

**BANKRUPTCY ACT  
(CHAPTER 20)**

**BANKRUPTCY RULES**

(Title)

**AFFIDAVIT IN SUPPORT OF  
CREDITOR'S BANKRUPTCY APPLICATION**

I/We \_\_\_\_\_, of \_\_\_\_\_ do  
make oath (or affirm) and say as follows:

1. [*explanation as to how rule 104 of the Bankruptcy Rules is satisfied*].

2. The defendant is justly and truly indebted to me/us in the aggregate sum of \$\_\_\_\_\_ [*exact sum as of date of bankruptcy application*], full particulars of which are set out in the annexure to this application which is marked \_\_\_\_ [*The annexure shall be strictly in accordance with rule 101 of the Bankruptcy Rules and include particulars of assignment of debt*].

3. The abovementioned debt is for a liquidated sum payable immediately and the defendant appears unable to pay it.

4. On \_\_\_\_\_, a statutory demand was served upon the defendant by \_\_\_\_\_ [*manner of service*] in respect of the abovementioned debt. Twenty-one days have lapsed since the service of the demand and to the best of my/our knowledge and belief, the demand has neither been complied with nor set aside in accordance with the Bankruptcy Rules and no application to set it aside is outstanding.

OR

4. On \_\_\_\_\_, a statutory demand was served upon the defendant by \_\_\_\_\_ [*manner of service*] in respect of the abovementioned debt. Twenty-one days have not lapsed since the service of the demand and to the best of my/our knowledge and belief, the demand has neither been complied with nor set aside in accordance with the Bankruptcy Rules and no application to set it aside is outstanding. I/We believe that there is a serious possibility that the debtor's property, or the value of all or any of the debtor's property, will be significantly diminished after the service of the statutory demand and before the end of the period of twenty-one days referred to in section 62(a) of the Bankruptcy Act. [*further explanation as to how section 63A of the Bankruptcy Act is satisfied*].

OR

4. On \_\_\_\_\_, a certificate of inapplicability under section 56L of the Bankruptcy Act was issued by the Official Assignee against the defendant, and to the best of my/our knowledge and belief, the defendant has not disputed the issuance of the certificate.

OR

4. On \_\_\_\_\_, a certificate of failure under section 56M of the Bankruptcy Act was issued by the Official Assignee against the defendant, and to the best of my/our knowledge and belief, the defendant has not disputed the issuance of the certificate.

OR

4. [Give particular of other grounds relied upon for application]

5. I/We do not, nor does any person on my/our behalf, hold any security on the defendant's estate, or any part thereof, for the payment of the abovementioned sum.

OR

5. I/We hold security for the payment of [part of] the abovementioned sum.

I/We will give such security for the benefit of all the creditors in the event of a bankruptcy order being made.

OR

5. I/We hold security for the payment of part of the abovementioned sum and I/we estimate the value of such security to be \$\_\_\_\_\_. This application is not made in respect of the secured part of my/our debt.

6. There has been no stay of execution in respect of this debt [for judgment debts only].

7. To the best of my/our knowledge and belief, I/we verily believe that the Debt Repayment Scheme applies to the defendant as the defendant --

- (a) does not have debts exceeding \$100,000, or the aggregate of his unsecured debts in respect of which this bankruptcy application is made, does not exceed \$100,000;
- (b) is not an undischarged bankrupt;
- (c) has not been adjudged a bankrupt in the 5 years preceding the date of this application;
- (d) is not presently subject to a voluntary arrangement;
- (e) has not been subject to a voluntary arrangement in the 5 years preceding the date of this application;
- (f) is not presently subject to a debt repayment scheme;
- (g) has not been subject to a debt repayment scheme in the 5 years preceding the date of this application;
- (h) is not a sole-proprietor;
- (i) is not a partner in a firm;
- (j) is not a partner in a limited liability partnership.

(Note: The Debt Repayment Scheme does not apply to the applicant if the applicant fails to satisfy any of the conditions specified in paragraph 7 above.)

OR

7. To the best of my/our knowledge and belief, I/we verily believe that the Debt Repayment Scheme does not apply to the defendant as the defendant --

- (a) has debts, or the aggregate of his debts in respect of which this bankruptcy application is made, exceeds \$100,000;
- (b) is an undischarged bankrupt;
- (c) has been adjudged a bankrupt in the 5 years preceding the date of this application;
- (d) is presently subject to a voluntary arrangement;
- (e) has been subject to a voluntary arrangement in the 5 years preceding the date of this application;
- (f) is presently subject to a debt repayment scheme;
- (g) has been subject to a debt repayment scheme in the 5 years preceding the date of this application;
- (h) is a sole-proprietor;
- (i) is a partner in a firm;
- (j) is a partner in a limited liability partnership.

(Note: Please delete the sub-paragraphs which you are not relying on to support your knowledge and belief.)

8. To the best of my/our knowledge, I/we verily believe that the plaintiff who is applying for the appointment of \_\_\_\_\_ [*state name of private trustee in bankruptcy*] to be the trustee of the bankrupt's estate:

- (a) is a bank licensed under the Banking Act (Cap. 19); or
- (b) is a finance company licensed under the Finance Companies Act (Cap. 108); or
- (c) in the relevant period, has an annual sales turnover of more than \$100 million; and at the date of the application for the bankruptcy order referred to in section 33(1A) of the Act, has more than 200 employees.

(Note: Please delete the sub-paragraphs which do not apply.)

OR

8. To the best of my/our knowledge, I/we verily believe that the plaintiff who is applying for the appointment of the Official Assignee to be the trustee of the bankrupt's estate:

- (a) is not a bank licensed under the Banking Act (Cap. 19) or a finance company licensed under the Finance Companies Act (Cap. 108); and
- (b) in the relevant period, has an annual sales turnover of less than \$100 million; or
- (c) at the date of the application for the bankruptcy order referred to in section 33(1A) of the Act, has 200 employees or less.

(Note: Please delete the sub-paragraphs (b) or (c) where appropriate)

9. [*Name of private trustee in bankruptcy*] has consented to being appointed as trustee of the bankrupt's estate. A copy of his curriculum vitae is annexed herein.

(Note: This paragraph should only be included if a trustee other than the Official Assignee is being appointed as trustee of the bankrupt's estate)

Sworn (or affirmed) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ,  
at \_\_\_\_\_  
(through the interpretation of \_\_\_\_\_ )

Before me

Commissioner for Oaths