

**REPUBLIC OF TRINIDAD AND TOBAGO**

**The Bankruptcy and Insolvency Act, 2007**

**FORM 12**

*(Sections 27, 32(1)(e)(i), 71(1), 73(1)(d), 93(3), 100, 115 of the Act and Regulations 18, 20, 52 and 97)*

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**PROOF OF CLAIM**

*All notices or correspondence regarding this claim must be forwarded to the following address:*

\_\_\_\_\_  
\_\_\_\_\_

In the matter of the bankruptcy (or the proposal or the receivership) of \_\_\_\_\_  
*(name of debtor)* of \_\_\_\_\_ *(city and province)* and the claim of  
\_\_\_\_\_, creditor.

I, \_\_\_\_\_ *(name of creditor or representative of the creditor)*, of  
\_\_\_\_\_ *(city and province)*, do hereby certify:

1. That I am a creditor of the above-named debtor *(or that I am \_\_\_\_\_ (state position or title) of \_\_\_\_\_ (name of creditor or representative of the creditor))*.
2. That I have knowledge of all of the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of bankruptcy (or the date of the receivership or, in the case of a proposal, the date of the notice of intention or of the proposal, if no notice of intention was filed), namely the \_\_\_\_\_ day of \_\_\_\_\_, and still is, indebted to the creditor in the sum of \$\_\_\_\_\_, as specified in the statement of account (or affidavit) attached and marked Schedule "A," after deducting any counterclaims to which the debtor is entitled. (The attached statement of account or affidavit must specify the vouchers or other evidence in support of the claim.)
4. Check and complete appropriate category

A. UNSECURED CLAIM OF \$\_\_\_\_\_.

That in respect of this debt, I do not hold any assets of the debtor as security and

*(Check appropriate description)*

- Regarding the amount of \$\_\_\_\_\_, I claim a right to a priority under section 127 of the Act.
- Regarding the amount of \$\_\_\_\_\_, I do not claim a right to a priority.

*(Set out on an attached sheet details to support priority claim)*

B. SECURED CLAIM OF \$\_\_\_\_\_.

That in respect of this debt, I hold assets of the debtor valued at \$\_\_\_\_\_ as security, particulars of which are as follows:

*(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attach a copy of the security documents)*

C. CLAIM BY FARMER OR FISHERMAN OF \$\_\_\_\_\_.

That I hereby make a claim under section 73 of the Act for the unpaid amount of \$\_\_\_\_\_.

*(Attach a copy of sales agreement and delivery receipts)*

D. CLAIM BY WAGE EARNER OF \$\_\_\_\_\_.

That I hereby make a claim in terms of section 127(1)(d) in the amount of \$\_\_\_\_\_.

E. CLAIM BY EMPLOYEE FOR UNPAID AMOUNT REGARDING PENSION PLAN  
OF \$\_\_\_\_\_.

That I hereby make a claim under section 127(1)(e) of the Act in the amount of \$\_\_\_\_\_.

5. That, to the best of my knowledge, I am (or the above-named creditor is) (or am not or is not) related to the debtor within the meaning of the Act, and have (or has) (or have not or has not) dealt with the debtor in a non-arm's-length manner.

6. That the following are the payments that I have received from, the credits that I have allowed to, and the transfers at undervalue within the meaning of the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event: (provide details of payments, credits and transfers at undervalue)

7. *(Applicable only in the case of the bankruptcy of an individual)*

Whenever the trustee reviews the financial situation of a bankrupt to re-determine whether or not the bankrupt is required to make payments under section 53 of the Act, I request to be informed, pursuant to section 53 of the Act, of the new fixed amount or of the fact that there is no longer surplus income.

I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to section 162(1) of the Act be sent to the above address.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_

Witness

\_\_\_\_\_

Creditor

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email address: \_\_\_\_\_

**NOTE:** If an affidavit is attached, it must have been made before a person qualified to take affidavits.

**WARNINGS:** A trustee may redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

The Act provides severe penalties for making any false claim, proof, declaration or statement of account.