Statutory demand notice: service on a company

Example letter to debtor company enclosing statutory demand
Pick and choose paragraphs and change the style to your own. It is a good idea to indicate your willingness to discuss terms because when • • • • • • • • • • • • • • • • • • •
Be careful how you word any threat to publicise the debt as a court • • • • • • • • • • • • • • • • • • •
Your letterhead
To:
The Secretary, [Name of company]
[Registered office address]
[By recorded delivery]
Dear Sir
Notice to claim for a declaration of bankruptcy
According to [my/our] records, you have not paid [me/us] for [the work [l/we] carried out relating to [description]] / = = = = = = = [= = = / = = =] = = = = = = = = = = = =
The payment due date by which [I/we] should have received full payment was [1 August 2021]. [■ ■ ■ ■ / ■ ■ ■] ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■
[I/We] enclose a statutory demand for the debt now due. Please read it immediately. By issuing this demand [I am/we are] now
[I/we] would like you to know that [I/we] have carefully considered the courses open to [me/us]. [I/we] do not take this step lightly. [
Of course, [I/we] would consider any sensible arrangement for payment you might ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■
If you have difficulty in finding the money at once, [I/we] may consider settlement over a period. That would depend on your ■ ■ ■ [■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■

Any proposal will be considered only if it is supported by
For the sake of good order would you please
Yours faithfully,

To:				
Take ı	notice t	hat:		
1.	As at [date] 20xx you owe [creditor's full name] = = = [= = = = = = = = = = = = = = =			
2.		pecific claim is as follows:		
	[insert = = = = = = . = = = = = = = = = =]			
	Exam	ple text no 1,		
	1.	On 15th December 20xx, the debtor agreed in • • • • • • • • • • • • • • • • • •		
	2.	The sale included all of • • • • • • • • • • • • • • • • • •		
	3.	The price was		
	4.	At the date of sale the boat was moored • • • • • • • • • • • • • • • • • • •		
	5.	It was agreed that the debtor should pay the creditor • • • • • • • • • • • • • • • • • • •		
	6.	The debtor paid the sum of \$ 18,500 = = = . = = = = = = = = = = = = = = =		
	7.	Six months have elapsed since the date of the agreement. The boat 1		
	8.	The creditor now therefore demands: The balance •••••••••••• \$ 10,000		

Statutory demand notice issued under Section 289 of the Companies Act 1993

	Total	\$ 11 , 750
Altern	native example text No 2:	
1.		ed the = = = = = = = 44 = = = = =
2.		
3.	Following a fire at • • • • • • • • • • • • • • • • • •	,
4.	On 18th October 20xx, • • • • • • • • • • • • • • • • • •	
5.	The agreement was confirmed in a second seco	
6.	The debtor has failed to • • • •	
7.		\$ 43,000.
	ly indicate that • • • • • • • • • • • • • • • • • • •	••••
Altern	native example text No 3:	
1.	The creditor	•••••[••••].
2.	/	
3.	The debtor has failed to make pay	
OR	The debter has failed to make pay	mont.
4.	[• • • •].

The cost • • • • • • • • • •

\$1,750

	5.	=].
3.		<pre></pre>
	(a)	to pay the Debt to the Creditor; or
	(b)	14
	(c)	
	(d)	
		,
4.		287
Signe	d:	
The C	reditor	: [Name of creditor]
Date:		

Example letter withdrawing the demand No more is required

× 4	,					
Y	OI	ır I	et	ter	he:	ลด

To:
The Secretary, [Name of company]
[Registered office address]
Dear Sir
Withdrawal of notice to claim for a declaration of bankruptcy
[• • • • / • • • •] • • • • • • • • • •
[/]
OR [===/===]==============================
Yours faithfully,

Explanatory notes:

Statutory demand notice: service on a company

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1.	A statutory demand is a demand by a creditor in respect of a debt owing by a company made in accordance with \blacksquare		
2.	A statutory demand must:		
	Be in writing;		
	• Be in respect of a debt that is due and is not ■ ■ ■ ■ ■ ■ ■ \$ 1000;		
	Be served on the company;		
	• Require the company to pay the debt, or enter into a compromise under Part 14 of the Act, or otherwise compound with the creditor, or give a charge over its property to secure payment of the debt, to the reasonable satisfaction of the creditor, within 15 • • • • • • • • • • • • • • • • • •		
3.	Interest on the debt may be included in the demand, even if the amount of interest has not previously been notified to the debtor. Full details of the		
	grounds upon which interest is charged and a		
4.	Any other charge, such as storage or maintenance charges, accruing due from time to time may be claimed.		
5.	In either case the amount claimed must be limited to that which has accrued due at the		

6.	the creditor holds any security the amount of debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of
7.	
1.	If signatory of the demand is a solicitor or other agent of the ■ ■ ■ , ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■
8.	The particulars must include:
	• The date or dates • • • • • • • • • • • • • • ;
	• The consideration for the debt, that is what was given or received in , (,,,,,);
	• The amount due as at ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■
9.	It is possible that you may have to swear an affidavit as to
10.	We suggest you now staple together all sheets (not this one!)
11.	If the debtor pays, you
12.	If the company disputes the debt it has 10 days after being ••••••••••••••••••••••••••••••••••••
13.	If the company hasn't paid the debt after 15 days, and

To bring liquidation proceedings
:
https://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/templates/
You must advertise in the local newspaper and in the New
The company

End of notes