MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 67.01(3)(8)

FORM 67C

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

IN THE MAGISTRATES' COURT Court Number

OF VICTORIA AT

BETWEEN

|  |  |
| --- | --- |
|       | Plaintiff |

Of: *(address)*

and

|  |  |
| --- | --- |
|       | Defendant |

Of: *(address)*

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Document |       |  |  |
| Filed on behalf of: |       |  |  |
| Australian lawyer name: |       | Code: |       |
| Address: |       | Telephone: |       |
| Reference |       |

|  |
| --- |
|       |
| *(Name of person being examined)* |
| an officer of the judgment debtor corporation, having being sworn, 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? | [ ]  Registered[ ]  De-registered |
| 6 | Is the corporation still trading?  | [ ]  Yes [ ]  No |
|  | If not, when did it last trade? |       |
| 7 | What is the nature of the business of the corporation? |       |
| 8 | At what addresses does the corporation carry on business? If the premises are leased, give details of— |       |
|  | (a)  | the name of the landlord |       |
|  | (b)  | the expiration date of the lease |       |
| 9 | What is the corporation's average weekly turnover? |       |
| 10 | Is the company owed any money? If yes, give details, including— | [ ]  Yes [ ]  No |
|  | (a) | who owes you the money |       |
|  | (b) | the address, telephone number and reference of the person or company; |       |
|  | (c) | how much is owed? |       |
|  | (d) | what circumstances give rise to that indebtedness? |       |
|  | (e) | when is the debt due and payable to the corporation? *(give details)* |       |
| 11 | Give details of the corporation’s accounts at any bank/building society/credit union/etc. For each account give details, including— |  |  |  |
|  |  | **Account 1** | **Account 2** | **Account 3** |
|  | (a)  | name and address of financial institution; |       |       |       |
|  | (b) | type of account; |       |       |       |
|  | (c) | account number; |       |       |       |
|  | (d) | name of account; |       |       |       |
|  | (e) | present balance of account. |       |       |       |
|  |  |  |  |  |  |
| 12 | Do you produce a balance sheet of the corporation? If yes— | [ ]  Yes [ ]  No |
|  | (a) | is it the most up to date balance sheet available? | [ ]  Yes [ ]  No |
|  | (b) | does the balance sheet reflect the corporation's present position? (*give differences*). |       |
| 13 | What other assets does the corporation have? Give details of all— |  |
|  | (1) | real estate, listing— |  |
|  |  | (a) | locations *(addresses)* |       |
|  |  | (b) | values |       |
|  |  | (c) | mortages |       |
|  | (2) | plant and equipment (*not included elsewhere*) listing— |  |
|  |  | (a) | a description |       |
|  |  | (b) | locations |       |
|  |  | (c) | values |       |
|  |  | (d) | are there any claims against these items *(e.g. finance, etc.)* |       |
|  | (3) | motor vehicles, listing for each— |  |
|  |  | (a) | make/model/condition |       |
|  |  | (b) | registration number |       |
|  |  | (c) | lease or other finance details |       |
|  |  |  |  |  |
|  |  | (d) | value; |       |
|  | (4) | stock *(not included elsewhere),* 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? | [ ]  Yes [ ]  No |
|  | If yes, identify the debenture holder, state when the debenture was given and state the amount secured by the debenture. |       |
| 15 | Are there any other unpaid court orders/fines against the corporation? If so, give details of each court order/fine including— | [ ]  Yes [ ]  No |
|  | (a) | *(for court orders)*name/address/phone number of party to whom the money is owed; |       |
|  | (b) | date of court order/fine; |       *(dd/mm/yyyy)* |
|  | (c) | amount outstanding; | $ |       |
|  | (d) | reference number (*if any*). |       |
| 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— | [ ]  Yes [ ]  No |
|  | (a) | is it the most up to date profit and loss statement available? | [ ]  Yes [ ]  No |
|  | (b) | does the profit and loss statement reflect the corporation's present position? (*give differences*). |       |
| 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 (*including attempt(s) & travelling*) | $ |       |  |
| 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 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 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.