

## OFFICIAL CHAPTER VIII 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. 8-1

### VOLUNTARY PETITION UNDER CHAPTER VIII

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

In re ..... } Bankruptcy No. ....  
Debtor ..... } Chapter VIII

### VOLUNTARY PETITION UNDER CHAPTER VIII

1. Petitioner's post-office address is .....
2. Petitioner is a railroad corporation organized and existing under the laws of ..... and is qualified to file this petition and is entitled to the benefits of Chapter VIII of the Bankruptcy Act.
3. Petitioner's railroad line is operated in the state of ..... [or in the states of ..... and .....] and its principal operating office [or executive office] has been 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. Petitioner's most recent annual report and financial statements as required by the Interstate Commerce Commission to be filed with the Commission are attached.
6. The assets, liabilities, and the capital stock of the petitioner are substantially as follows:
  - (a) Assets.

(i) Rail Lines: The rail lines of petitioner consist of ..... track miles and ..... route miles.

(ii) Equipment: The following rolling stock and equipment is owned or leased by petitioner [state the number of locomotives, general box cars, and other types of equipment]:

.....  
.....  
.....

(iii) Nonrailroad: The principal nonrailroad assets of the petitioner are:

.....  
.....  
.....

(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 [set forth such additional information about the petitioner's financial condition as is necessary to enable the court to make findings with respect to its preliminary approval of the petition]: .....

.....  
.....

7. No equity receivership or similar proceeding, 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: .....

.....  
 .....  
 8. No other petition by or against the petitioner is pending under Chapter VIII of the Act; nor is any proceeding involving the petitioner pending under § 20 (b) of the Interstate Commerce Act (49 U. S. C., § 20 (b)), except as follows: .....

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

Signed: .....,  
*Attorney for Petitioner.*

Address: .....,  
 .....

Telephone number: .....

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. 8-2

## INVOLUNTARY PETITION UNDER CHAPTER VIII

[Caption, other than designation, as in Form No. 8-1]

## INVOLUNTARY PETITION UNDER CHAPTER VIII

1. Petitioners, ....., of\*  
 ....., and .....  
 ..... of\* .....  
 and ..... of\* .....  
 ....., are creditors of .....  
 debtor, of\* ....., having  
 claims against the debtor, amounting in the aggregate to not less  
 than 5 percent of all the indebtedness of the debtor as shown on  
 the latest annual report filed by the debtor with the Interstate  
 Commerce Commission. The nature and amount of petitioners'  
 claims are as follows: .....  
 .....

2. The debtor is a railroad corporation organized and existing  
 under the laws of ..... and is  
 subject to an involuntary petition under Chapter VIII of the  
 Bankruptcy Act.

3. The debtor's railroad line is operated in the state of .....  
 [or in the states of ..... and .....],  
 and its principal operating office [or executive office] has been  
 within this 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 debtor's most recent annual report and financial state-  
 ments as required by the Interstate Commerce Commission to be  
 filed with the Commission are attached.

6. The assets, liabilities, and the capital stock of the debtor are  
 substantially as follows [complete the remaining portion of this  
 paragraph to the extent possible]:

(a) Assets.

(i) Rail Lines: The rail lines of the debtor consist of .....  
 track miles and ..... route miles.

(ii) Equipment: The following rolling stock and equipment is

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\*State post-office address.

owned or leased by the debtor [state the number of locomotives, general box cars, and other types of equipment]:.....

.....

(iii) Nonrailroad: The principal nonrailroad assets of the debtor are: .....

.....

(b) Liabilities. The principal liabilities of the debtor consist of

.....

.....

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

Authorized:

.....

.....

Issued and outstanding:

.....

.....

(d) Other facts, if any, affecting financial condition [set forth such additional information about the debtor's financial condition as is necessary to enable the court to make findings with respect to its preliminary approval of the petition]: .....

.....

7. No equity receivership or similar proceeding, 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: .....

.....

8. No other petition by or against the debtor is pending under Chapter VIII of the Act; nor is any proceeding involving the debtor pending under § 20 (b) of the Interstate Commerce Act (49 U. S. C. § 20 (b)), except as follows: .....

.....

.....

Wherefore petitioner[s] pray for relief in accordance with Chapter VIII of the Act.

Signed: .....  
Attorney for Petitioner(s).

Address: .....  
.....

Telephone number: .....

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

I, ....., the petitioner [or 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. 8-3

SUMMONS TO DEBTOR

[Caption, other than designation, as in Form No. 8-1]

SUMMONS

To the above-named debtor:

An involuntary petition for your reorganization under Chapter VIII 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 petitioner's 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.

.....  
Clerk of the District Court.

[Seal of the United States District Court]

Date of issuance: .....

## FORM No. 8-4

ORDER FOR AND NOTICE OF HEARING ON APPOINTMENT OF TRUSTEE,  
COMBINED WITH NOTICE OF PROOF OF CLAIM PROCEDURE  
AND OF AUTOMATIC STAY

[Caption, other than designation, as in Form No. 8-1]

ORDER FOR AND NOTICE OF HEARING ON APPOINTMENT OF TRUSTEE,  
COMBINED WITH NOTICE OF PROOF OF CLAIM PROCEDURE  
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 VIII of the Bankruptcy Act, it is ordered, and notice is hereby given, that:

1. A hearing on the appointment of a trustee shall be held at ..... on ..... at ..... o'clock .m.

2. [If appropriate] On or before..... suggestions of persons qualified to serve as trustee may be submitted to the court at .....

3. The last date for filing an answer to the petition by any creditor, indenture trustee, or stockholder is the day prior to the date of the hearing set in paragraph 1. If a timely answer is filed, the court will consider such answer at the hearing on appointment of a trustee.

4. The trustee [or debtor] has filed or will file a list of creditors and stockholders pursuant to Chapter VIII Rule 8-106 of the Rules of Bankruptcy Procedure. In order to vote on a plan or share in any distribution, a creditor who is not listed, and a creditor whose claim is listed as disputed, contingent, or unliquidated as to amount, must file a proof of claim on or before a date which

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\*State post-office address.

will be fixed and of which you will be notified by mail if your address is known. A creditor who desires to assert a claim different in amount or character from his claim as listed, must file a proof of claim within the time to be fixed by the court. Holders of record of stock, bonds, debentures, notes, and other securities will be entitled to vote on a plan and share in the distribution under a plan based on their ownership of the securities at the times fixed under Rules 8-306 and 8-405. Holders of nonregistered securities (securities for which no formal transfer records are maintained by or for the debtor) will be entitled to share in distribution under a plan if the filed list includes the outstanding indebtedness of the entire securities issue. The filing of a proof of claim covering the entire indebtedness by a trustee under a trust indenture will also establish the right of a holder of a security under the indenture to share in distribution under a plan. However, since the filed list or the proof of claim of a trustee under a trust indenture may not indicate who owns nonregistered securities, it may be impossible to provide voting materials to nonregistered security holders. If you are the holder of a nonregistered security and you desire to vote on a plan, you must file a timely proof of claim.

You are further notified that:

The hearing on appointment of a trustee may be continued or adjourned from time to time by order made in open court, without further notice to creditors, indenture trustees, and stockholders.

The filing of the petition by [*or against*] the above-named debtor operates as a stay of the commencement or continuation of any action against the debtor, of any setoff by a creditor, of the enforcement of any judgment against the debtor, 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 8-501.

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

Dated: .....

.....,  
*District Judge.*

\**State post-office address.*

FORM No. 8-5

NOTICE OF PROOF OF CLAIM PROCEDURE

[*Caption, other than designation, as in Form No. 8-1*]

NOTICE OF PROOF OF CLAIM PROCEDURE

To creditors and indenture trustees:

You are hereby notified that:

The ....., debtor, is in reorganization under Chapter VIII of the Bankruptcy Act, and the undersigned, ..... of\* ..... and ..... of \*....., has [*or have*] been appointed trustee(s) of the debtor's estate.

As required by Chapter VIII Rule 8-106 of the Rules of Bankruptcy Procedure, a list of creditors has been filed which includes the amount and character of the debtor's obligation to each creditor. You appear on this list as a creditor.

Notwithstanding the inclusion of your claim on the list, under Rule 8-401 it may be necessary for you to file a proof of claim in this case in order to protect your interest.

A creditor whose claim is shown on the list as disputed, contingent, or unliquidated as to amount must file a proof of claim within the time prescribed in this notice. If a proof of claim is not filed by such creditor, he will not be entitled to share in any distribution under a plan or to vote on a plan.

A listed claim not shown as disputed, contingent, or unliquidated as to amount is deemed allowed unless an objection to allowance is filed. Notice of an objection to a claim will be given to the creditor involved. A creditor who is not satisfied that his claim as listed accurately reflects his claim against the debtor and who desires to assert a claim different in amount or character must file a proof of claim within the time prescribed in this notice.

It is the responsibility of each creditor to ascertain how his claim

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\**State post-office address.*

is shown on the list. The list is available for inspection at .....

Pursuant to an order entered in this case on ....., proofs of claim must be filed on or before ....., with ..... at ..... [or, if appropriate, proofs of claim must be filed prior to the approval of a plan]. A proof of claim must comply with the formalities specified in Rule 8-401 (b) (5) [and, if appropriate, be filed on the form prescribed by the court and appended to this notice].

Dated: .....

Signed: .....,  
.....  
Trustee(s).

Address: .....,  
.....

FORM No. 8-6

ORDER APPROVING PLAN

[Caption, other than designation, as in Form No. 8-1]

ORDER APPROVING PLAN

A plan under Chapter VIII of the Bankruptcy Act for.....  
..... having been certified to this court by the Interstate Commerce Commission; and

It having been determined after hearing on notice that:

1. The provisions of § 77 (b) of the Act have been complied with; and

2. The plan is fair and equitable, affords due recognition to rights of each class of creditors or stockholders with no unfair discrimination among classes of creditors and stockholders, and conforms to the law regarding participation of the various classes of creditors and stockholders; and

3. To the extent ascertainable the expenses and fees incident to this case have been disclosed, the amounts of expenses and fees provided for by the plan are within the limits set by the Interstate Commerce Commission, and such expenses and fees have been approved by this court as reasonable [or the reasonableness of such expenses and fees is subject to approval by this court]; and

4. The plan provides for payment of all costs of administration and all other allowances made or to be made by this court;

It is ordered and notice is hereby given that:

A. The plan certified by the Interstate Commerce Commission to this court on ..... is approved.

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

C. Within .... days after the entry of this order the trustee shall transmit by mail to creditors, stockholders, and other parties in interest as provided in Rule 8-306 who are members of the classes of creditors, stockholders, and other parties in interest entitled to accept or reject the plan, as summary of such plan approved by the court, a summary approved by the court of its opinion, dated ....., approving the plan, a summary of the report of the Interstate Commerce Commission, dated ....., prepared by the Commission, and a form of ballot conforming substantially to Official Form No. 8-7 [or, if appropriate, a copy of the ballot appended to this order].

Dated: .....

.....,  
 District Judge.

[If the court directs that a copy of the plan, opinion, or the 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. 8-7

BALLOT FOR ACCEPTING OR REJECTING PLAN

[Caption, other than designation, as in Form No. 8-1]

BALLOT FOR ACCEPTING OR REJECTING PLAN

The plan referred to in this ballot has been approved by the court on ..... and can be confirmed by the court and thereby made binding on you if it is accepted by the holders of two-thirds in amount of claims in each class and the holders of two-thirds of the stock in each class voting on the plan. In the event the requisite acceptances are not obtained, the court may nevertheless confirm the plan if the court finds that the plan accords fair and equitable treatment to those rejecting it, and that in light of all the circumstances the rejection is not reasonably justified. To have your vote count you must complete and return this ballot.

[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, with a stated maturity date of ..... [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.

Dated: .....

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

Return this ballot on or before ..... to:  
 Name: .....  
 Address: .....  
 .....

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

FORM NO. 8-8

ORDER CONFIRMING PLAN

[Caption, other than designation, as in Form No. 8-1]

ORDER CONFIRMING PLAN

A plan under Chapter VIII of the Bankruptcy Act and related documents or summaries thereof having been submitted in conformity with Rule 8-305 to creditors and stockholders entitled to vote on such plan; 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;

It is ordered that:

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

Dated: .....

.....  
*District Judge.*

