



REPUBLIC OF SOUTH AFRICA

**No. 45 – Statement of Affairs of Debtor in an Application for an Administration Order –
Section 65I(2) or 74A of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944)**

CASE NO:

In the application for an Administration Order of (hereinafter referred to as the Applicant)

1. Surname of Applicant
 First names
 Date of birth
 Identity number

2. Residential address.

3. Marital status.
 If married, state whether in or out of community of property.
 Full names of spouse.
 Date of birth.
 Identity number.
 If Applicant and spouse are living apart, state from what date

4.	Dependants:		
	Full names	Age	Relationship

5. Name and business address of employer:
 Applicant:

6. If not employed furnish reasons:

Applicant:

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Spouse:

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7. Occupation:

Applicant:

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Spouse:

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8. Gross income:

Applicant: per week/month

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Spouse: per week/month

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9. Full particulars of all deductions from income (by way of stop order or otherwise) supported as far as possible by written statements of employer:

Applicant:

Spouse:

<i>Particulars</i>	<i>Amount</i>
R	
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Total	_____

<i>Particulars</i>	<i>Amount</i>
R	
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Total	_____

10. Detailed particulars of essential weekly or monthly expenses, including transport expenses:

Applicant (including his or her dependants):

Spouse:

Particulars

Amount

Particulars

Amount

R

R

.....

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Total

Total

11. Full particulars, supported by statements and copies of the agreements, of goods purchased under hire-purchase agreements in terms of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), or credit agreements in terms of the Credit Agreements Act, 1980 (Act No. 75 of 1980) or the National Credit Act, 2005 (Act No. 34 of 2005), and not paid for in full:

Particulars (purchase price must be stated)	Balance	Instalment	Payable weekly/monthly	Date when will be paid for in full	Reason why provision should be made for remaining instalments
	R	R			
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12. Full particulars of assets purchased under a written agreement (excluding an agreement referred to in item 11) which are not paid for in full.

Particulars	Balance	Instalment	Payable weekly/monthly	Date when will be paid for in full	Reason why the Administration Order should provide for the payment thereof
	R	R			
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13. Full particulars and estimated value of security which creditors have in respect of debt which the Applicant or applicant's spouse is liable for (the name and address of any other person who, in addition to the debtor, is liable for the debt must also be stated):

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14. Full particulars of immovable property of the Applicant or spouse which is mortgaged:

Mortgage

Address

Description	Market Value	Balance of the bond(s) thereon	Date when will be paid for in full	Instalments payable	Reason why the Administration Order should provide for the payment thereof
	R	R			
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15. Full particulars of movable property of applicant or spouse:

Description	Estimated value	R
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16. Full particulars of outstanding claims, bills, investments, bonds or other securities in favour of Applicant investing moneys in a savings or other account with a bank or elsewhere:

Name and address of debtor or institution	Particulars	Amount	R
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17. All movable property not already stated, including goods pawned, mortgaged, subject to retention or attached for the execution of a judgment:

Description	Estimated Value	Nature of encumbrance if any	Amount of debt encumbered for	Name and address creditor in favour of whom encumbered
	R		R	
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18. If an Administration Order was at any time granted in respect of Applicant's estate, state:

Date of expiry Date set aside

Reasons

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19. If an Administration Order is granted, state the amount of the weekly, monthly or other instalments which the Applicant offers to pay towards settlement of the debts mentioned in the list of creditors in the annexure to this statement:

R..... with effect from and weekly/monthly thereafter, or

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....., from.....,

I, from.....,

declare under oath:

- (1) I am the applicant.
- (2) A judgment/judgments has/have been obtained against me and I am unable forthwith to pay the amount(s), or to meet my financial obligations.
- (3) I have no sufficient assets capable of attachment to satisfy such judgment(s) or obligations.
- (4) The total amount of all my debts due does not exceed R50 000.

(5) All particulars contained in this statement and in the list of creditors in the Annexure to this statement, as well as the amounts due to them separately, are, to the best of my knowledge, true and correct and that the statement contains all particulars, assets, income and debts of me and my spouse, including my obligations.

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Signature

1. I certify that before administering the prescribed oath I asked the Deponent the following questions and wrote down his/her answers in his/her presence:

- (a) Do you know and understand the contents of the above declaration?
- (b) Do you have any objection to taking the prescribed oath?
- (c) Do you consider the prescribed oath to be binding on your conscience?

2. I certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to before me and the Deponent's signature was placed thereon in my presence.

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Commissioner of Oaths

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Area

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Designation if appointment is held ex officio.

Full name and address of creditor	Nature of claim and Balance due	Date payable	Amount payable in instalments	Weekly/ monthly	Court	Case number	If court order is granted in respect of claim, full particulars about. order, including particulars of emoluments attachment order or garnishee order	Balance	Date on which obligations terminate

Attention is directed to the provisions of section 74A (2)(e) of the Magistrates' Courts Act, 1944. All the Applicant's creditors and their addresses must be stated in the list in which a clear distinction shall be made between-

- (i) debts, the whole amount of which is owing, including judgment debts payable in instalments in terms of a Court Order, an Emoluments Attachment Order or a Garnishee Order; and
- (ii) obligations which are payable in future in periodical payments or otherwise or which will become payable under a maintenance order, agreement, stop order or otherwise, and in which the nature of such periodical payments is specified in each case or when the obligations will be payable and how they are then to be paid, the balance owing in each case and when, in each case, the obligation will terminate.