

THE STATE COURTS OF SINGAPORE

**EXAMINATION OF
JUDGMENT DEBTOR
TOOLKIT**

1. INTRODUCTION TO EXAMINATION OF JUDGMENT DEBTOR PROCEEDINGS

After a civil action is filed in Court, the Judgment Creditor (the winning party in a lawsuit) may apply by summons for the Judgment Debtor (the losing party in a lawsuit) to be examined on oath to determine what assets are available to satisfy the judgment debt.

Before the hearing of the Summons, the Judgment Creditor would have served on the Judgment Debtor the court order requiring the Judgment Debtor to attend court on a certain date for the hearing. This court order will also enclose a questionnaire which the Judgment Debtor will be required to complete and will state a list of documents which the Judgment Debtor has to provide in support of his answers stated in the questionnaire.

After completing the questionnaire, the Judgment Debtor should serve the completed questionnaire on the Judgment Creditor's lawyers prior to the court hearing. The Judgment Creditor's lawyers may also examine the Judgment Debtor further at the hearing in court in relation to the assets.

If the Judgment Debtor fails to turn up in Court on the date of the hearing, there are legal provisions for committal proceedings to commit the Judgment Debtor to prison.

2. USING THE EXAMINATION OF JUDGMENT DEBTOR TOOLKIT

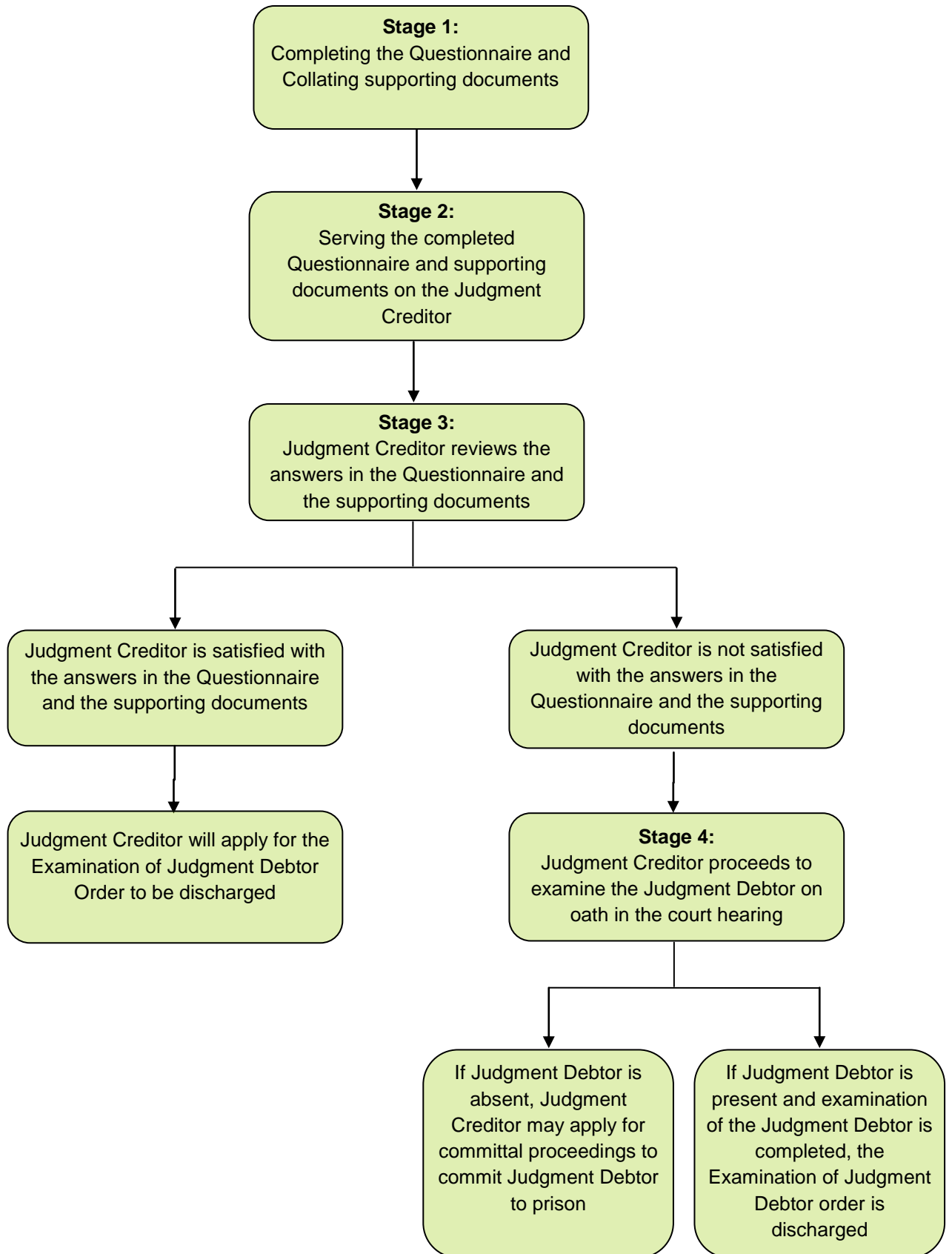
The State Courts have prepared an Examination of Judgment Debtor Toolkit to assist litigants-in-person in such proceedings.

3. SEEKING LEGAL ADVICE

You will appreciate that the facts of each matter are not the same. As the State Courts are not in a position to provide legal advice, you may wish to seek your own legal advice if you are still unclear as to how to proceed after reviewing this Toolkit. You may wish to consider approaching the following organisations for free legal advice:

- (i) the Pro Bono Services Office located at the State Courts, Level 5 (<http://www.lawsociety.org.sg>);
- (ii) selected Community Clubs, a list of which may be found at <http://www.pa.gov.sg>; or
- (iii) the Legal Aid Bureau (<http://www.lab.gov.sg>).

4. OVERVIEW



5. STAGE 1: COMPLETING THE QUESTIONNAIRE AND COLLATING THE SUPPORTING DOCUMENTS

(a) Provide answers to the Questionnaire which was served on you by the Judgment Creditor's lawyer.

(Form 16 is for individuals and Form 17 is for officers of a company)

(b) Soft copies* of Forms 16 and 17 are available for downloading at the State Courts website. <http://www.judiciary.gov.sg>

*** Please ensure that the soft copy of the form you use is the same as the one served on you by the Judgment Creditor's lawyers.**

(c) Make a photocopy of all documents listed in the Questionnaire.

- Some examples of supporting documents are:
 - i. Bank statements for last 6 months;
 - ii. Payslips for past 3 months;
 - iii. Income tax returns;
 - iv. Central Depository statements (for shares, bonds and/or unit trusts);
 - v. Motor vehicle log card / registration details;
 - vi. Lease agreements, title deeds.

6. STAGE 2: SERVING THE COMPLETED QUESTIONNAIRE AND SUPPORTING DOCUMENTS ON THE JUDGMENT CREDITOR

Send the completed Questionnaire and accompanying documents to the Judgment Creditor's lawyers by post or by hand

(a) The Judgment Creditor's address, or name and address of the Judgment Creditor's lawyers, can be found in the letter enclosing the Questionnaire that was sent to you.

(b) Please note that failure to provide the above to the satisfaction of the Judgment Creditor's lawyers will cause the hearing to be adjourned and you may have to return to Court again on another date.

5. STAGES 3 AND 4: JUDGMENT CREDITOR REVIEWS THE COMPLETED QUESTIONNAIRE AND THE SUPPORTING DOCUMENTS AND DECIDES TO PROCEED WITH THE EXAMINATION OF THE JUDGMENT DEBTOR IN COURT HEARING

The Examination of Judgment Debtor hearing will be before a Deputy Registrar in Chambers at the Civil Registry, State Courts, Level 1.

You should bring the following documents to the hearing:

- (a) Your NRIC or Passport or other photo identification
- (b) The completed Questionnaire AND copies of all documents requested in the Questionnaire if this has not already been provided to the Judgment Creditor's lawyers beforehand.

If the Judgment Creditor's lawyers are satisfied with the answers provided in the Questionnaire and the supporting documents, they will apply to the Deputy Registrar for the Examination of Judgment Order to be discharged at the hearing.

If the Judgment Creditor's lawyers are not satisfied with the answers and the documents you have provided, they will proceed to examine you in Court before the Deputy Registrar.

- (a) You may have to answer questions on oath and produce supporting documents.
- (b) You may be required to file an affidavit (sworn statement) or statutory declaration if the Judgment Creditor's lawyers request that you do so.
- (c) If you require an interpreter to assist you at the hearing, please inform the counter staff at the Civil Registry when you arrive for the hearing.

If you do not attend the hearing, the Judgment Creditor's lawyers may apply to Court to commence committal proceedings against you to commit you to prison.

If you are present at the hearing and the Judgment Creditor's lawyers have examined you, the Examination of Judgment Debtor order is discharged

SAMPLE

(Title as in the action)

**QUESTIONNAIRE FOR THE EXAMINATION OF
(NAME OF INDIVIDUAL JUDGMENT DEBTOR)**

Please be informed that you, (name of judgment debtor), have been summoned by the abovementioned judgment creditor to attend at the State Courts on (date and time) to —

- (a) provide answers to the questions set out herein; and
- (b) produce documents set out below:
 - (i) your bank statements for the past 6 months;
 - (ii) your payslips for the past 3 months;
 - (iii) your income tax returns and Form IR8A for the last period of assessment;
 - (iv) your last 3 statements from the Central Provident Fund (CPF) Board;
 - (v) your last 3 statements from the Central Depository (CDP) and/or your securities broker or fund manager in respect of your shares, bonds and/or unit trusts;
 - (v) your motor vehicle log card/printout of your vehicle registration details and hire purchase agreement in respect of your motor vehicle;
 - (vi) your lease agreements, title deeds or certificates of title in respect of your properties, or your rental agreements.

Please answer these questions carefully as the Court will require you to confirm on oath that your answers are true to the best of your knowledge, information and belief. Please bring this completed questionnaire and the documents with you at the Court hearing.

IMPORTANT NOTICE: You are required to attend the hearing unless you have obtained the consent of the judgment creditor to dispense with your attendance in Court or to discharge the Order requiring your attendance. If you fail to attend the hearing without obtaining the consent of the judgment creditor, the judgment creditor may commence committal proceedings against you for your failure to attend Court. The penalty that may be imposed by Court for such failure is fine and/or imprisonment.

You may therefore wish to contact the solicitor for the judgment creditor (name of law firm and solicitor having conduct of the case) at (address and telephone contact no.) to obtain the consent of the judgment creditor for the necessary dispensation and discharge. You may also choose to engage your own solicitor to advise you on your rights and duties in relation to these proceedings.


Personal particulars

1.	Full Name:
2.	NRIC/Passport No.:
3.	Home Address:
4.	Mobile Number:
5.	Email Address:

Work particulars

6.	Occupation:
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7	If you are an employee, please state the following:
(a)	the name and address of your employer;
(b)	your monthly income; and
(c)	when your monthly income is paid to you and how you are paid (whether by GIRO or otherwise).

 Income includes salary, allowances, commissions and bonuses

8.	If you are self-employed, please state the following:
(a)	the name and address of your business (sole proprietorship or partnership);
(b)	the nature of the business; and
(c)	your monthly income including salary, allowances, commissions and

bonuses.

9. Aside from your income from your employment, please state all your other sources of income and the amount received.

i Sources of income includes rental, dividends, royalties from intellectual property.

Particulars of your Debtors

10. Please state whether you have any debtors.
Yes / No. If yes, please provide the details in Annex A

i Debtors are people who owe you money.

Particulars of your immovable properties situated locally or overseas

11. Please state the following if you own any immovable property locally or overseas:
(a) the address(es) of property owned;
(b) the names of joint-owners (if any); and
(c) the names of mortgagee/chargee (if any) and the amount outstanding.

i Immoveable property means houses, apartments etc.

12. Please state if you are leasing any immovable property.
Yes / No. If yes, please provide the details in Annex B.


13. Please state if you have any tenants/subtenants in respect of your owned or leased properties.
Yes/No. If yes, please provide the details in Annex B.

Particulars of your motor vehicles

14. Please state if you own a motor vehicle. Yes/No. If yes, please provide the details in Annex B.
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Particulars of your bank accounts

15. Please state the following if you have any bank accounts or safe deposit boxes:
(a) name and branch of the Bank where your account or safe deposit box is maintained;
(b) the account number;
(c) type of account held (e.g. current, savings, fixed deposit, overdraft);
(d) name of joint account holder (if any);
(e) the balance due to you at this date (for fixed deposits, please state the date of maturity and the amount due to you at that date)

 Bank accounts include accounts held in your sole name or jointly with others.

Particulars of your other assets

16. Please state if you have any insurance policies. Yes/No. If yes, please provide details in Annex C
17. Please state if you own any shares and/or unit trusts. Yes/No. If yes, please provide details in Annex C
18. Please state if you are a beneficiary under any trust, will or estate in intestacy. Yes/No. If yes, please provide details in Annex C

19. Please state if you are a member (whether in Singapore or overseas) of any country clubs, timeshare holiday clubs.

Yes/No. If yes, please provide details in Annex C

20. Please state if you own any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings).

Yes/No. If yes, please provide details in Annex C

21. What offer of repayment do you wish to make to the judgment creditor?

Additional questions by the judgment creditor

22. (Please state additional questions if any.)

Confirmation statement

I, _____ (name of judgment debtor and NRIC No.) confirm that my answers to the questions above are true to the best of my knowledge, information and belief.

(Signature of judgment debtor)

Dated this day of 20

ANNEX A

Particulars of Debtors and Creditors

(From Question 10)

(1) Please list the names of your **debtors** (i.e. people who owe you money) as follows:

<u>Name</u>	<u>Contact Particulars</u>	<u>Amount owed</u>	<u>Due date for payment</u>	<u>How did the debt arise?</u>

(2) Please state the following if you have commenced legal proceedings against your **debtors** to recover your debt:

<u>Name of Debtor</u>	<u>MC/DC/Suit No.</u>	<u>Amount claimed</u>	<u>Status of action</u>

ANNEX B

Particulars of Property Owned or Rented

(From question 12)

Please provide details of the immovable property that you have leased out:

- (3) Name of landlord:

- (4) Address of rented property:

- (5) Period of tenancy:

- (6) Amount of monthly rental paid and due date of rental:

- (7) Whether there is any written tenancy agreement:

(From question 13)

Please provide details of the tenancy of any immovable property that you own:

- (8) Name of tenant:

- (9) Address of tenanted property:

- (10) Period of tenancy:

- (11) Amount of monthly rental received and due date of rental:

- (12) Whether there is any written tenancy agreement:

(From question 14)

Please provide details of any motor vehicles that you own:

- (13) The registration number of the motor vehicle(s):

- (14) The colour and make of the motor vehicle(s):

- (15) Whether the motor vehicle(s) is/are on hire purchase:

- (16) If on hire purchase, the name of the finance company and the amount outstanding under the hire purchase agreement:

ANNEX C

Particulars of Other Assets

Insurance Policies (From Question 16)

<u>Name of Insurer</u>	<u>Type of policy/ Policy No.</u>	<u>Amount insured</u>	<u>Monthly premium payable</u>

- (17) Please identify the beneficiaries under your insurance policies apart from yourself:
- (18) If applicable, please state the dates when each of your insurance policies will mature and the surrender value as at this date:

Shares (From Question 17)

- (19) If you own shares, please state the name of the company and the number of shares held. If you use a securities broker, please give particulars:
- (20) If you own unit trusts, please state the name of the bank/financial institution managing your unit trusts:
- (21) Please state the estimated value of the shares/unit trusts:

Beneficiary of trust, will or estate in intestacy (From Question 18)

- (22) Please state the name of the person managing your beneficial interest i.e. your trustee, executor (where the deceased left a will) or administrator (where the deceased left no will):
- (23) Please state the name of the party leaving you the beneficial interest:
- (24) Please state the value of your interest:
- (25) If probate or letters of administration have been granted, please state the case no. for the grant:

Other Assets (From Question 20)

- (26) Please provide details of the assets listed in Question 20 and state the estimated value of each asset and the basis for the estimation:

Form 45

SAMPLE

(Title as in the action)

QUESTIONNAIRE FOR THE EXAMINATION OF (NAME OF OFFICER OF JUDGMENT DEBTOR)

Please be informed that you, (name of officer of judgment debtor), have been summoned by the abovementioned judgment creditor to attend at the State Courts on (date and time) to:

- (a) provide answers to the questions set out herein; and
- (b) produce documents set out below:
 - (i) the Company's bank statements for the past 6 months;
 - (ii) the Company's audited returns for the last period of assessment;
 - (iii) the Company's last 3 statements from the Central Provident Fund (CPF) Board;
 - (iv) the Company's last 3 statements from the Central Depository (CDP) and/or its securities broker or fund manager in respect of its shares, bonds and/or unit trusts;
 - (v) the Company's motor vehicle log card/printout of its motor vehicle registration details and hire purchase agreement in respect of the Company's motor vehicle;
 - (vi) the Company's lease agreements, title deeds or certificates of title in respect of its properties, or its rental agreements.

Please answer these questions carefully as the Court will require you to confirm on oath that your answers are true to the best of your knowledge, information and belief. Please bring this completed questionnaire and the documents with you at the Court hearing.

IMPORTANT NOTICE: You are required to attend the hearing unless you have obtained the consent of the judgment creditor to dispense with your attendance in Court or to discharge the Order requiring your attendance. If you fail to attend the hearing without obtaining the consent of the judgment creditor, the judgment creditor may commence committal proceedings against you for your failure to attend Court. The penalty that may be imposed by Court for such failure is fine and/or imprisonment.

You may therefore wish to contact the solicitor for the judgment creditor (name of law firm and solicitor having conduct of the case) at (address and telephone contact no.) to obtain the consent of the judgment creditor for the necessary dispensation and discharge. You may also choose to engage your own solicitor to advise you on your rights and duties in relation to these proceedings.

Personal particulars

1.	Full Name:
2.	NRIC/Passport No.:
3.	Home Address:
4.	Mobile Number:
5.	Email Address:

6.	Please state the position you are holding in the Judgment Debtor (“the Company”).
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Company particulars

7.	Please state if the Company is still carrying on business:
(a)	Yes/No. If yes, please state:
(i)	the business that the Company is presently engaged in;
(ii)	the present location of the Company’s business operations; and
(iii)	whether the Company is making trading profits or losses.

8. Please state whether the Company declared any dividends this year or the last year:

Yes/ No. If yes, please state when the dividends were declared, and how much was declared.

Remuneration

9. Please state if the officers of the Company, including yourself, receive remuneration for work done for the Company (i.e. salary or director's fees).

Yes/No. If yes, please state how much remuneration each officer receives.

Auditors

10. Please state the name and address of the accountants and auditors of the Company.

11. Please state the date when the accounts of the Company were last audited.

12. Please state the date when the Company last filed its Annual Returns with the Accounting and Corporate Regulatory Authority.

Particulars of the Company's Debtors

13. Please state whether anyone owes the Company money.

Yes / No. If yes, please provide the details in Annex A


14. Please state whether the Company has taken any steps to apply or is it in the process of applying to Court for a Scheme of Arrangement to compromise its debts with its creditors under the Companies Act.

Yes/No. If yes, please state particulars.

Particulars of immovable properties situated locally or overseas

15. Please state whether the Company owns any immovable property locally or overseas.

Yes/No. If yes, please provide details in Annex B.

 Immoveable property means houses, apartments etc.

16. Please state the following if the Company is leasing any immovable property:

(a) name of landlord and address of rented property;

(b) period of tenancy, amount of monthly rental paid and due date of rental; and

(c) whether there is any written tenancy agreement.

17. Please state whether the Company has any tenants/subtenants in respect of the owned or leased properties.

Yes/No. If yes, please provide details in Annex B.

Particulars of the Company's motor vehicles

18. Please state if the Company owns any motor vehicle.

Yes/No. If yes, please provide the details in Annex B.


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Particulars of the Company’s bank accounts

19. Please state the following if the Company has any bank accounts (held solely and/or jointly) or safe deposit boxes:
(a) name and branch of the Bank where the account or safe deposit box is maintained;
(b) the account number;
(c) type of account held (e.g. current, savings, fixed deposit, overdraft);
(d) name of joint account holder (if any);
(e) the balance due to the Company at this date (for fixed deposits, please state the date of maturity and the amount due to the Company at that date)

Particulars of the Company’s other assets

20. Please state if the Company has any insurance policies. Yes/No. If yes, please provide details in Annex C
21. Please state if the Company owns any shares and/or unit trusts, Yes/No. If yes, please provide details in Annex C

<p> Assets include antiques, collectibles, jewellery, paintings, royalties from intellectual property, club membership etc.</p>
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22. Please state if the Company owns any other assets, savings or investments not listed thus far.
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Yes/No.	If yes, please provide details in Annex C
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Other Matters

- | | |
|-----|--|
| 23. | Are there any goods on the Company’s premises that do not belong to the Company but belong to other people or are jointly owned with others? If so, please list the goods and how such ownership can be established. |
| 24. | What offer of repayment do you wish to make to the judgment creditor? |

Additional questions by the judgment creditor

25. (Please state additional questions if any.)

Confirmation statement

I, _____(name of officer of judgment debtor and NRIC No.) confirm that my answers to the questions above are true to the best of my knowledge, information and belief.

(Signature of officer of judgment debtor)

Dated this day of 20

ANNEX A

Particulars of Debtors

(From Question 13)

- (1) Please list the names of the Company's **debtors** (i.e. people who owe the Company money):

<u>Name</u>	<u>Contact Particulars</u>	<u>Amount owed</u>	<u>Due date for payment</u>	<u>How did the debt arise?</u>

- (2) Please state the following if the Company has commenced legal proceedings against its debtors to recover its debt:

<u>Name of debtor</u>	<u>MC/DC/Suit No.</u>	<u>Amount claimed</u>	<u>Status of action</u>

ANNEX B

Particulars of Property Owned or Leased

(From Question 15)

- (3) Please provide details of the properties owned by the Company:
- (a) Addresses of properties owned:
 - (b) Names of joint-owners (if any):
 - (c) Names of mortgagee/chargee (if any) and amount outstanding:

(From Question 17)

- (4) Please provide details of the tenancy of any immoveable property that the Company owns:
- (a) Name of tenant and address of tenanted property:
 - (b) Period of tenancy, amount of monthly rental received and due date of rental:
 - (c) Whether there is any written tenancy agreement:

(From Question 18)

- (5) Please provide details of the vehicles the Company owns:
- (a) The registration number, make and colour of the motor vehicle(s):
 - (b) Whether the motor vehicle(s) is/are on hire purchase:
 - (c) If on hire purchase, the name of the finance company and the amount outstanding under the hire purchase agreement:

ANNEX C

Particulars of Other Assets

Insurance Policies (From Question 20)

<u>Name of insurer</u>	<u>Type of policy/ Policy No.</u>	<u>Amount insured</u>	<u>Monthly premium payable</u>

- (6) Please identify the beneficiaries under the policies apart from the Company.
- (7) If applicable, please state the dates when each of the Company's policies will mature and the surrender value as at this date.

Shares/Unit Trusts (From Question 21)

- (8) If the Company owns shares in another company, please state the name of the company and the number of shares held. If the Company has a securities broker, please provide particulars of the same:
- (9) If the Company owns unit trusts, please state the name of the bank/financial institution managing the unit trusts:
- (10) Please state the estimated value of the shares/unit trusts and the basis for estimation:

Other Assets (From Question 22)

- (11) Please provide details of the assets listed in Question 22 and state the estimated value of each asset and the basis of the estimation.



The State Courts of Singapore

Website: www.judiciary.gov.sg