

## TSHWANE TRUST CO (PTY) LTD

### NOTES FOR THE COMPLETION OF CLAIM FORMS

#### 1. AFFIDAVIT

- (a) (The Commissioner of Oaths must print his full name and Business address below his signature and state his designation and the area for which he holds his appointment of the office held by him if he holds his appointment ex officio)
- (b) Alterations must be initialled by Declarant and Commissioner of Oaths.
- (c) If security is claimed then amount at which the creditor values such securities must be inserted.
- (d) A secured creditor who relies upon his security should state that fact on the Affidavit above the signatory of the Declarant. The insertion should be initialled.

#### 2. SUPPORTING VOUCHERS

- (a) Goods supplied on open account: Complete the statements annexed to the Affidavit (for last 12 months). Furnish explanation why any item is dated after Insolvency/Liquidation/Judicial Management. See (c) below in regard to Interest.
- (b) Money lent: Annex detailed statement of account plus Acknowledgement of debt or Receipts or paid cheques.
- (c) Interest: Must be calculated to date of Provisional Order of Liquidation/Sequestration/Judicial Management. Rate of interest and periods must be shown. (No interest is claim able on open accounts unless an agreement by the debtor to pay such interest is annexed.)
- (d) Legal Charges: Annex Attorney's taxed Bill of Costs which must show dates of the items therein.
- (e) Mortgage Bonds and H.P. Agreements: Annex original documents and detailed statements. Refer 1(c) above re valuation of security and 2(c) above re calculation of interest.
- (f) Rent: Annex original lease (if any) and detailed statement of rent due up to date of Provisional Order of Sequestration/Liquidation/Judicial Management showing rental and periods.
- (g) Surety ship: Annex original documents and detailed statement of claim against principal debtor.

# TSHWANE TRUST CO (PTY) LTD

Reg No. 1973/011373/07

TELEPHONE 0861 874 926 / (012) 333-6162  
P O BOX 2101  
PRETORIA  
0001

1207 COBHAM ROAD  
QUEENSWOOD  
0186

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

IN THE MATTER OF \_\_\_\_\_ **(IN LIQUIDATION)**

NAME IN FULL OF CREDITOR \_\_\_\_\_  
(hereinafter referred to as the said Creditor)

ADDRESS IN FULL \_\_\_\_\_

P O BOX \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ TOTAL AMOUNT OF CLAIM **R** \_\_\_\_\_

I \_\_\_\_\_ do hereby make oath and say

(1) That I am \_\_\_\_\_ of \_\_\_\_\_  
(hereinafter referred to as the said Creditor)

(2) That I have personal knowledge of the facts hereinafter stated.

(3) That \_\_\_\_\_ **(IN LIQUIDATION)**

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

(words) \_\_\_\_\_

for \_\_\_\_\_

(4) That the said debt arose in the manner and at the time set forth in the account hereunto annexed.

(5) That no other person besides the said Company is liable (otherwise than as surety) for the said debt or any part thereof.

(6) 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 \_\_\_\_\_

(7) That this claim was not acquired by cession after the institution of the proceedings by which the Company was sequestrated.

(8) **Banking details of creditor** \_\_\_\_\_

Signature of Declarant \_\_\_\_\_

I hereby certify the the Deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn

before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

\_\_\_\_\_  
COMMISSIONER OF OATHS

AFFIDAVIT FOR THE PROOF OF A CLAIM BASED ON A PROMISSORY NOTE OR OTHER BILL OF EXCHANGE

In the matter of \_\_\_\_\_ (IN LIQUIDATION)

Full Name of Creditor \_\_\_\_\_

Address \_\_\_\_\_

Total Amount of Claim \_\_\_\_\_ P O Box \_\_\_\_\_

I \_\_\_\_\_ in my capacity as \_\_\_\_\_ and as such fully cognisant with the facts contained herein, declare under oath:

That \_\_\_\_\_

whose estate has been liquidated, was at the date of liquidation and still is, indebted to \_\_\_\_\_

in the sum of (words) \_\_\_\_\_

for \_\_\_\_\_ by virtue of the following Promissory Note(s) or Bill(s) of Exchange

Date of Note or Bill	Name of Maker or Drawer	Name of Acceptor	Name of Person to whom payable	Date when payable	Name of Endorser	Amount

That the said debt arose in the manner and at the time set forth in the account hereunto annexed and that the claim was not acquired by cession after the institution of the proceedings whereby the Estate was placed under liquidation. That the said Promissory Note or Bill(s) of Exchange is in all respects genuine and valid.

That besides the said Insolvent Estate, the Endorser(s) abovementioned namely \_\_\_\_\_ (IN LIQUIDATION)

is liable for the amount of the Bill(s) or Note(s) as: \_\_\_\_\_ Dat nog ek, nog volgens

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 \_\_\_\_\_

which security I value at R \_\_\_\_\_

\_\_\_\_\_  
Signature of Deponent

I hereby certify that the Deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn before me at \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_ the Regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

\_\_\_\_\_  
COMMISSIONER OF OATHS

\_\_\_\_\_  
(PTY) LIMITED

CERTIFIED EXTRACT FROM THE MINUTES OF A MEETING OF DIRECTORS OF THE  
ABOVENTIONED COMPANY HELD AT

\_\_\_\_\_

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

IT WAS RESOLVED

That Mr. \_\_\_\_\_

a Director/Secretary/Account \_\_\_\_\_

of the Company be and he is hereby authorised and empowered, for and on behalf of and in  
the name of the Company:-

- (a) to institute and conduct proceedings including proceedings for liquidation and sequestration in any competent Court in the Republic of South Africa, the territory of South West Africa, Rhodesia, Zambia, Malawi, Lesotho, Botswana, Mosambique, Angola and Swaziland against the Company's debtors for recovery of amounts due and owing.
- (b) to lodge, file and prove claims against deceased or insolvent estates or against companies in liquidation and under judicial management, to vote for the appointment and election of trustees, liquidators and judicial managers, to attend meeting and to vote on all matters arising from such claims.
- (c) for these purposes to instruct, brief and employ attorneys, solicitors and Counsel to represent and appear for and act on behalf of the Company.
- (d) to sign all Powers of Attorney, affidavits and other documents and writings which may be necessary for the carrying out of the above purposes.

\_\_\_\_\_ CERTIFIED A TRUE COPY

\_\_\_\_\_ AUTHORISED OFFICIAL



**POWER OF ATTORNEY TO PROVE CLAIMS ETC.**

I, the undersigned \_\_\_\_\_

in my capacity as \_\_\_\_\_

of \_\_\_\_\_

(hereinafter referred to as the said Creditor) do hereby nominate, constitute and appoint \_\_\_\_\_

with power of substitution 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 any other powers in respect of such claim particularly in respect of the appointment of a Trustee/Liquidator/Judicial Manager and/or any offer of Composition 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/Judicial Manager'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 Creditor's interests 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

- PLEASE NOTE; 1. In the case of a Limited Company this Power of Attorney must be signed by a Director and in all other cases by a Partner or Proprietor. Any other person must attach an authority to sign the Power.
2. Section 53(2) of the Insolvency Act prohibits the Trustee or Liquidator, his Employer, Employee, Co-employee, Spouse, close relative or any person having a pecuniary interest in his remuneration from acting as a Nominee for Creditors.