

COMMON ERRORS WITH APPLICATIONS SUBMITTED BY

CREDITORS SOLICITORS

BANKRUPTCY PETITION

1. Petition (Form No.11)
 - (a) Petition is not dated
 - (b) Petition has not been validated by the Creditors Company Seal
 - (c) Petition has not been signed by 2 Directors, or 1 Director and 1 Company Secretary, and witnessed by a 3rd party, together with a description of each signatory/witness
 - (d) Paragraph 2 of the Petition is not completed fully
 - (e) Paragraph 4, 5 or 7 has been omitted

2. Affidavit of debt (Form No.12)
 - (a) Incorrect title on the affidavit
 - (b) The terms "was at the date of filing of the petition in this matter" and "still is justly and truly indebted to" omitted from 1st main paragraph.
 - (c) The Affidavit must state if Interest is being waived
 - (d) Second Schedule omitted or not signed by deponent

3. Notice of Motion

Motion is dated by the solicitor before being issued by the Examiner's Office

4. Endorsed Summons
 - (a) Summons has not been endorsed by the Summons Server
 - (b) Method of service has not been confirmed in the endorsement

5. Order of adjudication (Form No.15)
 - (a) Before Mr/Ms Justice omitted at beginning of document
 - (b) Incorrect name in final paragraph (form is often a copy and paste exercise with alterations made thereon to incorporate the current application, but the name of the previous applicant is left instead of inserting the new applicant's name).

6. Notice of Adjudication (Form No.19)
 - (a) Spacing of Title of Form 19 to reflect exactly the template available in Appendix O
 - (b) Old format of form 19 still being used in some cases. As the Statutory Sitting no longer applies in cases adjudicated as and from 1 June 2016, Form 19 should no longer refer to same.

7. Warrant of Seizure (Form No. 46)

- (a) His/her is entered incorrectly
- (b) The body of the Warrant of Seizure contains the words "other like necessities for the Bankrupt" instead of the words "other like necessities for the Bankrupt, the Bankrupt's spouse or civil partner"
- (c) Words omitted from the last line of second paragraph "you shall break open, or cause to be broken open the same for better execution of this warrant"

8. Official Assignee's Receipt for €200

Omitted from papers. Copy of bank transaction not acceptable

9. Consistency when reciting EU Regulation

The papers should all refer either to Council Regulation (EC) 1346/2000 or Regulation (EU) 2015/848. There should not be a reference to one of them in one document and a reference to the other one in a different document.

10. Affidavits in general

- (a) Errors with incomplete jurat (refer to SI 95 of 2009)
- (b) Failure to include filing clause