

SCHEDULE 1**FORM A1****STATEMENT OF DEBTOR'S AFFAIRS**

FAILURE TO SUBMIT THIS FORM TO THE COMMISSIONER AND THE LIQUIDATOR WITHIN 7 DAYS IS A CRIMINAL OFFENCE AND MAY DELAY REHABILITATION, WHERE APPLICABLE

PART 1

BALANCE SHEET

OF _____ *

* Here insert the name in full of the debtor

Liabilities	N\$	Assets	N\$
Debts due as per Part 5		Immovable property as per Part 2 Movable property as per Part 2 Outstanding claims, etc, as per Part 3 Deficiency/surplus	
Total		Total	

PART 2**IMMOVABLE PROPERTY**

	Description of property	Situation and extent	Mortgages and other secured claims	Estimated values in N\$
Property situate in Namibia				
Property situate elsewhere				
			Total	

PART 3**ANY MOVABLE PROPERTY WHATSOEVER WHICH IS NOT INCLUDED
IN PART 4 OR PART 5**

	Description of property	Estimated value
Property situate in Namibia Property situate elsewhere		Rc
	Total	

Note: Movable property includes assets such as insurance policies and credit balances in accounts with banks or other institutions or persons. Any merchandise mentioned in this part must be valued at its cost price or at its market value at the time of the making of this statement, whichever is the lower, and the statement must be supported by detailed stock sheets relating to such merchandise.

PART 4**OUTSTANDING CLAIMS, BILLS, BONDS AND OTHER SECURITIES**

	Names and residential and postal address of the debtor	Particulars of claim	Estimated amount good in N\$	Estimated amount bad or doubtful in N\$
In Namibia				
Outside Namibia				
		Total	N\$	N\$

PART 5
LIST OF CREDITORS

Name and address of creditor	Nature and value of security for claim	Nature of claim	Amount of claim in N\$
		Total	

PART 6
**MOVABLE ASSETS PLEDGED, HYPOTHECATED, SUBJECT TO A
RIGHT OF RETENTION OR UNDER ATTACHMENT IN EXECUTION OF
A JUDGMENT**

Description of asset	Estimated value of asset	Nature of charge on asset	Amount of debt to which charge relates	Name of creditor in whose favour charge is

PART 9
PERSONAL INFORMATION

State whether the debtor is married, widowed or divorced:

If the debtor is or was married, state -

- (a) name or names of spouse or spouses (a 'spouse' means not only a wife or husband in the legal sense, but also a person who in terms of any legal system or recognised custom is recognised as such a person's spouse and also any person with whom such person is cohabitating in a marriage relationship, irrespective of whether or not he or she is lawfully married to any other person).

- (b) whether the debtor is or was married in or without community of property and whether the accrual system applies

- (c) date of marriage

- (d) whether the matrimonial property system has been changed since entering into the marriage and, if so, the nature of the change

- (e) full names and date of birth of the spouse and, if an identity number has been assigned, the identity number of the spouse

State the debtor's nationality

State the debtor's place of birth, date of birth and, if an identity number has been assigned, the identity number

Was the debtor's estate or the estate of a partnership in which the debtor is or was a partner previously liquidated or placed in bankruptcy, whether in Namibia or elsewhere?

If the preceding answer is in the affirmative, state -

(a) whether debtor's own estate or his partnership's estate was (i) liquidated; or (ii) placed in bankruptcy

(b) the place where and the date when that estate was liquidated or placed in bankruptcy

(c) whether the debtor has been rehabilitated or his estate released; if so, when

PART 10
AFFIDAVIT/SOLEMN DECLARATION

I, declare under oath/solemnly and sincerely declare* that to the best of my knowledge and belief the statements contained in this Schedule are true and complete, and that every estimated amount therein contained is fairly and correctly estimated.

Signature of declarant: _____

Sworn/solemnly declared before me on the _____ day of _____ at

Commissioner of Oaths

Full names

Business address

Designation and area or office

SCHEDULE 1
FORM A2
NOMINATION FOR LIQUIDATOR BY CREDITOR
Section 50

RE: _____ ("the Debtor")

1. I understand that application has been/is to be made to the High Court for an order for the placing of the Debtor in liquidation.

2. I declare that _____
("the Creditor") is a creditor of the Debtor.

3. I hereby nominate _____
of _____ telephone number _____ for
appointment as liquidator and request you to make the necessary appointment. The Creditor intends proving a claim and voting for the final appointment of the
aforementioned person at the first meeting of creditors in this estate.

4. I declare that the Creditor is not a person disqualified, in terms of the provisions of sections 42 of the Insolvency Act from voting for the appointment of the aforesaid person as liquidator. As far as I am aware the nominated person is not disqualified from the aforesaid appointment by virtue of the provisions of **section 89** of the Insolvency Act.

5. I further declare that I have satisfied myself that the amount reflected herein as owing by the Debtor to the Creditor is, to the best of my knowledge and belief, true and correct.

6. Creditor Details:
 - 6.1 Name of creditor: _____

 - 6.2 Address of creditor

6.3 Telephone number of creditor:

6.4 Fax number of creditor (if any)

6.5 E-mail address of creditor (if any)

7. Amount of claim:

_____ (amount in words)

8. Cause of action: the amount owing by the debtor to the creditor is owed in respect of:

9. If the claim is by an employee who is a member of a registered trade union, state the name of the union:

SIGNATURE

PRINTED NAME

DATE

CAPACITY

SCHEDULE 1
FORM A3
NOMINATION FOR LIQUIDATOR BY REGISTERED UNION
(Section 50)

RE:

("the Debtor")

1. I understand that application has been/is to be made to the High Court for an order for the placing of the Debtor in liquidation.

2. I declare that _____ (the "Union") is a registered trade union which -
 - (a) represents the employees of the debtor listed in the annexure to this form signed by me, who were employed by the debtor at the time of liquidation; or
 - (b) represents the following number of employees employed by the debtor at the time of the liquidation, which number is calculated as indicated in the annexure to this form signed by me.

3. I hereby nominate _____ of _____ telephone number _____ for appointment as liquidator and request you to make the necessary appointment.

4.1 NAME OF UNION:

4.2 ADDRESS OF UNION:

4.3 TELEPHONE NUMBER OF UNION:

4.4 FAX NUMBER OF UNION (IF ANY)

4.5 E-MAIL ADDRESS OF UNION (IF ANY)

Official Stamp of Registered Union

SIGNATURE

DATE

PRINTED NAME

CAPACITY

SCHEDULE 1**FORM B****AFFIDAVIT FOR PROOF OF ANY CLAIM OTHER THAN A CLAIM
BASED ON A PROMISSORY NOTE OR OTHER BILL OF EXCHANGE****(Section 96)**

Strike out inapplicable words where * occurs.

In the insolvent estate of: _____

Date of liquidation: _____

Name of creditor: _____

Address of creditor: _____

E-mail address of creditor: _____

Fax number of creditor: _____

Amount of claim at date of liquidation: _____

I, _____ declare *under
oath/solemnly as follows:

(1) *I am the creditor/I am the(capacity) of the creditor and have authority to make this declaration and submit the claim for proof as appears from the attached documentation.

(2) *I have personal knowledge of the nature and particulars of the claim/I have satisfied myself as to the nature and particulars of the claim.

(3) *The claim was not obtained by cession after the commencement of liquidation proceedings/The claim was obtained by cession on _____(date).

(4) The nature of the claim (for instance money advanced, goods delivered, salary due) is _____ as appears from the attached documentation or declaration.

(In respect of debts which accrued over a period or in respect of which payments were made a statement must be submitted with a brief description of all debits and credits

over the period of 12 months immediately preceding the commencement of liquidation.)

(5) The debt arose on or since _____ (date). *The debt was due to me on the commencement of liquidation/The debt or part thereof became due to me or will become due to me after liquidation as set out on the attached statement.

(6) *I hold no security in respect of the debt/The particulars of security held by me for payment of the debt and the value placed by me on the security (if a value is placed on the security) are as follows:

* I do not rely on my security for the payment of my claim./I rely solely on my security for the payment of my claim.

(7) *To the best of my knowledge no one except the insolvent estate is liable for the debt or a part thereof/The particulars of others who are to my knowledge liable for the debt and the security held in respect thereof are as follows:

(8) *I authorize the liquidator to have any dividend due to me transferred electronically to my banking account (supply name of account, branch number and account number)

Signature of declarant

*Sworn to/ solemnly declared before me on: _____ (date)
at _____ (place)

Commissioner of oaths

Full names

Business address

Designation and area or office

SCHEDULE 1**FORM C****AFFIDAVIT FOR THE PROOF OF A CLAIM BASED ON A PROMISSORY NOTE OR OTHER BILL OF EXCHANGE****(Section 96)**

Strike out inapplicable words where * occurs.

In the insolvent estate of: _____

Date of liquidation: _____

Name of creditor: _____

Address of creditor: _____

E-mail address of creditor: _____

Fax number of creditor: _____

Amount of claim at date of liquidation: _____

I, _____ declare *under oath/solemnly as follows:

(1) *I am the creditor/I am the _____ (capacity) of the creditor and have authority to make this declaration and submit the claim for proof as appears from the attached documentation.

(2) *I have personal knowledge of the nature and particulars of the claim/I have satisfied myself as to the nature and particulars of the claim.

(3) *The claim was not obtained by cession after the commencement of liquidation proceedings/The claim was obtained by cession on _____ (date).

(4) The debtor was on the commencement of liquidation and still is indebted to me by virtue of the following *promissory note/bill 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 in N\$

--	--	--	--	--	--	--

(5) The nature of the claim (for instance money advanced, goods delivered, salary due) is _____ as appears from the attached documentation or declaration.

(In respect of debts which accrued over a period or in respect of which payments were made a statement must be submitted with a brief description of all debits and credits over the period of 12 months immediately preceding the commencement of liquidation.)

(6) That the said *note/bill is in all respects genuine and valid.

(7) *I hold no security in respect of the debt / The particulars of security held by me for payment of the debt and the value placed by me on the security (if a value is placed on the security) are as follows:

* I do not rely on my security for the payment of my claim./I rely solely on my security for the payment of my claim.

(8) *To the best of my knowledge no one except the insolvent estate is liable for the debt or a part thereof / The particulars of others who are to my knowledge liable for the debt and the security held in respect thereof are as follows

*(9) I authorize the liquidator to have any dividend due to me transferred electronically to my banking account (supply name of account, branch number and account number)

Signature of declarant

*Sworn to/ solemnly declared before me on: _____(date)

at _____(place)

Commissioner of oaths

Full names

Business address

Designation and area or office

SCHEDULE 1
FORM D
FORM AND CONTENTS OF ACCOUNTS
(Section 106)

1. The accounts must be lodged on A4 standard paper and totals must be added up separately at the foot of each sheet with a total at the end of each account.

2. Heading:

The heading of the account must contain the following information:

- (a) The name of the debtor;
- (b) the address of the debtor;
- (c) the identity number or date of birth or registration number of the debtor;
- (d) the commencement of liquidation;
- (e) the ordinal number of the account or supplementary account;
- (f) the nature of the account (eg liquidation account);
- (g) where applicable, whether it is a final or supplementary account;
- (h) whether it is a distribution account or a contribution account or both;
- (i) the Commissioner's reference number.

3. Liquidation account

3.1 A liquidation account must contain a record of all receipts derived from the realisation of assets and disbursements made or to be made in defraying the costs of liquidation, except receipts and disbursements reflected in a trading account.

3.2 The record of receipts and disbursements must reflect full particulars explaining their nature and state the amount thereof in a money column.

3.3 The gross proceeds of assets must be reflected and the disbursements incidental to the realisation must be entered as disbursements.

3.4 Receipts and disbursements must upon the request of the Commissioner be supported by satisfactory vouchers numbered consecutively in the top right-hand corner by reference to the number appearing in the account opposite the relative item.

3.5 The account must reflect separately the distribution to be made (if any) to secured claims, preferent claims and concurrent claims and the contribution to be levied (if any).

3.6 If security has been realised, the liquidation account must contain a free residue account dealing with receipts not subject to security and consecutively numbered encumbered asset accounts dealing with receipts subject to security.

3.7 If disbursements or income are apportioned amongst the free residue and encumbered asset accounts the liquidation account must indicate how the apportionment has been calculated.

3.8 An encumbered asset account must be drawn to indicate the proceeds of the realization of security, the disbursements payable out of the proceeds of the security and the amount payable to a creditor or creditors with the period for and rate at which interest before and after liquidation (if any) has been calculated.

4. Trading account

When the liquidator carried on business by either purchasing stock or entering into new transactions for the purpose of trading, a separate trading account including the following items only, must be submitted:

- (a) The value of the stock on hand at the commencement of liquidation shown on the credit side;
- (b) the receipts and disbursement on the trading account;
- (c) the value of stock on hand at the date on which the accounts were made up shown on the debit side with a note of the items in the liquidation account reflecting the proceeds of the stock that has been realised (if any).

5. Bank reconciliation

5.1 The liquidator must lodge complete statements up to the date on which the accounts were made up of all accounts opened in terms of **section 75**.

5.2 The account must contain a bank reconciliation statement with the following information:

- (a) The balance in the cheque account and the date at which the bank statement reflected that balance;
- (b) the amount of the contribution provided for in the contribution account (if any);
- (c) the amount (if any) of each outstanding deposit with sufficient particulars to explain its nature or a reference to the item in the liquidation account which together with the even numbered voucher (if any) explain its nature;
- (d) the amount of each disbursement in the liquidation account that must still be paid with sufficient particulars to explain its nature or a reference to the item in the liquidation account which together with the even numbered voucher, if any, explain its nature;
- (e) the amount of the payment (if any) still to be made to each secured creditor with an explanation if this amount does not agree with the amount reflected in the distribution account;
- (f) the total amounts to be paid to preferent creditors and concurrent creditors (if any) with an explanation if these amounts do not agree with the totals reflected in the distribution account;
- (g) the amount (if any) to be transferred to a next account.

6. Distribution account, contribution account or contribution and distribution account

6.1 The liquidator, upon the request of the Commissioner, lodge all proved claims and unproved claims admitted or compromised by the liquidator or proved in an action at law.

6.2 The account must indicate the basis for contribution if this is not the amount of the concurrent claim and contain the following columns that are applicable to the account:

- (a) claim reference number;
- (b) creditor's name and if dividends are to be transferred electronically the account name, branch number and account number of the creditor's account;
- (c) total claim;
- (d) concurrent claim;
- (e) secured claim;
- (f) award in previous accounts;
- (g) concurrent award with a separate column for interest after liquidation (if any) and an explanation in the account of the rate at and period for which interest has been calculated;
- (h) secured or preferent award;
- (i) amount of contribution;
- (j) shortfall.

7. Certificate

7.1 Each liquidator must sign the certificate under oath or affirmation.

7.2 The certificate must state that the account contains a true account of the administration of the estate.

7.3 If it is a final account, the certificate must state that so far as the liquidator is aware all the assets of the insolvent estate have been disclosed in the accounts.

7.4 If it is not a final account, the certificate must reflect a list of all unrealised assets of which the liquidator is aware with the reason why the assets have not been realised and an estimate of the value of the assets.

SCHEDULE 1

FORM E1

**NOTICE IN TERMS OF SECTION 29(6)(a) OF THE INSOLVENCY ACT ____
OF ____ (THE "ACT") TO ATTEND A HEARING IN TERMS OF SECTION
28 (7)(a) OF THE ACT**

In re

INSOLVENT ESTATE OF

COMMISSIONER'S REFERENCE NO.: _____

To: _____

You are hereby notified in terms of **section 28(7)(a)** to appear at a hearing to be held at _____ (details of venue) on the _____ day of _____ 2_____, at ___h___ to give evidence and supply proof of earnings received by you or your dependants out of the exercise of your profession, occupation or employment and all assets or income received by you or your dependants from whatever source and the estimated expenses for your own support and that of your dependants.

Dated at _____ this _____ day of _____ 2_____

Magistrate

(Here insert details of the name, address, telephone number, fax number and e-mail of the liquidator or the legal practitioner acting for the liquidator)

NOTE:

Your attention is specifically drawn to the provisions of **sections 91 and 213(2)(a) and (b)** of the Act which sections are printed on the reverse side hereof.

SCHEDULE 1**FORM E2**

**SUMMONS IN TERMS OF SECTION 96(13) OF THE INSOLVENCY ACT
 ___ OF 2___ (THE "ACT") TO ATTEND A MEETING OF CREDITORS
 FOR QUESTIONING IN TERMS OF SECTION 96(13) OF THE ACT**

In re:

INSOLVENT ESTATE OF

COMMISSIONER'S REFERENCE NO.: _____

To: _____

You are hereby summonsed in terms of **section 96(13)** to appear in person at a meeting of creditors in the above estate to be held at _____ (details of venue) on the _____ day of _____ 2___, at ___h___ to be questioned by the presiding officer, the liquidator or a creditor who has proved a claim against the estate, or the representative of the liquidator or such creditor in regard to your claim against the insolvent estate. You are summonsed to bring with you all books, documents or records in support of your claim.

Dated at _____ this _____ day
 of _____ 2 _____

Presiding Officer

(Here insert details of the name, address telephone number, fax number and e-mail of the liquidator or the legal practitioner acting for the liquidator)

NOTE:

In terms of **section 96(14)**, if a person who wishes to prove a claim is called upon to be questioned as contemplated in subsection (12) of that section and fails without reasonable excuse to appear or refuses to take the oath or make a solemn declaration or to submit to questioning or to answer fully and satisfactorily any lawful question put to him or her, his or her claim, may be rejected.

SCHEDULE 1**FORM E3**

**SUMMONS IN TERMS OF SECTION 86(1) OF THE INSOLVENCY ACT ____
OF 2 ____ (THE "ACT") TO ATTEND A MEETING OF CREDITORS FOR
QUESTIONING IN TERMS OF SECTION 87 OF THE ACT**

In re:

INSOLVENT ESTATE OF

COMMISSIONER'S REFERENCE NO.: _____

To: _____

You are hereby summonsed in terms of **section 86(1)** to appear in person at a meeting of creditors in the above estate to be held at _____ (details of venue) on the _____ day of _____ 2 ____, at ___ h ___ to give evidence and to be questioned on all matters relating to the insolvent or his or her business or affairs, whether before or after the liquidation of the estate, and concerning any property which at any time belonged to the insolvent estate and to produce to the presiding officer at the meeting all the books, papers and documents specified hereunder:

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

Description of book, paper or document	Date (if any)	Copy or original required

Dated at _____ this _____ day
of _____ 2 _____

Presiding Officer

(Here insert details of the name, address
telephone number, fax number and e-mail of the liquidator or the legal practitioner
acting for the liquidator)

NOTES:

1. A cheque for witness fees in the form of appearance money and travelling allowances in the sum of N\$ _____ (_____, N\$) is attached to your copy of the summons. You are entitled to make representations to the Presiding Officer of the meeting for additional necessary witness fees.
2. Your attention is specifically drawn to the provisions of **sections 87(3), 87(6), 87(9), 91 and 92(10)** of the Act which sections are printed on the reverse side hereof.

SCHEDULE 1

FORM E4

**SUMMONS IN TERMS OF SECTION 88(3)(b) OR 88(6) OF THE
INSOLVENCY ACT ___ OF 2___ (THE "ACT") TO ATTEND A
QUESTIONING IN TERMS OF SECTION 88 OF THE ACT**

In re:

INSOLVENT ESTATE OF

COMMISSIONER'S REFERENCE NO.: _____

To: _____

You are hereby summonsed in terms of **section 88(3)(b) or 88(5)** to appear in person at a questioning in the above estate to be held at _____ (details of venue) on the _____ day of _____ 2___, at ___ h___ to be questioned on property in your possession belonging to the insolvent estate, amounts due by you to the insolvent estate and all matters relating to the affairs of the insolvent and his or her property and to produce to the presiding officer at the questioning all the books, documents or records specified hereunder:

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

Description of book, paper or document	Date (if any)	Copy or original required

Dated at _____ this _____ day
of _____ 2 _____

Commissioner/Court/ Presiding Officer

(Here insert details of the name, address
telephone number, fax number and e-mail of the liquidator or the legal practitioner
acting for the liquidator)

NOTES:

1. A cheque for witness fees in the form of appearance money and travelling allowances in the sum of N\$ _____ (_____, N\$) is attached to your copy of the summons. You are entitled to make representations to the Presiding Officer of the meeting for additional necessary witness fees.
2. Your attention is specifically drawn to the provisions of sections **87(3), (6), (9), (10), 87(7), (8) and (10), 91 and 213(2)(a)** and (b) of the Act which sections are printed on the reverse side hereof.

SCHEDULE 1**FORM E5**

**SUMMONS IN TERMS OF SECTION 90(1) OF THE INSOLVENCY ACT
 ____ OF 2 ____ (THE "ACT") TO ATTEND A QUESTIONING IN TERMS
 OF SECTION 90 OF THE ACT**

In re:

INSOLVENT ESTATE OF

COMMISSIONER'S REFERENCE NO.: _____

To: _____

You are hereby summonsed in terms of **section 90(1)** to appear in person at a questioning in the above estate to be held at _____ (details of venue) on the ____ day of _____ 2____, at ___h___ to furnish information and to be questioned on all information within your knowledge concerning the insolvent or his or her estate or the administration of the estate and to produce to the presiding officer at the meeting all the books, documents and records specified hereunder:

LIST OF BOOKS, DOCUMENTS OR RECORDS TO BE PRODUCED

Description of book, paper or document	Date (if any)	Copy or original required

Dated at _____ this _____ day
 of _____ 2 _____

Commissioner

(Here insert details of the name, address telephone number, fax number and e-mail of the liquidator or the legal practitioner acting for the liquidator)

NOTES:

Your attention is specifically drawn to the provisions of **sections 87(3), 87(6), 87(9), 87(10), 90(5), 90(6), 91 and 213(2)(a) and (b)** of the Act which sections are printed on the reverse side hereof.

FORM F
STATUTORY DEMAND IN TERMS OF SECTION 16(2)(a) OF THE
INSOLVENCY ACT (ACT NO_ OF 2__)

WARNING

This is an important document. If you should fail to respond to the document within 21 days after service thereof your estate may be liquidated and your assets taken away from you.

DEMAND

To: _____

Address: _____

The creditor claims that you are indebted to him or her for the following amount which is now due and payable and that he holds no security for the amount claimed.

When incurred	Type of debt (cause of action)	Amount due as at the date of the demand

The creditor demands that you pay the amount due within three weeks after the service of this demand or give security to the reasonable satisfaction of the creditor therefor, or enter into a compromise in respect thereof.

Should you fail to comply with this demand, this does not preclude you from opposing an application for the liquidation of your estate. If you deny indebtedness wholly or in part, you should contact the creditor without delay.

SIGNATURE: _____

NAME OF CREDITOR: _____
(PRINT)

DATE: _____

CAPACITY: _____
(IF NOT CREDITOR PERSONALLY)

ADDRESS:

TEL NO: _____

PERSON YOU MAY CONTACT IF NOT CREDITOR PERSONALLY:

NAME: _____

ADDRESS:

If debt obtained by cession or otherwise:

	Name	Date of cession or other act

Original creditor		
Cessionaries		