

CLAIM FORMS:

AFFIDAVIT for the proof of any claim other than a claim based on a Promissory Note or other Bill of Exchange [Section 44(4)]

IN THE MATTER OF .....		(IN LIQUIDATION)
NAME IN FULL OF CREDITOR: .....		
ADDRESS IN FULL .....		
.....		
.....		
PO BOX NO .....	TEL NO .....	
.....	FAX NO .....	
.....		
POSTAL CODE .....	TOTAL AMOUNT OF CLAIM	
BANK ACCOUNT DETAILS: Bank .....	R.....	
Branch .....	Account nr: .....	

I, ..... do hereby make oath and say:

- a) That I am the ..... of .....  
(Hereinafter referred to as the said creditor)
- b) That I have personal knowledge of the facts hereinafter stated.
- c) That .....  
(Hereinafter referred to as the said company)  
Which company has been placed in liquidation, was at the date of liquidation and still is indebted to the said creditor in the sum of (amount in words) .....?  
.....  
For .....
- d) That the said debt arose in the manner and at the time set forth in the schedule hereunto annexed.
- e) That no other person besides the said Company is liable (otherwise than as surety) for the said debt or any part thereof.
- f) That the said creditor has not, nor has any other person, to my knowledge on the said creditor's behalf, received any security for the said debt or any part thereof, save and except:  
.....  
Which security I value at R.....
- g) That this claim was not acquired by cession after the institution of the proceedings by which the company was placed in liquidation

SIGNATURE OF DECLARANT: .....

I certify that this affidavit was signed and sworn before me on the ..... day of .....

At ..... by the deponent who has acknowledged that he knows and understands the content of this affidavit.

.....  
COMMISSIONER OF OATHS

Full names: .....

Full address: .....

(Not PO Box number) .....

.....

Capacity: .....

POWER OF ATTORNEY TO PROVE CLAIMS ETC.

I, the undersigned .....

In my capacity as .....

Of .....

(Herein referred to as the said creditor)

Do hereby nominate, constitute, and appoint any of .....

With power of substitution and delegation to be the said creditor's lawful attorney and agent in the said creditor's name, place and stead, to attend all meetings of creditors in the matter of .....

On the said creditor's behalf to prove the said creditor's claim and to exercise on the said creditor's behalf all voting and other powers in respect of the appointment of a Trustee / Liquidator / Judicial Manager and/or submission to arbitration of any dispute and/or the Composition or admission of any claim against the Estate / Company and to give the Trustee / Liquidator / Judicial Manager directions as to the administration of the Estate / Company and generally to act on the said creditor's behalf at all meetings of the Estate / Company in all matters and things in which the said creditor's interest are concerned, hereby promising to ratify and confirm whatsoever the said agent may do or perform by virtue of these presents.

DATED AT ..... THIS ..... DAY OF .....

AS WITNESSES:

1. ....

2. ....

.....  
SIGNATURE

\_\_\_\_\_  
DIRECTORS OF THE ABOVE-MENTIONED COMPANY, HELD

AT \_\_\_\_\_

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

IT WAS RESOLVED: \_\_\_\_\_  
\_\_\_\_\_

THAT MR/MRS: \_\_\_\_\_

A DIRECTOR/SECRETARY/ACCOUNTANT: \_\_\_\_\_

OF THE COMPANY, BE AND IS HEREBY AUTHORIZED AND EMPOWERED TO SIGN ALL THE NECESSARY DOCUMENTS TO ENABLE THE COMPANY TO PROVE ITS CLAIM

AGAINST: \_\_\_\_\_

TO ATTEND MEETINGS OF CREDITORS OF THE SAID ESTATE/COMPANY, AND TO SPEAK AND VOTE ON BEHALF OF THE COMPANY, WITH POWER IN HIS DISCRETION TO SUBSTITUTE AND APPOINT ANY OTHER PERSON OR PERSONS TO ATTEND SUCH MEETINGS ON THE COMPANY'S BEHALF, AND TO VOTE THEREAT.

\_\_\_\_\_  
**CERTIFIED AS A TRUE COPY**

\_\_\_\_\_  
**AUTHORIZED OFFICIAL**

**STATEMENT OF ACCOUNT:**

NAME OF ESTATE:  
 NAAM VAN BOEDEL: .....

NAME OF CREDITOR:  
 NAAM VAN KREDITEUR: .....

BRIEF DESCRIPTION OF GOODS:  
 KORT BESKRYWING VAN GOED: .....

**DETAILS OF SALES:**

DATE:	INVOICE NR.	AMOUNT	MONTHLY TOTALS: (Not progressive)
		TOTAL DEBTS: "A"	

**DETAILS OF PAYMENT RECEIVED AND CREDITS ALLOWED:**

DATE:	INVOICE NR.	AMOUNT	MONTHLY TOTALS: (Not progressive)
		TOTAL DEBTS: "B"	
		AMOUNT OF CLAIM AS PER AFFIDAVIT (A-B)	

**EXPLANATORY NOTES TO THE CLAIM DOCUMENTS:****1. AFFIDAVIT:**

- a. In the event of the claim being based on a promissory note, cheque or other Bill of Exchange, the relevant affidavit will be required to be obtained from our offices.
- b. If security is being claimed under (6) of the affidavit, the nature and particulars of the security must be stated and the amount at which the creditor values such security must be inserted. A creditor who relies upon his security for the satisfaction of his claim, should state that fact on the affidavit above the signature of the declarant.
- c. A claim based on a mortgage bond or hire purchase agreement requires the original bond or agreement to be attached to the claim together with a statement reflecting the calculation of the amount due.
- d. The affidavit must be attested to before a Commissioner of Oaths who must insert his full names and business address as well as his designation.

**2. STATEMENT OF ACCOUNT:**

- a. A statement of account is required to be completed in terms of Section 44 (6) of the Insolvency Act by all creditors who wish to prove a claim for goods supplied on an open account. "A" and "B" must reflect the full period of trading or a period of twelve (12) months before date of liquidation, whichever is the lesser. If no payments were received or credits given state "NIL" under "B".

**3. POWER OF ATTORNEY:**

- a. The attention of creditors is drawn to Section 53(2) of the Insolvency Act whereby a Trustee/Liquidator and/or his employee / employer is precluded from representing creditors at statutory meetings. The name of the Trustee/Liquidator or any member of his staff should therefore not appear on the Power of Attorney attached to the claim document.
- b. Creditors should insert therein the name of the person/s whom they desire to represent them at the said meetings, or alternatively, should they be prepared to agree to the representative agreed to be appointed by the general body of creditors (with no charge), it is suggested that the Power of Attorney be completed with the relevant portion left blank.

**4. RESOLUTION:**

- a. Where a company proves a claim, the affidavit and Power of Attorney may be signed by a director, or any other person properly authorized to do so. The resolution need only be completed if the said documents are not signed by a director. Where the company has already passed such a resolution, this must be annexed to the claim document and the attached resolutions may be ignored.