

SECHABA TRUST

NOTES FOR COMPLETION OF CLAIM FORMS

1. Affidavit

1.1 Completion and signature

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 or by office held by him if he holds his appointment ex officio. Alterations must be initialled by declarant and Commissioner of Oaths.

1.2 Security

If security is claimed, then the amount at which the creditor values such security must be inserted. A secured creditor who relies upon his security should state that fact on the affidavit above the signature of the declarant. This insertion should be initialled (See 2.5 below.)

1.3 Promissory notes, etc.

Where the claim is in respect of promissory notes, bills of exchange or cheques, the appropriate affidavit form should then be completed which can be found on the reverse side of the "open account" affidavit and any bills, notes or cheques must be attached to the claim (See 2.2 below.)

2. Supporting vouchers

2.1 Goods supplied on open account

A detailed statement attached, supporting the affidavit must be attached to the claim, showing the monthly total and brief description of the purchases and the payment 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. Furnish explanations why any item is dated after insolvency/judicial management/liquidation.

2.2 Money lent

Annex detailed statement of account plus acknowledgement of debt or receipts or paid cheques.

2.3 Interest

Must be calculated to date of provisional order of liquidation/judicial management/sequestration. Rate of interest and periods must be shown. (No interest is claimable on open accounts unless agreement by the debtor to pay such interest is annexed.)

2.4 Legal charges

Annex attorney's taxed bill of costs which must show dates of the items therein.

2.5 Mortgage bonds and HP agreements

Annex original documents and detailed statements. Refer 1.2 above re valuation of security and 2.3 above re calculation of interest.

2.6 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.

2.7 Suretyships

Annex original documents and detailed statement of claim against principal debtor.

3. Power of Attorney

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, as per enclosed documents, must be annexed to the power of attorney.

4. Voting

Should you be unable to attend the meeting, and you are prepared to agree to a representative being appointed by the general body of creditors, we suggest that the power of attorney be completed with the relevant portion left blank and initialled.

AANTEKENINGE VIR DIE VOLTOOIING VAN EISDOKUMENTE

1. Beëdigde Verklaring

1.1 Voltooiing en ondertekening

Die Kommissaris van Ede moet sy volle name en besigheidsadres in drukletters onder sy handtekening aanbring en sy ampstitel en die gebied waarvoor hy aangestel is, of sy amp, indien hy ampsshalwe aangestel is, meld. Veranderinge moet deur die deklaratant en die Kommissaris van Ede geparafeer word.

1.2 Sekuriteit

Indien sekuriteit geëis word, moet die skuldeiser die bedrag waarteen hy sy sekuriteit waardeer, invul. 'n Versekerde skuldeiser wat hom uitsluitend verlaat op sy sekuriteit moet daardie feit te kenne gee op die beëdigde verklaring bo die handtekening van die deklaratant. Hierdie invoeging moet geparafeer word (sien 2.5 hieronder).

1.3 Promesse, ens

Indien die eis ten opsigte van promesses, wissels of tjeks is, moet die betrokke verklaring voltooi word wat op die keersy van die "ope rekening"-verklaring gedruk is en alle wissels, promesses of tjeks moet by die eis aangeheg word (Sien 2.2 hieronder).

2. Stawende bewysstukke

2.1 Goedere op rekening gelewer

Die staat wat aan die beëdigde verklaring geheg is, moet volledig voltooi word. Die staat moet 'n kort beskrywing van die aankope, die maandelikse totaal daarvan en alle betalings ontvang van krediete toegestaan, vir die volle tydperk van handeldrywe of vir 'n tydperk van 12 maande onmiddellik voor die datum van die sekwestrasie/likwidasië, welke ook al die kortste is aandui. Verstrek verduidelikings waarom enige item gedateer is na sekwestrasie/geregtelike bestuur/likwidasië.

2.2 Geld geleen

Heg 'n gespesifiseerde rekening plus erkenning van skuld of kwitansies of betaalde tjeks aan.

2.3 Rente

Moet tot by die datum van voorlopige sekwestrasie-, likwidasië-, geregtelike bestuursbevel bereken word. Rentekoers en tydperke moet getoon word. (Geen rente mag gevorder word op ope rekenings nie, tensy 'n ooreenkoms deur die skuldenaar om sodanige rente te betaal, aangeheg is).

2.4 Regskoste

Die prokureur se getakseerde rekening wat die datums van die items daarin moet toon, moet aangeheg word.

2.5 Verbande en huurkoop-ooreenkomste

Heg die oorspronklike dokumente en gespesifiseerde state aan. Verwys na 1.2 hierbo ten opsigte van die waardasie van sekuriteit en 2.3 hierbo ten opsigte van berekening van rente.

2.6 Huurgeld

Heg die oorspronklike huurkontrak aan (indien enige) en 'n gespesifiseerde staat wat die huur verskuldig tot op datum van voorlopige sekwestrasie-, likwidasië-, of geregtelike bestuursbevel, die maandelikse huurgeld en die tydperk aantoon.

2.7 Borgskappe

Heg die oorspronklike dokumente en 'n gespesifiseerde staat van die eis teen die hoofskuldenaar aan.

3. Prokurasie

Indien 'n maatskappy 'n eis bewys, moet die prokurasie geteken word deur 'n direkteur of enige ander persoon wat deur 'n spesiale besluit daartoe gemagtig is. 'n Afskrif van sodanige besluit moet aan die prokurasie geheg word.

4. Stemreg

Indien u nie die vergadering kan bywoon nie en bereid is om toe te stem dat 'n verteenwoordiger aangestel word deur die algemene meerderheid van skuldenaars, stel ons voor dat u die prokurasie voltooi en die betrokke gedeelte vir die nominasie van 'n verteenwoordiger ooplaat en parafeer.

Beëdigde verklaring tot bewys van 'n ander vordering as 'n vordering op grond van 'n promesse of ander wissel (Artikel 44 (6))

Affidavit for the proof of any claim other than a claim based on promissory note or other bill of exchange (Section 44 (6))

In die saak/insolvente boedel (7) van

In the matter/insolvent estate (7) of

(hierna verwys as die genoemde maatskappy/insolvent)

(hereinafter referred to as the said company/insolvent)

(in likwidasië/onder geregtelike bestuur)(7)

(in liquidation/under judicial management)(7)

Volle naam van skuldeiser

Name in full of creditor

(hierna verwys as die genoemde skuldeiser)

(hereinafter referred to as the said creditor)

Volledige adres

Address in full

Posbus nommer

P O Box number

Totale bedrag van vordering R

Total amount of claim R

Ek (1)

I, (1)

verklaar hiermee onder eed:
do hereby make oath and say:

Dat ek die (2)

That I am (2)

is van (3)

(hierna verwys as die genoemde skuldeiser)

of (3)

(hereinafter referred to as the said creditor)

Dat ek persoonlik kennis dra van die feite hierin uiteengesit.

That I have personal knowledge of the facts hereinafter stated.

Dat (4)

(hierna verwys as die genoemde maatskappy/insolvent)(7), welke maatskappy in likwidasië, onder geregtelike bestuur geplaas / van wie die boedel insolvent verklaar (7) is, op die dag van likwidasië/geregtelike bestuur/sekwestrasie (7) en nou nog verskuldig is aan die genoemde skuldeiser vir die som van (woorde)

That (4)

(hereinafter referred to as the said company/insolvent (7)), which company has been placed in liquidation/under judicial management whose estate has been sequestered (7) was at the date of liquidation/judicial management/sequestration (7) and still is justly and truly indebted to the said creditor in the sum of (words)

vir (5)

Dat genoemde skuld ontstaan het op die wyse en op die datum soos op die aangehegte rekening uiteengesit, wat voldoen aan die vereistes van Artikel 44(6) van Wet 24 van 1936, soos gewysig.

That the said debt arose in the manner and at the time set forth in the account hereunto annexed, complying with the provisions of Section 44(6) of Act 24 of 1936, as amended.

Dat geen ander persoon buiten die genoemde maatskappy/insolvent vir die genoemde skuld of enige deel daarvan aanspreeklik is nie (behalwe as borg)

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

Dat nóg die genoemde skuldeiser nóg volgens my wete, enige ander persoon namens die genoemde skuldeiser, enige sekuriteite vir die genoemde skuld of enige deel daarvan ontvang het, buiten en behalwe (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 (6)

welke sekuriteit ek waardeer teen R

Dat die vordering nie verkry is deur sessie na die instelling van die proses vir die likwidasië/ geregtelike bestuur van die maatskappy/sekwestrasie van die boedel (7) nie

which security I value at R

This claim was not acquired by cession after the institution of the proceedings by which the company was placed in liquidation/under judicial management/estate was sequestered (7)

Handtekening van deponent (8)

Ek sertifiseer hiermee dat die deponent verklaar het dat hy/sy die inhoud van hierdie verklaring verstaan en begryp en dat dit die waarheid is en na die beste van sy kennis en wete, welke verklaring voor my geteken en beëdig is te op en dat daar voldoen is aan die bepalings vervat in Goewermentskennisgewing R1258 gedateer 21 Julie 1972, soos gewysig.

Signature of deponent (8)

certify that the above affidavit has been signed and sworn to before me at on this the of the deponent having acknowledged that he/she knows and understands the contents of this affidavit, in accordance with the requirements of Regulation R1258 dated as amended

Volle naam en besigheidsadres van Kommissaris

Full name and address of Commissioner

Notas

1. Volle naam.
2. Dui verwantskap met krediteur aan, bv. bestuurder, sekretaris, ens. of skrap indien deponent die krediteur is.
3. Volle naam van krediteur.
4. Naam van maatskappy in likwidasië/insolvent/geregtelike bestuur.
5. Soort transaksie, bv. goedere verkoop en gelewer.
6. Meld besonderhede en waarde van verwante of ander sekuriteite (indien enige).
7. Skrap en parafereer die alternatiewe woorde soos nodig.
8. 'n Persoon wat optree namens 'n bepaalde maatskappy moet die verklaring teken in sy persoonlike hoedanigheid.

Notes

1. Full name.
2. Here state the relation of deponent to the creditor, eg. manager, secretary, general power holder, etc or strike out if deponent is the creditor.
3. Full name of creditor.
4. Name of company in liquidation/insolvent/judicial management.
5. Type of transaction eg. goods sold and delivered.
6. Here insert nature, particulars and value of mortgage, pledge or other security (if any).
7. Strike out and initial the alternative words not required.
8. A deponent acting on behalf of a limited company must sign the affidavit in his personal capacity.

Gesertifiseerde uittreksel van die notule van 'n vergadering van die direkteure van die bovermelde maatskappy

Certified extract from the minutes of a meeting of directors of the abovementioned company

gehou te
held at

op die	dag van	20
on the	day of	20

Dit was besluit

It was resolved

Dat Mnr
That Mr

'n direkteur/sekretaris/rekenmeester/amptenaar van die maatskappy, hiermee gemagtig word om 'n voorlopige of finale kurator/likwidateur/geregtelike bestuurder namens die maatskappy te nomineer om die maatskappy in staat te stel om hulle eis te bewys teen

a director/secretary/accountant/official of the company, be and is hereby authorised and empowered to nominate a provisional or final trustee/liquidator/judicial manager on behalf of the company and to sign all the necessary documents to enable the company to prove its claim against

en om alle vergaderings van skuldeisers van die genoemde boedel/maatskappy by te woon en te stem namens die maatskappy volgens sy diskresie, met die mag van substitusie, en om enige persoon of persone te benoem om sodanige vergaderings namens die maatskappy by te woon en daar te stem.

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.

Gesertifiseer 'n ware afskrif
Certified a true copy

Gemagtigde amptenaar
Authorised official

Prokurasie vir die bewys van eise ens Power of attorney to prove claims etc.

Ek, die ondergetekende
I, the undersigned

In my hoedanigheid as
In my capacity as

van
of

(hierna verwys as die genoemde skuldeiser) benoem,
konstitueer en stel hierby aan

(hereinafter referred to as the said creditor) do hereby nominate,
constitute and appoint

met mag van substitusie om die genoemde skuldeiser se wettige prokureur en agent te wees, en in die genoemde skuldeiser se naam en namens die genoemde skuldeiser alle vergaderings by te woon, in die saak van

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

en namens die genoemde skuldeiser, die genoemde skuldeiser se eis te 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 van 'n kurator/likwidateur/geregtelike bestuurder en/of enige aanbod van kompromie en/of voorlegging tot arbitrasie van enige dispuut en/of die samestelling of toelating van enige eis teen die boedel/maatskappy en om aan die kurators/likwidateur/s/geregtelike bestuurder/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 belang het, en belowe hiermee om goed te keur en te bekragtig wat ook al die genoemde agent mag doen of teweeg bring uit krag hiervan.

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 such claim, particularly in respect of the appointment of a trustee/liquidator/judicial manager and/or any offer of compromise 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/s/ 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 present.

Gedateer te	hierdie	dag van	20
Dated at	this	day of	20

As getuies
As witnesses

1. _____

2. _____

Handtekening
Signature _____