SUPREME[[1]](#endnote-1) COURT OF QUEENSLAND

## Registry:

## Number:

Applicant: *(Insert name)*

AND

[First] Respondent *(Insert name)*

AND

[Second Respondent] (Insert Name)

STATEMENT OF FINANCIAL POSITION

### (COMPANY)

Enforcement creditor:*(Name)*

Enforcement debtor:*(Name)*

*Instructions to officer of the enforcement debtor for completing statement:*

* You must complete this statement and return it to the enforcement creditor at *(insert address)* within 14 days after you received it.
* If you fail to return the completed statement you may be liable to punishment for contempt of court.
* All questions must be answered.
* Use the word ‘Nil’ if appropriate.
* If you would like to complete this form electronically, a copy can be found on the Queensland Courts website at [**https://www.courts.qld.gov.au/about/forms**](https://www.courts.qld.gov.au/about/forms?root=84820) (then open Form 71A). You will need to print your completed form to sign it and send it to the enforcement creditor. Where Yes No appears, double click then select ‘Not checked’ or ‘Checked’ as appropriate.
* If you are completing this form manually, where Yes No appears, tick or cross the appropriate box.
* Estimates can only be given if, after reasonable enquiry, you are unable to give an accurate answer. Any estimates should have the letter ‘E’ inserted before the amount shown.
* **If you are completing this form manually and you need more room to answer any of the questions, attach a separate page with your answers.**

|  |  |  |
| --- | --- | --- |
| PART 1 – COMPANY OFFICER DETAILS | | |
| **1.1** | What is your full name? |  |
| **1.2** | What is your date of birth? |  |
| **1.3** | What is your residential address? |  |
| **1.4** | What is your telephone number? |  |
| **1.5** | What is your mobile phone number? |  |

| PART 2 – COMPANY DETAILS | | |
| --- | --- | --- |
| **2.1** | What is your office with the company? |  |
| **2.2** | How long have you held that office? |  |
| **2.3** | Is the company under administration? YesNo | |
| **2.4** | Is the company in receivership? YesNo | |
| **2.5** | Is the company in liquidation? YesNo | |
| **2.6** | If you answered ‘yes’ to 2.3, 2.4, or 2.5:   * what is the name, address and telephone number of the administrator, receiver or liquidator? |  |
|  | * explain why the company was placed into administration, receivership or liquidation |  |
| * you need not answer any further questions on this form |  |
| **2.7** | Has the company changed its name in the past 12 months? YesNo  If ‘yes’ give details of: | |
|  | * when the name change occurred |  |
|  | * previous name/s |  |
|  | * current name (if different from enforcement debtor’s name) |  |
| **2.8** | Give details of the name, address and telephone number of the company's accountant |  |
| **2.9** | Has any business conducted by the company been sold or disposed of within the last six months? YesNo  If ‘yes’ *provide* a copy of the contract of sale, transfer or assignment.  Give details of: | |
|  | * the purchaser, assignee or transferee of the business |  |
|  | * the sale price or other consideration |  |
|  | * the distribution of the proceeds of sale, transfer or assignment |  |
| **2.10** | What was the company’s gross income for each of the last two years ending 30 June? |  |
| **2.11** | What were the company’s gross profits for each of the last two years ending 30 June? |  |
| **2.12** | What was the company’s taxable income for each of the last two years ending 30 June? |  |
| **2.13** | *Provide* copies of tax returns, notices of assessment, balance sheets, profit/loss statements and trading accounts for each of the last two years ending 30 June. | |
| **2.14** | What classes of shares have been issued by the company? |  |
| **2.15** | How many shares in each class are on issue? |  |
| **2.17** | Who holds these shares? |  |

| PART 3 – INCOME | | |
| --- | --- | --- |
| **3.1** | Are there any moneys owing to the company? YesNo  If ‘yes’, for each debt state here or in an attached list: | |
|  | * the name of the debtor |  |
|  | * the amount owing |  |
|  | * whether the debt is secured or unsecured |  |
|  | * whether the payment of the debt is due |  |
|  | * whether payment of the debt is guaranteed   YesNo  If ‘yes’ give details. |  |
|  | * what arrangements have been made for payment of the debt? |  |
|  | * + whether there exists a written agreement witnessing the loan or liability. If yes, *provide* a copy. |  |
| **3.2** | Is the company likely to receive any moneys from anyone in the near future?  YesNo | |
|  | If ‘yes’, give details. |  |
| **3.3** | Are there any moneys owing to the company by any of its officeholders (e.g. Director, Secretary) or the spouses or partners of officeholders, or its shareholders in respect of loans by the company or under loan accounts with the company? YesNo  If ‘yes’, for each sum owing state: | |
|  | * the name of the officeholder (or spouse or partner) or shareholder owing the money |  |
|  | * the amount owing |  |
|  | * when repayment of the money is due |  |
|  | * the terms of any agreement under which the money is owed |  |
|  | * whether those terms are recorded in a written document and, if so, identify *and provide a copy of* the document |  |
|  | * the purpose of the loan |  |
| **3.4** | Is the company a beneficiary under any trust, settlement, estate etc? YesNo  If ‘yes’ for each: | |
|  | * identify the estate or trust |  |
|  | * state the value of the company’s interest in the estate or trust |  |
|  | * give particulars of the company's interest |  |
|  | *Provide* a copy of the instrument creating the trust or settlement or a copy of the will as appropriate | |

| PART 4 – EXPENSES | | |
| --- | --- | --- |
| **4.1** | Does the company have any goods or assets (not real property) subject to a lease or hire purchase agreement? YesNo  If ‘yes’, *provide* a copy of each lease or hire purchase agreement.  If ‘yes’, for each lease or hire purchase agreement state: | |
|  | * the subject goods or assets |  |
|  | * the name of the hire purchase company or lessor |  |
|  | * when and in what amounts periodic payments are required to be made |  |
|  | * the balance owing under the hire purchase agreement |  |
|  | * how much has been paid under the lease of hire purchase agreement to date |  |
|  | * the commencement date and term of the lease |  |
|  | * the residual value, if any, of the leased property |  |
| **4.2** | Does the company have any undistributed profits? YesNo | |
|  | If ‘yes’ what is their monetary value? |  |
| **4.3** | When did the company last pay a dividend to its shareholders? |  |
|  | * what was the amount of that dividend? |  |
| **4.4** | Is there any dividend declared but unpaid? |  |
| **4.5** | If yes to 4.4 give particulars. |  |
| **4.6** | Does the company lease or rent premises or occupy premises under licence? YesNo  If ‘yes’ *provide* a copy of each lease, rental or licence agreement.  If ‘yes’, for each lease, rental or licence agreement state: | |
|  | * when and in what amounts the rent or licence fee is payable |  |
|  | * the lessor’s or licensor's name and address |  |
|  | * the unexpired term of the lease, rental agreement or licence |  |
|  | * when the first term of the lease, rental agreement or licence commenced |  |

| PART 5 – ASSETS | | |
| --- | --- | --- |
| **5.1** | Does the company have any bank accounts? YesNo  If yes, for each account state: | |
|  | * the name of the bank or financial institution |  |
|  | * the name of the account |  |
|  | * the BSB number |  |
|  | * the account number |  |
|  | * the present balance |  |
| **5.2** | Does the company own or hold an interest in any real property? YesNo  If ‘yes’, for each property state: | |
|  | * its location and real property description |  |
|  | * its market value |  |
|  | * if another person or corporation holds an interest in it, the extent of that interest |  |
|  | * whether the property is mortgaged or encumbered YesNo **and**   If ‘yes’ *provide* a copy of the mortgage or encumbrance and state: |  |
|  | * the mortgage repayments |  |
|  | * the amount of the loan repaid to date |  |
|  | * the amount of the loan still owing |  |
| **5.3** | Does the company own any furniture? YesNo  If ‘yes’, state: | |
|  | * the market value of the furniture |  |
|  | * any bill of sale or other encumbrance in respect of the furniture |  |
|  | * the amount of any sum payable periodically under any such bill of sale or encumbrance |  |
|  | * the total amount paid to date under such bill of sale or encumbrance |  |
|  | * the amount presently owing under or secured by such bill of sale or encumbrance |  |
| **5.4** | Does the company own any business or manufacturing fixtures, fittings, plant, equipment or stock in trade?  YesNo  If ‘yes’ give details of: | |
|  | * the fixtures, fittings, plant, equipment or stock in trade |  |
|  | * the market value of the fixtures, fittings, plant, equipment or stock in trade |  |
|  | * any bill of sale or other encumbrance in respect of the fixtures, fittings, plant, equipment or stock in trade |  |
|  | * the amount of any sum payable periodically under the bill of sale or other encumbrance and state: |  |
|  | * the amount paid to date under the bill of sale or other encumbrance |  |
|  | * the amount presently owing under or secured by the bill of sale or other encumbrance |  |
| **5.5** | Does the company use or own a vehicle or has it used or owned a vehicle within six months of the making of this statement? YesNo  If ‘yes’: | |
|  | * is or was the vehicle registered in the company's name? |  |
|  | * + if the vehicle has ceased to be registered in the company's name, when was registration transferred? |  |
|  | * if the vehicle was never registered in the company's name, in whose name is the vehicle registered? |  |
|  | * what is or was the make, model and year and registration number of the vehicle? |  |
|  | * what is the current market value of the vehicle? |  |
|  | * is the vehicle encumbered? YesNo   If yes, state: |  |
|  | * what was the loan amount? |  |
|  | * how much is paid per instalment? |  |
|  | * how much has been paid to date? |  |
|  | * how much is still owed? |  |
| **5.6** | Does the company own any caravans, boats, trailers, jet skis or other similar items?  YesNo | |
|  | If 'yes', for each item state the make, model, year, registration number and current market value. |  |
| **5.7** | Does the company own any shares or debentures? YesNo  If ‘yes’, for each holding state: | |
|  | * the name of the corporation which has issued the shares or debentures |  |
|  | * the description and number of the shares or debentures |  |
|  | * the current market value of the shares or debentures |  |
| **5.8** | Has the company disposed of any interest in shares or debentures within six months of the making of this statement? YesNo  If 'yes', for each holding disposed of, state: | |
|  | * the name of the corporation which issued the shares or debentures |  |
|  | * the description and number of the shares or debentures |  |
|  | * the consideration for the sale, transfer or assignment |  |
|  | * the name of the purchaser, transferee or assignee |  |
| **5.9** | Does the company hold any interest in any business or partnership? YesNo  If ‘yes’, specify for each holding: | |
|  | * the name of the business/partnership |  |
|  | * the nature of the undertaking of the business partnership |  |
|  | * the current market value of the business/partnership |  |
|  | * the extent of the interest |  |
|  | * + - * the name and address of any other interest holder and the interest held and provide a copy of any partnership agreement |  |
| **5.10** | Does the company operate any business under any other business name/s? YesNo | |
|  | If ‘yes’, specify. |  |
| **5.11** | Has the company disposed of any property or assets in the last six months including goodwill, intellectual property (e.g. business or product names, trademarks, computer software, domain names), stock in trade, jewellery, livestock? YesNo | |
|  | If ‘yes’   * give details including date of disposal, identity of purchaser/transferee/assignee * provide a copy of any agreement witnessing or providing for the disposition |  |
| **5.12** | Does the company own any other property of significant value e.g. goodwill, intellectual property (e.g. business or product names, trademarks, computer software, domain names), stock in trade, jewellery, livestock?  YesNo | |
|  | If ‘yes’, give details, including current market value. |  |

| PART 6 – LIABILITIES | | |
| --- | --- | --- |
| **6.1** | What liabilities (e.g. tax) did the company have as at 30 June? |  |
| **6.2** | What liabilities does the company have now? |  |
| **6.3** | Are there any court actions pending against the company, including any applications to wind up the company? YesNo | |
|  | If ‘yes’, give details. |  |

| PART 7 – PROPOSAL FOR PAYMENT | | |
| --- | --- | --- |
| **7.1** | Does the company have any proposal for the payment or satisfaction of the debt to the enforcement creditor? Yes No | |
| If ‘yes’, what is proposed? |  |

***Insert at the foot of the first and every other page except the last:\****

|  |  |  |  |
| --- | --- | --- | --- |
| Deponent/Substitute signatory  *(delete whichever is not applicable)* |  | Witness | Page **13** of **15** |

# AFFIDAVIT IN SUPPORT OF STATEMENT

of

*(Full name of deponent) (residential or business address or place of employment), (occupation or other description)*states on oath [*or*: solemnly and sincerely affirms and declares]:

* The information set out in this statement is true, and correct to the best of my knowledge and belief. Where I have given an estimate in this statement, it is given in good faith to the best of my knowledge and belief.
* To the best of my knowledge and belief I have no income, property or financial resources other than as set out in this statement.

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who makes an affidavit that the person knows is false in a material particular commits an offence.** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | I state that: | | | 🞏 | This affidavit was made in the form of an electronic document[[2]](#endnote-2) | | 🞏 | This affidavit was electronically signed[[3]](#endnote-3) | | 🞏 | This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867[[4]](#endnote-4)* | | *(tick if applicable)* | | | | | | |
| **SWORN / AFFIRMED** by    …………………………………….  [insert full name of deponent/enforcement debtor]  at…………………………………..  [insert place where deponent is located]  (i*f applicable)*  **Signed for and at the direction of the**  **deponent by\***  ………………………………………………  [insert full name of substitute signatory]\*  *\*delete if not applicable*  ………………………………………………  [Australian legal practitioner/government legal officer/employee of the Public Trustee, as applicable][[5]](#endnote-5) | )  )  )  )  )  )  )  )  )  )  )  )  )  )  )  ) | …………………………………….  [signature of deponent]  …………………………………….  [date]  …………………………………….  [signature of substitute signatory]\*  …………………………………….  [date]\* | | |
| **BEFORE ME:**  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness][[6]](#endnote-6)6  …………………………………….  [witness’s place of employment/employment address/Home address/telephone number/email address/law practice, as applicable]**[[7]](#endnote-7)7** | )  )  )  )  )  )  )  )  )  )  )  ) | | …………………………………….  [signature of witness]  …………………………………….  [date] |
| |  |  | | --- | --- | | **For SPECIAL WITNESS to complete – Tick as applicable** | | | 🞏 | I am a special witness under the *Oaths Act 1867* (see section 12 of the *Oaths Act 1867*) | | 🞏 | I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that the person made the affidavit (see rule 433(1) *Uniform Civil Procedure Rules 1999*) | | 🞏 | I certify that the affidavit was read in the present of the deponent who seemed to understand it, and signified that the person made the affidavit, but was physically incapable of signing it (see rule 433(2) *Uniform Civil Procedure Rules 1999*). | | 🞏 | This document was made in the form of an electronic document[[8]](#endnote-8)8 | | 🞏 | I electronically signed this document[[9]](#endnote-9)9 | | 🞏 | This affidavit was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements[[10]](#endnote-10)10 | |  | | | | | |

***The footnotes are to assist in the completion of this form and should be deleted once complete.\****

***\*delete instructions***

1. For an application in the District Court or a Magistrates Court, substitute “District Court” or “Magistrates Courts” respectively. [↑](#endnote-ref-1)
2. Tick this box if you electronically signed the document, or if you physically signed the document over audio visual link and then sent a scanned copy of that document to the witness. [↑](#endnote-ref-2)
3. Tick this box if you or your substitute signatory electronically signed the document using an accepted method under the *Oaths Act 1867.* Do not tick this box if you signed the document on paper. [↑](#endnote-ref-3)
4. Tick this box if the document was made over audio visual link. [↑](#endnote-ref-4)
5. A person may be directed by audio visual link to sign a document for a signatory only if the person is: an Australian legal practitioner; or a government legal officer under the *Legal Profession Act 2007* (who is an Australian lawyer but not an Australian legal practitioner and witnesses documents in the course of the government work engaged in by the officer); or is an employee of the public trustee (s31P, *Oaths Act 1867).*  [↑](#endnote-ref-5)
6. 6 Insert the witness’s capacity that makes them eligible to witness the affidavit under s16A Oaths Act 1867. For example, lawyer, justice of the peace, commissioner for declarations [↑](#endnote-ref-6)
7. 7 Legal practitioners who witness this document as a special witness must include their law practice (s13E *Oaths Act 1867*). If you are not an Australian legal practitioner or an approved JP or Cdec, at least one of the following must be included on the document: *the name of your place of employment, your employment or home address, your telephone number or your email address*. If there are concerns about domestic, family or sexual violence, you should use your discretion and include the information (from the options listed) that minimises the risk of exposing the location of the signatory or other affected persons. [↑](#endnote-ref-7)
8. 8 Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the signatory. [↑](#endnote-ref-8)
9. 9 Tick this box if you electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not tick this box if you signed the document on paper. [↑](#endnote-ref-9)
10. 10 Tick this box if the document was made over audio visual link. [↑](#endnote-ref-10)