Debtor Bankruptcy Notices Affidavit of Actual Publication and Service

Educational sample 319 | 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 [person who effected or can prove the identified steps]. I depose only to publication, delivery or records within my knowledge and explain the basis of any information obtained from a publisher or other person.

2. The Court order or applicable direction concerning notice is dated [date] and exhibited as [mark]. I identify its exact requirements for the Gazette, newspaper notices, creditor service or other steps without assuming that every case uses the same sequence.

3. The actual publication appeared in [verified publication] on [date], at [page or notice reference]. The genuine notice and proof from the publisher are [marks]. A proposed advertisement or invoice alone is not represented as proof of publication.

4. The creditors served, method, date, place and recipients are set out in [genuine service schedule], with the records required for the particular method. Known failures or returned notices are disclosed and any remedial direction is identified.

5. Responses actually received are [identify]. I do not swear that no creditor opposed merely because I did not personally see a response; the registry or proper record basis for that statement is explained.

6. I provide this evidence for the Court assessment of compliance and hearing directions. This sample certifies no actual publication or service and cannot be sworn without completing it from genuine steps and records.

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. Separate procedural evidence aid. In the source petition Gazette and two newspaper notices were reported; their exact historical dates are not a universal notice timetable. No original service affidavit is supplied. 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.