

How to Apply to the Official Receiver to Lay Claim to Asset(s) Belonging to a Company which has been Dissolved or Struck Off ("Defunct Company")

A Instructions to Applicant

- 1) You are required to complete the Application Form.
- 2) You are required to liaise with the director(s) and / or shareholder(s) of the Defunct Company to complete the Declaration Form. If the Declaration Form cannot be completed, you must provide a full explanation as to why this cannot be completed.
- 3) You must furnish the documents in paragraph B below to support the application.
- 4) The completed Application Form, Declaration Form and supporting documents must be sent to the Official Receiver ("OR") at the address stated in paragraph E.
- 5) You need not fill in the enclosed Deed of Indemnity on your own. Upon submission of the Application Form and the required documents, the OR will contact you to attend at our office to execute the Deed of Indemnity, before paying out the moneys. You are however advised to read and take such measures to understand the terms of the Deed of Indemnity before attending at our office to execute it.

B Documents Required to Support Application

- 1) Where the Applicant is a Creditor / Shareholder
 - a) Photocopy of the Identity Card / Passport of the Applicant and Witness.
 - b) An extract of the Applicant's bank statement / online banking page indicating the payee's name and account number; or a copy of the first page of the Applicant's bank passbook.
 - c) Documents indicating that the company has been dissolved / struck off e.g. Notice from ACRA confirming that the company has been dissolved / struck off etc.
 - d) Documents (where applicable) showing that authorisation(s) has / have been granted by the relevant person(s) / party(s) for laying claim(s) on his / their behalf e.g. Authorisation Letter(s) from creditor(s) or shareholder(s), Power of Attorney, Letters of Administration, Grant of Probate etc.
 - e) The latest financial statement / management accounts of the Defunct Company.
 - f) Documents evidencing the existence of the outstanding asset(s).
 - g) Any other documents to support the application.
- 2) Where the Applicant is a Creditor
 - a) Proof-of-Debt (Form 77) with the relevant supporting documents to substantiate the claim.
- 3) Where the Applicant is a Shareholder
 - a) Documents evidencing that there is no outstanding debt or liability owing by the Defunct Company that is payable now or in the future.

C Fees Chargeable

The fees chargeable by the Official Receiver are stipulated in the Schedule under the Fees (Winding up and Dissolution of Companies and Other Bodies) Order 2005:

- 1) Administrative Fee;
- 2) Realisation Fee;
- 3) Distribution Fee;
- 4) Application Fee; and
- 5) Payment Processing Fee.

D More Information

For more information, please refer to our website at:

<http://www.mlaw.gov.sg/content/io/en/corporate-insolvency/defunct-companies.html>.

E Contact Information

Address: The Insolvency Office, 45 Maxwell Road #07-11, The URA Centre (East Wing), Singapore 069118

Tel: 1800-CALL-LAW (1800 2255 529)

Application to the Official Receiver to Lay Claim to Asset(s) Belonging to a Company which has been Dissolved or Struck Off ("Defunct Company")

(Please use one sheet per Applicant.)

A. Details of Applicant

Name: _____ Contact No: _____
 Identity Card / Passport* No: _____ Email: _____
 Address: _____

Relationship between you and the Defunct Company: Creditor / Shareholder / Others*

If others, please specify: _____

(Applicable to Shareholder)

Does the company have any known debt(s)? : Yes / No*

If yes, please specify the creditors: _____

(Applicable to Creditor)

Are you the only creditor?: Yes / No*

If no, please specify the other creditors: _____

If you are representing a Company for this application, please indicate the Company's name: _____

B. Information on the Defunct Company

Name: _____ UEN No: _____
 Status of the Company: Dissolved / Struck Off*
 Dissolved / Struck Off Date: _____

* *(Delete where inapplicable)*

C. Details of Asset(s) to be Administered

| S/N | Type of Asset | Location of Asset | Value of the Asset |
|-----|---------------|-------------------|--------------------|
| | | | |
| | | | |

Declaration by Applicant

I confirm that the information which I have provided above are true and accurate to the best of my knowledge and understand that if I give false information to a public servant, I may be subject to the penalties under section 182 of the Penal Code (Cap. 224).

I also confirmed that the documents which I have furnished are genuine and accurate to the best of my knowledge.

Name and Signature of Applicant
 Date: _____

Name and Signature of Witness
 Identity Card / Passport No:
 Date: _____

Declaration by Director or Shareholder of Defunct Company

As far as possible, this section must be filled in by every person who was a registered director and / or shareholder of the Company on the date it was Dissolved or Struck Off. The details of the director and / or shareholder of the Company are available in the ACRA Search. (Please use one sheet per declarant.)

IN THE MATTER OF _____
(Name of Defunct Company)

UEN No: _____
 Name of Director / Shareholder*: _____
 Identity Card / Passport* No: _____
 Address: _____

A) Declaration by Director / Shareholder*

I, the above-named Director / Shareholder*, do solemnly and sincerely declare that the abovementioned Company has no outstanding debt or liabilities, whether at present or in the future, owing to any person or organisation, and is not involved in or threatened with any legal proceedings within or outside Singapore. I confirm that this information is true and accurate to the best of my knowledge and belief, and understand that if I give false information to a public servant, I may be subject to the penalties under section 182 of the Penal Code (Cap. 224).

Name and Signature of Director / Shareholder*
 Date:

B) Non-Declaration by Director / Shareholder (if applicable)

If the above declaration cannot be made, the Applicant must provide an explanation for the non-declaration.

Explanation:

Name and Signature of Applicant
 Identity Card / Passport* No:
 Date:

*** (Delete where inapplicable. Where the declarant is both a Director and a Shareholder of the Defunct Company, he / she is to make the declaration in his / her capacity as Director only, and delete "Shareholder" as inapplicable.)**

DEED OF INDEMNITY

This Deed of Indemnity is made on the _____ day of _____ 20_____.

BETWEEN

1. The Official Receiver, care of the Insolvency Office of the URA Centre (East Wing), 45 Maxwell Road #07-11, Singapore 069118 (hereinafter called the "OR"); and
2. _____, Identity Card / Passport No*.:
(Name of Applicant)
_____ of _____
(Address)
(hereinafter called "the Applicant").

WHEREAS

3. _____, UEN No: _____
(Name of Defunct Company)
_____ (the "Company") was struck off from the Registry of Companies /
dissolved on _____.
(Date of Dissolution)
4. The Applicant is the sole creditor / a shareholder* of the Company as at _____.
(Date of Dissolution)
5. The Applicant confirms that there is no creditor / no other creditor* of the Defunct Company as at _____.
(Date of Dissolution)
6. Assets with a gross value of S\$_____ belonging to the Company are currently vested in the OR pursuant to section 346 of the Companies Act (Cap. 50).
7. The Applicant is desirous of the OR acting on the Company's behalf to pay the net sum of the assets (after deduction of the OR's statutory fees and costs) of S\$_____ (hereinafter called "the Net Sum") to him / her.

*** (Delete where inapplicable.)**

IT IS HEREBY AGREED as follows:-

In consideration of the OR paying the Net Sum to the Applicant, the Applicant hereby fully indemnifies and holds harmless the OR, her officers and the Government of the Republic of Singapore (hereinafter called "the Government") against all liabilities and costs in respect of the payment of the Net Sum in the event of the OR, her officers or the Government –

- (a) receiving any demand or claim in respect of such payment;
- (b) being held liable for any loss or damage caused by such payment; and / or
- (c) incurring or being held liable to pay such costs, fees, charges and expenses in respect of any such demand, claim or liability.

SIGNED, SEALED AND DELIVERED BY THE PARTIES:
In witness whereof this Deed has been executed by the parties hereto on the date stated at the beginning.

Name and Signature of Applicant

Name and Signature of Witness
Identity Card / Passport No:

The COMMON SEAL of
THE OFFICIAL RECEIVER, SINGAPORE
was hereunto affixed
in the presence of:

)
)
)
)

Name and Signature
Assistant Official Receiver
for Official Receiver
Date:

Name and Signature of Witness
Date: