

MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2010

Rule 67.01(3)(8)

FORM 67C

**EXAMINATION OF AN OFFICER OF A JUDGMENT DEBTOR
WHICH IS A CORPORATION**

IN THE MAGISTRATES' COURT
OF VICTORIA AT

Court Number

BETWEEN

Plaintiff

Of: *(address)*

and

Defendant

Of: *(address)*

Date of Document

Filed on behalf of:

Australian lawyer name:

Address:

Code:

Telephone:

Reference

(Name of person being examined)

an officer of the judgment debtor corporation, having being sworn or affirmed, has answered the questions set out in Column 1 below in the manner set out in Column 2 below.

COLUMN 1	COLUMN 2
Questions	Answers
1 What is your full name?	
2 What is your address?	
3 What position do you hold in the judgment debtor corporation?	
4 What is the address of the registered office of the corporation?	
5 Is the corporation— (a) registered; or (b) deregistered— at the Australian Securities and Investment Commission?	<input type="checkbox"/> Registered <input type="checkbox"/> De-registered

6	<p>Is the corporation still trading? If not, when did it last trade?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>																		
7	<p>What is the nature of the business of the corporation?</p>																		
8	<p>At what addresses does the corporation carry on business? If the premises are leased, give details of—</p>																		
	<p>(a) the name of the landlord</p>																		
	<p>(b) the expiration date of the lease</p>																		
9	<p>What is the corporation's average weekly turnover?</p>																		
10	<p>Is the company owed any money? If yes, give details, including—</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>																		
	<p>(a) who owes you the money</p>																		
	<p>(b) the address, telephone number and reference of the person or company;</p>																		
	<p>(c) how much is owed?</p>																		
	<p>(d) what circumstances give rise to that indebtedness?</p>																		
	<p>(e) when is the debt due and payable to the corporation? <i>(give details)</i></p>																		
11	<table border="1"> <thead> <tr> <th data-bbox="692 1189 957 1339"><u>Account 1</u></th> <th data-bbox="957 1189 1222 1339"><u>Account 2</u></th> <th data-bbox="1222 1189 1495 1339"><u>Account 3</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="692 1339 957 1473">(a) name and address of financial institution;</td> <td data-bbox="957 1339 1222 1473"></td> <td data-bbox="1222 1339 1495 1473"></td> </tr> <tr> <td data-bbox="692 1473 957 1527">(b) type of account;</td> <td data-bbox="957 1473 1222 1527"></td> <td data-bbox="1222 1473 1495 1527"></td> </tr> <tr> <td data-bbox="692 1527 957 1581">(c) account number;</td> <td data-bbox="957 1527 1222 1581"></td> <td data-bbox="1222 1527 1495 1581"></td> </tr> <tr> <td data-bbox="692 1581 957 1635">(d) name of account;</td> <td data-bbox="957 1581 1222 1635"></td> <td data-bbox="1222 1581 1495 1635"></td> </tr> <tr> <td data-bbox="692 1635 957 1697">(e) present balance of account.</td> <td data-bbox="957 1635 1222 1697"></td> <td data-bbox="1222 1635 1495 1697"></td> </tr> </tbody> </table>	<u>Account 1</u>	<u>Account 2</u>	<u>Account 3</u>	(a) name and address of financial institution;			(b) type of account;			(c) account number;			(d) name of account;			(e) present balance of account.		
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(e) present balance of account.																			
12	<p>Do you produce a balance sheet of the corporation? If yes—</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>																		
	<p>(a) is it the most up to date balance sheet available?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>																		
	<p>(b) does the balance sheet reflect the corporation's present position? <i>(give differences)</i>.</p>																		

13 What other assets does the corporation have? Give details of all—	
(1) real estate, listing—	
(a) locations (<i>addresses</i>)	
(b) values	
(c) mortgages	
(2) plant and equipment (<i>not included elsewhere</i>) listing—	
(a) a description	
(b) locations	
(c) values	
(d) are there any claims against these items (<i>e.g. finance, etc.</i>)	
(3) motor vehicles, listing for each—	
(a) make/model/condition	
(b) registration number	
(c) lease or other finance details	
(d) value;	
(4) stock (<i>not included elsewhere</i>), listing—	
(a) a description	

(b) locations (*address*)

(c) values

(d) are there any claims against these items (*e.g. finance, etc*)

(5) other deposits, investments, shares and debentures giving for each details of value and in what business/corporation/firm;

(6) forward orders and/or pending contracts;

(7) trademarks, labels, intellectuals property.

14	Is there a registered debenture over the assets of the corporation? If yes, identify the debenture holder, state when the debenture was given and state the amount secured by the debenture.	<input type="checkbox"/> Yes <input type="checkbox"/> No
15	Are there any other unpaid court orders/fines against the corporation? If so, give details of each court order/fine including—	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(a) (<i>for court orders</i>) name/address/phone number of party to whom the money is owed;	
	(b) date of court order/fine;	(<i>dd/mm/yyyy</i>)
	(c) amount outstanding;	\$
	(d) reference number (<i>if any</i>).	
16	What other moneys does the corporation owe, not previously mentioned?	
17	Has the corporation paid any/all of the amount ordered? If so, how much and when?	

18 Do you produce a profit and loss statement of the corporation? If yes—	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) is it the most up to date profit and loss statement available?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) does the profit and loss statement reflect the corporation's present position? (<i>give differences</i>).	
19 Does the corporation have a proposal to pay the amount claimed by the judgment creditor?	

Signature

Recorded at
this ____ / ____ / ____

Before me:

Signature of Registrar

I order the judgment debtor to pay the sum of \$ _____ being the costs of this examination

Filing fee	\$	_____
Hearing fee	\$	_____
Conduct money	\$	_____
Service Fee (<i>including attempt(s) & travelling</i>)	\$	_____
Professional costs	\$	_____
TOTAL	\$	_____

Signature of Registrar

**IMPORTANT
PRE-EXAMINATION INFORMATION**

To the officer of the judgment debtor

You have been served with a Summons to Attend for Oral Examination (*Form 67A*) and an Examination Sheet (*Form 67C*).

The Examination Sheet sets out the questions you will be asked. It may assist you to complete the answers to the questions before the examination is conducted. **You will not have to swear or affirm that the answers on the Examination Sheet are true until the examination is conducted.**

Care must be taken to provide complete and accurate answers as you will be required to take an oath or make an affirmation as to the accuracy of the answers on the day of the examination and the information you provide will be forwarded to the judgment creditor/judgment creditor's Australian lawyers.

If you have difficulty in completing any of the answers or have any other queries about the proceedings, you may contact the Magistrates' Court of Victoria for advice.

Payment toward the judgment debt must be made to the judgment creditor/judgment creditor's Australian Lawyer.