

FORMAL PROOF OF DEBT OR CLAIM (GENERAL FORM)

Form 535, Subregulation 5.6.49(2) Corporations Act 2001

OFFICE USE	<input type="checkbox"/> Reg'd	<input type="checkbox"/> Priority
	Core Key Ref	
	Initials/Date	

CONSTRUCT₃₆₀ PTY LTD (IN LIQUIDATION)

ACN 160 066 571

ABN 65 160 066 571

Date of Commencement 13 February 2025

CREDITOR DETAILS

This is to state that the company was, on the date of commencement, and still is, justly and truly indebted to:

Creditor Name

Postal Address

ABN

Reference No

Contact Name

Phone Number

Email Address

I wish to receive all future correspondence in relation to this matter via the email address stated above Yes No

ABOUT THE DEBT

Is your claim for employee entitlements such as wages, super, leave or redundancy?

No Yes

Do you hold security (eg: Mortgage, ROT)?

No Yes

Estimated value of security

\$ (A)

Description of property held as security

Have you obtained a judgment?

No Yes

If yes, attach copy of judgment

Do you hold a personal guarantee(s)?

No Yes

If yes, attach copy of guarantee document(s)

Do you owe the company any money?

No Yes

Amount owed by you

\$ (B)

AMOUNT CLAIMED

Enter particulars of the debt claimed below (refer over for documentation to be attached).

Date incurred	Description of debt	Total Amount (inc GST)	GST
Plus: Interest claimed (if entitled)			
Less: Estimated value of security (A)			
Less: Monies you owe the company (B)			
Amount Claimed as Owning		\$	\$

CREDITOR DECLARATION

I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied. I am the creditor, employed by the creditor, or the creditor's agent, and am duly authorised to make this statement.

Name

Signature

Date

OFFICE USE ONLY

RATA

\$

Duplicates a previous POD?

Yes

Rejected

\$

Date of rejection letter

/ /

Withdrawn

\$

Date of withdrawal

/ /

Set off Applied

\$

Replaced by a new POD?

Yes

Admitted - Priority

\$

Date Admitted

/ /

Admitted - Ordinary

\$

Appointee Signature

GENERAL INSTRUCTIONS

When to lodge a Proof of Debt (POD)

An Administrator or Liquidator (the appointee) will request you to lodge a POD where it is expected that there will be funds to distribute to creditors and/or to assist in their investigations.

A dividend will only be paid to those creditors whose POD has been admitted by the appointee. Correct completion of PODs will prevent delays in distribution of funds to the creditors.

Return the completed POD to the appointee within the prescribed time as a dividend may be paid without further notice to you.

Which debts are provable? (ss553 – 554B of the Corporations Act)

Not all debts are provable, for example ·

- debts incurred after the date of commencement ·
- interest that has accrued after the date of commencement

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

Instructions on completion of the POD claim form

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

Answer all questions on the form.

Disclose your ABN if you are a business creditor. The appointee may be required to withhold tax on any dividend where a business creditor does not disclose its ABN. You are also required to show the GST amount (if any) that is included in your debt.

If you are entitled to interest on your debt, it should be calculated only to the day of commencement. Attach details of how you calculated the interest component along with evidence that shows you are entitled to claim interest.

Total the amounts and check that your calculations are correct.

Sign and date the POD.

Attach documentary evidence of your claim. Evidence may include copies of:

- *invoices*
- *statements*
- *delivery dockets*
- *supply agreement*
- *loan contracts*
- *judgment issued by a Court*

INFORMATION FOR SPECIFIC CREDITORS

Secured creditors (ss554D – 554J of the Corporations Act)

A secured creditor can prove for all or part of their secured debt. Where a secured creditor surrenders their security to the appointee, a claim may be made for the whole of the debt. Where a secured creditor sells their security, a claim may be made for the shortfall or conversely the surplus must be given to the appointee. Where a claim is made for the shortfall from the sale of an asset, an accounting for the sale must be attached to the POD. Where the property has not been sold, but a shortfall is anticipated in an eventual sale, the secured creditor can claim for the estimated shortfall amount.

Retention of Title (ROT) is a form of security. Complete this section if you claim to have Retention of Title over goods supplied to the company. You also need to attach documentation supporting your claim.

Judgment creditors

The appointee may look behind a judgment to obtain further evidence of a debt. If you have obtained a judgment please provide details. Costs awarded in a judgment obtained prior to appointment may be included.

Set off for mutual dealings (s553C of the Corporations Act)

Where there were mutual dealings between you and the company, the amounts can be set-off. However, if you had notice that the company was insolvent at the time of giving/receiving credit then set-off cannot be applied.

RETURN FORM TO:

BRI Ferrier
PO Box 30
WEST PERTH WA 6872

or via email:

info@brifwa.com.au

Phone enquiries:

08 6316 2600

