

## Instructions on completing a Proof of Debt in Bankruptcy

Please read below to ensure that you are entitled to cast your vote at a meeting of creditors and/or prove for a distribution for dividend purposes.

### (a) Should I lodge a Proof of Debt (“POD”)?

You are required to lodge a POD where a meeting is to be held for voting purposes or there are funds in the estate to distribute.

A dividend will only be paid to those creditors whose proof of debt has been received and admitted by the trustee. The correct completion of Proofs of Debt will prevent delays in any distribution of funds to the creditors. You may be required to verify the matters contained in your POD by way of a Statutory Declaration. If such a request is made by the trustee and you fail to provide the Statutory Declaration, then the trustee can reject your POD in part or in full.

Please ensure you return your completed POD to the trustee within the prescribed time as a dividend may be paid without further notice to you.

### (b) Are your debts provable?

Please note that not all debts are provable, for example:

Debts incurred after the date of bankruptcy;

Interest that has accrued after the date of bankruptcy; or

Debts owed by the bankrupt/debtor's company if they are not supported by a personal guarantee are debts that are all rejected for voting and dividend purposes.

Please do not include these in your claim. Your claim will be rejected for these amounts and will result in delaying the payment of the dividend.

Further information on provable debts is available from the Australian Financial Security Authority of Australia (“AFSA”) website [www.afsa.gov.au](http://www.afsa.gov.au), or this firm.

### (c) Instructions on completion of the POD

It is your responsibility to prove that you are owed the debt.

- Answer all questions on the form
- Calculate interest (if any) to the date of bankruptcy (or the date a Controlling Trustee was appointed if applicable);
- Total the amounts and check that your calculations are correct
- Sign and date the POD
- Attach all documentary evidence of your claim. Evidence may include copies of:
  - Invoices;
  - Statements;
  - Proof of delivery;
  - Relevant contracts and credit terms;
  - Personal guarantees given by bankrupt/debtor;
  - Loan contracts and bank statement showing the transfer;
  - Judgments; and/or
  - Any other relevant information.

### (d) Separate, Joint, and Joint & Several Creditors

If two or more persons (ie a Husband and Wife) have become bankrupt or entered into a PIA together, creditors may have a claim against

(a) only one of them,

(b) all of them jointly only, or

(c) all of them jointly as well as in their individual capacities.

It is important that you indicate which situation applies to you at Question 2 on the POD so that the trustee is able to admit your claim in the correct estate. This information is generally available from your loan or credit contract document.