

Notas vir die voltooiing van eisdokumente deur krediteure

Notes for the completion of claim documents by creditors

1. DIE VERKLARING moet volledig voltooi en geteken word voor 'n KOMMISSARIS VAN EDE, wie moet:
THE AFFIDAVIT should be fully completed and must be signed before a COMMISSIONER OF OATHS, who shall:
 - 1.1 die verklaring teken en sy volle name in drukskrif asook sy besigheidsadres onder sy handtekening aanbring:
Sign the declaration and print his full name and business address below his signature:
 - 1.2 hy moet sy benoeming en die area waarvoor die die aanstelling hou aantoon of as hy 'n ex-officio aanstelling het moet hy sy amp aantoon.
State his designation and the area for which he holds his appointment or the office held by him if he holds his appointment ex-officio.
2. Indien die eis ten aansien van WISSELS, PROMESSE OF TJEKS is moet die WISSEL, PROMESSE OF TJEKS, aangeheg word, alternatiewelik gesertifiseerde afskrifte daarvan.
Where the claim is in respect of PROMISSORY NOTES, BILLS OF EXCHANGE OR CHEQUES, the BILLS, NOTES or CHEQUES must be attached to the claim of certified copies thereof.
3. 'n Volledige REKENINGSTAAT moet ter ondersteuning van die VERKLARING aangeheg word wat aantoon die maandelikse totale en 'n kort beskrywing van die aankope asook die betalings vir die volle tydperk van handeldryf of vir 'n tydperk van 12 maande onmiddellik voorafgaande sekwestrasie/likwidasië wat ookal die koste is. U kan die aangehegte vorm daarvoor gebruik.
A detailed STATEMENT supporting the AFFIDAVIT must be attached to the claim, showing the monthly total and a brief description of the purchases and the payments for the full period of trading or for a period of 12 months immediately prior to the date of sequestration/liquidation, whichever is the lesser. Use the supplied form if necessary.
4. 'n R2-00 inkomsteseël moet op die PROKURASIE aangebring word en moet gekanselleer word deur parafering en die datum.
A R2-00 revenue stamp must be affixed to the POWER OF ATTORNEY and be cancelled by initialing and dating the stamp.
5. Waar 'n beperkte maatskappy 'n eis bewys moet die PROKURASIE geteken word deur 'n direkteur of enige ander persoon wat BEHOORLIK DAARTOE GEMAGTIG IS BY WYSE VAN 'N BESLUIT WAT AANGEHEG WORD BY DIE PROKURASIE of die spasie op die PROKURASIE moet gebruik word vir die doel.
Where a limited company proves a claim, the POWER OF ATTORNEY must be signed by a director or any other person AUTHORISED BY RESOLUTION AND A COPY OF SUCH RESOLUTION MUST BE ANNEXED TO THE POWER OF ATTORNEY or use the space provided for on the POWER OF ATTORNEY.
6. In die geval waar 'n eis gebasseer is op 'n VERBANDAKTE, NOTARIËLE VERBAND OF HUURKOOPOOREENKOMS, moet die OORSPRONKLIKE VERBANDAKTE, NOTARIËLE VERBAND OF HUURKOOPOOREENKOMS aangeheg word of gesertifiseerde afskrif daarvan tesame met 'n Saldo Sertifikaat wat die bedrag verskuldig aantoon **soos op datum** van sekwestrasie/likwidasië.
*In the case of a claim being based on a MORTGAGE, NOTARIAL BOND OR HIRE-PURCHASE AGREEMENT, the ORIGINAL BOND OF AGREEMENT (Certified copies will be sufficient) must be attached to the claim together with a Certificate of Balance showing the amount due **as at date of** sequestration/liquidation.*
7. Die aandag van KREDITEURE word gevestig op Artikel 372(j) van die Maatskappywet 1973, en Artikel 53(2) van die Insolvensiewet, waarkragtens Likwidateurs en Kurators uitgesluit word om hulle te verteenwoordig tydens 'n statutêre vergadering van skuldeisers. Ons naam moet dus NIE verskyn op die PROKURASIE en krediteure kan die naam van die persoon(e) wie hulle verkies om hulle te verteenwoordig in te vul **ALTERNATIEWELIK** indien u nie in staat is om die vergadering **by te woon** nie kan toestem tot die invoeging van 'n verteenwoordiger in welke geval ons voorstel dat die PROKURASIE voltooi word en onderteken word, maar dat die relevante **gedeelte blanko gelaat word**.
*The attention of CREDITORS IS DRAWN TO Section 372(j) of the Companies Act, 1973, and Section 53(2) of the Insolvency Act, whereby Liquidators and Trustees are precluded from representing them at statutory meetings of Creditors. Our name should NOT appear in the POWER OF ATTORNEY attached, and creditors should insert therein the name of the person(s) whom they desire to represent them at the said meetings. **ALTERNATIVELY** should you be **unable to attend the meetings** and you are prepared to agree to a representative to be appointed, may we suggest that the POWER OF ATTORNEY be completed and signed with the **relevant portion left blank**.*

Verklaring

(Vordering nie gebasseer op Promesse of Ander Wissels)

Affidavit

(Claim not based on a Promissory Note of Bill of Exchange)

In Sake (In Likwidasie)
In Re..... (In Liquidation)

Naam van Krediteur
Name of Creditor.....

Volledige Adres Posbus
Address in Full..... P O Box.....

Totale Bedrag van Vordering
Total Amount of Claim R.....

Ek in my hoedanigheid as
I.....in my capacity as
en as sulks ten volle op hoogte van die feite hierin bevat, verklaar:
and as such fully cognizant with the facts contained herein, declare:

Dat
That the.....
wat in likwidasie geplaas is en in die hand van die Meester van die Hooggeregshof geplaas, was op die dag van likwidasie
en is nog steeds, verskuldig aan
which has been placed in liquidation, in the hands of the Master of the Supreme Court, was at the date of liquidation, and
still is, indebted to the.....

die bedrag van (woorde)
in the sum of (words).....
vir
for.....

Dat genoemde skuld ontstaan het op die wyse en op die datums soos hierby aangehegte volledige rekening uiteengesit
(aard van goedere gelewer op rekening vermeld word). Dat geen ander persoon buiten die genoemde Maatskappy en/of
BK vir die genoemde skuld of enige deel daarvan aanspreeklik is nie, gehalwe as borg, en dat nog ek nog volgens my wete,
enige ander persoon vir die gebruik van bogenoemde Krediteur enige Sekuriteit vir die genoemde skuld of enige deel
daarvan ontvang het nie, buiten en behalwe*
That the said debt arose in the manner and at the time set forth in the detailed account hereunto annexed (nature of any
goods supplied must be briefly specified on the account.) That no other person, besides the said Company, and/or CC is
liable for the said debt, or any part thereof, otherwise that as Security, that I have not nor has any other person, to my
knowledge, for the use of the above Creditor, received any Security for the debt or any part thereof, save and except*

welke sekuriteit ek waardeer teen
which security I value at R.....
Dat aan die bepalings van Artikel 44(6) van die Insolvensiewet voldoen is en dat die vordering nie verkry is deur sessie na
die instelling van die proses vir die likwidasie van die Maatskappy en/of BK nie.
That the requirements of Section 44(6) of the Insolvency Act have been complied with and that the claim was not acquired
by cession after the institution of the proceedings, whereby the Company and/or CC was placed in Liquidation.

Handtekening van Verklaarder
Signature of Deponent.....
Geteken en beëdig voor my te op die dag van
Signed and sworn before me at.....on the.....day of.....20.....

toe die verklaarder bevestig het dat hy geen beswaar teen die aflê van die eed op die voorgeskrewe wyse het nie en dat hy
dit as bindend op sy gewete beskou. Daarna het hy/sy op die voorgeskrewe wyse onder eed verklaar dat hy/sy vertrouwd is
met die inhoud van hierdie verklaring, en dat dit waar is.
when the deponent declared that he has no objection in taking his oath in the prescribed manner and that the regards this
oath as binding to his conscience. Thereafter he/she declared under oath in the prescribed manner and he/she understands
the contents of this declaration, and that it is true.

.....
Kommissaris van Ede / Commissioner of Oath

Power of Attorney

To prove Claim(s) and vote for Trustee(s)
Liquidator(s) and Judicial Manager(s)

I/We, the undersigned.....

do hereby nominate, constitute and appoint.....

.....
jointly and severally with power of Substitution, to be my/our Attorney(s) and Agent(s) in my/our name place and stead, to appear before the Master of the Supreme Court any Magistrate of Presiding Officer at his or their offices, and to appear at all the Meetings of Creditors to be held in the matter of:

.....
(herein referred to as "The Estate" and then there on my/our behalf to file and prove my/our claim or claims against the said Estate, to nominate and vote for me/us in the election of a Trustee(s), Liquidator(s) or Judicial Manager(s) to administer the Estate and give the Trustee, Liquidator or Judicial Manager directions as to the management of the Estate and further to represent me/us in all matters or things relating to the said Estate, including the right to vote on any offer of Composition, and generally for affecting the purposes aforementioned to do or cause to be done whatsoever shall be requisite, as full and effectually, to all intents and purposes, as I/we might or could do if personally present and acting therein; hereby ratifying allowing and confirming and promising and agreeing to ratify allow and confirm all and whatsoever my/our said Attorney(s) and Agent(s) shall lawfully do or cause to be done in the premises by virtue of these presents.

Given under my/our hand at.....this.....day

of20.....the presence of the undersigned witnesses.

.....
Signature(s)

As Witnesses:

1.....2.....

NB In the case of this Power of Attorney being signed on behalf of a Company and not by a Director the undermentioned resolution must be completed.

It was resolved:

That.....

A Director/Secretary/Accountant/Official.....
of the Company or CC, be and is hereby authorized to sign all the necessary documents to enable the Company/CC to prove it's claim against:

.....
and to attend meetings of creditors of the said estate, and to speak and vote on behalf of the Company/CC, with power, in his discretion to substitute and appoint any other person or CC's behalf and to vote thereat.

Certified a true extract of a minutes of a Director's meeting held on.....

.....
Authorised Official

Name of Estate
Naam van Boedel.....

Name of Creditor
Naam van Skuldeiser.....

Brief description of Goods
Kort beskrywing van Goedere.....

Details of Sales "A"
Besonderhede van Verkope "A"

Date Datum	Invoice Number Faktuur Nommer	Amount Bedrag	Monthly Totals (Not Progressive) Maandelikse Toelae (Nie Toenemend)
Total Debits "A" Totale Debiete "A"			

Details of Payment received and Credits allowed "B"
Besonderhede van Betalings ontvang en Krediete toegestaan "B"

Date Datum	Payments and/or Credits (Specify) Betalings en/of Krediete (Spesifiseer)	Amount Bedrag	Monthly Totals (Not Progressive) Maandelikse Toelae (Nie Toenemend)
Total Credits "B" Totale Krediete "B"			
Amount of Claims as per Affidavit ie "A" less "B" Bedrag van Eis soos Verklaring dws "A" min "B"			