

Form CORP 14 Affidavit in Support of Application for Order for Payment of Call

Form CORP 14

To be inserted by Court

Case Number:

Date Filed:

FDN:

AFFIDAVIT OF [NAME] MADE ON [DATE] IN SUPPORT OF APPLICATION FOR ORDER FOR PAYMENT OF CALL

SUPREME COURT OF SOUTH AUSTRALIA
CIVIL JURISDICTION
Corporations List

IN THE MATTER OF [full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']

ABN or ACN or ARBN: [insert ABN or ACN or ARBN]

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

Deponent Details			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			

Occupation	Occupation
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Affidavit

Mark appropriate section below with an 'x'

I [] swear on oath / [] do truly and solemnly affirm that:

1. I am the liquidator of [*name of company*] ("the company").
2. On [*date*] I made a call of \$[*amount*] per share on [*all the contributories of the company or specify the class of contributories*] of the company. Exhibited and marked A is a copy of the notice of the call. Each contributory whose name is shown in the Schedule marked B was duly served with notice of the call in the form exhibited and marked A.
3. Each contributory of the company whose name is set out in column 2 of the Schedule marked B has not paid, or caused to be paid, to me the sum specified opposite the contributory's name in column 5 of the Schedule, which is due from that contributory under the call.
4. The amount set out opposite the name of each contributory in column 6 of the Schedule is an estimate of the amount due by that contributory in respect of the costs of applying for and giving effect to the order for payment of the call. The estimate of the amounts so due by the several contributories has been reached by apportioning the costs among the contributories who have not paid the call according to the liability of the respective contributories to contribute.
5. The amount set out opposite the name of each contributory in column 7 of the Schedule is the total of the amount due by that contributory in respect of the call as set out in column 5 and the amount due in respect of costs as set out in column 6.

Deposed by the deponent (person who is swearing/affirming the affidavit)

At

On

.....
Signature of deponent

.....
Name printed

before me
Signature of attesting witness

.....
Printed name and title of witness

Stamp here if applicable

.....

Date

.....
ID number of witness

If applicable

Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in Form CORP 4A.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (a) a Registrar or Deputy Registrar
 - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
 - (c) a public notary;
 - (d) a commissioner for taking affidavits;
 - (e) a justice of the peace for South Australia;
 - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Exhibit A

(copy notice of demand)

Schedule B						
Number on list of contributories	Name	Address	Character in which included in the list	Unpaid amount of call	Proportion of costs of application	Total amount payable
<i>[number]</i>	<i>[name]</i>	<i>[address]</i>	<i>[character]</i>	<i>[amount]</i>	<i>[percentage]</i>	<i>[amount]</i>