

FORM 535

Subregulation 5.6.49(2)

Corporations Act (2001)

**FORMAL PROOF OF DEBT OR CLAIM
(GENERAL FORM)**

To the Trustee of SWE Creditors' Trust
ABN 51 277 886 068

1. This is to state that Swala Energy Limited ACN 161 989 546 was on 24 June 2016 (*date of voluntary administration*), and still is, justly and truly indebted to:

(full name and address of the creditor and, if applicable, the creditor's partners. If prepared by an employee or agent of the creditor, also insert a description of the occupation of the creditor)
for \$ _____ and _____ cents.

Date	Consideration (state how the Debt arose)	Amount \$ c	Remarks (include details of voucher substantiating payment)

2. To my knowledge or belief the creditor has not, nor has any person by the creditor's order, had or received any satisfaction or security for the sum or any part of it except for the following: *(insert particulars of all securities held. If the securities are on the property of the company, assess the value of those securities. If any bills or other negotiable securities are held, show them in a schedule in the following form).*

Date	Drawer	Acceptor	Amount \$c	Due Date

- *3. I am employed by the creditor and authorised in writing by the creditor to make this statement. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.
- *3. I am the creditor's agent authorised in writing to make this statement in writing. I know that the debt was incurred for the consideration stated and that the debt, to the best of my knowledge and belief, remains unpaid and unsatisfied.

.....
Signature
Occupation:
Address

Dated

Proof of Debt Reference:

Proofs of Debt – guidance notes

(Not to be returned with Form 535 or Form 536)

(Please read carefully before filling in Form 535 or Form 536)

Address: HQ Advisory, PO Box 6230, Swanbourne WA 6010
Contact Name: Richard Abraham
Contact Number: +61 448 543 669
Contact Email: rabraham@hqadvisory.com

It is a creditor’s responsibility to prove a claim in an administration to the satisfaction of the Administrator. This responsibility has been replicated with regard to claims on the OMM Creditors’ Trust to be proved to the satisfaction of the Trustee.

When lodging claims, creditors must ensure that:

- the proof of debt form is properly completed in every particular; and
- documentary evidence, such as that detailed below, is attached to the Form 535 or Form 536.

Directions for completion of a Proof of Debt

- 1 Insert the full name and address of the creditor.
- 2 Under “Consideration” state how the debt arose, for example “goods sold to the company on”.
- 3 Under “Remarks” include details of any documents that substantiate the debt (refer to the section titled “Information to support your claim” below for further information).
- 4 Where the space provided for a particular purpose is insufficient to contain all the required information in relation to a particular item, that information should be set out in an Annexure.
- 5 An Annexure to the form must have an identifying mark and be endorsed with the words:
 “This is the Annexure of pages marked referred to in the Form 535/536 signed by me and dated

 Signature(s) Name of Signatory IN BLOCK LETTERS”
 and signed by each person signing the form to which the document is annexed.
- 6 The pages in the annexure must be numbered consecutively.
- 7 Where a document, copy of a document or other matter is annexed to a form, reference made in the form to the annexure shall be by its identifying mark, the number of pages in it, and a brief description of the nature of the document and its contents.
- 8 A reference to an annexure includes a document, copy of a document or any other matter accompanying, attaching to or annexed to a form.

Information to support your claim

Please note that your debt is not likely to be accepted unless evidence to support its existence is provided. Detailed below are some examples of the type of debt creditors may be claiming and a suggested list of documents, copies of which should accompany a proof of debt for that class of creditor.

Trade Creditors

- Statements and supporting invoices(s) showing the amount of the debt; and
- Advice(s) to pay outstanding invoice(s) (optional).

Guarantees/Indemnities

- Executed guarantee/indemnity;
- Notice of Demand served on the guarantor; and
- Calculation of the amount outstanding under the guarantee.

Judgment Debt

- Copy of the judgment; and
- Documents/details to support the underlying debt as per other categories.

Secured Debt

- Security Documents (eg. mortgage); and
- Statement showing the amount of the debt.

Loans (Bank and Personal)

- Executed loan agreement; and
- Loan statements showing payments made, interest accruing and the amount outstanding as at the date of the administration.

Tax Debts

- Documentation that shows the assessment of debts, whether it is an actual debt or an estimate, and separate amounts for the primary debt and any penalties.

Employee Debts

- Basis of calculation of the debt;
- Type of Claim (eg. wages, holiday pay, etc);
- Correspondence relating to the debt being claimed; and
- Contract of Employment (if any).

Leases

- Copy of the lease; and
- Statement showing amounts outstanding under the lease, differentiating between amounts outstanding at the date of the appointment of the Administrator and any future monies.