

PROOF OF DEBT

INSTRUCTTIONS TO CREDITORS AS TO PROOFS.

1. Great care should be taken to fill up the Form of Proof correctly. If it is not correctly filled in, not only will you cause considerable inconvenience to yourself and the Official Receiver or Trustee, but also your rights to dividends and any security held by you may be adversely affected. If you should have any difficulty in filling up the form, you should consult your Solicitor or Accountant.

2. The principal statutory provisions relating to Proof of Debts are Section 34 and 35 of the **Bankruptcy Enactment**, the Proof of Debt Rules made under Section 36 thereof, and Rules 109-118 of the Bankruptcy Rules made under Section 113 thereof. All of these are important, bur your particular attention is drawn to the following extracts :-

Debt must be proved. Form of Proof.

Proof of Debt, Rule 3 : "Every creditor shall prove his debt as soon as may be after the making of a receiving order"

(Note. -The proof must be in the form attached which incorporates a form of affidavit verifying the debt).

By whom proof to be made

Proof of Debt, Rule 5 : "The affidavit may be made by the creditor himself or by some person authorized by or on behalf of the creditor and having knowledge of the facts. If made by a person so authorized, it shall state his authority and means of knowledge.

Must contain statement of account and specify vouchers.

Proof of Debt, Rule 6 : "The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Official Receiver or trustee may at any time call for the production of the vouchers. The particulars shall be in the English language.

Must state wheather creditor secured.

Proof of Debt, Rule 7 : "The affidavit shall state whether the creditor is or is not a secured creditor"

Particulars of security must be stated.

Proof of Debt, Rule 13 : "If a secured creditor does not either realize or surrender his security he shall, before ranking for dividend, state in his proof the particular of his security the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed."

Before whom proof to be sworn.

Bankruptcy Rule 109 : "An affidavit of proof of debt may be sworn or declared before the Official Receiver or any person authorized to administer oaths or take statutory declarations"

Bills of Exchange and Promissory Notes must be produced.

Bankruptcy Rule 111 : "Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, such bill of exchange, note, instrument or security must, subject to any special order of the court made to the contrary, be produced to the Official Receiver, Chairman of a meeting or trustee, as the case may be, before the proof can be admitted either for voting or for dividend."

TO BE RETURNED TO THE OFFICIAL RECEIVER, COURT
HOUSE BANDAR SERI BEGAWAN, NEGARA BRUNEI DARUSSALAM

**IN THE SUPREME COURT OF
NEGARA BRUNEI DARUSSALAM
IN BANKRUPTCY**

No. (a) of 20

Re : (a)

(The reference (a), (b), (c) etc. are to the Directions on Page 2 opposite, which should be attended to carefully. See also the Instructions attached, where alternative words or phrases are given those not applicable should be struck out)

I (b)
of

make oath
solemnly sincerely and truly affirm and say:

c) That I am in the employ of the under-mentioned Creditor and that I am duly authorized by to make this affidavit affirmation and that it is within my own knowledge that the debt hereinafter deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied

d) That I am duly authorized, under the seal of the Company hereinafter named, to make the proof of debt on its behalf

That the said
was / were at the date of the Receiver Order, viz, the _____ day of
20 _____ and still is / are justly and truly indebted to (e)
in the sum of _____ dollars and _____ cents
for (f) _____ as shown by the

account endorsed hereon
account hereto annexed marked "A" for which sum or any part thereof I say that I have not nor
hath (g)

or any person by (h) _____ order to my knowledge or belief for (h)
use had or received any manner of satisfaction or security whatsoever, save and except the following (i)

Date	Drawer	Acceptor	Amount	Due date

Sworn
Affirmed at

_____ this _____
day of _____, 20 _____ }
Before me _____ Deponents' signature

Note - The Stamp must not be defaced by the Creditor

Where the debt proved for exceeds \$20 a \$1 stamp must be affixed here, otherwise the proof cannot be admitted.

**Debt
Contra**

Admitted to rank for dividend for \$ _____ this day of _____, 20 _____ Official Receiver or Trustee

Admitted to vote for \$ _____ the day of _____, 20 _____ Official Receiver or Trustee

PARTICULARS OF ACCOUNT REFERRED TO ON OTHER SIDE

(Credit should be given for Contra Accounts).

If space is not sufficient, let the particulars be annexed, but where the particulars are on a separate sheet of paper the same must be marked by the person whom the affidavit is sworn or affirmation made, thus :

“ IN BANKRUPTCY.- This is the account marked with the letter “A” referred to in the annexed proof of debt made by

In re

Sworn / affirmed before me this day 20

.....
MAGISTRATE / REGISTRAR

DATE	CONSIDERATION	AMOUNT		REMARKS The Vouchers (if any) by which the Account can be substantiated should be set out here.
		\$	C	

Signature of Deponent

DIRECTIONS FOR COMPLETING FORM

(a) Here insert the number of Matter, and the name of Debtor, as given in the notice of meeting.

(b) Fill in Full name, address and occupation of Deponent

(c) { If proof made by Creditor strike out clauses (c) and (d).
If made by clerk of Creditor strike out (d)
(d) { If made by clerk or agent of Company strike out (c)

(e) Insert “me” or, in the case of a firm, “me and C.D. and E.F, my co-partners trading as” or, if by clerk, insert name, address and description of principal

**NOTE
THIS**

(f) *State consideration as* – Goods, sold and delivered by me (and my said partner) to him (or them) at his (or their) request between the dates of (or moneys advanced by me in respect of the undermentioned bill of exchange) or as the case may be.

(g) “my said partners or any of them” or “the above named Creditor” as the case may be.

(h) “my” or “our”. Or “their”, or “his”, as the case may be.

(i) Here state the particulars of all securities held, and where the securities are on the property of the Debtor, assess the value of the same, and if any bills or other negotiable securities be held, specify them in the schedule.

N.B. – Bills or other negotiable securities must be produced before the proof can be admitted.