

## Bankruptcy Application form 04BAP: Instructions for Completion

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert “See Annexure” at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper satisfies these requirements) using one side only. Insert a heading beginning “Annexure to ...” and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant marginal heading on the form. In the case of signatures which could not be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format “Page ... of ...”, the number to be placed at the foot of the form in the centre. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Insert the total number of pages, including any additional pages (see above), in the space provided at the foot of the form.
5. Lodge the completed form by hand at the Department of Lands, Land and Property Information Division, Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks). If panel (A) FOLIO OF THE REGISTER is selected, also lodge the relevant certificate of title and a completed notice of sale.
6. The following instructions relate to the marginal letters on the form.

### (A) TORRENS TITLE

If the application relates to the registered proprietor of land, insert the number of the relevant Torrens Title; otherwise leave this panel blank. Where the property affected is contained in a Lease Folio, enter the number of the Lease Folio only: for example, 'LF 1/2345'. It is not necessary to describe the property further.

### (B) REGISTERED DEALING

If the application relates to a registered proprietor of a lease, mortgage or charge, insert the registration number only of the lease, mortgage or charge and the relevant folio of the Register; otherwise leave this panel blank. Where the interest affected is registered on a Lease Folio enter the number of the Lease Folio only: for example, 'LF 1/2345'. It is not necessary to describe the property further.

### (C) LODGED BY

This section must be completed by the person or firm lodging the form at LPI (“the lodging party”). If the lodging party does not have a LPI document collection box, leave the relevant panel blank. If the lodging party has a Listed Lodging Party Number (“LLPN”) insert it as the first item of the first line in the relevant panel; use the following format: “LLPN: 123456. Provision of a reference is optional.

### (D) BANKRUPT/DEBTOR

Insert the full name. Address and occupation are not required.

This form may be used where a registered proprietor has either—

- become bankrupt, or
- has had a trustee appointed in respect of his/her property without bankruptcy occurring (Part X of the Bankruptcy Act 1966).

### (E) APPLICANT

Insert the full name, and if other than the Official Trustee in Bankruptcy, the capacity. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN.

(F) Rule through the inapplicable words and in the appropriate location insert the relevant section of the Bankruptcy Act 1966.

(G) Either insert the date of the relevant sequestration order or give details of the basis of the application in the space provided. Rule through the unused item and initial the left-hand margin.

### (H) EXECUTION

The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who is not a party to the transaction and knows the person executing. Where the form is executed—

**By an individual on his/her own behalf** The signature must be witnessed.

**By an attorney** The power of attorney must be registered at LPI. In addition to the attorney’s signature, a statement in the following format must be added: “John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567”. The signature must be witnessed.

**By a corporation** The form of execution must include reference to the power or authority relied on by the signatories. Where an authorised officer signs, the signature must be witnessed.

**NOTE:** a solicitor or licensed conveyancer may not execute on behalf of the applicant.

*If you have any questions about this form or privacy matters, please call Department of Lands, Land and Property Information Division, Client Services on 02 9228 6713 or visit our website at [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au).*