

FORM 26

Questions to be put to the Bankrupt by the Official Receiver (Individual in Business) (Section 161 of the Act)

Instructions to Official Receiver:

The following questions, or questions to a like effect, are to be put to the bankrupt personally by the official receiver. The questions should be expanded or supplemented by the official receiver in an endeavour to extract from the examination the maximum of essential information and to determine as nearly as possible the true cause of bankruptcy, the disposition of the property and the conduct of the bankrupt. The bankrupt's books, statements, etc., should be available to the official receiver for reference or for the purpose of a more detailed examination of any phase of the bankrupt's business or conduct which the official receiver may deem warranted.

1. Are you the bankrupt referred to in these proceedings?
2. Have you been made aware of the duties imposed on you pursuant to section 158 of the Act?
3. What is your full legal name, by what other names are you known, and what is your date of birth?
4. Where do you reside? Do you rent or own the property, or does a family member own the property? Give full details.
5. Have you any dependants? If so, give particulars and their ages.
6. Where and under what name did you carry on business?
7. What is the nature of your business?
8. When did you begin the business?
9. What capital did you invest in it, what did the capital consist of, and how much of it was in cash?
10. Was any of the cash borrowed capital and, if so, from whom?
11. Have you any partners in the business or have you had any partners during the past five years? If so, give particulars.
12. What previous experience have you had in conducting a business of this nature?
13. Have you ever been bankrupt before or made a proposal or an arrangement with your creditors, whether personally or as a partner or as an officer of a corporation?

FORM 26 -- *Continued*

14. Did you personally supervise your business?
15. Did you keep a proper set of books? Did you examine your financial position and take stock at regular intervals?
16. (1) Did you keep the following books:
 - (a) Cash book (receipts and disbursements)?
 - (b) Sales book, showing sales on credit?
 - (c) Ledger of accounts receivable?
 - (d) Purchase book, showing purchases on credit?
 - (e) Ledger of accounts payable?
 - (f) General ledger or controlling accounts?
- (2) If so, what periods do these books cover?
- (3) Were the entries in these books made by you? If not, give the names of the persons by whom they were made.
- (4) Were these books audited by a qualified accountant? If so, when and by whom?
- (5) Where are these books now?
- (6) Where are the supporting vouchers (receipts, paid invoices, cancelled cheques or other documents)?
17. When did you first become aware of your insolvency?
18. Did you continue to carry on business or contract liabilities after you knew yourself to be insolvent?
19. Have you made any payments, returned any goods, delivered any property or given any security to any of your creditors during the three months before the date of the initial bankruptcy event or since you became aware of your insolvency, except in the ordinary course of business? If so, give particulars.
20. Did you, within the 12 months before the date of the initial bankruptcy event,
 - (a) execute any bill of sale or mortgage or hypothecate any of your property, or pledge any of your property? If so, give particulars.

FORM 26 -- *Continued*

(b) sell, dispose of, give away or remove any of your property, except in the ordinary course of business?

©) have you sold, disposed of or given away any assets that were purchased on credit before they were fully paid for?

21. Within the 5 years before the date of the initial bankruptcy event

(a) were you a party to any marriage settlement, post-nuptial settlement or other settlement of property?

(b) have you sold any real estate property or any immovable within the last 5 years?

If so, give particulars.

22. Did your business ever show a profit? If so, when did it last do so and what was the cost value of your stock in trade at that time?

23. Since the above date, what have your sales, purchases and operating expenses been and what is the value (cost price) of your stock in trade at present? Enter answers below:

Sales \$ _____

Stock on hand per answer to question 23 _____

Add subsequent purchases _____

Deduct stock on hand at present _____

Add operating costs _____

Cost of sales _____

Profit or loss _____

24. What percentage or mark up did you add to your cost price or prime cost to arrive at your selling price?

25. Have you ever sold any goods at cost price or below cost price and, if so, to whom?

26. How do you account for the loss shown in your answer to question 23?

FORM 26 -- *Continued*

27. How much did you draw from your business for household or personal expenses each year, in the past three years?
28. Does your cash book show all those drawings?
29. Who have you seen for advice with your financial problems?
30. Have you made any recent application for credit?
31. Have you made any major purchases in the past 12 months?
32. When were your credit cards last used?
33. When did you get your credit cards?
34. Have you used your credit card for cash advances, purchases or trips in the last 12 months? If so, give particulars.
35. What is going to happen with your secured liabilities, and on which items are you continuing to make payments?
36. Give the reason for the following debts and when they were incurred or last renewed.
37. Are any of your creditors or customers of your business related to you or your family?
38. Are you involved in a managerial capacity or are you an officer or director in any other business or corporation? If so, give details.
39. What bank account have you maintained in the last two years?
40. Do you own or lease a vehicle?
41. Have you any other assets of any kind not already shown on your statement of affairs? (Either personal or business related.)
42. Have you any other debts or are you co-signed on any debts of any kind not already shown on your statement of affairs?
43. Are you presently employed, if so where and what is your income?
44. Have you any other source of income?
45. What do you believe are the causes of your bankruptcy?

FORM 26 -- *Concluded*

NOTE TO OFFICIAL RECEIVER

Any additional questions put by the official receiver and the answers to them should be entered in the space provided below or on a sheet to be attached to this form.

I, _____, of the _____ of _____ in the Province of _____, do swear (*or* solemnly declare) that to the best of my knowledge the above answers are true in every respect. I understand this examination is being adjourned *sine die* and may be continued at a later date if necessary.

SWORN (*or* SOLEMNLY DECLARED)

before me at _____ (*city, town or village*)

in the Province of _____,

on this _____ day of _____.

Official Receiver for Bankruptcy
Division No _____ of the
Bankruptcy District of _____

Bankrupt