AMENDMENTS OF GENERAL ORDERS IN BANKRUPTCY AND THE OFFICIAL FORMS

PROMULGATED BY THE

SUPREME COURT OF THE UNITED STATES

JUNE 23, 1947

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

AMENDMENTS OF GENERAL ORDERS IN BANKRUPTCY AND THE OFFICIAL FORMS

ORDER

IT IS ORDERED, on this 23d day of June, 1947, that General Orders Nos. 1, 10, 13, 24, 26, 27, 35 (4), 46, 50 (12) and 56 and Forms in Bankruptcy Nos. 1, 12, 15, 17, 46, 47, 59, 70, 71, and 72 be, and they are hereby, amended and established to read as hereinafter set forth.

IT IS FURTHER ORDERED that this order shall take effect on Tuesday, July 1, 1947, and shall govern all proceedings then pending to which its provisions are applicable except to the extent that in the opinion of the court its application to such proceedings would not be practicable or work injustice, in which event the General Orders and Forms in Bankruptcy heretofore established shall apply.

GENERAL ORDER No. 1

DOCKETS

The clerk shall keep a docket, in which the cases shall be entered and numbered in the order in which they are commenced. It shall contain a memorandum of the filing of the petition and of the action of the court thereon; of the reference of the case, if any reference is made, to the referee; of the transmission by the referee to the clerk of all bonds, orders and reports, and of the referee's certified record of the proceedings; and of all proceedings in the case except those duly entered on the referee's docket. The clerk's docket shall be arranged in a manner convenient for reference, and shall at all times be open

to public inspection. If the proceeding is brought under sections 75 or 77, or under Chapters IX, X, XI, XII, or XIII, of the Act, the docket shall so indicate.

The referee, in all cases referred to him shall keep a docket of all proceedings before him substantially in the manner indicated by Form No. 70. Such docket shall at all times be open to public inspection. The original referee's docket or a certified copy thereof shall be transmitted to the clerk for preservation by him when the case is closed.

General Order 10

Indemnity for Expenses

Before incurring any expense in procuring the attendance of witnesses or in perpetuating testimony, the clerk, marshal, or referee may require, from the bankrupt, debtor, or other person in whose behalf the duty is to be performed, indemnity for such expense. Money advanced for this purpose by the bankrupt, debtor, or other person shall be repaid him out of the estate as part of the cost of administering the same.

General Order 13

Appointment and Removal of Trustee

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

General Order 24

List of Proved Claims and Interests

The person with whom proofs of claim or of interest are filed shall maintain open to inspection a list of the claims and interests proved against the estate, with the names and addresses of the owners thereof, as given by them. The list of claims or of interests shall be maintained substantially in the manner indicated by Form

No. 71. The original list or a certified copy thereof shall be transmitted to the clerk for preservation by him when the case is closed.

General Order 26

Accounts of Referee

Every referee shall maintain, substantially in the manner indicated by Form No. 46, a cash book or a record in which he shall keep an accurate and itemized account showing (1) all moneys received by him in his official capacity as referee in bankruptcy and the case number of the proceeding to which each receipt is credited; and (2) the disposition made of such moneys, showing the case number of the proceeding, if any, on account of which each sum is disbursed. All moneys received as aforesaid shall be deposited forthwith to the credit of the referee in his official capacity in a depository designated by the court for the purpose, and shall be disbursed only by checks signed by the referee in his official capacity. Within thirty days after the expiration of each six months period ending June thirtieth and December thirty-first of each year, each referee shall submit to the district court a report substantially in the manner indicated by Form No. 47 containing (1) a financial statement showing all moneys received and disbursed in his official capacity as referee in bankruptcy during the period covered by the report; (2) an analysis of the unexpended balance in his official account at the end of the period; (3) a statement showing the number of cases handled during the period; and (4) a list of the proceedings referred to him which have remained open for more than eighteen months, giving the reasons in each instance why they have not been closed. The statements so submitted shall be in duplicate and verified; and one copy shall be transmitted by the clerk, forthwith upon its receipt, to the Administrative Office of the United States Courts.

755552 O—48——59

General Order 27

Review by Judge

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

General Order 35

Paragraph 4

(4) The petition in a voluntary proceeding under Chapters I to VII or Chapter XIII of the Act may be accepted for filing by the clerk if accompanied by a verified petition of the bankrupt or debtor stating that the petitioner is without and cannot obtain the money with which to pay the filing fees in full at the time of filing. Such petition shall state the facts showing the necessity for the payment of the filing fees in installments and shall set forth the terms upon which the petitioner proposes to pay the filing fees.

a. At the first meeting of creditors or any adjournment thereof, the court after hearing and examination of the bankrupt or debtor, shall enter an order fixing the amount and date of payment of such installments. The final installment shall be payable not more than six months after the date of filing of the original petition; provided, however, that for cause shown the court may extend the time of payment of any installment for a period not to exceed three months.

b. Upon the failure of a bankrupt or debtor to pay any installment as ordered, the court may dismiss the proceeding for failure to pay costs as provided in Section 59g of the Act. If a proceeding is dismissed or closed without the payment of the filing fees in full, the amount collected in installments, including any payment made at the time the original petition is filed, shall be divided between the clerk, the referees' salary fund, the referees' expense fund and the trustee, if any,

in the same proportion as such filing fees would be distributed if paid in full.

c. No proceedings upon the discharge of a bankrupt or debtor shall be instituted until the filing fees are paid in full.

General Order 46

Banking Institution as Custodian, Receiver or Trustee

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

General Order 50

Paragraph 12

Proceedings Under Section 75 of the Act

(12) The twenty-five dollar fees of the conciliation commissioner, and the fees and expenses of the supervisory conciliation commissioner, shall be payable out of appropriated funds in accordance with such instructions as may be issued from time to time by the Director of the Administrative Office of the United States Courts.

General Order 56

Rules by Courts of Bankruptcy

Each court of bankruptcy, by action of a majority of the judges thereof, may from time to time make and amend rules governing its practice in proceedings under the Act not inconsistent with the Act or with these general orders. Copies of rules and amendments so made by any court of bankruptcy shall, upon their promulgation, be furnished to the Supreme Court of the United States and the Administrative Office of the United States Courts.

755552 O—48——60

AMENDMENTS OF FORMS IN BANKRUPTCY

Form No. 1

Schedule B–4 re Attorney's Fees

Amounts Paid to Attorney

Sum or sums paid to counsel, and to whom, for filing fees or costs and for services rendered or to be rendered in this bankruptcy .....

Form No. 12

Appointment and Oath of Appraiser

....., of ....., a disinterested person, is hereby appointed appraiser, forthwith to appraise, after having been duly sworn, all the items of real and personal property belonging to the estate of said bankrupt, and to prepare and file with the court a report of said appraisal.

[Here set out the amount of compensation or the rate or measure thereof to be paid and such instructions as may be deemed appropriate for the appraisal of the property of the particular estate.]

Dated at ....., this ..... day of ....., 19...

....., *Referee in Bankruptcy.*

United States of America }
..... District of ..... } *ss.*

I, ..., the person above named, do hereby make solemn oath that I will fully and fairly appraise the aforesaid property according to my best skill and judgment.

.....

Subscribed and sworn to before me this ..... day of ....., 19...

....., [*Official character.*]

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FORM No. 15

OATH OF OFFICE FOR REFEREES IN BANKRUPTCY

I, ..., do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ....., according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

....

Subscribed and sworn to (or affirmed) before me this ..... day of ....., 19...

....., ...

FORM No. 17

NOTICE OF FIRST MEETING OF CREDITORS

(Caption as in Form No. 1)

To the creditors of ...., of ....., a bankrupt:

Notice is hereby given that said .... has been duly adjudged a bankrupt on a petition filed by [or against] him on ....., 19.., and that the first meeting of his creditors will be held at ....., in ....., on ....., 19.., at .. o'clock ... m., at which place and time the said creditors may attend, prove their claims, appoint a trustee, appoint a committee of creditors, examine the bankrupt, and transact such other business as may properly come before said meeting.

Dated at ....., ..., 19...

....., ...,

Referee in Bankruptcy.

FORM NO. 46

REFEREE'S CASH BOOK

RECEIPTS							DISBURSEMENTS									
Date	Title of Case and Case No.	From Whom Received	Indemnity for Witnesses and Testimony	Moneys Collected for Clerk	Moneys Held in Trust	Misc. Receipts	Date	Payee	Check No.	Title of Case and Case No.	Witnesses	Testimony	Moneys Disbursed to Clerk	Refunds	Moneys Held in Trust	Misc. Disbursements
Amounts brought forward ----------							Amounts brought forward ----------									
Amounts carried forward ----------							Amounts carried forward ----------									

FORM NO. 47

REFEREE'S SEMI-ANNUAL REPORT

In the District Court of the United States

..... District of .....

To the Honorable ....., Judge of said court:

I, ..., Referee in Bankruptcy of said court, beg to submit herewith, in duplicate, my report in compliance with General Order No. 26 of the Supreme Court, covering the period from ..... to ....., inclusive.

Attached hereto and made a part of this report are the following exhibits:

1. A financial statement showing all moneys received and disbursed during the period covered by this report.

2. An analysis of the unexpended balance in my official account at the end of the period.

3. Statement of the number of cases handled during the period.

4. A list of proceedings referred to me which have remained open for more than eighteen months, giving the reason in each instance why they have not been closed.

Respectfully submitted, this ..... day of ....., 19...

....

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

Before me, the undersigned authority, on this day personally appeared ...., known to me to be the person whose name is subscribed to the foregoing instrument, who after being sworn by me, upon his oath states that the statements contained in the foregoing instrument, and all exhibits thereto attached, are true and correct, to the best of his knowledge and belief.

....

Subscribed and sworn to before me by ...., this the ..... day of ....., 19...

....

FORM NO. 59

NOTICE OF MEETING OF CREDITORS IN PROCEEDINGS UNDER CHAPTER XIII

To the creditors of ...., of .....:

Notice is hereby given that on ....., 19.., the said .... filed a petition in this court stating that he desires to effect a composition or an extension of time to pay his debts out of his future earnings in accordance with the provisions of chapter XIII of the Bankruptcy Act; and that a meeting of his creditors will be held at ....., in ....., on ....., 19.., at .. o'clock ... m., at which place and time the said debtor shall submit his plan for a composition or extension, and the said creditors may attend, prove their claims, examine the debtor, present written acceptances of the plan proposed by him, and transact such other business as may properly come before said meeting.

[If appropriate, the following may be added]

Notice is also hereby given that the application to confirm said plan shall be filed with this court on or before ....., 19..; and that the hearing on the confirmation and objections thereto, if any, will be held at ....., in ....., on ....., 19.., at ... m.

Dated this ..... day of ....., 19...

....,
Referee in Bankruptcy.

FORM NO. 70

BANKRUPTCY DOCKET OF | REFEREE | CAUSE NO.

In the matter of

Address
Occupation
Employer

Receiver
Addr
Trustee
Addr

Attorneys for

Pet. Cr
Addr

Bkpt
Addr

Recvr
Addr

Trustee
Addr

Petition Filed
Adjudicated
1st Meeting
Last Day Filing Claims
Discharge

Vol
Pov
Inv
Ch
Sec

Is Any Interest in Real Estate Involved?

Dividends Paid (Date and Percent)

Other Items

Date	Proceedings	Receipts		Disbursements	

FORM NO. 71

REFEREE'S CLAIM REGISTER RE ..... CAUSE NO. .....

Date Filed	No.	Name and Address of Claimant and Attorney	Amount Filed and Allowed	Remarks
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	
			Filed	
			Allowed	

FORM No. 72

ORDER ALLOWING CLAIMS

At ..... in said district on ....., 19...

Upon the proofs of claim of the creditors hereinafter set out, duly filed herein, no objection having been filed to the allowance thereof by parties in interest, and it appearing that the said claims have been duly proven and should be allowed, and no adverse interest being represented, now it is ORDERED that said claims be and the same hereby are allowed as unsecured claims in the respective sums set opposite the several names, as follows, to wit:

..... $.....
..... $.....
..... $.....
..... $.....
..... $.....

....
Referee in Bankruptcy.