

Declaration of Debtor / Guarantor – Statement of Affairs

I, []¹, []², of
[]³,

aged 18 years and upwards do solemnly and sincerely declare as follows:

1. I have been requested to provide information to Fitzwilliam Loan Management (“**FLM**”) on behalf of _____ (the “**Loan Owner**”) concerning assets, liabilities and transfers in the form of the attached statement of affairs dated []⁴ (the “**Statement**”) as exhibited hereto and marked with the letters “SOA1”. I understand the Loan Owner has made this request following the purchase of my loans from the Loan Owner.
2. I have read the Statement, and the notes and glossary accompanying the Statement, and I understand the scope and nature of the information requested and the level of detail to be provided by me in the Statement. I further understand that the Loan Owner will rely on the information provided by me in the Statement and that the purpose of this declaration is to verify the accuracy of the detail I have set out in the Statement and the completeness of the information I have provided.
3. The Statement contains full, accurate and up to date details, prepared in accordance with the notes and glossary accompanying the Statement, of all:
 - a. assets of whatever nature (including but not limited to real property, chattels / personal property, securities (including shares and warrants), livestock, bloodstock, cash, benefit of service etc.) owned by me or in which I hold any form of ownership interest whatsoever and wheresoever situate, whether partial, beneficial, legal or otherwise; whether in my sole name or with other persons or entities; and whether encumbered or unencumbered (including for the avoidance of doubt, any interests of whatsoever nature in pensions or pension funds and any and all contingent assets or interests) (“**Assets**”); and
 - b. liabilities incurred or owing by me to any party of whatsoever nature, whether actual, contingent, prospective, deferred or otherwise (including, where appropriate, future liabilities) and whether as primary obligor or otherwise (“**Liabilities**”); and
 - c. transactions involving transfers of assets of any type whatsoever since 1 January 2007 (save for cases where assets have transferred at arm’s length, to independent, unconnected third parties and for valuable consideration at full open market value and for which transactions I hold or have access to satisfactory documentation verifying this) and involving third parties and/or related parties including, but not limited to, family members such as spouses, parents, brothers, sisters and/or children; persons related through marriage to myself; spousal equivalent persons; persons acting as trustees of any trust, the principal beneficiaries of which are myself, my spouse or any of my/our children, siblings or parents of

¹ Insert Name.

² Insert details of Occupation.

³ Insert Address.

⁴ Insert Date of Statement of Affairs.

any body corporate which I or my spouse or spousal equivalent person control; persons in partnership or joint venture with myself, bodies corporate controlled by myself and any subsidiaries or related companies of such bodies corporate, any shareholders in such companies as aforesaid (“**Transfers**”); and

- d. all other facts of information materially relevant to the Assets, Liabilities and Transfers.
4. I am satisfied that there are no assets, liabilities, forms of income or benefits or otherwise of whatsoever nature to which I am entitled, in which I hold any form of interest whatsoever (in the case of assets) or which have been incurred by me (in the case of liabilities) other than those disclosed in the Statement.
 5. I am not aware of any future assets, forms of income, benefits or otherwise of whatsoever nature to which I may become entitled to but to the extent that I do become so aware, I undertake to make a full and detailed written disclosure to you immediately.
 6. I confirm that I am not a beneficiary of any trust, whether foreign domiciled or domiciled in this jurisdiction, save as specifically disclosed in the Statement.
 7. I am satisfied that there have been no further transfers of assets (save for cases where assets have transferred at arm’s length, to independent, unconnected third parties and for valuable consideration at full open market value and for which transactions I hold or have access to satisfactory documentation verifying this) of whatsoever nature to or from myself since 1 January 2007 other than as disclosed in the Statement.
 8. I have set out in the Statement full details of any litigation or any other form of dispute resolution proceedings or processes or mediation or any settlements of any such litigation, proceedings or processes:
 - (i) in which I am involved or in which any bodies corporate or entities owned or controlled by me are involved or to which I am a party or any such bodies corporate are a party; and/or
 - (ii) which have the ability to affect in a material way my assets or income or the assets or income of bodies corporate or entities owned or controlled by me,

together with details of any threatened or apprehended litigation or dispute resolution processes that have the potential to involve or affect in a material way my assets or income or the assets or income of bodies corporate or entities owned or controlled by me. Where I am not aware of any such litigation or other dispute resolution process in being, apprehended or threatened, I have left this section of the Statement blank.

9. I say and advise that my tax affairs and the tax affairs of all bodies corporate or entities owned or controlled by me are in order and all returns are up to date and there are no tax liabilities outstanding from myself or such entities or outstanding tax refunds due to myself or such entities. Where this is not the case, I will provide full and detailed particulars in written form of my up to date tax position and the up to date tax position of each body corporate or entity owned or controlled by me including details (where applicable) of any (a) outstanding tax

returns, (b) tax liabilities which are estimated as due and owing, including an estimate of likely interest and penalties, (c) full details of any arrangements or payment schedules agreed with the relevant tax authorities for payment of outstanding liabilities, including the amount and frequency of all such payments, and (d) refunds of tax which are estimated to be due. I say and advise that all such details provided will be full and complete based upon tax advices I receive.

10. To the best of my knowledge and belief and having undertaken all such prudent and diligent enquiries to establish such knowledge and belief, I am satisfied that all of the particulars set out in the Statement are complete in all respects and represent a comprehensive, clear, accurate and up to date disclosure of my circumstances with all material and relevant details included. I undertake to update the Loan Owner and their authorised representatives promptly upon the occurrence of any change or my becoming aware of any change in the particulars I have given in the Statement.

11. To the best of my knowledge and belief there are no circumstances giving rise to the possibility, if I were to be made a bankrupt, of an application to the Court for an order in respect of any transaction which is or may be at an undervalue or preference, any transaction defrauding creditors.

12. I am aware that FLM and/or the Loan Owner will keep your information confidential and will only use this information for the purpose of assisting you in accordance with FLM and/or the Loan Owner's obligation under the Data Protection Acts 1988 and 2003. Further information on data protection is available from the Irish Data Protection Commissioner at www.dataprotection.ie

13. Consent

A. Consent to Contact

I consent to communication from FLM and/or the Loan Owner in relation to this document.

Borrower 1: _____

Borrower 2: _____

Date: _____

Date: _____

B. Credit Reference Search

I agree that FLM and/or the Loan Owner (and its successors) may undertake searches with credit reference agencies (including the Irish Credit Bureau) from time to time while I have any loans outstanding to them or other relationships with them. The credit reference agencies may keep a record of the search for a period of time and they may disclose the fact that a search has been made and they may disclose to their other members information relating to me which was provided by FLM and/or the Loan Owner may use any information received as a result of the search to (1) make credit decisions in relation to me and (2) to review the operation, management, and performance of this loan and (3) to help prevent fraud and to recover its property.

Borrower 1: _____

Borrower 2: _____

Date: _____

Date: _____

C. Sensitive Personal Data

During this process personal sensitive data may be disclosed. I consent to such data being obtained and processed only where necessary to process my application. I explicitly consent to the use, retention and reproduction of sensitive personal data for such purposes and I acknowledge that if I do not permit such processing it will not be possible for FLM and/or the Loan Owner to provide me with certain products or services.

Borrower 1: _____

Borrower 2: _____

Date: _____

Date: _____

**Exhibit to Declaration of Debtor
Statement of Affairs
See attached Statement of Affairs
Exhibit SOA1 referred to in the affidavit of:**

Deponent

Commissioner for Oaths / Practising Solicitor