

OFFICIAL CHAPTER X FORMS

[NOTE. These official forms shall be observed and used, with such alterations as may be appropriate to suit the circumstances. See Bankruptcy Rule 909.]

FORM No. 10-1

VOLUNTARY PETITION UNDER CHAPTER X

United States District Court
for the District of.....

In re

....., } Bankruptcy No.
Debtor

VOLUNTARY PETITION UNDER CHAPTER X

1. Petitioner's post-office address is
2. Petitioner is a corporation organized and existing under the laws of and is qualified to file this petition and is entitled to the benefits of Chapter X of the Bankruptcy Act.
3. Petitioner has had its principal place of business [*or* has had its principal assets] within this district for the preceding 6 months [*or* for a longer portion of the preceding 6 months than in any other district].
4. Petitioner is insolvent [*or* unable to pay its debts as they mature].
5. The nature of petitioner's business is
6. The indebtedness of petitioner, liquidated as to amount and not contingent as to liability, is \$250,000 or over [*or* less than \$250,000].

7. The assets, liabilities, and capital stock of petitioner are substantially as follows [attach most recent financial statements or set forth sufficient information about the business to enable the court to make findings with respect to its preliminary approval of the petition]:

(a) Assets. Description and location of the principal assets of petitioner:

.....

(b) Liabilities. The principal liabilities of petitioner consist of

.....

(c) Capital Stock. The authorized, issued and outstanding capital stock of petitioner is as follows:

Authorized:

.....

Issued and outstanding:

.....

(d) Other facts, if any, affecting financial condition:

.....

8. There are no proceedings pending affecting the property of petitioner, except as follows:

.....

9. No plan of reorganization, readjustment, or liquidation affecting the property of petitioner is pending, either in connection with or without any judicial proceeding, except as follows:

.....;

no other petition by or against petitioner is pending under Chapter X of the Act; nor is any other bankruptcy case, initiated by a pe-

tion by or against petitioner now pending [or Petitioner is a bankrupt in Bankruptcy Case No. pending in this court].

10. The specific facts showing the need for relief under Chapter X of the Act are as follows: [state appropriate facts including why relief under Chapter XI would not be adequate]

.
.
.
.
.

Wherefore petitioner prays for relief in accordance with Chapter X of the Act.

Signed:
Attorney for Petitioner.

Address:
.

State of }
County of } ss.

I,, the president [or other officer or an authorized agent] of the corporation named as petitioner in the foregoing petition, do hereby swear that the statements contained therein are true according to the best of my knowledge, information, and belief, and that the filing of this petition on behalf of the corporation has been authorized.

.
Subscribed and sworn to before me on
.

[Official character]

FORM No. 10-2

INVOLUNTARY PETITION UNDER CHAPTER X

[Caption, other than designation, as in Form No. 10-1]

INVOLUNTARY PETITION UNDER CHAPTER X

1. Petitioners,, of*
, and
 of*, and
 of*, are creditors of
, debtor, of*
 having claims against debtor, liquidated as to amount and not con-
 tingent as to liability, amounting in the aggregate to \$5,000 or over.
 The nature and amount of petitioners' claims are as follows:

2. The debtor is a corporation organized and existing under
 the laws of and is
 subject to an involuntary petition under Chapter X of the Bank-
 ruptcy Act.

3. The debtor has had its principal place of business [or has had its
 principal assets] within the district for the preceding 6 months
 [or for a longer portion of the preceding 6 months than in any
 other district].

4. The debtor is insolvent [or unable to pay its debts as they
 mature].

5. The nature of the debtor's business is

6. The indebtedness of the debtor liquidated as to amount and not
 contingent as to liability, is \$250,000 or over [or less than \$250,000].

7. The assets, liabilities, capital stock, and financial condition of
 debtor are substantially as follows [attach most recent financial
 statements or set forth sufficient information about the business to
 enable the court to make findings with respect to its preliminary
 approval of the petition]:

*State post-office address.

(a) The assets of the debtor consist of [state description and location]:

..... \$.....

 Total \$.....

(b) The principal liabilities of the debtor consist of:

..... \$.....

 Total \$.....

(c) The issued and outstanding capital stock of the debtor are:

.....

(d) Other facts, if any, affecting the financial condition of the debtor:

.....

8. There are no pending proceedings affecting the property of the debtor, except as follows:

.....

9. No plan of reorganization, readjustment, or liquidation affecting the property of the debtor is pending either in connection with or without any judicial proceeding, except as follows:

.....;

no other petition by or against the debtor is pending under Chapter X of the Act; nor is any other bankruptcy case, initiated by a petition by or against the debtor now pending [or the debtor is a bankrupt, in Bankruptcy Case No. pending in this court].

10. The specific facts showing the need for relief under Chapter X of the Act are as follows: [state appropriate facts including why relief under Chapter XI would not be adequate]

.....

11. [A receiver [or trustee] has been appointed for or has taken charge of all or the greater portion of the property of the debtor in a pending equity proceeding as follows:

.....] or

[An indenture trustee [or a mortgagee under a mortgage] is, by reason of a default, in possession of all or the greater portion of the property of the debtor, as follows:

.....] or

[A proceeding to foreclose a mortgage or to enforce a lien against all or the greater portion of the property of the debtor is pending, as follows:

.....] or

[Within the 4 months preceding the filing of this petition, the debtor committed an act of bankruptcy in that it did on

.....].

Wherefore petitioners pray for relief in accordance with Chapter X of the Act.

Signed:
Attorney for Petitioners.

Address:
.....

State of..... }
County of..... } ss.

I,, one of the petitioners named in the foregoing petition do hereby swear that the statements contained therein are true according to the best of my knowledge, information, and belief.

.....
Petitioner.

Subscribed and sworn to before me on

.....
[Official character]

FORM No. 10-3

SUMMONS TO DEBTOR

[Caption, other than designation, as in Form No. 10-1]

SUMMONS

To the Above-named debtor:

An involuntary petition for your reorganization under Chapter X of the Bankruptcy Act having been filed on in this court of bankruptcy,

You are hereby summoned and required to file with this court and to serve upon the petitioners' attorney, whose address is an answer to the petition which is herewith served upon you, on or before

If you fail to do so, the petition may be approved by default.

.....
Bankruptcy Judge.

[If Appropriate]
Clerk of the District Court.

[Seal of the United States District Court]

Date of Issuance:

FORM No. 10-4

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

[Caption, other than designation, as in Form No. 10-1]

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

I hereby certify that the above-named debtor continues in possession of its estate as debtor in possession, no trustee having been appointed.

Dated:

.....
Bankruptcy Judge.

FORM No. 10-5

ORDER FOR FIRST MEETING OF CREDITORS AND STOCKHOLDERS
AND RELATED ORDERS, COMBINED WITH NOTICE
THEREOF AND OF AUTOMATIC STAY

[Caption, other than designation, as in Form No. 10-1]

ORDER FOR FIRST MEETING OF CREDITORS AND STOCKHOLDERS AND
HEARING ON APPROVAL OF THE PETITION, RETENTION OF
TRUSTEE OR DEBTOR IN POSSESSION, COMBINED WITH
NOTICE THEREOF AND OF AUTOMATIC STAY

To the debtor, its creditors, and stockholders, and other parties in
interest:

A petition having been filed, on,
by, the above-named debtor
of*, [or
against,
of*,]
seeking relief under Chapter X of the Bankruptcy Act, it is ordered,
and notice is hereby given, that:

1. The first meeting of creditors and stockholders shall be held at
..... on
at o'clock m.;

2. The last date for filing an answer to the petition by any
creditor, indenture trustee, or stockholder is
If any such answer is timely filed, a hearing on the approval of the
petition will be held at
..... on, at
o'clock m. [or at the first meeting of creditors and stockholders].

3. The hearing on the retention of the trustee,
....., of*
..... [or the debtor in possession]
will be held at the first meeting of creditors and stockholders [or a
trustee will be appointed at such meeting and a date will then be
fixed for the hearing on his retention in office].

4. The trustee [or debtor in possession] has filed or will file a
list of creditors and stockholders pursuant to Rule 10-108. Any
creditor holding a listed claim which is not listed as disputed, con-
tingent, or unliquidated as to amount, may, but need not, file a
proof of claim in this case. Creditors whose claims are not listed

*State post-office address.

or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim on or before
....., which date is hereby fixed as the last day for filing a proof of claim [or, if appropriate, on or before a date to be later fixed of which you will be notified]. Any creditor who desires to rely on the list has the responsibility for determining that he is accurately listed.

You are further notified that:

The first meeting may be continued or adjourned from time to time by order made in open court, without further written notice to creditors and stockholders.

When required pursuant to Rule 10-303 notice of the time to file acceptances or rejections of a plan shall be transmitted to holders of stock, bonds, debentures, notes, and other securities of record at the date the order approving a plan is entered.

At the first meeting, creditors and stockholders may examine the debtor as permitted by the court, and transact such other business as may properly come before such meeting.

The filing of the petition by [or against] the debtor above-named operates as a stay of the commencement or continuation of any action against the debtor, or the enforcement of any judgment against it, of any act or the commencement or continuation of any court proceeding to enforce any lien on the property of the debtor and of any court proceeding commenced for the purpose of rehabilitation of the debtor or the liquidation of its estate as provided by Rule 10-601.

[If appropriate]
of*
has been appointed receiver of the estate of the above-named debtor.
Dated:

.....
Bankruptcy Judge.

FORM NO. 10-6

ORDER APPROVING PLAN AND FIXING TIME FOR FILING ACCEPTANCES OR REJECTIONS, COMBINED WITH NOTICE THEREOF

[Caption, other than designation, as in Form No. 10-1]

ORDER APPROVING PLAN AND FIXING TIME FOR FILING ACCEPTANCES OR REJECTIONS, COMBINED WITH NOTICE THEREOF

A plan under Chapter X of the Bankruptcy Act having been filed by

*State post-office address.

.....[if appropriate, and by
, on]
 [if appropriate, as modified by a modification filed on
]; and

It having been determined after hearing on notice that:

1. The provisions of Article X of Chapter X of the Act have been complied with; and
2. The plan is [or plans are] fair and equitable, and feasible; and
3. The plan has [or plans have] been proposed in good faith and not by any means forbidden by law;

It is ordered, and notice is hereby given that:

A. The plan proposed by
 dated [if appropriate, and by
, dated] is [are] approved.

B. is fixed as the last day for filing written acceptances or rejections of such plan [or plans].

C. Within days after the entry of this order, the trustee [or debtor in possession] shall transmit by mail to creditors, stockholders, and other parties in interest as provided in Rule 10-303, the plan [or plans] and a summary [or summaries] thereof approved by the court, a summary approved by the court of its opinion, if any, dated, approving the plan [or plans], and a summary of the report, if any, of the Securities and Exchange Commission, dated prepared by such Commission.

D. If acceptances are filed for more than one approved plan, preferences among the plans so accepted may be indicated.

Dated:

.....
Bankruptcy Judge.

[If the court directs that a copy of the opinion, or report should be transmitted in lieu of or in addition to the summary thereof, the appropriate change should be made in paragraph C of this Order.]

FORM No. 10-7

BALLOT FOR ACCEPTING OR REJECTING PLAN

[Caption, other than designation, as in Form No. 10-1]

BALLOT FOR ACCEPTING OR REJECTING PLAN

The plan referred to in this ballot can be confirmed by the court only if two-thirds of the amount of creditors in each class and a majority of stockholders in each class voting on the plan accept the plan. Return of this ballot accepting or rejecting a plan will be deemed to be the filing of a proof of claim or stock interest only for the purpose of computing the vote. This ballot should be returned to:

Name:
Address:

[If stockholder] The undersigned, the holder of [state number] shares of [describe type] stock of the above-named debtor, represented by Certificate(s) No., registered in the name of.....

[If bondholder, debenture holder or other debt security holder] The undersigned, the holder of [state unpaid principal amount] \$..... of [describe security] of the above-named debtor, due [if applicable registered in the name of] [if applicable bearing serial number(s)],

[If holder of general claim] The undersigned, a creditor of the above-named debtor in the unpaid principal amount of \$.....,

[Check one box]

- [] ACCEPTS
[] REJECTS

the plan for the reorganization of the above-named debtor filed by on as approved by the court on for submission for your vote.

Dated:

Print or type name:
Signed:
[If appropriate] By:
as:
Address:

The trustee or other person transmitting this ballot to creditors or stockholders should complete the blanks indicating the person filing the plan, the date of the plan, the date of the court's order approving the plan, and the person to whom the ballot should be returned.

FORM NO. 10-8

ORDER PERMITTING FILING MODIFICATION OF PLAN, FIXING HEARING AND TIME FOR REJECTION OF MODIFICATION, COMBINED WITH NOTICE THEREOF

[Caption, other than designation, as in Form No. 10-1]

ORDER PERMITTING FILING MODIFICATION OF PLAN, FIXING HEARING AND TIME FOR REJECTION OF MODIFICATION, COMBINED WITH NOTICE THEREOF

To the debtor, its creditors and stockholders, and other parties in interest:

A modification of the plan dated having been filed by on, it is ordered and notice is hereby given that:

1. The modification, a copy [or a summary] of which is attached hereto, may be filed.

2. The hearing for the consideration of the proposed modification shall be held at on at o'clock m., which hearing may be continued or adjourned from time to time by order made in open court, without further notice to creditors and stockholders.

3. is fixed as the last day for filing a written rejection of the modification. Any creditor or stockholder who has accepted the plan and who fails to file a written rejection of the modification within the time above specified shall be deemed to have accepted the plan as modified.

Dated:

.....
Bankruptcy Judge.

FORM No. 10-9

ORDER CONFIRMING PLAN

[Caption, other than designation, as in Form No. 10-1]

ORDER CONFIRMING PLAN

The plan under Chapter X of the Bankruptcy Act filed by on [if appropriate, as modified by a modification filed on] and a summary thereof having been transmitted to creditors and stockholders; and

It having been determined after hearing on notice:

- 1. That the plan has been accepted in writing by the creditors and stockholders whose acceptance is required by law; and
2. That acceptance of the plan has been procured in good faith and not by any means forbidden by law; that the provisions of Chapter X of the Act have been complied with; that the proposal of the plan and its acceptance are in good faith and have not been made or procured by means or promises forbidden by the Act; and, that the plan is fair and equitable, and feasible; and
3. All payments made or promised by the debtor or by a corporation issuing securities or acquiring property under the plan or by any other person, for services and for costs and expenses in, or in connection with, the case or in connection with the plan and incident to the reorganization, have been fully disclosed to the court and are reasonable or, if to be fixed after confirmation of the plan, will be subject to the approval of the court; and
4. The identity, qualifications, and affiliations of the persons who are to be directors or officers, or voting trustees, if any, upon the consummation of the plan, have been fully disclosed, and that the appointment of such persons to such offices, or their continuance therein, is equitable, compatible with the interests of the creditors and stockholders and consistent with public policy:

It is ordered that:

The plan filed by on and approved by an order of the court entered on, a copy of which plan is attached hereto, is confirmed.

Dated:

.....
Bankruptcy Judge.

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Government Papers

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