

FORMS

FORM 1

General Title for Proceedings

(Regulation 12)

In the Eastern Caribbean Supreme Court

High Court of Justice

Saint Vincent and the Grenadines

(In Bankruptcy and Insolvency)

No. _____ of _____

In the matter of the *Bankruptcy and Insolvency Act* (Cap. 136 of the Laws of Saint Vincent and the Grenadines, Revised Edition 2009)

And in the matter of the bankruptcy (or of the proposal, or the receivership or the insolvency, as the case may be) of _____

(If applicable for summary administration, add:)

SUMMARY ADMINISTRATION

FORM 2

Notice of Intervention by Supervisor

(Regulation 9)

(Title Form 1)

TAKE NOTICE that I, _____, the Supervisor of Insolvency, intend to intervene and participate in the above-captioned proceeding.

Dated at _____ this _____ day of _____,

Supervisor of Insolvency

FORM 3

Notice of Motion

(Regulation 19)

(Title Form 1)

Claim No. _____ of _____
Between:

A.B.

Applicant

- and -

C.D.

Respondent

NOTICE OF MOTION

The Applicant, _____ (name), of _____
(address) applies to the court for an order that:
(describe)

A draft of the order that I seek is attached.

The grounds of the Motion are:

(describe)

An Affidavit in support accompanies this Motion.

A draft of the Order I seek is attached.

Dated this _____ day of _____, _____.

Signed: _____
[Attorney-at-law for the] Applicant

NOTICE

This Motion will be heard by _____ [the Judge in Chambers]
 on the _____ day of _____, _____, at _____ [am/pm] at
 _____.

If you do not attend this hearing an order may be made in your absence.

The Court Office is located at _____, telephone
 number _____, facsimile number _____. The Court Office is
 open between [_____ am] and [_____ pm] _____ to _____
 except public holidays.

FORM 4

Consent of Bankrupt to Judgment

(Regulation 30(2) and Sections 163(3) and 167 of the Act)

(Title Form 1)

I, _____, the above-named bankrupt, do hereby consent to
 judgment being entered against me in this Court by the trustee,
 _____, for the sum of \$ _____ together with
 \$ _____ for the costs of judgment.

Dated this _____ day of _____, _____.

 Signature of Bankrupt

FORM 5

Petition for Receiving Order

(Regulation 42 and Section 4 of the Act)

(Title Form 1)

I (or we), _____, of _____, hereby make a Petition to the Court that _____ be adjudged bankrupt and that a receiving order be made in respect of the property of _____ of _____ (address), lately carrying on business (or residing) at _____ and say:

1. THAT the said _____ has at some time during the six months next preceding the filing of this Petition carried on business (or now resides) at _____, within the jurisdiction of this Court (or that the greater portion of the property of the said _____ is situated at _____ within the jurisdiction of this Court).
2. THAT the said _____ is justly and truly indebted to me (or us) in the sum of \$ _____ (set out the amount of the debt or debts and the consideration).
3. THAT I (or we) do not, nor does any person on my (or our) behalf hold any security on the said debtor's property, or on any part thereof, for the payment of the said sum.

or

THAT I hold security for the payment of (or part of) the said sum (but that I will give up such security for the benefit of the creditors of _____ in the event of a receiving order being made against _____ (or and I estimate the value of such security at the sum of \$ _____).

or

THAT I, _____, one of your petitioners, hold security for the payment of, etc.

or

THAT I, _____, another of your petitioners, hold security for the payment of, etc.

4. THAT _____, within the six months next preceding the date of the filing of this Petition has committed the following act (or acts) of bankruptcy, namely:

(Set out the nature and date or dates of the act or acts of bankruptcy relied on.)

5. THAT _____ of _____, is a person qualified to act as trustee of the property of the said debtor, has agreed to act as such and is acceptable to the under-mentioned creditors:

Creditor [°]	Address [°]	Amount of Debt [°]
-----------------	----------------	-----------------------

Dated this _____ day of _____, _____.

Signed by the petitioner(s)
in my presence

(signature of witness)

(signature of petitioner)

ISSUED at Kingstown, Saint Vincent and the Grenadines, this _____ day of _____, _____.

Registrar

NOTICE OF HEARING OF PETITION
(Regulation 61)

Take notice that a Petition for a receiving order shall be made in respect of your property, which is to be heard before the Honourable Justice _____, in Chambers on the ____ day of _____, _____, at the Court House located at _____, at the hour of _____ o'clock in the _____ noon or so soon thereafter as the Petition can be heard.

And further take notice that if notice of cause against the Petition is not filed in Court and a copy thereof served on the attorney-at-law for the petitioning creditor at least three (3) days before the hearing and if you do not appear at the hearing the Court may make a receiving order on such proof of the statements in the Petition as the Court shall think sufficient.

Dated this ____ day of _____, _____.

TO: The Debtor

Registrar

Note: Regulation 51 obligates the petitioner to file a copy of this petition with the Supervisor of Insolvency.

FORM 6

Affidavit of Truth of Statements in Petition

(Regulation 42, Sections 4(4), 4(6) and 4(10) of the Act)

(Title Form 1)

I, _____, petitioner (or the _____ of the petitioner) named in the Petition hereunto annexed, make oath and say:

That _____, is justly and truly indebted to me (or to the petitioner) in the sum of \$ _____, as stated in the said application.

That the facts as alleged in the said Petition are within my own knowledge true.

SWORN before me at _____, Saint)
Vincent and the Grenadines, on this ____ day of)
_____, _____.)
)
)
)
)
)
)
)
)

Commissioner of Oathsor)
Notary public)

(Signature of Petitioner
or representative of thePetitioner)

FORM 7

Affidavit of Service

(Regulation 48, Section 4(10) of the Act)

(Title Form 1)

I, _____, of _____, make oath and say:

1. That I did on the ___ day of _____, _____, serve the above-named debtor (or the debtor's duly authorized representative) with a copy of the above-mentioned Petition, Notice of Hearing of Petition, and Affidavit of Truth of Statements in Petition by delivering the same personally to the said _____ (or to the debtor's duly authorized representative, or to the President, Vice President, Secretary, Treasurer, Manager or other officer of the debtor if a corporation) at _____ (place) before the hour of _____ in the _____ noon.

2. A sealed copy of the said Petition is hereunto annexed.

SWORN before me at _____ Saint)
Vincent and the Grenadines, on this _____ day of)
_____, _____)
_____)
Commissioner of Oaths)
Notary Public)
)
)

(Signature of Affiant)

FORM 8

Order for Substituted Service of Petition

(Regulation 47(2))

(Title Form 1)

Upon the Petition of _____, the petitioner herein, and upon reading the Affidavit of _____ and the Petition filed the _____ day of _____, _____.

It is ordered that the petitioner be at liberty to serve the Petition, Affidavit of Truth of Statements in Petition and Notice of Hearing of Petition upon _____ (or service may be effected by way of _____) and that service of the aforementioned documents upon _____ (or by way of _____) no later than ___ days before the return of the said Petition, shall constitute and be good and sufficient service of the said documents upon the said debtor.

By Order:

Registrar

Note: Substituted service may be achieved:

- (a) by delivery of the Petition to some adult person at the usual or last known residence or place of business of the debtor;
- (b) by registered letter; or
- (c) by such other manner as the Court may direct.

FORM 9

Receiving Order
(Regulation 55, 71 and Section 4(10) and Section 5 of the Act)
(Title Form 1)

On the Petition of _____, a creditor, of _____, filed on the _____ day of _____, _____;

Having heard _____;

Having read the Affidavit of Truth of Statements in Petition and having seen the exhibits thereto together with such other materials on file;

And upon it appearing to the Court that the following acts of bankruptcy have been committed:

(set out the nature and dates of the acts of bankruptcy on which the order is made)

1. The Court hereby orders that _____ (Insert name, address and description of bankrupt as set out in the petition or proof to the Court) be adjudged bankrupt by virtue of a receiving order hereby made on this date.
2. The Court further orders that _____, of _____, be appointed as trustee of the estate of the bankrupt.
3. The Court further orders that the trustee give security in cash or by bond or suretyship without delay, in accordance with section 198 of the Act.
4. The Court further orders that the debtor, when served with this Order, shall attend on the trustee forthwith at _____, or such other location as the trustee may designate.
5. The Court further orders that the costs of the petitioner be paid out of the estate of the bankrupt on taxation of the estate.

Dated at _____, this _____ day of _____,

By Order:

Registrar

FORM 10

Dismissal of Petition for Receiving Order

(Regulation 56)

(Title Form 1)

Upon hearing the Petition of _____ filed the ____ day of _____, ____, and upon reading _____ and upon hearing _____;

It is ordered that the said Petition be dismissed (and that the petitioner do pay to the said _____ the taxed costs hereof).

Dated this _____ day of _____, _____.

By Order:

Registrar

FORM 11

Notice of Application for Taxation of Accounts and Discharge of Interim Receiver

(Regulation 57 (2))

(Title Form 1)

Take notice that:

1. Attached to this notice is a copy of the final statement of receipts and disbursements of _____, the interim receiver of the property of _____, the debtor.
2. Also attached is a statement of account prepared by the interim receiver and other information concerning the fees and expenses.
3. Objection to the statement of receipts and disbursements and to the discharge of the interim receiver must be filed with the court and the undersigned within the 30 days after the day on which this notice is sent. The notice of objection must state the reasons for the objection.
4. The debtor or, in the case of a bankruptcy, the trustee or any creditor may file a notice of objection.
5. Where no objection is filed within 30 days after the sending of this notice, the interim receiver's accounts are deemed to have been taxed and the interim receiver is deemed to be discharged, unless the court requires that the accounts be taxed on their own merit.

Dated at _____ this _____ day of _____, _____.

Interim Receiver

FORM 12

Notice by Debtor of Intention to Oppose Petition

(Regulation 63)

(Title Form 1)

I, the above-noted debtor, do hereby give you notice that I intend to oppose my being adjudged bankrupt and the making of a receiving order as asked, and that I intend to dispute the statements contained in the said Petition on the following grounds:

[list grounds]

Dated this _____ day of _____, _____.

(debtor), by his attorney-at-law
(name)
(address)

TO: The Petitioner

TO: The Supervisor of Insolvency

FORM 13

Notice of Intention to Enforce a Security

(Regulation 78 and Section 12(1) of the Act)

To: _____, an insolvent person

Take notice that:

1. _____, a secured creditor, intends to enforce its security on the insolvent person's property described below:

(Describe the property to which the security relates.)

2. The security that is to be enforced is the following:

(Provide particulars of the security.)

3. The total amount of indebtedness secured by the security is \$_____.

4. The secured creditor will not have the right to enforce the security until after the expiry of the 10-day period after this notice is sent unless the insolvent person consents to an earlier enforcement.

Dated at _____, this _____ day of _____, _____.

Name of Secured Creditor

Name and Title of Signing
Officer

FORM 14

Notice and Statement of the Receiver
(Regulation 79, Section 13(e) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. On the _____ day of _____ I,
_____ became the receiver in respect of the
property of _____ an insolvent person (or a
bankrupt), that is described below:

*(Provide an appropriate description of the property including the book value
of each asset and broken down into the categories of inventory, accounts
receivable and other assets.)*
2. The undersigned became a receiver of the property described above by virtue of
being appointed by _____ (*name
of person or court appointed receiver*) pursuant to

*(Provide particulars of security agreement or Court order pursuant to which
receiver was appointed).*
3. The undersigned took possession or control of the property described above
on the _____ day of _____, _____.
4. The following information relates to the receivership:
 - (a) Address of insolvent person (or bankrupt):
[insert]
 - (b) Principal line of business:
[insert]
 - (c) Location(s) of business:
[insert]

(d) Amount owed by insolvent person (or bankrupt) to each creditor who holds a security on the property described above:

[insert]

(e) The list of other creditors of the insolvent person (or the bankrupt) and the amount owed to each creditor and the total amount due by the insolvent person (or the bankrupt) is as follows:

[insert]

(f) The intended plan of action of the receiver during the receivership, to the extent that such a plan has been determined, is as follows:

[insert]

(g) Contact person for receiver:

(Provide name, telephone number and, if applicable, facsimile machine number.)

Dated at _____, this _____ day of _____, 20 ____.

Name of Receiver

Name and Title of Signing
Officer

FORM 15

Final Report and Statement of Accounts of Receiver

(Regulation 81, Section 13(g) of the Act)

(Title Form 1)

TO: The Supervisor of Insolvency

TO: _____, the debtor

(TO: *The trustee - in the case of a bankruptcy*)*(Note: Must also be sent to any creditor who requests a copy at any time up to 6 months after the end of the receivership.)*Introduction*(Explain details of appointment of receiver.)*

The purpose of this Report is to provide a final update as to the receivership of _____.

Statement of Receipts and Disbursements

The final statement of receipts and disbursements in this matter is attached to this Report as Appendix "A". The final statement of receipts and disbursements covers the period from _____, _____, to _____, _____.

Asset Realizations and Distributions*(Provide details of the manner of distribution of any property of which the receiver had taken possession or control and provide details of the disposition of any property of which the receiver had taken possession or control which is not accounted for in the final statement of receipts and disbursements.)*Completion of Receivership

The Receiver has liquidated all property capable of realization and ...

(Describe any applicable details of discharge.)

Dated at _____, this _____ day of _____, _____.

Receiver

APPENDIX "A" (Form 15)

FINAL STATEMENT OF RECEIPTS AND DISBURSEMENTS

(Title Form 1)

RECEIPTS

- 1. Cash on hand \$ _____
- 2. Realization of Assets (*Describe*) \$ _____
- 3. Miscellaneous Receipts and Collections (*Describe*) \$ _____

TOTAL RECEIPTS \$ _____

DISBURSEMENTS

- 1. Fees paid to Supervisor (*Describe others*) \$ _____
- 2. Disbursements (*Describe*) \$ _____
- 3. Miscellaneous Disbursements (*Describe*) \$ _____
- 4. Receiver's Remuneration (*Receiver's fees and expenses*) \$ _____

TOTAL DISBURSEMENTS \$ _____

Amount Available for Distribution \$ _____

Amount Disbursed to Creditors \$ _____

(Add any applicable notes)

Per:

[Receiver's Signature]

FORM 16

Certificate of Assignment

(Regulation 82 and Section 29(8)(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor_____
Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT – Section 29(8)(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a notice of intention in respect of the aforementioned debtor was filed under section 29 of the *Bankruptcy and Insolvency Act*;
- the debtor has failed to file a cash-flow statement or a proposal within the provided period following the filing of the notice of intention or within any Court-granted extension and is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date_____
Supervisor of Insolvency

FORM 17

Certificate of Assignment

(Regulation 82 and Section 37(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Table with 2 columns: Date of bankruptcy, Security, Meeting of creditors, Designated person, Chair.

CERTIFICATE OF ASSIGNMENT – Section 37(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the Bankruptcy and Insolvency Act;
- the creditors, at a meeting held to consider the proposal, refused to accept the proposal and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date

Supervisor of Insolvency

FORM 18

Certificate of Assignment

(Regulation 82 and Section 42(2)(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT – Section 42(2)(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the *Bankruptcy and Insolvency Act*;
- the Court, by its order, has refused to approve the proposal and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date

Supervisor of Insolvency

FORM 19

Certificate of Assignment

(Regulation 82 and Section 45(6) of the Act)

in the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT - Section 45(6) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the *Bankruptcy and Insolvency Act*;
- the said proposal, although accepted and approved, has been annulled by order of the Court and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date

Supervisor of Insolvency

FORM 20

Assignment for the General Benefit of Creditors (Corporation or other legal entity)

(Section 24 (2) of the Act)

(Title Form 1)

This indenture made this _____ day of _____, 2__,
between

(Insert the full legal name of the debtor)

(Insert address of the debtor)

hereinafter called "the debtor"
and

(Insert the name of the trustee)
hereinafter called "the trustee"

Whereas the debtor, a corporation or other legal entity, is insolvent and desires to assign and to abandon all its property for distribution among its creditors, in pursuance of the Act,

This indenture witnesses that the debtor, by its duly authorised legal representatives, does hereby assign to the trustee all the debtor's property for the uses, intents and purposes provided by the Act.

Signed at Saint Vincent and the Grenadines in the presence of _____.

_____	_____	_____
Witness	Date	Debtor by its duly authorized legal representative

Notes: A certified copy of the resolution of the board of directors must be attached to this document.

FORM 21

Assignment for the General Benefit of Creditors (Natural Person)

(Section 24 (2) of the Act)

(Title Form 1)

This indenture made this _____ day of _____, 2__.

between

(Insert the full legal name of the debtor)

(Insert address of the debtor)

hereinafter called "the debtor"

and

(Insert the name of the trustee)

hereinafter called "the trustee."

Whereas the debtor, a natural person, is insolvent and desires to assign and to abandon all his/her property for distribution among his/her creditors, in pursuance of the Act,

This indenture witnesses that the debtor does hereby assign to the trustee all the debtor's property for the uses, intents and purposes provided by the Act.

Signed at Saint Vincent and the Grenadines in the presence of _____.

Witness

Date

Debtor
(or legal representative of the debtor)

Notes: If the debtor is deceased, attach a copy of the Certificate of Death.

FORM 22

Statement of Affairs (General)

(Regulations 83(1) and 157 and Sections 24(2), 25(9)(a) and 148(e) of the Act)

(Title Form 1)

To the bankrupt/debtor:

 Original Amended

You are required to carefully and accurately complete this form and the applicable attachments showing the state of your affairs on the date of your bankruptcy / date of filing your proposal (*or, if applicable*, notice of intention) on the _____ day of _____, _____. When completed, this form and the applicable attachments will constitute your Statement of Affairs and must be verified by oath or solemn declaration.

LIABILITIES

(as stated and estimated by bankrupt/debtor)

- 1. Unsecured creditors as per list "A".....\$ _____
 - 2. Secured creditors as per list "B".....\$ _____
 - 3. Preferred creditors as per list "C".....\$ _____
 - 4. Contingent trust claims or other liabilities
as per list "D" estimated to be reclaimable
for.....\$ _____
- \$ _____
- Total Liabilities.....\$ _____
- Surplus.....\$ _____

I, _____, of _____ in the State of Saint Vincent and the Grenadines, do swear (or solemnly declare) that this statement and the attached lists are, to the best of my knowledge, a full, true and complete statement of my affairs on the ____ day of _____, and fully disclose all property of ever description that is in my possession or that may devolve on me in accordance with the Act.

SWORN (or SOLEMNLY DECLARED)

before me at _____ (city, town or Village), in the State of Saint Vincent and the Grenadines, on this _____ day of _____, _____.

Commissioner of Oaths
or Notary Public

Signature of bankrupt/debtor

ASSETS

(as stated and estimated by bankrupt/debtor)

- 1. Inventory.....\$ _____
- 2. Trade fixtures, etc.....\$ _____
- 3. Accounts receivable and other receivables as per list "E"
Good.....\$ _____
Doubtful.....\$ _____
Bad.....\$ _____
Estimated to produce\$ _____
- 4. Bills of exchange, promissory note, etc. as per list "F".....\$ _____
- 5. Deposits in financial institutions.....\$ _____
- 6. Cash.....\$ _____
- 7. Livestock.....\$ _____
- 8. Machinery, equipment and plant.....\$ _____
- 9. Real property or immovables as per list "G".....\$ _____
- 10. Furniture.....\$ _____
- 11. Retirement investment products, life insurance, etc.....\$ _____
- 12. Securities (shares, bonds, debentures, etc).....\$ _____
- 13. Interests under Wills.....\$ _____
- 14. Vehicles.....\$ _____
- 15. Other property as per list "H"
.....\$ _____
.....\$ _____
\$ _____

If bankrupt/debtor is a corporation, add:

- Amount of subscribed capital \$ _____
- Amount paid on capital\$ _____

- Balance subscribed and unpaid \$ _____
- Estimated to produce.....\$ _____
- Total assets.....\$ _____
- Deficiency.....\$ _____

FORM 22

List "A"

Unsecured Creditors

Names to be arranged in alphabetical order and numbered consecutively.

No.	Name of creditor	Address	Amount of Claim

Bankrupt/Debtor

Date

FORM 22

List "B"

Secured Creditors

No.	Name of Creditor	Address	Amount of Claim	Particulars of Security	When given	Estimated value of security	Estimated surplus from security	Balance of claim unsecured

Bankrupt/Debtor

Date

FORM 22

List "C"

Preferred Creditors (section 126 of the Act)

No.	Name of Creditor	Address and Occupation	Amount of Claim	Period during which claim accrued	Amount of claim	Amount payable in full	Difference ranking for dividend

Bankrupt/Debtor

Date

FORM 22

List "D"

Contingent or Other Liabilities

Give particulars of claims not set out in lists "B" or "C"

No.	Name of Creditor or claimant	Address and Occupation	Amount of liability Claim	Amount expected to rank for dividend	Date when liability incurred	Nature of liability

Bankrupt/Debtor

Date

FORM 22

List "E"

Debts Due to the Bankrupt/Debtor

No.	Name of Debtor	Address and Occupation	Nature of Debt	Amount of debt (good, doubtful, bad)	Folio of ledgers or other book where particulars to be found	When contracted	Estimated to produce	Particulars of any securities held for debt

Bankrupt/Debtor

Date

FORM 22

List "F"

Bills of Exchange, Promissory Notes, Lien Notes,
 Chattel Mortgages, etc. Available as Assets

No.	Name of all promissory, acceptors, endorsers, mortgagors and guarantors	Address	Occupation	Amount of bill or note, etc.	Date when due	Estimated to produce	Particulars of any property held as security for payment of bill or note, etc.

Bankrupt/Debtor _____

Date _____

FORM 22

List "G"

Real Property or Immovables Owned by Bankrupt/Debtor

Description of Property	Nature of bankrupt's/ debtor's interest	In whose name does title stand	Total Value	Particulars of mortgages, hypothecs or other encumbrances (name, address, amount)	Equity or surplus

Bankrupt/Debtor

Date

FORM 22

List "H"

Property

Give full particulars of property of every description that is in the bankrupt's/debtor's possession or that may devolve on the bankrupt/debtor in accordance with the Act and that is not included in any other list.

FULL STATEMENT OF PROPERTY

Nature of property	Location	Details of property	Original cost	Estimated to produce
(a) Stock-in-trade				
(b) Trade fixtures, etc.				
(c) Cash in financial institutions (name) (address)				
(d) Cash on hand				
(e) Livestock				
(f) Machinery, equipment and plan				
(g) Furniture				
(h) Life insurance policies, retirement investment products				
(i) Securities				
(j) Interests under wills, etc.				
(k) Vehicles				
(l) Taxes				
(m) Other property (state particulars)				

Bankrupt/Debtor

Date

FORM 23

Statement of Affairs (Individual)

(Regulations 83(1) and 157, and Sections 24(2) and 148(e) of the Act)

(Title Form 1)

Original Amended

ASSETS						
Type of assets	Description (provide details)	Estimated dollar value	Exempt property		Secured amount/liens	Estimated net realizable dollar value*
			Yes	No		
1. Cash on hand						
2. Furniture						
3. Personal effects						
4. Cash-surrender value of life insurance, retirement investment products, etc.						
5. Securities						
TOTAL	House					
	Cottage					
	Land					
7. Motor Vehicle	Automobile					
	Motorcycle					
	Other					

(Form 23 Continued)

8.Recreational equipment					
9.Estimated tax refund					
10.Other assets					
TOTAL					

Date

Bankrupt/Debtor

*For a summary administration, indicate the value net of direct realization costs referred to in Regulation 167(1).

(Form 23 Continued)

LIABILITIES						
			Liabilities type of code (LTC) 1. Real property or immovable mortgage or hypothec 2. Bank loans (except real property mortgage) 3. Finance company loans 4. Credit cards- bank/trust company issuers 5. Credit cards- other issues 6. Taxes 7. Student loans 8. Loans from individuals 9. Other			
Creditor	Address, including postal code	Account No.	Amount of Debt			Enter LTC
			Unsecured	Secured	Preferred	
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

(Form 23 Continued)

14.						
15.						
16.						
17.						
18.						
19.						
20.						
	TOTAL	Unsecured				
	TOTAL	Secured				
	TOTAL	Preferred				

Date

Bankrupt/Debtor

(Form 23 Continued)

A. INFORMATION RELATING TO THE AFFAIRS OF THE BANKRUPT/DEBTOR						
1. Family Name	Given Names:		Date of birth			
	Gender: F <input type="checkbox"/> M <input type="checkbox"/>		YYYY/MM/DD			
2. Also known as:						
3. Complete address, including postal code:						
4. Marital status (specify month and year of event if it is occurred in the last five years)	Married			Single		
		Month	Day		Month	Day
	Widowed			Separated		
		Month	Day		Month	Day
	Divorced			Common law		
		Month	Day		Month	Day
5. Full name of spouse or common-law partner						
6. Name of present employer	Occupation (bankrupt/debtor)					
7A Number of persons in household family unit, including bankrupt/debtor						
7B Number of persons 17 years of age or younger:						
8. Have you operated a business within the last five years?	Yes	No	(If yes) Name, type and period of operation:			
B. WITHIN 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN SAINT VINCENT AND THE GRENADINES OR ELSEWHERE:						

(Form 23 Continued)

9A. Sold or disposed of any of your property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9B. Made payments in excess of the regular payments to creditors?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9C. Had any property seized by a creditor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU EITHER, IN SAINT VINCENT AND THE GRENADINES OR ELSEWHERE		
10A. Sold or disposed of any property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10B. Made any gifts to relatives or others in excess of \$500?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

 Date

 Bankrupt/Debtor

(Form 23 Continued)

D. BUDGET INFORMATION: Attach Form 97 to this form		
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11B. Have you been bankrupt before in Saint Vincent and the Grenadines?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(If yes, provide the following details for all insolvency proceedings (a) filing date and location of the proceedings; (b) name of trustee or administrator; (c) if applicable, was the proposal successful; (d) date on which Certificate of Full Performance or Discharge was obtained.)		
12. Do you expect to receive any sums of money that are not related to your normal income, or any other property within the next 12 months? Yes <input type="checkbox"/> No <input type="checkbox"/>		
13. If you answered Yes to any of questions 8, 9 or 11, provide details:		
14. Give reasons for your financial difficulties:		

I, _____, of Saint Vincent and the Grenadines, swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the _____ day of _____, _____, and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the *Bankruptcy and Insolvency Act*.

SWORN (or SOLEMNLY DECLARED))
 before me at _____ (city, town or village),)
 in Saint Vincent and the Grenadines, on this ___ day of)
 _____, _____)
 _____)
 Commissioner of Oaths/Notary Public)

 Bankrupt/Debtor

FORM 24

Notice of Intention to Make a Proposal

(Regulation 85 and Section 29(1) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. I, _____, an insolvent person, state, pursuant to section 29 of the Act and Regulation 85, that I intend to make a proposal to my creditors.
2. _____ (name of trustee), of _____ (address of trustee), a licensed trustee, has consented to act as trustee under the proposal. A copy of the consent is attached as Appendix "A".
3. A list of the names of the known creditors with claims of \$250 or more and the amounts of their claims is also attached.
4. Pursuant to section 54 of the Act, all proceedings against me are stayed as of the date of filing of this notice with the Supervisor of Insolvency.

Dated at _____, this _____ day of _____, _____.

Insolvent Person

To be completed by Supervisor of Insolvency

Filing Date _____

Supervisor of Insolvency

(Form 24)
Appendix "A"

CONSENT TO ACT AS TRUSTEE

_____ a licensed trustee in bankruptcy in and for the State of Saint Vincent and the Grenadines, hereby consents to act as Trustee in respect of the proposal (or notice of intention of) _____.

DATED at _____ this _____ day of _____, _____.

Witness

[Trustee]

FORM 25

Proposal

(Regulation 85)

(Title Form 1)

_____, (the "debtor") submits the following proposal under the *Bankruptcy and Insolvency Act* (the "Act"):

1. THAT the payment of secured creditors shall be made in the following manner:
(Set out the terms of the proposal in respect of any classes of secured creditors to which the proposal is made.)
2. THAT payment in priority to all other claims of all claims directed by the Act to so be paid in the distribution of the property of a bankrupt shall be paid in the following manner.
(Set out proposed payment of preferred creditors.)
3. THAT provision for payment of all proper fees and expenses of the trustee, including legal fees, on an incidental to the proceedings arising out of the proposal (or the bankruptcy) shall be made in the following manner:
(Set out proposed payment of these fees and expenses.)
4. THAT claims arising in respect of goods supplied, services rendered or other consideration given to the debtor after the date of the proposal shall be paid in full by the debtor in the ordinary course of business in priority to the claims of ordinary unsecured creditors.
5. THAT the debtor shall pay to the employees and former employees immediately after the approval of the proposal by the Court amounts equal to the amounts that employees would be qualified to receive under section 126(1) of the Act if the employer had become bankrupt on the date of filing of the Notice of Intention (or the Proposal if no notice of intention was filed), as well as all wages, salaries, commission, or compensation for services rendered after that date and before the

date of court approval of the proposal (together with the disbursements incurred by traveling salesmen).

- 6. THAT a dividend of _____ cents on the dollar shall be paid on all claims of ordinary unsecured creditors in the following manner:

(Set out the terms of payment.)

- 7. THAT the moneys payable under this proposal shall be paid to the trustee and the payment shall be secured by the guarantees of _____ and _____.

(Set out the full names and addresses of any sureties and complete particulars of all securities to be given by them.)

- 8. THAT at the meeting of creditors held to consider the proposal the creditors may appoint one or more, but not exceeding five, inspectors who shall have all the powers conferred on inspectors by the Act (except for the following powers – *specify*).

Dated at _____ this _____ day of _____, _____.

Debtor

Surety

Surety

Signed by the sureties in my presence

Witness

FORM 26

Notice of Proposal to Creditors

(Regulation 85 and Section 31 of the Act)

(Title Form 1)

Take notice that (*debtor name*) _____ of (*address*)
_____ has lodged with me a proposal under the *Bankruptcy and Insolvency Act*.

A copy of the proposal, a condensed statement of the debtor's assets and liabilities, and a list of the creditors affected by the proposal and whose claims amount to \$250 or more are enclosed.

A general meeting of the creditors will be held at _____ on the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon.

The creditors or any class of creditors qualified to vote at the meeting may by resolution accept the proposal either as made or as altered or modified at the meeting. If so accepted and if approved by the court, the proposal is binding on all the creditors or the class of creditors affected.

Proofs of claim, proxies and voting letters intended to be used at the meeting must be lodged with me prior to the commencement of the meeting.

Dated at _____, this _____ day of _____.

Trustee

(A form of proof of claim, a form of proxy and a voting letter should be enclosed with each notice.)

FORM 27

Report of Trustee on Proposal

(Regulation 85 and Sections 39(d) and 40 of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Court as follows:

(Paragraph 1 is to be used only in the case of a proposal by a bankrupt. In all other cases, go directly to paragraph 2.)

1. That on the _____ day of _____, _____, the debtor did make an assignment (or a receiving order was, on the _____ day of _____, _____, made against the above-named debtor) and that I was appointed trustee of the estate of the debtor (or, if a substitute trustee has been appointed, I was substituted as trustee for _____ (former trustee) by the creditors) on the _____ day of _____, _____.
2. That a proposal was filed with me on the _____ day of _____, _____, a copy of which is attached and marked as Exhibit "A", and that I filed a copy of the proposal with the Supervisor of Insolvency on the _____ day of _____, _____.
3. That on the _____ day of _____, _____, I gave notice to the debtor, to the Supervisor of Insolvency and to every known creditor affected by the proposal, whose names and addresses are shown in Exhibit "B" to this report, of the calling of a meeting of creditors to be held on the _____ day of _____, _____, to consider the proposal.
4. That with the notice was included a condensed statement of the assets and liabilities of the debtor, a list of the creditors affected by the proposal who have claims of \$250 or more and showing the amounts of their claims, a copy of the proposal, a form of proof of claim and proxy in blank and a voting letter. Copies of the notice, the condensed statement and the list of creditors are attached and marked as Exhibits "C1", "C2" and "C3", respectively.
5. That prior to the meeting of creditors I made a detailed and careful inquiry into the liabilities of the debtor, the debtor's assets and their value, the debtor's conduct and the causes of the debtor's insolvency.
6. That the meeting of creditors was held on the _____ day of _____, _____, and was presided over by _____.
7. That the proposal was accepted by the required majority of creditors (or the proposal was amended by _____ at the meeting and as so amended was accepted by the required majority of creditors).

8. That a copy of the minutes of the meeting is attached and marked as Exhibit "D".
9. That I am of the opinion that:
 - (a) the assets of the debtor and their fair realizable value are as follows:
(Set out assets in detail, giving for each its value as carried on the books of the debtor and its realizable value as estimated by you.)
 - (b) the liabilities of the debtor are as follows:
(Set out the liabilities, state whether secured, preferred or unsecured, and point out any discrepancies between the liabilities as declared by the debtor and as subsequently proved and admitted by you.)
10. That I am also of the opinion that:
 - (a) the causes of the insolvency of the debtor are as follows:
(Set out fully the causes of the insolvency of the debtor as you have, on careful inquiry, ascertained them to be.)
 - (b) the conduct of the debtor is subject to censure in the following respects:
(Set out the reasons for this opinion, considering the conduct of the debtor both before and after the filing of the proposal.)
 - (c) the following facts, mentioned in section 164 and/or 168 of the Act, may be proved against the debtor:
(Set out the relevant facts mentioned in section 164 and/or 168 of the Act.)
11. That I am further of the opinion that the debtor's proposal is an advantageous one for the creditors (or is not an advantageous one for the creditors), for the following reasons:
(Set out fully the reasons for your opinion.)
12. That I forwarded a copy of this report to the Supervisor of Insolvency on this day.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 28

Notice of Hearing of Application for Court Approval of Proposal

(Regulation 87 and Section 39(b) of the Act)

(Title Form 1)

Take notice that an application will be made to the court, at _____, on the ____ day of _____, _____, at _____ o'clock in the _____ noon, to approve the proposal of _____, accepted by the creditors at a meeting held on the _____ day of _____, _____.

Dated at _____, this _____ day of _____.

Trustee

FORM 29

Notice to Trustee of Hearing of Application for Court Approval of Proposal

(Regulation 87)

(Title Form 1)

TO: _____, trustee under the proposal of _____.

Take notice that an application will be made to the court, at _____,
on the ____ day of _____, _____, at _____ o'clock in the _____
noon, to approve the proposal of _____, accepted by the creditors
at a meeting held on the ____ day of _____, _____.

Dated at _____, this _____ day of _____.

(Applicant)

FORM 30

Order Refusing to Approve Proposal

(Section 42(2) of the Act)

ORDER REFUSING TO APPROVE PROPOSAL

(Title Form 1)

The application of _____ (trustee) was heard this _____ day of _____, _____, at _____ (address of Court).

Upon reading the report of the trustee filed on the _____ day of _____, _____, on hearing counsel for _____ (debtor) and _____ (others present), and the Court being satisfied that the required majority of creditors have duly accepted the proposal in the terms contained in the paper writing marked "A" annexed hereto (the "Proposal"), and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors (it being established that the debtor has committed the following offence(s) mentioned under Part XII of the Bankruptcy and Insolvency Act (specify offences) or the Court being satisfied that the following fact mentioned in section 164 or 168 of the Bankruptcy and Insolvency Act has been proved against the debtor (specify facts) and that the Proposal does not provide reasonable security for the payment of not less than twenty-five cents on the dollar on all the unsecured claims provable against the debtor's estate; or the Court being satisfied that the Proposal does not provide for the payment of claims in the required priority; or the Court being satisfied that the payments under the Proposal are not to be made to the said trustee;

The Court does not approve the said Proposal.

By Order:

Registrar

FORM 31

Report of Trustee on Refusal by Court to Approve Proposal

(Section 42(2)(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That on the _____ day of _____, _____, I applied to the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (in Bankruptcy and Insolvency) for approval of the proposal of _____, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____, in accordance with section 43(1) of the Act.
2. That the Court, by order dated the _____ day of _____, _____ refused to approve the proposal.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 32

Notice of Default in the Performance of a Proposal

(Regulation 90 and Section 44 of the Act)

(Title Form 1)

Take notice that:

1. There has been a default in the performance of a provision in the proposal of _____, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____.

2. The default was not waived by the inspectors (or, if there are no inspectors, by the creditors) and was not remedied by the insolvent person in accordance with Section 44(c) of the Act and Regulation 90(a).

(Please check applicable box)

3. The undersigned trustee, acting with respect to the proposal, will be proceeding to Court to annul the proposal.

or

3. The undersigned trustee, acting with respect to the proposal, intends to apply for a discharge without annulling the proposal.

4. Creditors may take proceedings to annul the proposal and place _____ in bankruptcy at their own expense.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 33

Order Annulling Proposal

(Section 45 of the Act)

(Title Form 1)

ORDER ANNULLING THE PROPOSAL

On the application of _____, the trustee acting in the proposal of (or _____, a creditor of) _____; on reading the application of that trustee (or creditor); on hearing _____; and as it appears that

(Check appropriate description)

- _____ has defaulted in the performance of a provision in the proposal.
- the proposal cannot continue without injustice or undue delay.
- the court's approval of the proposal was obtained by fraud.
- _____ has been convicted of the following offence under the Act, namely, _____.

It is ordered that the proposal approved by order made on the ____ day of _____, _____, is hereby annulled.

It is further ordered that the insolvent person is deemed, pursuant to section 45(4) of the Act, to have hereupon made an assignment of their property and that the property is vested in _____, the trustee.

(In the case of a proposal by a bankrupt, the previous paragraph is to be replaced by the following:)

It is further ordered that the property vested in the bankrupt by the order approving the proposal is re-vested in _____, the trustee.
Dated at _____, this ____ day of _____, _____.

By Order:

Registrar

FORM 34

Report of Trustee on Annulment of Proposal

(Section 45(6) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That _____ did, on the _____ day of _____, file a proposal with me, and that the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (in Bankruptcy and Insolvency), by order dated the _____ day of _____, _____, has annulled the proposal.

2. The proposal was annulled by the court on the application of _____, the trustee of the proposal (or a creditor of the debtor).

3. The proposal was annulled on the grounds that

(Check appropriate grounds.)

- the debtor has defaulted in the performance of a provision in the proposal.
- the proposal could not continue without injustice or undue delay.
- the approval of the court was obtained by fraud.
- the debtor was convicted of an offence under the Act. *(Specify: _____)*

4. As a consequence of the annulment of the proposal, the debtor is deemed on the annulment to have made an assignment pursuant to section 45(4) of the Act.

5. The court further ordered that the property be vested in _____, the trustee.

(In the case of a proposal by a bankrupt, the previous paragraph is to be replaced by the following:)

5. The court further ordered that the property vested in the bankrupt by the order approving the proposal, be re-vested in _____, the trustee.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 35

Trustee's Report on Cash-Flow Statement
(Regulation 86(1)(b) and Section 25(14)(b) of the Act)

(Title Form 1)

The attached statement of projected cash flow of _____ (*name of insolvent person*), as of the _____ day of _____, _____, consisting of _____ (*describe, including relevant dates*), has been prepared by the management of the insolvent person (*or the insolvent debtor*) for the purpose described in Note _____, using the probable and hypothetical assumptions set out in Notes _____.

Our review consisted of inquiries, analytical procedures and discussions related to information supplied to us by the management and employees of the insolvent person (*or the insolvent person*). Since hypothetical assumptions need not be supported, our procedures with respect to them were limited to evaluating whether they were consistent with the purpose of the projection. We have also reviewed the support provided by management (*or the insolvent person*) for the probable assumptions and preparation and presentation of the projection.

Based on our review, nothing has come to our attention that causes us to believe that, in all material respects,

- (a) the hypothetical assumptions are not consistent with the purpose of the projection;
- (b) as at the date of this report, the probable assumptions developed are not suitably supported and consistent with the plans of the insolvent person or do not provide a reasonable basis for the projection, given the hypothetical assumptions; or
- (c) the projection does not reflect the probable and hypothetical assumptions.

Since the projection is based on assumptions regarding future events, actual results will vary from the information presented even if the hypothetical assumptions occur, and the variations may be material. Accordingly, we express no assurance as to whether the projection will be achieved.

The projection has been prepared solely for the purpose described in Note _____, and readers are cautioned that it may not be appropriate for other purposes.

Dated at _____, this _____ day of _____, _____.

Trustee

[Attach cash-flow projections for expected duration of the proposal (s. 25(14) of the Act)]

FORM 36

Report on Cash-Flow Statement by the Person Making the Proposal
(Regulation 86(1)(b) and Section 25(14)(c) of the Act)

(Title Form 1)

The _____ (management, receiver, liquidator, etc.) of
_____ (name of insolvent person) OR I, _____
(name of insolvent person), has/have developed the assumptions and prepared the
attached statement of projected cash flow of the insolvent person, as of the _____ day
of _____, _____, consisting of
_____ (describe, including relevant dates).

The hypothetical assumptions are reasonable and consistent with the purpose
of the projection described in Note _____, and the probable assumptions are suitably
supported and consistent with the plans of the insolvent person and provide a
reasonable basis for the projection. All such assumptions are disclosed in Notes _____.

Since the projection is based on assumptions regarding future events, actual
results will vary from the information presented, and the variations may be material.

The projection has been prepared solely for the purpose described in Note
_____, using a set of hypothetical and probable assumptions set out in Notes _____.
Consequently, readers are cautioned that it may not be appropriate for other purposes.

Dated at _____, this _____ day of _____, _____.

Name of the person
making the proposal

Name and title of signing
officer

Name and title of signing
officer

FORM 37

Notice of Material Adverse Change in Insolvent Person's
Projected Cash Flow or Financial Circumstances of Insolvent Person
(Regulation 86(1)(c) and Section 25(18)(a)(i) of the Act)

(Title Form 1)

INTRODUCTION AND BACKGROUND:

[Describe details of the filing of debtor's proposal or notice of intention to file a proposal.]

MATERIAL ADVERSE CHANGE:

The trustee provides the following comments:

[Describe nature of material adverse change affecting debtor's projected cash flow or financial circumstances.]

The trustee is of the view that these circumstances constitute a material adverse change in the debtor's cash flow and/or financial circumstances.

TRUSTEE'S INTENDED COURSE OF ACTION OR RECOMMENDATION:

The trustee is of the view that:

[Explain circumstances].

Accordingly, the trustee's intended course of action is to:

[Outline trustee's intended course of action and/or recommendations.]

It is the trustee's intention to file this Report with the Supervisor and the Court forthwith pursuant to section 25(18)(a)(i) of the Act, and Regulation 86(1)(c).

Dated this _____ day of _____, _____.

Trustee

FORM 38

Notice of Meeting of Creditors by Trustee to Consider Proposal

(Regulation 86(1)(e) and Section 31(1)(a) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. A general meeting of creditors has been called to consider the proposal made by _____, a debtor, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____.
2. The general meeting of creditors will be held at _____, on the _____ day of _____, _____, at _____ o'clock in the _____ noon.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 39

Report of Trustee on Non-filing of Cash-flow Statement or Proposal

(Section 29(8)(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee under a notice of intention to make a proposal filed by _____, an insolvent person, hereby report to the Supervisor of Insolvency as follows:

1. That the insolvent person did, on the _____ day of _____, _____, file with the Supervisor of Insolvency a notice of intention to make a proposal.

2. That:

(Check appropriate description.)

a projected cash-flow statement was not filed within the period of 10 days after the filing of the notice of intention.

a proposal was not filed within the period of 30 days after the day on which the notice of intention was filed or within any extension of that period granted by the court under section 29(9) of the Act. *(If an extension of time has been granted by the court, attach a copy of the court order.)*

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 40

Report of Trustee on Refusal by Creditors to Approve Proposal

(Section 37(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That _____ did, on the ____ day of _____, _____, file a proposal with me.
2. That at the meeting of creditors held on the ____ day of _____, _____, and presided over by _____, the creditors refused the proposal.

Dated at _____, this ____ day of _____, _____.

Trustee

FORM 41

Warrant for Arrest of Debtor

(Regulation 98, Section 158 of the Act)

(Title Form 1)

TO _____, Officer of this Court and to the Superintendent of Prisons.

Whereas the said debtor (or _____ (other)) has committed the following offences pursuant to Section 158 of the *Bankruptcy and Insolvency Act*:

(state specific grounds for arrest of debtor)

These are therefore to require you the said _____ (Officer of the Court) to take the said debtor (or _____ (other)) and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said debtor (or _____ (other)) and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Superintendent shall, while the said debtor (or _____ (other)) is in your custody, at all times when the Court shall so direct, produce the said debtor (or _____ (other)) before the Court.

(where applicable, the Warrant may direct the Officer of the Court to seize and retain until such time as the Court may order any books, papers, electronic documents and property in the possession of the debtor)

Dated this _____ day of _____, _____.

By the Court

Registrar

FORM 42

Warrant for Committal

(Regulation 98, Section 158 of the Act)

(Title Form 1)

TO _____, Officer of this Court and to the Superintendent of Prisons.

Whereas by an Order of this Court dated the _____ day of _____, _____, it was ordered that the said debtor (or _____ (other)) should stand committed for contempt of this Court.

These are therefore to require you the said _____ (Officer of the Court) to take the said debtor (or _____ (other)) and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said debtor (or _____ (other)) and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Superintendent shall, while the said debtor (or _____ (other)) is in your custody, at all times when the Court shall so direct, produce the said debtor (or _____ (other)) before the Court.

Dated this _____ day of _____, _____.

By the Court

Registrar

FORM 43

Examination of Bankrupt by Supervisor (Non Business)

(Regulations 99(5) and 99(6))

(Title Form 1)

ORDER APPOINTING A TIME FOR

EXAMINATION OF THE DEBTOR BY SUPERVISOR

Upon the application of _____ (trustee, receiver, etc.) in the above-noted matter, it is ordered that the examination by the Supervisor of the above-named debtor be held at

_____ (address) on the ____ day of _____, _____, at _____ o'clock in the _____ noon. And it is ordered that the above-named debtor do attend at the place and time above-mentioned.

Dated this _____ day of _____, _____.

By Order:

Registrar

FORM 44

Notice of Examination before the Supervisor of Insolvency

(Individual Bankrupt/Debtor)

(Regulation 99(7) and Sections 148 and 151 of the Act)

(Title Form 1)

Date:

To: _____

In the Matter of the Bankruptcy of (or the Proposal of):

File No.: _____

Date and Time of examination: _____

Place of examination: _____

NOTICE OF EXAMINATION BEFORE THE SUPERVISOR OF INSOLVENCY

Take notice that you, the bankrupt/debtor named herein, are required to perform all duties imposed upon a bankrupt/debtor by section 148 of the *Bankruptcy and Insolvency Act*.

You are hereby required, pursuant to section 148, to attend at the office of the Supervisor of Insolvency, on the day and at the time and place aforementioned, to answer to any questions that may be put to you by the Supervisor of Insolvency with respect to your conduct, the causes of your bankruptcy/proposal and the disposition of your property.

Failure to appear for your examination is an offence under the *Bankruptcy and Insolvency Act*.

This notice is not to be confused with the notice to attend the first meeting of creditors you may have received from the trustee.

Supervisor of Insolvency

Address of the Supervisor
of Insolvency

140

FORM 45

Notice of Examination before the Supervisor of Insolvency

(Corporation)

(Regulation 99(7) and Section 149 of the Act)

(Title Form 1)

Date:

To: _____

In the Matter of the Bankruptcy of (or
the Proposal of):

File No.: _____

Date and Time of examination: _____

Place of examination: _____

NOTICE OF EXAMINATION BEFORE THE SUPERVISOR OF INSOLVENCY

Take notice that you, as an officer of the corporation named herein, are required, pursuant to section 149 of the *Bankruptcy and Insolvency Act*, to perform all duties imposed upon a bankrupt/debtor by section 148 of the said Act.

You are hereby required, pursuant to section 149, to attend at the office of the Supervisor of Insolvency, on the day and at the time and place aforementioned, to answer to any questions that may be put to you by the Supervisor of Insolvency with respect to the conduct of the said corporation, the causes of its bankruptcy/proposal and the disposition of its property.

Further take notice that if you fail to present yourself for examination, the Court may, by warrant, cause you to be apprehended and brought up for examination. You may be liable, on conviction under indictment, to imprisonment.

Supervisor of Insolvency

Address of the Supervisor
of Insolvency

Form 46

Questions to Be Put to an Individual
by the Supervisor of Insolvency
(Section 151 of the Act)

(Title Form 1)

Instructions to Supervisor of Insolvency

The following questions, or questions to a like effect, are to be put to the person examined under section 151 by the Supervisor. The questions should be expanded or supplemented by the Supervisor in an endeavour to extract from the examination the maximum of essential information and to determine as nearly as possible the true cause of the bankruptcy, the disposition of the property and the conduct of the bankrupt individual. The books, statements, etc., of the bankrupt individual should be available to the Supervisor for reference or for the purpose of a more detailed examination of any aspect of the bankrupt individual's conduct which the Supervisor may deem warranted.

1. (list questions)

SWORN (or SOLEMNLY DECLARED))
before me at _____ (city, town or village),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, 20 _____)
BEFORE ME)

Commissioner of Oaths/Notary Public)

Signature of Claimant

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Received this _____ day of _____

Supervisor of Insolvency

FORM 47

Questions to Be Put to an Officer of the Bankrupt Corporation, or a
designated person, by the Supervisor of Insolvency
(Section 151 of the Act)

(Title Form 1)

Instructions to Supervisor of Insolvency

The following questions, or questions to a like effect, are to be put to the person examined under section 151 by the Supervisor. The questions should be expanded or supplemented by the Supervisor in an endeavour to extract from the examination the maximum of essential information and to determine as nearly as possible the true cause of the bankruptcy, the disposition of the property and the conduct of the bankrupt corporation. The books, statements, etc., of the bankrupt corporation should be available to the Supervisor for reference or for the purpose of a more detailed examination of any phase of the bankrupt corporation's business or conduct which the Supervisor may deem warranted.

1. *(list questions)*

SWORN (or SOLEMNLY DECLARED))
before me at _____ (city, town or village),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, 20____)
BEFORE ME)

Signature of Claimant

Commissioner of Oaths/Notary Public

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Received this _____ day of _____

Supervisor of Insolvency

FORM 48

Affidavit in Support of Application for Committal Order

(Regulation 100)

(Title Form 1)

AFFIDAVIT

I, _____, the Trustee of the property of the said debtor [*or Receiver of the estate of the said debtor, as the case might be*], make oath and say:

THAT the debtor did (*or failed, refused to*) (*explain grounds for order or circumstances grounding relief*).

THAT in consequence of the foregoing, I depose and verily believe an Order for Committal is justified in the circumstances.

SWORN (*or SOLEMNLY DECLARED*))
before me at _____ (*city, town or village*),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, _____)
_____)

A Commissioner of Oaths/Notary Public

(Affiant)

FORM 49

Notice of Application to Commit

(Regulation 101(2))

(Title Form 1)

I, the trustee for the property of the said bankrupt [*or* _____ as the case may be], do apply to this Court for an Order for Committal for contempt of this Court against the said bankrupt [*or* _____ as the case might be], on the grounds set forth in the annexed Affidavit.

An Affidavit in support accompanies this Notice.

A draft of the Order I seek is attached.

Dated this _____ day of _____, _____.

Trustee

FORM 50

Order of Committal

(Regulations 99 and 100)

(Title Form 1)

ORDER OF COMMITTAL

Upon the application of the trustee of the property of the bankrupt and upon hearing _____, and reading the affidavit of *(insert name and description of person by whom the notice of show cause was served)* and upon reading the Affidavit of *(describe)*, the court being of the opinion that _____ has by reason of *(explain details)* been guilty of a contempt of this Court by having *(explain the nature of offence)*, and that the said _____ do stand committed to prison for the said contempt.

Dated this _____ day of _____, _____.

By Order:

Registrar

FORM 51

Notice of Bankruptcy, First Meeting of Creditors
 (Regulation 109 and Section 92 of the Act)
 (Where the bankrupt is an individual, add:)
 and Impending Automatic Discharge of Bankrupt
 (Sections 159 and 160 of the Act)
 (Title Form 1)

Original Amended

Take notice that:

1. _____ (name of bankrupt) filed (or was deemed to have filed) an assignment (or a receiving order was made against _____ (name of bankrupt)) on the ____ day of _____, _____, and the undersigned, _____ (name of trustee), was appointed as trustee of the estate of the bankrupt by the Supervisor of Insolvency (or the Court); subject to affirmation by the creditors of the trustee's appointment or substitution of another trustee by the creditors.
 2. The first meeting of creditors of the bankrupt will be held on _____ (date), at _____ (time) at the office of _____ (meeting office), at _____ (address of meeting office).
 3. To be entitled to vote at the meeting, a creditor must file with the trustee, before the meeting, a proof of claim and, where necessary, a proxy.
 4. Enclosed with this notice are a proof of claim form, proxy form and list of creditors with claims amounting to \$50 or more showing the amounts of their claims.
 5. Creditors must prove their claims against the estate of the bankrupt to share in any distribution of the proceeds realized from the estate.
- (Where the bankrupt is an individual, include paragraphs 6, 7, 8, 9 and 10)
6. Included pursuant to section 92(4) of the Act is information concerning the financial situation of the bankrupt and the obligation of the bankrupt to make payments to the estate of the bankrupt, as required under section 52 of the Act.

7. Pursuant to section 159 of the Act, the bankrupt will be given an automatic discharge on the _____ day of _____, _____, unless the Supervisor of Insolvency, the trustee of the estate of the bankrupt or a creditor of the bankrupt gives notice of intended opposition to the discharge of the bankrupt before that date.

(Note: Other provisions may apply in the case of repeat bankruptcies.)

8. Any creditor who intends to oppose the discharge of the bankrupt shall state in writing the grounds for his/her opposition and send a notice to this effect to the Supervisor of Insolvency, the trustee of the estate of the bankrupt and the bankrupt at any time before the ___ day of _____, _____. *(Insert the same date as in item 7)*
9. If any creditor opposes the discharge of the bankrupt, a court fee applies.
10. If the discharge of the bankrupt is opposed, the trustee will apply to the Court without delay for an appointment for the hearing of the opposition in the manner prescribed by the Act unless it is a matter to be dealt with by mediation pursuant to section 162 of the Act.

Dated this _____ day of _____, _____.

Trustee

FORM 52

Notice of Bankruptcy and First Meeting of Creditors in Local Newspaper

(Section 92(5) of the Act)

(Title Form 1)

Notice is hereby given that the bankruptcy of _____
*(Insert name of bankrupt, the bankrupt's trade or occupation, and the address at which
the bankrupt has carried on business or resides)* occurred on the _____ day of
_____, _____ and that the first meeting of creditors will be held on the _____
day of _____, _____, at _____ o'clock at _____
(Insert place of meeting).

Dated at _____ this _____ day of _____, _____.

Trustee

Address of Trustee

FORM 53

Proof of Claim

(Regulation 111 and Sections 26, 31, 72, 92(3), 114(2) and 118(1) of the Act)

(Title Form 1)

All notices or correspondence regarding this claim must be forwarded to the following address:

In the matter of the bankruptcy (or the proposal or the receivership) of _____ (name of debtor) of _____ (address) and the claim of _____, creditor.

I, _____ (name of creditor or representative of the creditor), of _____ (address), do hereby certify:

1. That I am a creditor of the above-named debtor (or that I am _____ (state position or title) of _____ (name of creditor or representative of the creditor).
2. That I have knowledge of all of the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of bankruptcy (or the date of the receivership or, in the case of a proposal, the date of the notice of intention or of the proposal, if no notice of intention was filed), namely the _____ day of _____, _____, and still is, indebted to the creditor in the sum of \$ _____, as specified in the statement of account (or affidavit) attached and marked Schedule "A", after deducting any counterclaims to which the debtor is entitled. (The attached statement of account or affidavit must specify the vouchers or other evidence in support of the claim.)
4. Check and complete appropriate category
 - A. UNSECURED CLAIM OF \$ _____

That in respect of this debt, I do not hold any assets of the debtor as security and

(Check and complete appropriate description)

- Regarding the amount of \$ _____, I claim a right to a priority under section 126 of the Act.
- Regarding the amount of \$ _____, I do not claim a right to a priority.

(Set out on an attached sheet details to support priority claim)

B. CLAIM OF LANDLORD FOR DISCLAIMER OF A LEASE \$ _____

That I hereby make a claim under section 62(6) of the Act, particulars of which are as follows:

(Give full particulars of the claim, including the calculations upon which the claim is based)

C. SECURED CLAIM OF \$ _____

That in respect of this debt, I hold assets of the debtor valued at \$ _____ as security, particulars of which are as follows:

(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attach a copy of the security documents)

D. CLAIM BY FARMER OR FISHERMAN OF \$ _____

That I hereby make a claim under section 72 of the Act for the unpaid amount of \$ _____

(Attach a copy of sales agreement and delivery receipts)

- 5. That, to the best of my knowledge, I am *(or the above-named creditor is)* *(or am not or is not)* related to the debtor within the meaning of section 2(3) of the Act, and have *(or has)* *(or have not or has not)* dealt with the debtor in a non-arm's-length manner.
- 6. That the following are the payments that I have received from, the credits that I have allowed to, and the transfers at undervalue within the meaning of Part VI of

the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 2 of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of section 2 of the Act: (provide details of payments, credits and transfers at undervalue)

7. (Applicable only in the case of the bankruptcy of an individual)

- Whenever the trustee reviews the financial situation of the bankrupt to redetermine whether or not the bankrupt is required to make payments under section 52 of the Act, I request to be informed, pursuant to sections 52 and 92(4)(b)(ii) of the Act, of the new fixed amount or of the fact that there is no longer surplus income.
- I request to be advised of any material change in the financial situation of the bankrupt, pursuant to section 92(4)(b)(i) of the Act.
- I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to section 161(1) of the Act be sent to the above address.

Dated at _____, this _____ day of _____, _____.

Witness

Creditor

Telephone No.: _____

Fax No.: _____

Email address: _____

NOTE: If an affidavit is attached, it must have been made before a person qualified to take affidavits.

WARNINGS: A trustee may, pursuant to section 118(4) of the Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

Section 248 of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.

FORM 54

Affidavit Seeking Reclamation of Property

(Section 70 of the Act)

(Title Form 1)

(All notices or correspondence regarding this claim are to be forwarded to the following address:

_____)
I, _____, of Saint Vincent and the Grenadines,

DO HEREBY MAKE OATH AND SAY as follows:

1. That I am the claimant, (or That I am)

(State position or title)

of

(Name of claimant)

2. That I have knowledge of all the circumstances connected with the claim referred to below.

3. That on the _____ day of _____, _____, the debtor made an assignment (or a receiving order was made against the debtor or the debtor filed a notice of intention or a proposal).

4. That, on that date, the property enumerated in the document(s) attached and marked "A" (and "B") was in the possession of the bankrupt, and still remains in the possession of the bankrupt and (or) the trustee.

5. That the claimant hereby claims that property, or interest or right in it, by virtue of the document(s) attached and marked "A" (and "B"), namely:

(Set out the particulars of all documents serving as proof of the claim, giving

(i) the grounds on which the claim is based, and

(ii) sufficient particulars to enable the property to be identified; if the particulars do not appear on the face of the documents, attach an additional statement marked "B" setting them forth.)

6. That the claimant is entitled to demand from the trustee the return of the property enumerated in these document(s).

- 7. That I hereby demand that the trustee return to me (or to the claimant whom I represent) the property enumerated in the document(s) within the 15 days after the filing of this form, or within the 15 days after the first meeting of the creditors of the debtor, whichever is the later.

SWORN (or SOLEMNLY DECLARED))
 before me at _____ (city, town or village),)
 in Saint Vincent and the Grenadines, on this ___ day of)
 _____, _____)
 _____)

Commissioner of Oaths
 or Notary Public

 Signature of Claimant

WARNING: Section 248 of the Act prescribes severe penalties for making any false claim, declaration or statement of account.

FORM 55

Notice by Trustee Requiring Filing of Proof of Security

(Section 118(1) of the Act)

(Title Form 1)

Take notice that:

1. You are hereby required, pursuant to section 118(1) of the Act, to file with me a proof of claim and proof of security (security documents) relating to any security that you hold on the property of _____, a bankrupt, which property is described below:

(Describe the property.)

2. The proof of claim and proof of security must give full particulars of the security, including the date on which it was given and the value at which you assess it.
3. If you do not file with me a proof of claim and proof of security in respect of the property, within the 30 days after the day on which this notice is served I may, with leave of the court, sell or dispose of the property, free of your security.
4. A proof of claim in the required form is attached.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 56

Demand for Repossession of Goods

(Section 71(1) of the Act)

(Title Form 1)

To: _____, purchaser (or trustee or receiver)

I, _____, of _____ (address),
 (or as _____ of _____,) supplier, hereby demand
 access to and repossession of the goods described below, which were sold and delivered to
 _____, the purchaser, on the dates and in accordance with the terms set out in
 the attached documents:

*(Attach copies of documents of sale (invoice, delivery slip, etc.) and provide an
 appropriate description of the goods.)*

Whereas the purchaser is bankrupt (or there is a receiver within the meaning of
 Part III of the Act, appointed in respect of the purchaser's property) the trustee (or receiver)
 is required to release the goods described above in accordance with section 71 of the Act.

Dated this _____ day of _____, _____.

Supplier

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

FORM 57

Notice of Disallowance of Claim, Right to Priority or Security or Notice of Valuation of Claim

(Regulation 112 and Section 125(4) of the Act)

(Title Form 1)

Take notice that:

(A) as trustee acting in the matter of the bankruptcy (or proposal) of _____, I have disallowed your claim (or your right to a priority or your security on the property) in whole (or to the extent of \$ _____), pursuant to section 125 of the Act, for the following reasons:

(Set out the reasons for the disallowance or revision.)

(or)

(B) as trustee acting in the matter of the bankruptcy (or proposal) of _____, I have determined that your contingent or unliquidated claim is a provable claim and have valued it at \$ _____ and therefore, it is deemed a proved claim to this amount pursuant to section 125(2) of the Act.

And further take notice that if you are dissatisfied with my decision in disallowing your claim in whole or in part (or a right to rank or your security or valuation of your claim), you may appeal to the court within the 30-day period after the day on which this notice is served, or within any other period that the court may, on application made within the same 30-day period, allow.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 58

Notice of Dividend

(Regulation 114)

(Title Form 1)

[Please bring this Dividend Notice with you.]

[Address of Creditor]

[Date]

Notice is hereby given that a dividend of _____ (*cents*) in the dollar has been declared in this matter, and that the same may be received at the office of _____ on the ____ day of _____, _____, or on any subsequent date and time as may be agreed by the undersigned during the undersigned's regular business hours.

Upon applying for payment, this Notice must be produced in its entirety, together with any bills of exchange or other securities held by you; and if you do not attend personally, you must complete and sign the subjoined forms of Receipt and Authority when a cheque payable to your order will be delivered to the bearer.

Signed

Trustee

RECEIPT

Received today is the sum of \$_____ being the amount payable to _____ in respect of the dividend of _____ (cents) in the dollar on claim against this estate.

\$ _____ _____
Creditor's signature

AUTHORITY

Sir,

Please deliver to _____ the cheque

(Insert the name of the person who is to receive the cheque, or the words "me by post" if you wish the cheque sent to you in that way)

for the dividend payable to _____ (creditor) in this matter.

Signed before me:

A Commissioner of Oaths/Notary Public

Creditor's signature

FORM 59

General Proxy

(Regulation 115 and Sections 92 and 31(e)(iii) of the Act)

(Title Form 1)

I, _____ (name of creditor), of _____ (name of town or city), a creditor in the above matter, hereby appoint _____, of _____, to be my proxyholder in the above matter, except as to the receipt of dividends, with (or without) power to appoint another proxyholder in his or her place.

Dated at _____, this _____ day of _____, _____.

Witness

Individual Creditor

Name of Corporate Creditor

Per

Witness

Name and Title of Signing Officer

FOR USE BY BLIND CREDITOR ONLY

FORM 60

Special Proxy

(Regulation 116)

(Title Form I)

I, _____ (name of creditor) of _____, a creditor in the above matter, hereby APPOINT _____, of _____ (Insert address of Proxy), to be my proxy except as to the receipt of dividends at the meeting of _____ creditors to be held on _____, the _____ day of _____, 20 __, or any adjournment thereof.

I certify that all the insertions appearing herein have been made by me _____, the said witness to this Special Proxy at the request of _____ the creditor and the insertions were made by me in his/her presence prior to the creditor affixing his/her signature (signature or mark as the case may be.)

Dated at _____, this _____ day of _____, _____.

Signature of Witness:

Name: _____

Address: _____

Calling or Description: _____

Signature or mark of appointing party

Name: _____

Address: _____

Calling or Description: _____