

WBL Logbook Sheet Template

1	1.2	2
Evidence provided		
e.g. letter to client dated 01.01.2017, Telephone attendance note dated 01.01.2017		
<ol style="list-style-type: none"> 1. Copy Application Notice to Annul a Bankruptcy Order 2. Copy Witness Statements in support dated 4 December 2020 3. Copy letter to the Court filing the application and supporting evidence dated 8 December 2020. 4. E-mail to the Official Receiver dated 17 December 2020 serving the application, supporting evidence and notice of hearing. 		
Explain how the example meets the learning Outcome and how the evidence shows this		
<p>Legal Procedure:</p> <p>An application to annul a bankruptcy order is governed by Section 282 of the Insolvency Act 1986 and rule 10.132 of the Insolvency (England and Wales) Rules 2016.</p> <p>Explain how it applies to the matter:</p> <p>My client was subject to a bankruptcy order made against him. However, he had obtained sufficient funds in which to repay all outstanding creditors. He therefore wished to annul the bankruptcy order which had been made against him.</p> <p>Explain how this procedure has been used:</p> <p>Under Section 282(1)(b) of the Insolvency Act 1986, the Court may annul a bankruptcy order if at any time it appears that the bankruptcy debts and the expenses of the bankruptcy have all, since the making of the order, been either paid or secured for to the satisfaction of the Court.</p> <p>Since my client had paid all outstanding creditors, I proceeded with an application under Section 282(1)(b) of the Insolvency Act 1986. When making the application I considered and followed the rules set out in Rule 10.132 of the Insolvency (England and Wales) Act 2016. In particular:</p> <ul style="list-style-type: none"> • Rule 10.132(1)(a) and (b) - the application must specify whether it is made under subsection. • Rule 10.132 (2) - the application must also be supported by a witness statement stating the grounds upon which it is made. • Rule 10.132(4) - a copy of the Application and Witness Statement in support must be filed with Court. • Rule 10.132(7) - the applicant must deliver notice of the venue, accompanied by copies of the application and supporting witness statement, to the Official Receiver, not less than 28 days before the hearing. <p>In compliance with rule 10.132 (listed above), the application notice specified that the application was made under Section 282(1)(b) in that my client had paid all debts and expenses of his bankruptcy. The Application was filed with Court together with two Witness Statements in support which stated the grounds upon which the application was made.</p>		

I filed the Application and supporting evidence with Court and, once the sealed application was received from the Court together with notice of the hearing date (listed for 23 March 2021), the same was served on the Official Receiver on 17 December 2021 (over 28 days prior to the hearing).

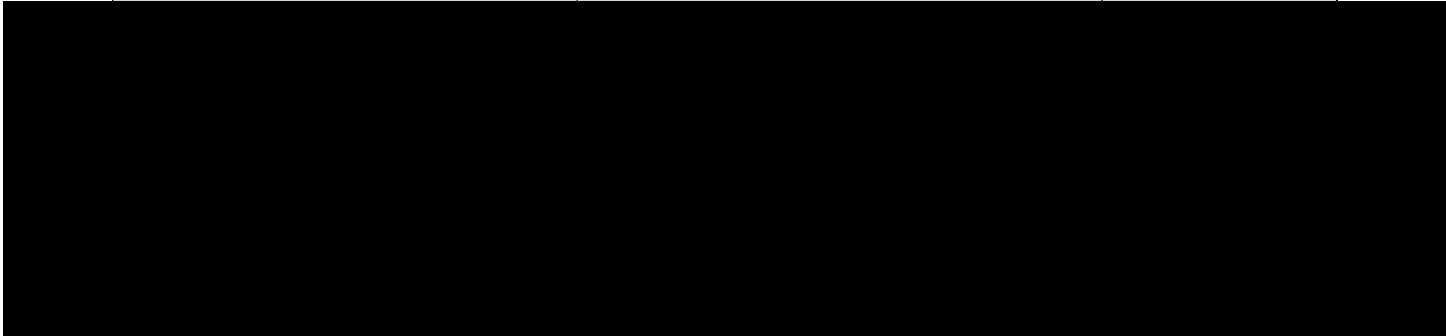
1.2 Example 2 – Logsheet

Reflection and evaluation

Describe what you learnt from the activity you undertook to meet the Learning Outcome. You may want to complete this section at a later date once you have had time to reflect on your practice and experience.

It is important to consider and check the relevant law applicable when proceeding with an application so that the legal basis and correct procedure is followed. This is to ensure that no problems are encountered following the filing of the application which may result in either an amendment or the application being dismissed.

Date work completed: (i.e. evidence date)	17/12/2020	
Applicant's Name	Applicant's signature <small>I confirm that the work within the evidence is my own</small>	Date



Court Reference No. [REDACTED]

IN THE COUNTY COURT AT CROYDON
BUSINESS AND PROPERTY WORK
IN BANKRUPTCY

IN THE MATTER OF [REDACTED]

AND IN THE MATTER OF THE [INSOLVENCY ACT 1986](#)

AND IN THE MATTER OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016

BETWEEN

[REDACTED]

Applicant

and

[REDACTED]

Respondent

APPLICATION NOTICE

1 This application is made under Section 282(1)(b) of the [Insolvency Act 1986](#).

2 The Applicant is [REDACTED].

3 The Respondent is the Official Receiver, [REDACTED].

4 The application concerns [REDACTED], who was declared bankrupt on [REDACTED].

5 This application is made to the District Judge in the County Court [REDACTED].

6. The Applicant seeks the following orders:

6.1 that the bankruptcy order dated [REDACTED] made against the Applicant be annulled on the ground that the bankruptcy debts and expenses of the bankruptcy have all been paid.

6.2 for such further or other relief as to this Court shall seem just or appropriate.

7 The matters on which the Applicant relies are set out in the witness statements of [REDACTED] and [REDACTED] both dated 4 December 2020.

8 The names and addresses of the person on whom it is intended to serve this application in accordance with the Insolvency Act 1986 or the Insolvency (England and Wales) Rule 2016 are:

The Official Receiver

[REDACTED]
[REDACTED]
[REDACTED]

9 The address for service of the Applicant is: c/o [REDACTED] LLP, 3 [REDACTED]
[REDACTED]

Statement of Truth

I understand believe that the facts stated in this Application are true and that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

[REDACTED]

Solicitor for the Applicant

[REDACTED]

Partner

Endorsement by the Court

This application will be heard:

Date:

Time:

Place:

If you do not attend the court may make such order as it thinks just.

[REDACTED]
[REDACTED]

Applicant

First

Date: 4/12/20

Court Reference No. [REDACTED]

IN THE COUNTY COURT AT [REDACTED]
 BUSINESS AND PROPERTY WORK
 IN BANKRUPTCY
 IN THE MATTER OF [REDACTED]
 AND IN THE MATTER OF THE [INSOLVENCY ACT 1986](#)
 AND IN THE MATTER OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016
 BETWEEN

[REDACTED]

Applicant

and

THE OFFICIAL RECEIVER

Respondent

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED], of [REDACTED], the above named Bankrupt, will say as follows.

1. I am the Applicant and Bankrupt in these proceedings and I make this statement in support my application for an annulment order pursuant to Section 282(1)(b) of the Insolvency Act 1986. Unless otherwise stated, the contents of this statement are based on my own knowledge and are true to the best of my knowledge. Where the matters to which I refer are derived from other sources, I have explained the source of my information and the matters are true to the best of my belief.
2. On [REDACTED] a petition was presented against me in this Court upon which on [REDACTED] a bankruptcy order was made.
3. On [REDACTED] I provided to the Official Receiver a questionnaire which included details of my assets and liabilities. The following day on 1 October 2020 I notified the Official Receiver that I had inadvertently omitted to include details of my liability to the petitioning creditor, [REDACTED]. Copies of the questionnaire and my correspondence in this respect are exhibited at DMF 1

pages 1 to 23. The list of my secured creditors is at page 13 and the list of my unsecured creditors is at page 15.

4. On 6 October 2020 I received a letter from [REDACTED] relating to a liability to the company of which I am a director and shareholder, [REDACTED]. I am a guarantor of the company's liability and [REDACTED] have chosen to call in the loan. A copy of the letter is at [REDACTED] page 24.

5. I have read the witness statement of [REDACTED] of [REDACTED] LLP dated 4 December 2020 and which I believe will be filed in these proceedings. As [REDACTED] notes, I have instructed [REDACTED] to make the Application on my behalf. According to [REDACTED], two of my creditors, [REDACTED] and [REDACTED] have notified him of unsecured liabilities due from me in excess of those set out in the information I provided to the Official Receiver (I had originally considered that all of my liability to [REDACTED] was secured), but I have accepted their figures for my liability in these proceedings.

6. I set out in the table below the full extent of my secured and unsecured creditors ("the Table"). The Table provides details of the security held by those creditors I consider to be adequately secured.

SECURED CREDITORS

Creditor	Description of Liability	Amount of Liability	Security Held & Value
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	C [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

UNSECURED CREDITORS

Creditor	Description of Liability	Amount of Liability (£)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

7. I am informed by my wife, [REDACTED], and I believe, that she has arranged for payment of my unsecured creditors marked with an asterisk in the Table. There is now produced and shown to me marked [REDACTED] pages 25 to 27 true copies of documents confirming payment of my liabilities to [REDACTED] [REDACTED] referred to in the Table.
8. According to [REDACTED] his firm has arranged for payment of those of my creditors which are not secured and not already paid by my wife. I can confirm that I am not aware of any unsecured creditors other than those listed above.
9. I respectfully ask that the bankruptcy order be annulled and the petition be dismissed.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

[REDACTED]

Full name [REDACTED]

Dated 4th of December 2020

Applicant

[REDACTED]

First

Exhibit: [REDACTED]

Date: 04/12/2020

Court Reference No. [REDACTED]

IN THE COUNTY COURT AT CROYDON
BUSINESS AND PROPERTY WORK
IN BANKRUPTCY
IN THE MATTER OF [REDACTED]
AND IN THE MATTER OF THE [INSOLVENCY ACT 1986](#)
AND IN THE MATTER OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016
BETWEEN

[REDACTED]

Applicant

and

THE OFFICIAL RECEIVER

Respondent

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] in the firm of [REDACTED] [REDACTED] say
as follows:

- 1 I am a [REDACTED] in the firm of [REDACTED] [REDACTED] and have conduct of this action on behalf of the Applicant on whose behalf I am authorised to make this Statement.
- 2 I make this Statement in support of the Application Notice dated 4 December 2020 for an annulment order made pursuant to Section 282(1)(b) of the Insolvency Act 1986 ("the Application").
- 3 Except where it appears to the contrary, the contents of this Witness Statement are derived from my own knowledge and are true to the best of my knowledge, information and belief.
- 4 I have read the draft witness statement of the Applicant which he has told me and I believe he will sign with a statement of truth. As noted by the Applicant he instructed my firm to make the Applica-

tion and to that end his wife, [REDACTED], provided funds to enable us to pay off the Applicant's unsecured creditors which his wife had not already paid direct.

5 I can confirm that my firm has used the monies transferred by [REDACTED] to pay the sums due to the Applicant's creditors according to the information provided by the Applicant and our own correspondence with the Applicant's creditors which I refer to at paragraphs 6 and 7 below.

6 The petitioning creditor, [REDACTED], is represented by [REDACTED]. I contacted the solicitor with conduct of the petition, [REDACTED], by email on [REDACTED] requesting details of the total amount due to his client. [REDACTED] responded on [REDACTED] and informed me that the sum due was [REDACTED]. On [REDACTED] this sum was paid by electronic transfer from my firm's client account. Copies of my correspondence with [REDACTED] referred to above and his colleague [REDACTED] confirming receipt of payment are at pages 1 to 11 [REDACTED].

7 On 12 November 2020 I sent an email to [REDACTED], a creditor of the Applicant, seeking confirmation that the Applicant [REDACTED] the sum of [REDACTED] of which [REDACTED] is secured on the Applicant's property, leaving an unsecured sum due to [REDACTED]. [REDACTED] confirmed that was correct in his email to me of the same date. He confirmed receipt of payment of the sum of [REDACTED] from my firm's client account by an email also dated 12 November 2020. Copies of the emails are exhibited at pages 12 to 17 [REDACTED].

8 I set out below details of when payments were made by my firm to the Applicant's creditors. I can confirm that the payments were all made to the creditors listed in the table below on the dates shown. None of the payments have been returned and I believe that all of the Applicant's creditors identified in the table below have now been paid the sum due to them from the Applicant.

Creditor	Description of Liability	Amount of Liability (£)	Date Paid
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

9 For the reasons set out above I respectfully submit that the Bankruptcy Order dated [REDACTED] [REDACTED] be annulled and the Petition be dismissed pursuant to Section 282(1)(b).

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

[REDACTED]
Signed

Full name [REDACTED]

Dated 4th day of December 2020

Our ref [REDACTED]
Your ref [REDACTED]

The Court Manager
The County Court at Croydon

[REDACTED]
[REDACTED]
[REDACTED]

Direct tel +44 (0)333 [REDACTED]
Direct fax +44 (0)333 [REDACTED]

Date 8 December 2020
Email [REDACTED]

Dear Sirs

**Applicant – [REDACTED]
Respondents – The Official Receiver
No. [REDACTED]
Application for an annulment of a Bankruptcy Petition.**

We act for the Applicant, [REDACTED] and now enclose:

1. Application Notice together in triplicate;
2. Witness Statement of [REDACTED] together exhibit [REDACTED] in triplicate
3. Witness Statement of [REDACTED] together with exhibit [REDACTED] in triplicate

Please debit the Court fee payable for the application using our PBA Number [REDACTED].

We would be grateful if the application could be issued and sealed copies returned to us for service.

The estimated length of hearing is 15 minutes together with 15 minutes reading time.

Please contact the writer using the email above, [REDACTED] or [REDACTED] at [REDACTED] if you have any queries.

Yours faithfully



[REDACTED]

To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [REDACTED] (In Bankruptcy) [REDACTED]
Attachments: Sealed Order and Application.PDF

Good afternoon [REDACTED],

I write further to your exchange of e-mails with [REDACTED] (see below).

Please find enclosed:

1. Notice of Hearing;
2. Sealed Application Notice
3. Witness Statement of [REDACTED]; and
4. Witness Statement of [REDACTED]

You will note that the application has been listed for hearing on 23 March 2021 at 10:30 and which will be heard by way of telephone. Could you please provide me with the appropriate contact details so that I may confirm the same to the Court.

Please confirm if you would like hard copies of the above documents to be sent by way of post?

Kind regards

[REDACTED]

[REDACTED]