Illness and Inability to Pay Trading Debts Debtor Supporting Affidavit

Educational sample 317 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

BANKRUPTCY PETITION NO [reference]

IN THE MATTER OF [INDIVIDUAL DEBTOR] AND THE INSOLVENCY ACT

AFFIDAVIT

1. I am [individual debtor and Petitioner]. I provide a truthful account of my financial position from my personal knowledge and the identified business, bank and medical records. I disclose any uncertainty or dispute in the schedules rather than treating it as established.

2. The trading arrangement concerned [actual vehicles or transaction]. The original terms, later demand and any ownership dispute are [records]. The amount I admit and any amount I dispute are separately identified; the debt is not changed to fit a bankruptcy narrative.

3. I ceased or reduced work during [supported period] because of [actual condition]. The medical records and resulting income position are [marks]. I do not assert a diagnosis, operation, incapacity period or overseas treatment that is not supported by genuine evidence.

4. My assets, income and liabilities are set out fully in the accompanying statement. This includes joint interests, secured debts, guarantees and any property held for another. I identify the actual valuation basis and do not conceal an asset merely because it is difficult to sell.

5. The borrowing for treatment or subsistence is [creditor, terms and proved balance]. Payments already made are disclosed once. My present inability to meet the debts is explained by the actual resources and due liabilities, not by a total chosen without reconciliation.

6. I support the petition and will comply with the lawful notice, disclosure and trustee requirements. I understand that an initial bankruptcy order is different from later discharge and does not authorise concealment or unrestricted disposal of property.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn. Apply the relevant personal-bankruptcy or corporate-liquidation provisions and prescribed procedure, rather than treating every insolvency application as an ordinary civil motion.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A trader petitioned for his own bankruptcy after a dispute over six repaired lorries and a demand for Kshs 6.2 million. Illness prevented work and further treatment required borrowing. The petition was supported by an affidavit and public notices; creditors did not oppose it.

The Court adjudged the petitioner bankrupt and appointed the Official Receiver or a nominee as bankruptcy trustee. It found inability to pay the debts on the evidence and notices. The judgment did not grant an immediate discharge from every debt or an unrestricted licence to deal with estate property.

Personal bankruptcy is governed by Part III of the Insolvency Act and the applicable Regulations, not company-liquidation forms. Complete assets, liabilities, creditors, security and income disclosure is necessary. Illness must be supported by genuine evidence; non-opposition does not excuse inaccurate disclosure. A bankruptcy order, appointment of trustee, treatment of particular assets or debts and later discharge are different questions.

[2026] KEHC 4326 (KLR) - 5 March 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/in-re-mutura-2026-kehc-4326-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/in-re-mutura-2026-kehc-4326-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.