

# Unsecured Creditors Claim Form

(also for use by Preferential Creditors) section 304(1) of the Companies Act 1993

## Debtor Details

Insolvent Company Name	
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## Creditor Details\*

Creditor Name	
Postal Address	
Telephone Number	
Email Address	
IRD Number	
Bank Account Name	
Bank Account Number	

I, \_\_\_\_\_ (print name) (if claim is made on behalf of creditor, specify relationship to creditor and authority) claim that the company was at the date it was put into liquidation/receivership/voluntary administration indebted to the above-named creditor for the sum of \_\_\_\_\_ (print amount in words and figures).

- The above-named creditor is a related entity of the company in liquidation/receivership/voluntary administration Yes ☐ No ☐
- The above-named creditor consents to receive documents electronically at the address specified above Yes ☐ No ☐

## Status of Claim

- I am an unsecured creditor.
- I am surrendering the security I hold, and I am claiming as an unsecured creditor.
- I am making a preferential claim (see below).
- I am claiming reservation of title rights pursuant to rights held by me (see below).

Tick

☐  
☐  
☐  
☐

## Particulars of Claim

Full particulars of the claim are set out, and any supporting documents that substantiate the claim are identified below. You are required to attach any supporting documents under section 304(2) of the Companies Act 1993.

Date of Supply	Description of Goods or Services Supplied	Amount (\$)
Total Value of Claim		\$

## Retention of Title Claimants Only

Please contact the Liquidators/Receivers/Voluntary Administrators for a "Retention of Title" questionnaire at [creditor@khovjones.co.nz](mailto:creditor@khovjones.co.nz).

## Preferential Claimants Only

Are you claiming the full amount of your claim as preferential?	
If no, what part of the claim is preferential?	\$
Why do you believe you are a preferential creditor?	
Details of your claim:	

**WARNING:** It is an offence under section 304(6) of the Companies Act 1993 to make, or authorise the making of, a claim that is false or misleading in a material particular knowing it to be false or misleading; or omit, or authorise the omission, from a claim of any matter knowing that the omission makes the claim false or misleading in a material particular.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

\*Any personal information collected is for the purpose of administering the liquidation/receivership/voluntary administration in accordance with the Companies Act 1993. The information will be used and retained by Khov Jones and will be released to other parties only with your authorisation or in compliance with the Privacy Act 2020. Under section 304(1) of the Companies Act 1993 any claim by an unsecured creditor against a company in liquidation/receivership/voluntary administration must be made in this prescribed form and must – (a) contain full particulars of the claim; and (b) identify any documents that evidence or substantiate the claim. You may have access to and request correction of any personal information.

## Reserved for Office Use

Received (Date Stamp)	Claim Admitted for Voting Purposes		Claim Admitted for Payment	
	Claim Admitted for Voting		Preferential Claim for:	\$
	Claim Rejected for Voting		Ordinary Claim for:	\$
	Claim Rejected for Payment		Deferred Claim for:	\$
	Signed		Signed	
	Date:	/ /	Date:	/ /

Note: if the decision to admit or reject a claim is amended, regulation 8 of the Companies Act 1993 Liquidations Regulations 1994 requires that to be recorded in writing.

A creditor is any entity (company, individual, trust) that is owed money by a company in liquidation, receivership and/or voluntary administration. There are 3 types of creditors:

- **Category A - Preferential Creditors:**

This includes employees of the company, petitioning creditors who have applied to a Court to place the company into liquidation, Inland Revenue and NZ Customs.

- **Category B - Secured Creditors:**

This includes any entity that has a security interest against the company. The security interest will be recorded in the terms and conditions that the creditors have with the company, and a financing statement may be registered on the Personal Properties Security Register.

- **Category C - Unsecured Creditors:**

This includes anyone that does not fall into the two categories listed above (i.e., trade creditors).

## Filing a Claim

It is a requirement for all claims to be submitted in the approved form pursuant to the Companies Act 1993. Even if it appears unlikely that you will receive any payment (also known as a distribution) from the liquidation, receivership and/or voluntary administration, you should still lodge a claim to assist us with our review of the company's affairs and conduct of the directors.

If you believe that you are owed money by a company in liquidation, receivership and/or voluntary administration to which Khov Jones has been appointed as liquidator, receiver and/or administrator, you need to file your claim against the company by completing our Creditors Claim Form. Provided below is a guide on the correct Creditors Claim Form to complete depending on the type of creditor that you are:

- **Unsecured Creditors Claim Form**

- Category A - Preferential Creditors
- Category C - Unsecured Creditors

- **Secured Creditors Claim Form**

- Category B - Secured Creditors

## Completing the Forms

When completing the claim form:

- Be as accurate as possible in completing the Creditors Claim Form. **Do not submit claim forms without descriptions.**
- Identify and attach all appropriate supporting documentation to the form such as tax invoices making up your claim, statement of company's account, terms of trade, payslips, timesheets etc.

## Processing of Forms

- We will review every claim received to ensure that it is valid and further information may be requested.
- Once the review is completed, we will advise whether your claim is admitted or rejected.
- If we receive further information at some later date that changes the nature or details of a creditors claim, we have the power to change our mind and either reject or amend a claim.
- You will be contacted by us when we have recovered sufficient funds to make a distribution to creditors.

## Next Steps

To keep the costs of administration to a minimum, if you need an update on your claim, please check the Companies Office register at [www.companiesoffice.govt.nz](http://www.companiesoffice.govt.nz).