

OFFICIAL CHAPTER XII FORMS

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

FORM No. 12-F1

ORIGINAL PETITION UNDER CHAPTER XII

United States District Court
for the District of

In re

.....,
*Debtor [include here all names
used by debtor within last 6
years]*

} Bankruptcy No.

ORIGINAL PETITION UNDER CHAPTER XII

1. Petitioner's post-office address is
2. Petitioner has had his principal place of business [*or* has had his 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].
3. No other case under the Bankruptcy Act initiated on a petition by or against petitioner is now pending.
4. Petitioner is qualified to file this petition and is entitled to the benefits of Chapter XII of the Act.
5. Petitioner is insolvent [*or* unable to pay his debts as they mature].
6. A copy of petitioner's proposed plan is attached [*or* petitioner intends to file a plan pursuant to Chapter XII of the Act].

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

Signed:
Attorney for Petitioner.

Address:
.....

[Petitioner signs if not represented by attorney.]

.....
Petitioner.

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

I,, the petitioner 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.]

[Unless the petition is accompanied by a list of all the debtor's creditors and their addresses, the petition must be accompanied by a schedule of his property, a statement of his affairs, and a statement of executory contracts, pursuant to Rule 12-11. These statements shall be submitted on official forms and verified under oath.]

FORM No. 12-F2

CHAPTER XII PETITION IN PENDING CASE

[Caption, other than designation, as in Form No. 12-F1]

CHAPTER XII PETITION IN PENDING CASE

- 1. Petitioner's post-office address is
- 2. Petitioner is the bankrupt [or debtor] in Bankruptcy Case No., pending in this court.
- 3. Petitioner is qualified to file this petition and is entitled to the benefits of Chapter XII of the Bankruptcy Act.
- 4. Petitioner is insolvent [or unable to pay his debts as they mature].
- 5. A copy of petitioner's proposed plan is attached [or petitioner intends to file a plan pursuant to Chapter XII of the Act].

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

Signed:
Attorney for Petitioner.

Address:

[Petitioner signs if not represented by attorney.]

.....
Petitioner.

State of }
County of } ss.

I,, the petitioner 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.]

[Unless the schedules and statements have already been filed in the pending case they must be filed with this petition or within 15 days thereafter as provided in Rule 12-11. These statements shall be on official forms and verified under oath.]

FORM No. 12-F3

VERIFICATION ON BEHALF OF A PARTNERSHIP

[Form No. 5 of the Bankruptcy Forms is applicable and should be used.]

FORM No. 12-F4

SCHEDULES

[Form No. 6 of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 6 should be changed to "debtor."]

FORM No. 12-F5

STATEMENT OF AFFAIRS FOR DEBTOR NOT ENGAGED IN BUSINESS

[Form No. 7 of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 7 should be changed to "debtor."]

[The term "original petition" as used in that form means the petition filed under Rule 12-6 or, if filed in a pending case, the first petition initiating a case under the Act.]

FORM No. 12-F6

STATEMENT OF AFFAIRS FOR DEBTOR ENGAGED IN BUSINESS

[Form No. 8 of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 8 should be changed to "debtor."]

[The term "original petition" as used in that form means the petition filed under Rule 12-6 or, if filed in a pending case, the first petition initiating a case under the Act.]

FORM No. 12-F7

ORDER APPOINTING TRUSTEE OR DISBURSING AGENT AND FIXING THE AMOUNT OF HIS BOND

[Caption, other than designation, as in Form No. 12-F1]

ORDER APPOINTING TRUSTEE [OR DISBURSING AGENT] AND FIXING THE AMOUNT OF HIS BOND

1. , of*
..... , is hereby appointed

*State post-office address.

trustee of the estate [or disbursing agent for the estate] of the above-named debtor.

2. The amount of the bond of the trustee [or disbursing agent] is fixed at \$.....

Dated:

.....
Bankruptcy Judge.

FORM No. 12-F8

NOTICE TO TRUSTEE OR DISBURSING AGENT OF HIS APPOINTMENT

[Caption, other than designation, as in Form No. 12-F1]

NOTICE TO TRUSTEE [OR DISBURSING AGENT] OF HIS APPOINTMENT

To
of*

You are hereby notified of your appointment as trustee of the estate [or disbursing agent for the estate] of the above-named debtor. The amount of your bond has been fixed at \$.....

[The following paragraph is applicable to trustee only]

You are required to notify the undersigned forthwith of your acceptance or rejection of the office of trustee.

Dated:

.....
Bankruptcy Judge.

FORM No. 12-F9

BOND OF TRUSTEE OF DISBURSING AGENT

[Caption, other than designation, as in Form No. 12-F1]

BOND OF TRUSTEE [OR DISBURSING AGENT]

We,
of*, as principal, and

....., of*

....., as surety, bind ourselves to the United States in the sum of \$..... for the faithful performance by the undersigned principal of his official duties as trustee of the estate [or disbursing agent for the estate] of the above-named debtor.

Dated:

.....
Principal.

.....
Surety.

*State post-office address.

FORM No. 12-F10

ORDER APPROVING TRUSTEE'S OR DISBURSING AGENT'S BOND

[Caption, other than designation, as in Form No. 12-F1]

ORDER APPROVING TRUSTEE'S [OR DISBURSING AGENT'S] BOND

The bond filed by of* as trustee of the estate [or disbursing agent for the estate] of the above-named debtor is hereby approved.

Dated:

.....
Bankruptcy Judge.

FORM No. 12-F11

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

[Caption, other than designation, as in Form No. 12-F1]

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

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

Dated:

.....
Bankruptcy Judge.

FORM No. 12-F12

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

[Caption, other than designation, as in Form No. 12-F1]

ORDER FOR FIRST MEETING OF CREDITORS COMBINED WITH NOTICE THEREOF AND OF AUTOMATIC STAY

To the debtor, his creditors, and other parties in interest:

..... of* , having filed a petition on stating that he desires to effect a plan under Chapter XII of the Bankruptcy Act, it is ordered, and notice is hereby given, that:

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

*State post-office address.

2. The debtor shall appear in person [*or, if the debtor is a partnership, by a general partner*] before the court at that time and place for the purpose of being examined;

3. The hearing on confirmation of a plan shall be held at a date to be later fixed [*or at a date to be fixed at the first meeting or at* on at *or immediately following the conclusion of the first meeting*].

4. Creditors may file written objections to confirmation at any time prior to confirmation, [*or* is fixed as the last day for the filing of objections to confirmation, or objections to confirmation may be filed by a date to be later fixed].

You are further notified that:

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

At the meeting the creditors may file their claims and acceptances of the plan, examine the debtor as permitted by the court, and transact such other business as may properly come before the meeting.

The filing of the petition by the debtor above named operates as a stay of 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 his estate, as provided by Rule 12-43.

The debtor has filed or will file a schedule of debts pursuant to Rule 12-11. Any scheduled creditor whose claim is not scheduled as disputed, contingent, or unliquidated as to amount, may, but need not, file a proof of claim in this case. All other creditors desiring to participate 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 scheduled.

A claim may be filed in the office of the undersigned bankruptcy judge on an official form prescribed for a proof of claim.

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

Dated:

.....
Bankruptcy Judge.

*State post-office address.

FORM No. 12-F13

PROOF OF CLAIM

[Form No. 15 of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 15 should be changed to "debtor."]

FORM No. 12-F14

PROOF OF CLAIM FOR WAGES, SALARY, OR COMMISSIONS

[Form No. 16 of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 16 should be changed to "debtor."]

FORM No. 12-F15

PROOF OF MULTIPLE CLAIMS FOR WAGES, SALARY, OR COMMISSIONS

[Form No. 16A of the Bankruptcy Forms is applicable and should be used. The word "bankrupt" wherever used in Form No. 16A should be changed to "debtor."]

FORM No. 12-F16

POWER OF ATTORNEY

[Caption, other than designation, as in Form No. 12-F1]

POWER OF ATTORNEY

To of*
and of*

The undersigned claimant hereby authorizes you, or any one of you, as attorney in fact for the undersigned and with full power of substitution, to receive distributions and in general to perform any act not constituting the practice of law for the undersigned in all matters arising in this case.

Dated:

Signed:

[If appropriate] By:

as

Address:

*State post-office address.

[If executed by an individual]

Acknowledged before me on

[If executed on behalf of a partnership]

Acknowledged before me on,

by, who says that he is a member of the partnership named above and is authorized to execute this power of attorney in its behalf.

[If executed on behalf of a corporation]

Acknowledged before me on

by, who says that he is of the corporation named above and is authorized to execute this power of attorney in its behalf.

.....
.....
[Official character.]

FORM NO. 12-F17

ORDER FIXING TIME TO REJECT MODIFICATION OF PLAN
COMBINED WITH NOTICE THEREOF

[Caption, other than designation, as in Form No. 12-F1]

ORDER FIXING TIME TO REJECT MODIFICATION OF PLAN
COMBINED WITH NOTICE THEREOF

To the debtor, his creditors and other parties in interest:

The debtor having filed a modification of his plan on.....
....., it is ordered, and notice is hereby given that:

1. is fixed as the last day for filing a written rejection of the modification.
2. A copy [or a summary] of the modification is attached hereto. Any creditor 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. 12-F18

ORDER CONFIRMING PLAN

[Caption, other than designation, as in Form No. 12-F1]

ORDER CONFIRMING PLAN

The plan filed by on [if appropriate, as modified by a modification filed on] having been transmitted to creditors; and

The deposit required by Chapter XII of the Bankruptcy Act having been made; and

It having been determined after hearing on notice:

1. That the plan has been accepted in writing by the creditors whose acceptance is required by law [or by all creditors affected thereby]; and

2. That the plan has been proposed and its acceptance procured in good faith, and not by any means, promises, or acts forbidden by law [and, if the plan is accepted by less than all affected creditors, the provisions of Chapter XII of the Act have been complied with, the plan is for the best interests of the creditors and is feasible, the debtor has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to the discharge of a bankrupt];

It is ordered that:

A. The plan filed by on a copy of which is attached hereto, is confirmed.

B. Except as otherwise provided or permitted by the plan or this order:

(1) The above-named debtor is released from all dischargeable debts;

(2) Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

(a) debts dischargeable under § 17a and b of the Act;

(b) [if the court has fixed a time for the filing of complaints under § 17c (2) of the Act pursuant to Rule 12-47] unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2) and (4) of § 17a of the Act;

(c) [if the court has fixed a time for the filing of complaints under § 17c (2) of the Act pursuant to Rule 12-47] unless heretofore or

hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clause (8) of § 17a of the Act, except those debts on which there was an action pending on, the date when the first petition was filed initiating a case under the Act, in which a right to jury trial existed and a party has either made a timely demand therefor or has submitted to this court a signed statement of intention to make such a demand;

(d) debts determined by this court to be discharged under § 17c (3) of the Act.

C. All creditors whose debts are discharged by this order and all creditors having claims of a type referred to in paragraph (B)(2) above are enjoined from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the above-named debtor.

Dated:

.....
Bankruptcy Judge.

FORM No. 12-F19

NOTICE OF ORDER OF CONFIRMATION OF PLAN AND DISCHARGE

[Caption, other than designation, as in Form No. 12-F1]

NOTICE OF ORDER OF CONFIRMATION OF PLAN AND DISCHARGE

To the debtor, his creditors, and other parties in interest:

Notice is hereby given of the entry of an order of this court on, confirming the plan dated, and providing further that:

A. Except as otherwise provided or permitted by the plan or such order:

(1) The above-named debtor is released from all dischargeable debts;

(2) Any judgment theretofore or thereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

- (a) debts dischargeable under § 17a and b of the Bankruptcy Act;
- (b) [if the court has fixed a time for the filing of complaints under § 17c (2) of the Act pursuant to Rule 12-47] unless theretofore or thereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2) and (4) of § 17a of the Act;

(c) [if the court has fixed a time for the filing of complaints under § 17c (2) of the Act pursuant to Rule 12-47] unless theretofore or thereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clause (8) of § 17a of the Act, except those debts on which there was an action pending on, the date when the first petition was filed initiating a case under the Act, in which a right to jury trial existed and a party has either made a timely demand therefor or has submitted to this court a signed statement of intention to make such demand;

(d) debts determined by this court to be discharged under § 17c (3) of the Act.

B. All creditors whose debts are discharged by said order and all creditors having claims of a type referred to in paragraph (A)(2) above are enjoined from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the above-named debtor.

Dated:

.....
Bankruptcy Judge.