

THE COMPANIES ACT, 1973

Annexure CM100

Master's Reference No. _____

STATEMENT OF AFFAIRS

(Section *three hundred and sixty three* of the Act.)

Name of company _____

Date of winding-up order _____

Name and address of liquidator _____

Statement of affairs on the day of 20 the date of the winding-up order

STATEMENT OF AFFAIRS

(Section three hundred and sixty three of the Act.)

I. – As regards		
LIABILITIES	N\$	c
Debts and liabilities		
(I) Unsecured creditors and claimants as per List “A”		
(II) Secured and preferent creditors as per List “B”		
Estimated surplus (if any) after meeting liabilities of company, subject to costs of liquidation		
	N\$	
The nominal amount of unpaid capital liable to be called up is N\$		

II. – As regards				
	N\$	c	N\$	c
Capital issued and allotted:-				
Founders shares of N\$ _____ per share				
Ordinary shares of N\$ _____ per share				
Preference shares of N\$ _____ per share				
Particulars of any other capital				
Less unpaid calls estimated to be irrecoverable R				
Add deficiency to meet liabilities as above _____				
	N\$			

I, _____ of _____
 being a director, and I, _____ of _____
 being the secretary of the abovenamed company make oath/truly affirm and say that the above statement and several lists hereunto annexed, marked _____, are to the best of our knowledge and belief a complete and true statement of the affairs of the said company on the _____ day of _____ 20 _____ the date of the winding up order.

 Director

 Secretary

STATEMENT OF AFFAIRS

(Section *three hundred and sixty three* of the Act.)

Creditors.

ASSETS	N\$	c
(a) Property as per List "C" _____		
(b) Book debts as per List "D":-		
Recoverable _____ N\$		
Doubtful _____ N\$		
Irrecoverable _____ N\$		
Estimated to realise _____		
(c) Bills of exchange or other similar securities as per List "E":-		
Estimated to realise _____		
(d) Unpaid share capital as per List "F":-		
Estimated to realise _____		
Estimated deficiency of assets to meet liabilities and costs of liquidation		

Contributories.

Estimated surplus as above (if any), subject to costs of liquidation	N\$	c
TOTAL DEFICIENCY*		
N\$		

The deponents have acknowledged that they know and understand the contents of this affidavit/declaration

Signed and sworn to/declared before me at _____ this _____ day
of _____ 20 _____

Signature

Exempt from Stamp Duty

*If the Master so directs, this deficiency is to be explained by Statement "G" or in such a manner as the Master may require.

LIST "A"

UNSECURED CREDITORS

The names must be numbered consecutively, creditors for R20 and upwards being placed first.

NOTES

1. If any creditor of the company is also a debtor thereof, but for an amount less than the amount of his claim against the company, the gross amount due to the creditor and the amount of his counter-claim must be shown in the third column, and the balance only be inserted under the heading "Amount of Debt", as follows:-

N\$ c

Gross amount due to creditor _____

Less counter-claim _____

Such set-off must not be included in list "D"

2. Particulars of any bills of exchange and promissory notes in possession of a creditor must be inserted under the heading "Remarks".
3. The names of any creditors who are also contributories or alleged contributories of the company, *must be shown separately and described as such at the end of the list.*

No.	Name	Address and Occupation	Amount of Debt		Remarks
			N\$	c	

LIST "B"

LIST OF SECURED AND PREFERENT CREDITORS

The names must be arranged in alphabetical order and numbered consecutively

[illegible]

LIST "C"

PROPERTY

Full particulars of every description of property not included in any other list are to be set forth herein.

Full Statement and Nature of Property	Estimated to Realise	
	N\$	c
(a) Cash at bank (as per bank certificate attached)		
(b) Cash in hand		
(c) Stock-in-trade at (as per valuation attached*)		
(d) Machinery at (as per valuation attached*)		
(e) Trade fixtures, fittings, office furniture, utensils, etc.		
† (f) Investments in stocks or shares		
† (g) Loans for which mortgage or other security held		
† (h) Other property (excluding book debts, bills of exchange or unpaid calls)		

*The valuation must be made by a person approved by the Master

LIST “D”

DEBTS DUE TO THE COMPANY

The names must be numbered consecutively.

NOTE: If any debtor of the company is also a creditor thereof, but for an amount less than his indebtedness, the gross amount due to the company and the amount of the counter-claim must be shown in the third column, and the balance only be inserted under the heading "Amount of Debt", as follows:-

	N\$	c
Gross amount due to company		
Less counter-claim		
Such set-off must not be included in List “A”		

[illegible]

LIST “F”

UNPAID SHARE CAPITAL

[illegible]

Statement "G"

DEFICIENCY ACCOUNT*(N.B. This account is prepared only at the request of the Master.)*

(1) Deficiency Account where the winding-up order has been made within three years of formation of the company.

	N\$	c
I. Gross profit (if any) arising from carrying on a business from date of formation of company to date of winding up order (as per trading account annexed)		
II. Receipts (if any) during the said period from undermentioned sources :-		
Interest on loans _____		
Interest on deposits _____		
Transfer fees _____		
Amount paid on shares issued and subsequently forfeited (as per list annexed)		
III. Other receipts (if any) during the said period not included under any of the above headings:-		
IV. Deficiency as per statement of affairs (Part II) _____		
Total amount to be accounted for	†N\$	

Statement "G" (cont.)

DEFICIENCY ACCOUNT

		N\$	c								
I. Expenditure in carrying on the business from date of formation of the company to date of winding-up order:-											
GENERAL EXPENDITURE		<table border="1"> <thead> <tr> <th colspan="2">Amount Discharged</th> <th colspan="2">Amount due at Date of winding-up order</th> </tr> <tr> <th>N\$</th> <th>c</th> <th>N\$</th> <th>c</th> </tr> </thead> </table>		Amount Discharged		Amount due at Date of winding-up order		N\$	c	N\$	c
	Amount Discharged		Amount due at Date of winding-up order								
N\$	c	N\$	c								
Salaries											
Wages not charged in trading account											
Rent											
Rates and taxes											
Legal expenses											
Commission											
Interest on loans											
Interest on debentures											
Miscellaneous expenditure (as per list annexed)											
II. Directors' fees from the date of formation of company to date of winding-up order											
III. Dividends declared during the said period											
IV. Losses and depreciation written off in the company's books:-*											
Irrecoverable debts											
Losses on investments											
Depreciation of property											
Preliminary expenses											
V. Losses and depreciation not written off in the company's books, now written off by directors :-*											
Irrecoverable debts											
Losses on investments											
Depreciation of property											
Preliminary expenses†											
VI. Other losses and expenses:-											
Total amount to be accounted for		†N\$									

* Lengthy particulars must be entered into a separate schedule.

† These figures must agree

Statement "G"

DEFICIENCY ACCOUNT (continued.)

(N.B. This account is prepared only at the request of the Master.)

(2) Deficiency Account where the winding-up order has been made within three years of formation of the company.

	N\$	c
I. Excess (if any) of assets over capital and liabilities on the * day of , 20 as per the company's balance sheet (this and any previous balance sheets to be annexed) _____		
II. Gross profit (if any) arising from carrying on a business from the * day of , 20 to date of winding-up order (as per trading account annexed)		
III. Receipts (if any) during the said period from the undermentioned sources:- Interest on loans _____ Interest on deposits _____ Transfer fees _____ Amount paid on shares issued and subsequently forfeited (as per list annexed)		
IV. Other receipts (if any) during the said period not included under any of the above headings _____		
V. Deficiency as per statement of affairs (Part II)		
Total amount to be accounted for	₹R	

Statement "G" (cont.)

DEFICIENCY ACCOUNT

		N\$		c	
I. Excess (if any) of assets over capital and liabilities over assets on the * day of , 20 as per the company's balance sheet (this and any previous balance sheets to be annexed)					
II. Expenses of carrying on the business from the* day of , 20 to date of winding-up order:-					
GENERAL EXPENDITURE		Amount Discharged		Amount due at Date of winding-up order	
		N\$	c	N\$	c
Salaries _____					
Wages not charged in trading account _____					
Rent _____					
Rates and taxes _____					
Legal expenses _____					
Commission _____					
Interest on loans _____					
Interest on debentures _____					
Miscellaneous expenditure (as per list annexed) _____					
III. Director's fees from the* day of 20 to date of the winding-up order					
IV. Dividends declared during the said period					
V. Losses and depreciation from the* day of 20 to date of the winding-up order written off in the company's books:-†					
Irrecoverable debts _____					
Losses on investments _____					
Depreciation of property _____					
Preliminary expenses _____					
VI. Losses and depreciation not written off in the company's books, now written off by directors :-†					
Irrecoverable debts _____					
Losses on investments _____					
Depreciation of property _____					
Preliminary expenses† _____					
VII. Other losses and expenses:-					
Total amount to be accounted for		₹N\$			

* Three days before date of winding-up order.

† Lengthy particulars must be entered into a separate schedule.

‡ These figures must agree