

UNSECURED CREDITOR'S CLAIM FORM

Section 304(1) Companies Act 1993

NAME OF COMPANY IN LIQUIDATION OR RECEIVERSHIP

NAME OF CREDITOR

POSTAL ADDRESS

GST NUMBER

PHONE

FAX

EMAIL**

** this will be used as your address for correspondence unless you tick this box.

I do not want email communication

I

[if claim is made on behalf of creditor, specify relationship to creditor and authority] claim that the company was at the date it was put into liquidation or receivership indebted to the above-named creditor for the sum of:

\$ (amount in figures)

(amount in words)

Total GST included in your claim (if applicable): \$

I hold no security for the amount claimed **OR**

I am surrendering my security and I am claiming as an unsecured creditor **OR**

I am claiming as a preferential creditor

PAYMENTS

If you wish to receive any dividend payments by electronic transfer please provide the following information:

ACCOUNT NAME

ACCOUNT NUMBER

Bank

Branch

Account number

Suffix

PARTICULARS OF CLAIM

Please attach supporting evidence

Full particulars of the claim are set out, and any supporting documents that substantiate the claim are identified below. (The liquidator may require the production of a document under section 304(1)(b) of the Companies Act 1993. You are not required to attach any supporting documents at this stage, but you may attach them now, if you think it would expedite the processing of the claim.)

Date of Supply	Description of Goods or Services Supplied	Amount \$
		\$
		\$
		\$
		\$
		\$

Completed forms can be sent to:

admin@insolvencymatters.co.nz PO Box 13400, Armagh, Christchurch 8141 Fax: 03 366 4798

RETENTION OF TITLE CLAIMANTS ONLY (ROMALPA CLAUSE)

Please provide details of the basis of your retention of title claim below and include a copy of the documentation showing the retention of title clause is a condition of contract.

Date of Supply	Description of Goods supplied under a Retention of Title Clause	Documentation (include a copy)

PPSR Registration Details

PREFERENTIAL CLAIMANTS ONLY

Are you claiming the full amount of your claim as preferential? Yes No

If no, what part of the claim is preferential?

\$

Why are you a preferential creditor (e.g. employee, court costs, GST etc.)

Details of your claim (include supporting documentation where available)

WARNING: It is an offence under section 304(6) of the Companies Act 1993 to make, or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or omit, or authorise the omission, from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

*Any personal information collected is for the purpose of administering the liquidation in accordance with the Companies Act 1993. The information will be used and retained by Insolvency Matters and will be released to other parties only with your authorisation or in compliance with the Privacy Act 1993. Under section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation must be made in this prescribed form and must— (a) contain full particulars of the claim; and (b) identify any documents that evidence or substantiate the claim. You may have access to and request correction of any personal information. *Not applicable, if creditor is not an individual within the meaning of the Privacy Act 1993.

SIGNED:

DATE:

RESERVED FOR OFFICIAL USE

RECEIVED

CLAIM ADMITTED FOR PAYMENT

SIGN AND DATE (Liquidator)

Preferential claim for: \$ _____

Claim admitted for voting purposes: _____

Ordinary claim for: \$ _____

Claim rejected for voting purposes: _____

Deferred claim for: \$ _____

Claim rejected for payment: _____

SIGNED (Liquidator):

DATE:

Note: If the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidation Regulations 1994 requires that it be recorded in writing.

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HOW TO FILE A CLAIM

If you believe that you are owed money by a company in liquidation to which Insolvency Matters has been appointed as liquidator, you need to file your claim against the company by completing the required claim form ("Proof of Debt").

It is a requirement for all claims to be submitted in the approved form pursuant to the Companies Act 1993.

UNSECURED AND PREFERENTIAL CREDITORS

If you are an unsecured creditor, you need to file the unsecured creditor's claim form. If you are a preferential creditor (such as an employee), you need to file the unsecured creditor's claim form setting out the amounts you claim as preferential and amounts you claim as unsecured.

SECURED CREDITORS

If you are a secured creditor (being a creditor with the benefit of a security interest over some of the assets of the company in liquidation) you need to file the secured creditor's claim form.

COMPLETING THE FORMS

When completing the claim form:

- Identify and attach all appropriate supporting documentation to the form such as tax invoices making up your claim, statement of company's account, terms of trade, payslips, timesheets etc.
- If you are a secured creditor, attach the security documents.
- Be as accurate as possible in completing the claim form. It is an offence to submit a false or misleading claim in a liquidation and subject to penalties under the Companies Act 1993.
- You are able to claim for an existing debt or a contingent debt.

Even if it appears unlikely that you will receive any dividend from the liquidation, you should still lodge a claim to assist the liquidator with their review of the company's affairs and conduct of the directors.

WHAT HAPPENS AFTER I SUBMIT A CLAIM?

The liquidator will review every claim received to ensure that it is valid. Further information may be requested by the liquidator about your claim.

The liquidator is required to advise whether a claim is admitted, amended for some reason or rejected for some reason. However, in order to keep the costs of administration of the liquidation to a minimum, the liquidator may defer advising creditors whether their claim is accepted until such time as the liquidator is certain that there are sufficient funds in the liquidation to enable a distribution to be paid to unsecured creditors.

If the liquidator receives further information at some later date that changes the nature or details of an unsecured creditor's claim, the liquidator has the power to change their mind and either reject or amend a claim.

LIQUIDATION INFORMATION

Periodic reports on the progress of the liquidation will be sent to creditors and can also be viewed on the Companies Office register at www.companiesoffice.govt.nz.