

Affidavit to ground the application for an order under section 150.

THE HIGH COURT

Record No. COS

In the matter of (insert full name of company)(In voluntary liquidation)

and in the matter of Section 150 of The Companies Act 1990
and Section 56 of the Company Law Enforcement Act 2001

Between

_____ Applicant

and

_____ and _____ Respondents

AFFIDAVIT OF _____

I, _____, liquidator, of _____ aged 18 years and upwards make oath and say as follows:

1. On the ___ day of _____ 20__ it was resolved pursuant to section ___ of the Companies Act 1963 that the above company be wound up and that the deponent herein be appointed to act as liquidator. I beg to refer to a copy of the said resolution which before swearing this affidavit I have marked with the letter "A" and have indorsed my name thereon.
2. _____ and _____ to whom the Notice of Motion herein is addressed were and each of them was a Director of the Company at the date of [or within twelve months prior to] the commencement of its winding up. I beg to refer to a search in the Companies Registration Office in relation to the Company upon which marked with the letter "B" I have signed my name prior to the swearing hereof

and/or

Set out facts which establish any relevant respondent was a director or shadow director within meaning of s. 149 of 1990 Act

3. The Company is [or was at the date of commencement of the winding up] unable to pay its debts within the meaning of Section 214 of the Companies Act 1963. I beg to refer to a Certificate given by me to that effect dated the day of _____ 2003 upon which marked with the letter "C" I have signed my name prior to the swearing hereof.
4. I provided my report to Director of Corporate Enforcement pursuant to Section 56 of the Company Law Enforcement Act 2001 on the ___ day of 200__ and have not been relieved by him of the obligation to bring this application before the Court. I refer to a copy letter from the Director of Corporate Enforcement to that effect dated ___ day of 200__ upon which marked with the letter "D" I have signed my name prior to the swearing hereof.

[Set out all facts applicant considers should be brought to the attention of the court for the purpose of determining

- i. whether each of the respondents has acted honestly in relation to the conduct of the affairs of the company
- ii. whether each of the respondents has acted responsibly in relation to the conduct of the affairs of the company
- iii. whether there is any other reason for which it would be just and equitable to restrict any of the respondents
- iv. if appropriate whether any of the circumstances set out in s.150(2)(b) apply.]

I make this Affidavit from facts within my own knowledge and belief save as where otherwise appears.

SWORN by the said _____ at
in the City of _____ this ____ day of
2003 before me a Commissioner for Oaths / a
practising Solicitor and I know the Deponent

Filed this ____ day of _____ 2003 by _____ Solicitors for the
applicant