

## **COMMON ERRORS WITH APPLICATIONS SUBMITTED BY**

### **CREDITORS SOLICITORS**

#### **BANKRUPTCY SUMMONS**

1. Summons
  - (a) Date of service of Particulars of Demand omitted or incorrect date stated
  - (b) Amount sought in the Summons does not reflect same stated in the Particulars of Demand
  - (c) Summons not signed by Solicitor
  - (d) Details of the Particulars of Demand not included in Summons or if included the details are insufficient
  
2. Affidavit for Bankruptcy Summons
  - (a) Incorrect title on Affidavit i.e Affidavit of John Doe instead of Affidavit for Bankruptcy Summons
  - (b) No original or copy exhibits
  - (c) The omission of "and payment of same has been on more than once occasion required of him" (paragraph 2 of Affidavit)
  - (d) The omission of paragraph 3 or 4
  - (e) The Affidavit must state if Interest is being waived
  
3. Evidence of Service of Particulars of Demand
  - (a) Filing of a copy certificate of postage but no original green certificate
  
4. No Judgment/Document/Agreement governing the amount owing
  
5. Affidavits in general
  - (a) Errors with incomplete jurat (refer to SI 95 of 2009)
  - (b) Failure to include filing clause