee was required to provide TK's customers with valid claims with the cash and/or securities in the customer pool fund or to transfer the cash and/or securities to new investment dealers.

By December 2002, most of the customers of TK had claimed the cash and/or securities in their accounts or had arranged for their accounts to be transferred to investment dealers of their choice. Despite efforts by the Trustee to notify remaining customers of their entitlement to make claims for cash and/or securities held in kind in their names, many customers did not come forward to advance such a claim. In December 2002, the Trustee transferred all of the remaining accounts at TK to Dominick & Dominick Securities Ltd. ("the remaining accounts").

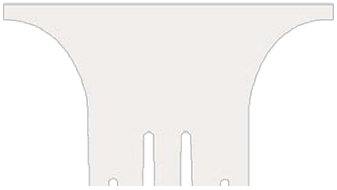
On October 7, 2010, the Court granted an Order in which it approved a process for the final distribution of the remaining accounts.

Pursuant to the Order, the Trustee provided notice that former customers of TK had a final 45-day period in which to deliver proofs of claim to the Trustee for the purpose of advancing claims under the BIA to cash and/or securities in kind that were in the remaining accounts. At the conclusion of the 45-day notice period, the Trustee sought and received an order of the court approving the transfer of cash in the remaining accounts to the Canadian Investor Protection Fund ("CIPF"). The Trustee also sought and received an order of the court approving the sale of all remaining securities in the remaining accounts and the transfer of the sale proceeds to CIPF. Former customers of TK are no longer able to receive their securities in kind.

Eligible customers with valid claims are entitled to claim the cash and/or the proceeds of sale of the securities that were in their remaining accounts, net of realization costs, from CIPF for a period of two (2) years ending November 26, 2012.

For information about CIPF Coverage and the claims process, visit CIPF's website at http://www.cipf.ca/Public/CIPFCoverage/WhatCoverageDoesCIPFProvide.aspx. The claim form is attached to this notice and claims must be submitted by **November 26, 2012**.

79 Wellington Street West, Suite 610, Box 75
Toronto, Ontario, Canada M5K 1E7
T 416 866 8366 **Toll-Free** 1 866 243 6981
F 416 360 8441 **www.cipf.ca**



CIPF
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Proof of Claim Form

Part 1: Insolvent CIPF Member Information

CIPF Member: _____

Date of Insolvency[1]: _____

Part 2: Customer Information

Customer Name: _____

Address: _____

_____

Telephone (during the day): _____ Fax: _____

Email Address: _____

Incorporated customers, please state the primary business of the corporation:

_____

Please indicate whether, on or around the date of the CIPF Member's insolvency, you:

- ☐ Owned five percent or more of any class of equity security of the CIPF Member,
- ☐ Were a subordinated lender to the CIPF Member,
- ☐ Were a general partner or director of the CIPF Member,
- ☐ Were a limited partner with a participation of five percent or more in the net assets or net profits of the CIPF Member,
- ☐ Were a person with the power to exercise a controlling influence over the CIPF Member's management or policies,
- ☐ Were a person who caused or materially contributed to the CIPF Member's insolvency,
- ☐ Were a person who did not deal at arm's length with the CIPF Member.

Part 3: Details of Loss

Account Number(s) at CIPF Member: _____

_____

[1] Date Court Appointed Receiver or trustee

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Claim Amount: _____

_____

Calculation and Description of Loss (attach details as required):

_____

_____

_____

_____

Please indicate whether the amount claimed, or any part of the amount claimed, was a result of:

- ☐ Changing market values of securities
- ☐ Unsuitable investments
- ☐ The default of an issuer of securities
- ☐ Losses in accounts related to business financing purposes of a CIPF Member, such as securities lending and purchase/repurchase transactions;
- ☐ Assets that were not held in an account at the insolvent CIPF Member at the date of its Insolvency
- ☐ Assets that were not held in an account at the insolvent CIPF Member at the date of its Insolvency but should have been

Part 4:

Back-up provided with this form to support calculation of loss:

Account Statements – Date(s) ranges: _____

_____

_____

New Account Application Form _____

_____

_____

Correspondence with CIPF Member Regarding Loss _____

_____

_____

Other (provide details) _____

_____

_____

Part 5:

All notices or correspondence regarding this claim must be forwarded to the claimant or claimant's representative at the following address:

_____

_____

_____

Part 6:

I certify that to the best of my knowledge the above information supporting the amount claimed is complete and accurate:

Signature of claimant: _____

Name: _____

Date: _____

The information provided in this Proof of Claim Form may be privileged or confidential or may constitute personal information pursuant to applicable privacy legislation. Subject to applicable laws, the information provided is intended for use by CIPF, a trustee in bankruptcy or other insolvency official of the estate to which the Claim relates, regulatory authorities having jurisdiction, and their respective advisors in advancing and assessing the Claim submitted. By providing this information, I acknowledge and consent to its use and disclosure for such purposes.