



ROUX

PROKUREURS / AKTEVERVAARDIGERS / NOTARISSE
ATTORNEYS / CONVEYANCERS / NOTARIES

LAW CHAMBERS
6 FAIRVIEW BUSINESS PARK
C/o Knysna Road & 1st Street
George-East
6539

**CLAIM FORM
EISVORM**

PO Box 4411
George-East
6539

Docex: 44 George

Tel: +27 (044) 871 4881
Fax: 086 624 7297

Affidavit for the proof of claim other than a claim based on promissory note or other bill of exchange (Section 44(4))

IN THE MATTER OF:	
IN DIE SAAK VAN :	
NAME IN FULL OF CREDITOR:	
VOLLEDIGE NAAM VAN SKULDEISER:	
ADDRESS IN FULL:	
VOLLEDIGE ADRES:	
.....	
P O BOX:	TOTAL AMOUNT OF CLAIM:
POSBUS:.....	TOTALE BEDRAG VN EIS: R.....

I, do hereby make oath and say:

Ek, verklaar hiermee onder eed en sê:

(1) That I am of herein referred to as the said Creditor):
Dat ek die is van (hierin voortaan na verwys as genoemde Skuldeiser):

(2) That I have personal knowledge of the facts hereinafter stated.
Dat ek persoonlik kennis dra van die feite hierin uiteengesit.

(3) That (herein referred to as the said Estate)
Dat (hierin voortaan na verwys as genoemde Boedel)
which estate has been sequestrated/liquidated, was at the date of sequestration/liquidation and still is indebted to the said
welke boedel in sekwestrasie/likwidasië geplaas is, op die dag van sekwestrasie/likwidasië en nou nog verskuld is aan
Creditor the sum of (words):
die genoemde Skuldeiser die som van (woorde).....

for:
vir:

(4) That the said debt arose in the manner and at the time set forth in the account hereunto annexed.
Dat genoemde skuld ontstaan het op die wyse en op die datum soos op hierby aangehegte rekening uiteengesit.
(5) That no other person besides the said estate is liable (otherwise than as surety) for the said debt or any part thereof.
Dat geen ander persoon buiten die genoemde boedel vir die genoemde skuld of enige deel daarvan aanspreeklik is nie (behalwe as borg).

(6) That the said Creditor has not, nor has any other person, in my knowledge on the said Creditor's behalf, received any
Dat nog die genoemde Skuldeiser, nog enige ander persoon, volgens my wete, namens die genoemde Skuldeiser enige
security for the said debt or any part thereof save and except:
Sekuriteite vir die genoemde skuld ontvang het, buiten en behalwe
which security I value at:
welke sekuriteit ek waardeer teen R

(7) That this claim was not acquired by cession after the institution of the proceedings by which the estate was
Dat die vordering nie verkry is deur sessie na die instelling van die proses van die sekwestrasie/likwidasië van die boedel
sequestrated/liquidated.
nie.

Signature of Declarant:
Handtekening van Deponent:-----

I certify that this Affidavit was signed and sworn to before me on this the day of
Ek sertifiseer dat hierdie Beëdigde Verklaring geteken is voor my op die dag van 20

at by the declarant who has acknowledge that he knows and understands the contents of this Affidavit.
te deur die deponent wie verklaar dat hy vertrou is met die inhoud van hierdie Beëdigde Verklaring.

Full name and address of Commissioner
Volle naam en adres van Kommissaris

(COMMISSIONER OF OATHS)
(KOMMISSARIS VAN EDE)

POWER OF ATTORNEY TO PROVE CLAIMS ETC

PROKURASIE VIR DIE BEWYS VAN EISE ENS

I, the undersigned / Ek, die ondergetekende.....

in my capacity as / in my hoedanigheid as

of / van

(hereafter referred to as the said creditor), do hereby nominate, constitute and appoint (hierna verwys as die genoemde Skuldeiser), benoem, konstitueer en stel hierby aan.....

with powers of substitution to be the said Creditor's lawful Attorney and Agent on the said Creditor's name, place and stead met mag van substitusie om die genoemde Skuldeiser se wettige Prokureur en Agent te wees, en in die genoemde to attend all meetings of Creditors in the matter of Skuldeiser se naam en namens die genoemde skuldeiser alle vergaderings van Skuldeisers by te woon, in die saak van

on the said Creditor's behalf to prove the said Creditors claim and to exercise on the said Creditor's behalf all voting and other powers in respect of such claim particularly in respect of the appointment of a Trustee/Liquidator and/or any offer of Compensation 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(s) /Liquidator'(s) 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 Creditors interest are concerned, hereby promising to ratify and confirm whatsoever the said Agent may do or perform by virtue of these presents.

en namens die genoemde Skuldeiser, die genoemde Skuldeiser se eis bewys, en om namens die genoemde Skuldeiser te stem en om alle magte uit te oefen ten opsigte van sodanige eis met betrekking tot die aanstelling an 'n Kurator/Likwidateur en /of enige aanbod van komposisie en/of voorlegging tot arbitrasie van enige dispuut en/of die Komposisie of toelating van enige eis teen die Boedel/Maatskappy en om aan die Kurator(s) / Likwi- dateur(s) aanduidings te gee, in verband met die administrasie van die Boedel / Maatskappy en om in die algemeen op te tree namens die genoemde Skuldeiser op alle vergaderings van die Boedel / Maatskappy in alle sake waarin die genoemde Skuldeiser belange het, en belowe hiermee om goed te keur en te bekragtig wat ook al die genoemde Agent mag doen of te weeg bring uit krag hiervan

DATED AT this day of GEDATEER TE hierdie dag van

AS WITNESSES: / AS GETUIES:

- 1.
- 2.

SIGNATURE / HANDTEKENING

* Here insert whether signatory is director, proprietor or partner. / * Vul of die ondertekenaar is 'n direkteur, eienaar of vennoot is.

PLEASE NOTE : This power of Attorney MAY NOT be in favour of the Estate's Trustee, liquidator. If required, representation will be arranged at no extra charge to Creditors.

BELANGRIK : Hierdie Prokurasie mag nie ten gunste van die Kurator(s), Likwidateur(s) van die boedel wees nie. Indien verlang, sal verteenwoordiging kosreloos vir skuldeisers gereel word.

NB A director of a company should sign this Power of Attorney. A manager or secretary may only sign if his authority has been registered with the Master of the Supreme Court, or if a certified copy of resolution of the Board of Directors of the Company authorising such manager or secretary to sign is lodged with the claim.

LW 'n Direkteur van 'n maatskappy oet hierdie Prokurasie onderteken. 'n Bestuurder of sekretaris mag slegs teken indien sy magtiging by die Meester van die Hooggeregshof geregistreer is. of indien 'n gesertifiseerde afskrif van 'n besluit deur die direksie van die maatskappy, wat sodanige bestuurder of sekretaris magtig om te teken, met die eis ingedien word.

STATEMENT OF ACCOUNT

(In terms of Section 44(6) of the Insolvency Act, as amended)

In the case of the claim being in respect of goods sold and delivered on an open account, this statement must be completed in every respect and attached to your claim documents. This statement complies with the amendments of the Insolvency Act.

NAME ADDRESS OF CREDITOR: _____

NAME OF ESTATE: _____

BRIEF DESCRIPTION OF GOODS SUPPLIED: _____

“A” Monthly totals of goods supplied for 12 (twelve) months prior to liquidation / sequestration / judicial management			“B” Total Monthly payments received 12 (twelve) months prior to liquidation / sequestration / judicial management		
Month before liq/seq	Month & year	Total	Repayments received	Month & year	Total
13 th Month	Balance if any	R	13 th Month		R
12 th Month		R	12 th Month		R
11 th Month		R	11 th Month		R
10 th Month		R	10 th Month		R
9 th Month		R	9 th Month		R
8 th Month		R	8 th Month		R
7 th Month		R	7 th Month		R
6 th Month		R	6 th Month		R
5 th Month		R	5 th Month		R
4 th Month		R	4 th Month		R
3 rd Month		R	3 rd Month		R
2 nd Month		R	2 nd Month		R
Exact date of liq / seq		R	Exact date of liq / seq		R
	TOTAL “A”	R		TOTAL “B”	R

AMOUNT OF CLAIM – TOTAL “A” MINUS TOTAL “B” EQUALS

R _____

NOTES:

1. A brief description of goods sold, must be given, i.e. groceries, hardware, confectionery, clothing etc.
2. “A” and “B” must reflect full period of trading or for a period of twelve months before date of sequestration / liquidation / judicial management.
3. If no payments were received or credits given, state “NIL” under “B”.



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PROKUREURS / AKTEVERVAARDIGERS / NOTARISSE
ATTORNEYS / CONVEYANCERS / NOTARIES

NOTES FOR THE COMPLETION OF CLAIM FORMS

1. AFFIDAVIT

- 1.1 The Commissioner of Oaths must print his full name and business address below his signature and state his designation and the are for which he holds his appointment or the office held by him, if he holds his appointment *ex officio*.
- 1.2 Alterations must be initialled by the Deponent and the Commissioner of Oaths.
- 1.3 If security is claimed, then the amount at which the Creditor values such security, must be inserted, i.e. Mortgage Bond, cession, lien, hypothec.
- 1.4 A secured creditor who relies solely upon his security, should state that fact on the Affidavit above the signature of the Deponent and the insertion should be initialled.

2. SUPPORTING DOCUMENTATION

- 2.1 Goods supplied on open account: Complete the statement annexed to the Affidavit in respect of the twelve months up to the provisional order. A brief description of the goods should be given. Also see 2.4 below.
- 2.2 Services rendered: Complete the statement annexed to the Affidavit in respect of the twelve months up to the date of the provisional order. A brief description of the goods should be given. Also see 2.4 below.
- 2.3 Money lent: Annex a detailed statement of account and an Acknowledgement of Debt, receipts or paid cheques.
- 2.4 Interest: Can only be claimed if a written agreement thereto by the debtor is annexed. It must be calculated to the date of the provisional order and rates must be shown.
- 2.5 Legal charges: Annex the attorney's taxed bill of costs, which must reflect dates for the items listed herein.
- 2.6 Mortgage bonds, instalment sale agreements and cessions: Annex the original or certified documents and detailed statements. Also see 1.3 and 2.4 above.
- 2.7 Rental: Annex the original lease agreement and an itemized statement up to the date of the provisional order.
- 2.8 Suretyships: Annex the original documents and a detailed statement of the claim against the principal debtor.

3. POWER OF ATTORNEY

PS: A manager or Secretary may only sign if his authority has been registered with the Master of the High Court or if a certified copy of a resolution of the Board of Directors of the Company authorizing such Manager or Secretary to sign, is lodged with the claim.

4. The Commissioner of Oaths must sign all the pages of the claim, including the supporting documentation
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NOTAS VIR DIE VOLTOOIING VAN DIE EISVORMS

1. BEËDIGDE VERKLARING

- 1.1 Die Kommissaris van Ede moet sy volle name, besigheidsadres asook die benoeming en die area meld, waarvoor hy sy aanstelling hou, of die kantoor deur hom gehou, indien sy aanstelling *ex officio* is.
- 1.2 All veranderinge moet deur die Verklaarder en die Kommissaris geparafeer word.
- 1.3 Indien enige sekuriteite gehou word, moet die sekuriteite en die waarde daarvan op die verklaring deur die krediteur aangedui word, bv. Verband, pand, retensiereg, hipoteek, sessie.
- 1.4 'n Versekerde skuldeiser wat uitsluitlik steun op sy sekuriteite, moet die duidelik op die verklaring, net bo die handtekening van die Kommissaris aanteken. Hierdie invoeging moet deur die verklaarder en die Kommissaris geparafeer word. Indien op die sekuriteite gesteun word, sal die krediteur slegs geregtig wees om te deel in die bate waarop hy die sekuriteit het en sal ook in die meeste gevalle nie aanspreeklik wees vir moontlike kontribusies nie.

2. STAWENDE DOKUMENTASIE

- 2.1 Goedere gelewer op rekening: Voltooi die aangehegte rekeningstaat aan die Verklaring met betrekking tot 'n periode van twaalf maande tot datum van die voorlopige bevel. 'n Kort beskrywing van die goedere moet gegee word. Sien ook 2.4 hieronder.
- 2.2 Dienste gelewer: Voltooi die aangehegte rekeningstaat aan die Verklaring met betrekking tot 'n periode van twaalf maande tot datum van die voorlopige bevel. 'n Kort beskrywing van die goedere moet gegee word. Sien ook 2.4 hieronder.
- 2.3 Geld geleen en voorgeskiet: Heg 'n staat van rekening asook 'n Skulderkenning, kwitansies of betaalde tjeks aan.
- 2.4 Rente: Kan slegs geëis word indien daar 'n geskrewe ooreenkoms met die debiteur aangeheg is. Dit moet bereken word tot datum van die voorlopige bevel en die koerse moet aangeteken word.
- 2.5 Regskoste: Heg die prokureur se getakseerde rekening aan, wat datums moet reflekteer vir al die items daarin gelys.
- 2.6 Verbandaktes, afbetaalverkoop-ooreenkomste, en sessies: Heg die oorspronklike of gesertifiseerde dokumente en 'n gedetailleerde stat aan. Sien ook 1.3 en 2.4 hierbo.
- 2.7 Huur: Heg die oorspronklike huurkontrak asook 'n gespesifiseerde staat tot datum van die voorlopige bevel aan.
- 2.8 Borgstellings: Heg die oorspronklike dokumente asook 'n gedetailleerde staat van die eis teen die oorspronklike debiteur aan.

3. VOLMAG

NB. 'n Bestuurder of sekretaris mag slegs die volmag teken indien 'n magtiging by die Meester van die Hooggeregshof gereigstreer is of indien 'n gesertifiseerde afskrif van 'n resoluë van die Bestuur van Direkteure van die maatskappy, waarin magtiging aan sodangie bestuurder of sekretaris verleen is om eisvorms te voltooi, by die eis aangeheg is.

4. Die Kommissaris Van Ede moet al die bladsye van die eisvorm teken asook die stawende dokumentasie.

EXTRACTS OF THE MINUTES OF A BOARD MEETING OF :

.....

HELD AT:

ON:

RESOLVED: In the matter of

that

be authorized to sign all documents on behalf of the company, to prove claims on behalf of the company and to sign powers of attorneys with powers of substitution to act on behalf of the company at any meeting of creditors convened in terms of the Companies or Insolvency Acts.

SIGNED ON BEHALF OF THE BOARD: _____