

THE COMPANIES ACT, 1973

**Annexure CM100**

*Master's Reference No.* \_\_\_\_\_

**STATEMENT OF AFFAIRS**

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

*Name of company* \_\_\_\_\_

*Date of winding-up order* \_\_\_\_\_

*Name and address of liquidator* \_\_\_\_\_

\_\_\_\_\_

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

# STATEMENT OF AFFAIRS

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

|  |   | <i>I. – As regards</i> |   |
|--|---|------------------------|---|
| LIABILITIES  |   | R                      | c |
| Debts and liabilities  |   |                        |   |
| (I) Unsecured creditors and claimants as per List “A”  |   |                        |   |
| (II) Secured and preferent creditors as per List “B”   |   |                        |   |
| Estimated surplus (if any) after meeting liabilities of company, subject to costs of liquidation |   |                        |   |
|  | R |                        |   |

The nominal amount of unpaid capital liable to be called up is R \_\_\_\_\_

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

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

\_\_\_\_\_  
Director

\_\_\_\_\_  
Secretary

# STATEMENT OF AFFAIRS

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

*Creditors.*

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

*Contributories.*

|  | R | c |
|--|---|---|
| Estimated surplus as above (if any), subject to costs of liquidation |   |   |
| TOTAL DEFICIENCY*  |   |   |
| R  |   |   |

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

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

\_\_\_\_\_  
Signature

Exempt from Stamp Duty

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

LIST "A"

**UNSECURED CREDITORS**

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

NOTES

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

R                    c

Gross amount due to creditor \_\_\_\_\_

Less counter-claim \_\_\_\_\_

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

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

| No. | Name | Address and Occupation | Amount of Debt |   | Remarks |
|-----|------|------------------------|----------------|---|---------|
|     |      |                        | R              | c |         |
|     |      |                        |                |   |         |
|     |      |                        |                |   |         |
|     |      |                        |                |   |         |
|     |      |                        |                |   |         |
|     |      |                        |                |   |         |





LIST "C"

**PROPERTY**

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

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

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

†State particulars



















Statement "G"

**DEFICIENCY ACCOUNT**

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

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

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

Statement "G" (cont.)

**DEFICIENCY ACCOUNT**

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

\* Lengthy particulars must be entered into a separate schedule.

† These figures must agree





Statement "G" (cont.)

**DEFICIENCY ACCOUNT**

|   |   | R  | c |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|---|---|--|---|-------------------|--|--|--|---|---|---|---|----------------|--|--|--|--|--|--|--|------------|--|--|--|-----------------------|--|--|--|----------------------|--|--|--|------------------|--|--|--|-------------------------|--|--|--|------------------------------|--|--|--|---|--|--|--|
| I.  | Excess (if any) of assets over capital and liabilities over assets on the * day of _____, 20_____ as per the company's balance sheet (this and any previous balance sheets to be annexed) |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| II.   | Expenses of carrying on the business from the* day of _____, 20_____ to date of winding-up order:-  |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| GENERAL EXPENDITURE                                   |   | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Amount Discharged</th> <th colspan="2" style="text-align: center;">Amount due at Date of winding-up order</th> </tr> <tr> <th style="text-align: center;">R</th> <th style="text-align: center;">c</th> <th style="text-align: center;">R</th> <th style="text-align: center;">c</th> </tr> </thead> <tbody> <tr> <td colspan="2">Salaries _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Wages not charged in trading account _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Rent _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Rates and taxes _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Legal expenses _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Commission _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Interest on loans _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Interest on debentures _____</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Miscellaneous expenditure (as per list annexed) _____</td> <td></td> <td></td> </tr> </tbody> </table> |   | Amount Discharged |  | Amount due at Date of winding-up order |  | R | c | R | c | Salaries _____ |  |  |  | Wages not charged in trading account _____ |  |  |  | Rent _____ |  |  |  | Rates and taxes _____ |  |  |  | Legal expenses _____ |  |  |  | Commission _____ |  |  |  | Interest on loans _____ |  |  |  | Interest on debentures _____ |  |  |  | Miscellaneous expenditure (as per list annexed) _____ |  |  |  |
| Amount Discharged                                     |   | Amount due at Date of winding-up order   |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| R   | c   | R  | c |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Salaries _____  |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Wages not charged in trading account _____            |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Rent _____  |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Rates and taxes _____                                 |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Legal expenses _____                                  |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Commission _____                                      |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Interest on loans _____                               |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Interest on debentures _____                          |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Miscellaneous expenditure (as per list annexed) _____ |   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| III.  | Director's fees from the* day of _____, 20_____ to date of the winding-up order   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| IV.   | Dividends declared during the said period   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| V.  | Losses and depreciation from the* day of _____, 20_____ to date of the winding-up order written off in the company's books:-†   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Irrecoverable debts _____   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Losses on investments _____   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Depreciation of property _____  |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Preliminary expenses _____  |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| VI.   | Losses and depreciation not written off in the company's books, now written off by directors :-†  |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Irrecoverable debts _____   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Losses on investments _____   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Depreciation of property _____  |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
|   | Preliminary expenses† _____   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| VII.  | Other losses and expenses:-   |  |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |
| Total amount to be accounted for                      |   | ‡R   |   |                   |  |  |  |   |   |   |   |                |  |  |  |  |  |  |  |            |  |  |  |                       |  |  |  |                      |  |  |  |                  |  |  |  |                         |  |  |  |                              |  |  |  |   |  |  |  |

\* Three days before date of winding-up order.  
 † Lengthy particulars must be entered into a separate schedule.  
 ‡ These figures must agree