



Companies and Intellectual  
Property Commission  
a member of the **dtic** group

## Customer Notice<sup>35</sup> of 2024

### **REQUIREMENTS ON FILING OF CM 100 APPLICATIONS ON INSOLVENT VOLUNTARY LIQUIDATIONS FORM CM26Liq - STATEMENT OF AFFAIRS**

The Companies and Intellectual Property Commission (CIPC) is committed to customer services and the effective and efficient processing of applications and associated information. A request was received from the Master of the High Court, that minimum requirements must be set and adhered to for the completion of the CM100. The Master of the High Court relies on the content and reliability of the CM100 to appoint an appropriately qualified liquidator and poorly completed CM100 is severely impacting the ability of the Master of the High Court in the administration of liquidations.

CM100 is only applicable to insolvent liquidations and therefore if insolvency cannot be indicated on the CM100, then CoR40.1 and supporting documents must be submitted.

Therefore, the CM100 submitted to together with CM26Liq for companies and close corporations resolving to commence liquidation **MUST** comply with the below requirements with immediate effect:-

- CM100 must be completed in full (within all pages) and irrelevant parts scratched out.
- Commissioned by a Commissioner of Oath and the Commissioner must be clearly identifiable and traceable (i.e. physical address) at Page 3.
- The director of company, member of close corporation or the duly appointed company secretary who deposes the CM100 on behalf of the company or close corporation must complete, date, and sign the relevant section on Page 2. This must be done in the presence of the Commissioner of Oath who commissions on Page 3.

The dtic Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria | P O Box 429, Pretoria, 0001

Call Centre: 086 100 2472

Website: [www.cipc.co.za](http://www.cipc.co.za)

- Statement of Affairs Liabilities I and II MUST be completed on Page 2
- Statement of Affairs Liabilities I MUST reflect a total value
- Statement of Affairs Liabilities II MUST reflect values of relating to issued shares - cannot be empty or zero
- Statement of Affairs Liabilities I MUST reflect that the company or close corporation has liabilities, otherwise it cannot be an insolvent liquidation and a CoR40.1 must be filed with supporting documents.
- Statement of Affairs Liabilities II MUST reflect a total value
- Statement of Affairs Creditors Assets MUST be completed on Page 3
- Value at Statement of Affairs Creditors Assets (a) Property as per list "C", MUST correspond to the content of List C on page 7 and 8
- Value at Statement of Affairs Creditors Assets (B) Book debts as per List "D" Estimated to realise, MUST correspond to the content of List D on page 9 to 11
- Value at Statement of Affairs Creditors Assets (c) Bills of exchange and other similar securities as per List "E", Estimated to realise, MUST correspond to the content of List E on page 12
- Value at Statement of Affairs Creditors Assets (d) Unpaid share capital as per List "F" of exchange and other similar securities as per List "E", Estimated to realise, MUST correspond to the content of List F on page 13 to 17
- Statement of Affairs Contributories MUST be completed on Page 3
- Statement of Affairs Contributories TOTAL DEFICIENCY must correspond with below calculation -
- Total Deficiency on page 3 must correspond as follows:  

$$\text{Value of Assets} - \text{Value of Liabilities}$$
- Values on Statement of Affairs must balance - see calculation to be followed

$$\text{Value of Liabilities I} + \text{Value of Liabilities II} = \text{Value of Creditors Assets} + \text{Contributories}$$

- The following lists must be completed:-
  - ✓ List A
  - ✓ List B
  - ✓ List C
  - ✓ List D



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- Blank page (page 8) at list C must be scratched out.
- The following lists are optional depending on position of the company or close corporation
  - ✓ List F
- Blank page (page 16) at list F must be scratched out.

Customers are also reminded about the certification requirements for identity documents and customer must familiarise themselves with Practice 2 of 2022 ([https://www.cipc.co.za/wp-content/uploads/2022/06/Practice\\_Note\\_-\\_CERTIFICATION\\_2.pdf](https://www.cipc.co.za/wp-content/uploads/2022/06/Practice_Note_-_CERTIFICATION_2.pdf)) or any other notices, guidance notes or practice notes relating to the requirement for certification of documents submitted to the CIPC.

**If the application does not meet the above requirements, it will be rejected.** Any false or misleading information on the CM100 is a criminal offense in terms of Section 214 of the Companies Act, 2008 and those deposing the CM100 that contains false or misleading information may be prosecuted.

Kind regards,

Rory Voller  
16/04/2024 13:02:33(UTC+02:00)  
Signed by Rory Voller,  
RVoller@cipc.co.za

SIGNIFLOW.COM

**Adv. Rory W Voller**  
**Commissioner : CIPC**