BANKRUPTCY RULES AND OFFICIAL BANKRUPTCY FORMS

EFFECTIVE JULY 1, 1974

The Bankruptcy Rules and Official Bankruptcy Forms were prescribed by the Supreme Court of the United States on March 18, 1974, pursuant to 28 U. S. C. § 2075, and were reported to the Congress by THE CHIEF JUSTICE on the same date. For letter of transmittal, see *post*, p. 1004. The Judicial Conference report referred to in that letter is not reproduced herein. These rules and forms became effective on July 1, 1974, as provided in paragraph 2 of the Court's order, *post*, p. 1005.

For earlier publication of Bankruptcy Rules and Forms, see, *e. g.*, 411 U. S. 989.

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LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

MARCH 18, 1974

To the Senate and House of Representatives of the United States of America in Congress Assembled:

By direction of the Supreme Court, I have the honor to submit to Congress the Rules and Official Forms governing proceedings under Chapter XI of the Bankruptcy Act, together with an amendment to Subdivision 14 of Official Bankruptcy Form 7 prescribed by the Court by Order of April 24, 1973, and Amendment to Rules 41 (a) and 50 of the Federal Rules of Criminal Procedure which have been adopted by the Supreme Court, pursuant to Title 28, Section 2075, and Title 18 United States Code, Section 3771. MR. JUSTICE DOUGLAS dissents from the adoption of Chapter XI of the Bankruptcy Act.

Accompanying these rules and forms is an excerpt from the Report of the Judicial Conference of the United States containing the Advisory Committee Notes which were submitted to the Court for its consideration pursuant to Title 28, United States Code, Section 331.

Respectfully,

(Signed) WARREN E. BURGER,
Chief Justice of the United States

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SUPREME COURT OF THE UNITED STATES

MONDAY, MARCH 18, 1974

ORDERED:

1. That the rules and forms as approved by the Judicial Conference of the United States and annexed hereto, to be known as the Chapter XI Rules and Official Chapter XI Forms, be, and they hereby are, prescribed pursuant to Section 2075, Title 28, United States Code, to govern the forms of process, writs, pleadings and motions and the practice and procedure under Chapter XI of the Bankruptcy Act, in the proceedings and to the extent set forth therein, in the United States district courts, the District Court for the District of the Canal Zone, and the District Courts of Guam and the Virgin Islands.

[See *infra,* pp. 1011–1053.]

2. That the aforementioned Chapter XI Rules and Official Chapter XI Forms shall take effect on July 1, 1974, and shall be applicable to proceedings then pending except to the extent that in the opinion of the court their application in a particular proceeding then pending would not be feasible or would work injustice, in which event the former procedure applies.

3. That General Order in Bankruptcy 48 and Official Forms in Bankruptcy 48 to 52 inclusive, heretofore prescribed by this Court be, and they hereby are, abrogated, effective July 1, 1974.

4. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit the aforementioned new Chapter XI Rules and Official Chapter XI Forms to the Congress in accordance with the provisions of Title 28, U. S. C. § 2075.

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MR. JUSTICE DOUGLAS.

I dissent from the transmittal to Congress of these Chapter XI Bankruptcy Rules. With all respect, we have no expertise in this area, very few bankruptcy cases reaching us. Matters of this kind should therefore not bear our imprimatur but only that of judges who are active in the administration of the Bankruptcy Act.

ORDERED:

1. That subdivision 14 of Official Bankruptcy Form 7 prescribed by this Court by Order entered April 24, 1973, be, and it hereby is, amended, effective July 1, 1974, to read as follows:

[See *infra,* p. 1055.]

2. That subdivision (a) of Rule 41 and the first paragraph of Rule 50 of the Federal Rules of Criminal Procedure be, and they hereby are, amended, effective July 1, 1974, to read as follows:

[See *infra,* p. 1057.]

3. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit the foregoing amendments to Official Bankruptcy Form 7 and Rules 41 and 50 of the Federal Rules of Criminal Procedure to the Congress in accordance with Title 28 U. S. C. § 2075 and Title 18, U. S. C. § 3771.

RULES OF BANKRUPTCY PROCEDURE

TITLE V
CHAPTER XI RULES

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TITLE V
CHAPTER XI RULES

Rule 11–1. Scope of Chapter XI rules and forms; short title.

The rules and forms in this Title V govern the procedure in courts of bankruptcy in cases under Chapter XI of the Bankruptcy Act. These rules may be known and cited as the Chapter XI Rules. These forms may be known and cited as the Official Chapter XI Forms.

Rule 11–2. Meanings of words in the Bankruptcy Rules when applicable in a Chapter XI case.

The following words and phrases used in the Bankruptcy Rules made applicable in Chapter XI cases by these rules have the meanings herein indicated, unless they are inconsistent with the context:

(1) "Bankrupt" means "debtor."

(2) "Bankruptcy" or "bankruptcy case" means "Chapter XI case."

(3) "Receiver," "trustee," "receiver in bankruptcy," or "trustee in bankruptcy" means the "receiver," "trustee," or "debtor continued in possession" in the Chapter XI case.

Rule 11–3. Commencement of Chapter XI case.

(*a*) *Method of commencement.*—A Chapter XI case is commenced by the filing of a petition with the court by a person seeking relief under Chapter XI of the Act.

(*b*) *When case may be commenced.*—The petition under Chapter XI may be an original petition or it may be filed in a bankruptcy, Chapter XII, or Chapter XIII case.

Rule 11–4. Chapter XI cases originally commenced under another chapter of the Act.

When a case commenced under another chapter of the Act proceeds under Chapter XI, the Chapter XI case shall be deemed to have been originally commenced as of the date of the filing of the first petition initiating a case under the Act.

Rule 11–5. Reference of cases; withdrawal of reference and assignment.

Bankruptcy Rule 102 applies in Chapter XI cases.

Rule 11–6. Original petition.

An original petition under Chapter XI of the Act shall conform substantially to Official Form No. 11–F1. An original and 4 copies of the petition shall be filed, unless a different number of copies is required by local rule. The clerk shall transmit one copy to the District Director of Internal Revenue for the district in which the case is filed, and one copy to the Secretary of the Treasury and, if the debtor is a corporation, one copy to the Securities and Exchange Commission at Washington, District of Columbia.

Rule 11–7. Petition in pending case.

If a bankruptcy case or a case under Chapter XII or XIII is pending by or against the debtor, any petition under Chapter XI shall be filed therein and may be filed before or after adjudication. Such petition shall conform substantially to Official Form No. 11–F2. The number and distribution of copies shall be as specified in Rule 11–6. The filing of the petition shall act as a stay of adjudication and of administration of an estate in bankruptcy. The court may, for cause shown, terminate, annul, modify, or condition the stay.

Rule 11–8. Partnership petition.

A petition may be filed pursuant to Rule 11–6 or 11–7 by all the general partners on behalf of the partnership.

Rule 11–9. Caption of petition.

Bankruptcy Rule 106 applies in Chapter XI cases.

Rule 11–10. Filing fees.

Every petition filed pursuant to Rule 11–6 shall be accompanied by the prescribed filing fees.

Rule 11–11. Schedules, statement of affairs, and statement of executory contracts.

(*a*) *Schedules and statements required.*—The debtor shall file with the court schedules of all his debts and all his property, a statement of his affairs, and a statement of his executory contracts, prepared by him in the manner prescribed by Official Forms No. 11–F5 and either No. 11–F6 or No. 11–F7, whichever is appropriate. The number of copies of the schedules and statements shall correspond to the number of copies of the petition required by these rules.

(*b*) *Time limits.*—Except as otherwise provided herein, the schedules and statements, if not previously filed in a pending bankruptcy or Chapter XII case, shall be filed with the petition. A petition shall nevertheless be accepted by the clerk if accompanied by a list of all the debtor's creditors and their addresses, and the schedules and statements may be filed within 15 days thereafter in such case. On application, the court may grant up to 30 additional days for the filing of schedules and the statements; any further extension may be granted only for cause shown and on such notice as the court may direct.

(*c*) *Partnership.*—If the debtor is a partnership, the general partners shall prepare and file the schedules of the debts and property, statement of affairs, and statement of executory contracts of the partnership.

(*d*) *Interests acquired or arising after petition.*—Bankruptcy Rule 108 (e) applies in Chapter XI cases except that the supplemental schedule need not be filed with

respect to property or interests acquired after confirmation of a plan.

Rule 11–12. Verification and amendment of petition and accompanying papers.

Bankruptcy Rules 109 and 110 apply in Chapter XI cases to petitions, schedules, statements of affairs, statements of executory contracts, and amendments thereto.

Rule 11–13. Venue and transfer.

(*a*) *Proper venue.*

(*1*) *General venue requirement.*—Bankruptcy Rule 116 (a)(1) and (2) apply to a petition filed pursuant to Rule 11–6. A petition filed pursuant to Rule 11–7 shall be filed with the court in which the bankruptcy, Chapter XII, or Chapter XIII case is pending.

(*2*) *Partner with partnership or copartner.*—Notwithstanding the foregoing: (A) a petition commencing a Chapter XI case may be filed by a general partner in a district where a petition under the Act by or against a partnership is pending; (B) a petition commencing a Chapter XI case may be filed by a partnership or by any other general partner or any combination of the partnership and the general partners in a district where a petition under the Act by or against a general partner is pending.

(*3*) *Affiliate.*—Notwithstanding the foregoing, a petition commencing a Chapter XI case may be filed by an affiliate of a debtor or bankrupt in a district where a petition under the Act by or against the debtor or bankrupt is pending.

(*b*) *Transfer of cases; dismissal or retention when venue improper; reference of transferred cases.*—Bankruptcy Rule 116 (b) and (d) apply in Chapter XI cases.

(*c*) *Procedure when petitions involving the same debtor or related debtors are filed in different courts.*—Bankruptcy Rule 116 (c) applies in Chapter XI cases.

Rule 11–14. Joint administration of cases pending in same court.

Bankruptcy Rules 117 (b) and (c) apply in Chapter XI cases.

Rule 11–15. Conversion to Chapter X.

(*a*) *Motion by debtor.*—A debtor eligible for relief under Chapter X of the Act may, at any time, make a motion to have the case proceed under such Chapter.

(*b*) *Motion by party in interest other than debtor.*—At any time until 120 days after the first date set for the first meeting of creditors in the Chapter XI case, a motion may be made by the Securities and Exchange Commission or other party in interest to have the case proceed under Chapter X of the Act. The court may, for cause shown, extend the time for making such motion.

(*c*) *Form of motion; answer.*—A motion made under this rule shall state why relief under Chapter XI of the Act would not be adequate and shall also conform substantially to Official Form No. 10–1. On the making of such motion, the court shall fix a date on at least 20 days' notice to the parties specified in subdivision (d) of this rule for the filing of answers controverting the allegations of the motion, which date shall be not less than 10 days before the date set for the hearing under subdivision (d) of this rule.

(*d*) *Hearing and order.*—After hearing, on notice to the debtor, the Securities and Exchange Commission, indenture trustees, creditors, and stockholders, and such other persons as the court may direct, the court shall, if it finds that the case may properly proceed under Chapter X of the Act, grant the motion and order that the case proceed under that Chapter. The granting of the motion shall be deemed to constitute approval of a petition under Chapter X.

Rule 11–16. Death or insanity of debtor.

In the event of death or insanity of the debtor, a Chapter XI case may be dismissed, or if further administration is feasible and in the best interest of the parties, the estate may be administered and the case concluded in the same manner, so far as possible, as though the death or insanity had not occurred.

Rule 11–17. Debtor involved in foreign proceeding.

Bankruptcy Rule 119 applies in Chapter XI cases.

Rule 11–18. Appointment of receiver; continuance of trustee or debtor in possession; removal.

(*a*) *Trustee.*—When a petition is filed under Rule 11–7 after the qualification of a trustee in bankruptcy in the pending bankruptcy case, the court shall continue the trustee in possession.

(*b*) *Retention of debtor in possession; appointment of receiver.*—On the filing of a petition under Rule 11–6 or 11–7, if no trustee in bankruptcy has previously qualified, the debtor shall continue in possession. On application of any party in interest, the court may, for cause shown, appoint a receiver to take charge of the property and operate the business of the debtor.

(*c*) *Notice to receiver of his appointment; qualification.*—The court shall immediately notify the receiver of his appointment, inform him as to how he may qualify, and require him forthwith to notify the court of his acceptance or rejection of the office. A receiver shall qualify as provided in Rule 11–20.

(*d*) *Eligibility.*—Only a person who is eligible to be a trustee under Bankruptcy Rule 209 (d) may be appointed a receiver.

(*e*) *Removal and substitution of receiver.*—The court may at any time remove the receiver and either appoint a successor or restore the debtor to possession.

(*f*) *Removal of trustee for cause.*—On motion of any party in interest or on the court's own initiative and

after hearing on notice, the court may remove a trustee for cause and either appoint a receiver or designate the debtor as debtor in possession.

(*g*) *Substitution of successor.*—When a trustee or receiver dies, resigns, is removed, or otherwise ceases to hold office during the pendency of a Chapter XI case, his successor is automatically substituted as a party in any pending action, proceeding, or matter without abatement.

Rule 11–19. Receivers for estates when joint administration ordered.

(*a*) *Appointment of receivers for estates being jointly administered.*—If the court orders a joint administration of 2 or more estates pursuant to Rule 11–14, it may appoint one or more common receivers or separate receivers for the estates being jointly administered. Common receivers shall not be appointed unless the court is satisfied that parties in interest in the different estates will not be prejudiced by conflicts of interest of such receivers.

(*b*) *Separate accounts.*—The receiver or receivers of estates being jointly administered shall nevertheless keep separate accounts of the property of each estate.

Rule 11–20. Qualification by receiver and disbursing agent; indemnity; bonds; evidence.

(*a*) *Qualifying bond or security.*—Except as provided hereinafter, every receiver within 5 days after his appointment and every person specially appointed as disbursing agent within the time fixed by the court shall, before entering on the performance of his official duties, qualify by filing a bond in favor of the United States conditioned on the faithful performance of his official duties or by giving such other security as may be approved by the court.

(*b*) *Blanket bond.*—The court may authorize a blanket bond in favor of the United States conditioned on the

faithful performance of official duties by a receiver in more than one case or by more than one receiver.

(*c*) *Qualification by filing acceptance.*—A receiver for whom a blanket bond has been filed pursuant to subdivision (b) of this rule shall qualify by filing his acceptance of his appointment in lieu of the bond.

(*d*) *Indemnification.*—The court may, after hearing on notice to the debtor and such other persons as the court may direct, order the debtor to indemnify or otherwise protect the estate against subsequent loss thereto or diminution thereof until the entry, if any, of an order of adjudication.

(*e*) *Amount of bond and sufficiency of surety; filing of bond; proceeding on bond.*—Bankruptcy Rule 212 (e) and (f) apply to the bonds of trustees, receivers, and persons specially appointed as disbursing agents in Chapter XI cases.

(*f*) *Evidence of qualification; debtor continued in possession.*—A certified copy of the order approving the bond or other security given by a receiver under subdivision (a) or of his acceptance filed under subdivision (c) of this rule shall constitute conclusive evidence of his appointment and qualification. Whenever evidence is required that a debtor is a debtor in possession, the court may so certify and the certificate shall constitute conclusive evidence of that fact.

Rule 11–21. Limitation on appointment of receivers.

Bankruptcy Rule 213 applies in Chapter XI cases.

Rule 11–22. Employment of attorneys and accountants.

Bankruptcy Rule 215 applies in Chapter XI cases to the employment of attorneys and accountants for a trustee, receiver, debtor in possession, or creditors' committee selected pursuant to Rule 11–27.

Rule 11–23. Authorization of trustee, receiver, or debtor in possession to conduct business of debtor.

The court may authorize the trustee, receiver, or debtor

in possession to conduct the business and manage the property of the debtor for such time and on such conditions as may be in the best interest of the estate.

Rule 11–24. Notice to parties in interest and the United States.

(*a*) *Ten-day notices to parties in interest.*—Except as provided hereinafter, the court shall give the trustee or receiver, the debtor, and all creditors, including secured creditors, at least 10 days' notice by mail of (1) a meeting of creditors; (2) any proposed sale of property, other than in the ordinary course of business, including the time and place of any public sale, unless the court on cause shown shortens the time or orders a sale without notice; (3) the hearing on the approval of a compromise or settlement of a controversy, unless the court on cause shown directs that notice not be sent; (4) the time for filing objections to confirmation; (5) the hearing to consider confirmation of a plan; (6) the time fixed to reject a proposed modification of a plan when notice is required by Rule 11–39; and (7) the hearing on an application for allowances for compensation or reimbursement of expenses. The notice of a proposed sale of property, including real estate, is sufficient if it generally describes the property to be sold. The notice of a hearing on an application for compensation or reimbursement of expenses shall specify the applicant and the amount requested.

(*b*) *Other notices to parties in interest.*—The court shall give notice by mail to the trustee or receiver, the debtor, and all creditors, including secured creditors, of (1) dismissal of the case pursuant to Rule 11–42; (2) the time allowed for filing a complaint to determine the dischargeability of a debt pursuant to § 17c (2) of the Act as provided in Rule 11–48; and (3) entry of an order confirming a plan pursuant to Rule 11–38.

(*c*) *Addresses of notices.*—Bankruptcy Rule 203 (e) applies in Chapter XI cases.

(*d*) *Notices to creditors' committee.*—Copies of all notices required to be mailed to creditors under these rules shall be mailed to the creditors' committee selected pursuant to Rule 11–29, if any. Notwithstanding the foregoing subdivisions, if a creditors' committee has been selected, the court may order that notices required by clauses (2), (3), and (7) of subdivision (a) be mailed only to the committee or to its authorized agent and to the creditors who file with the court a request that all notices under these clauses be mailed to them.

(*e*) *Notices to the United States.*—Copies of all notices required to be mailed to creditors under these rules shall be mailed to the United States in the manner provided in Bankruptcy Rule 203 (g).

(*f*) *Notice by publication.*—Bankruptcy Rule 203 (h) applies in Chapter XI cases.

(*g*) *Caption.*—The caption of every notice given under this rule shall comply with Rule 11–9.

Rule 11–25. Meetings of creditors.

(*a*) *First meeting.*

(*1*) *Date and place.*—The first meeting of creditors shall be held not less than 20 nor more than 40 days after the filing of a petition commencing a Chapter XI case but if there is an application or motion to dismiss or to convert to bankruptcy pursuant to Rule 11–42 or an appeal from or a motion to vacate an order entered under that rule, the court may delay fixing a date for such meeting. The meeting may be held at a regular place for holding court or at any other place within the district more convenient for the parties in interest.

(*2*) *Agenda.*—The bankruptcy judge shall preside over the transaction of all business at the first meeting of creditors, including the examination of the debtor. He shall, when necessary, determine which claims are unsecured and which are secured and to what extent, which

claims are entitled to vote at the meeting, which claims have voted for acceptance of a plan, shall conduct the election, if one is held, of a standby trustee and, if one is held, of a creditors' committee, and may fix a time for filing a plan if one has not been filed.

(*b*) *Special meetings.*—The court may call a special meeting of creditors on application or on its own initiative.

Rule 11–26. Examination.

Bankruptcy Rule 205 applies in Chapter XI cases, except that the scope of examination referred to in subdivision (d) thereof may also relate to the liabilities and financial condition of the debtor, the operation of his business and the desirability of the continuance thereof, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan.

Rule 11–27. Selection of creditors' committee and standby trustee.

(*a*) *Election or appointment of creditors' committee and election of standby trustee.*—At the first meeting of creditors, creditors may elect a committee of not less than 3 nor more than 11 creditors if none has previously been elected under Bankruptcy Rule 214 and, if a trustee has not previously been elected or appointed, may elect a standby trustee. If creditors fail to elect a committee and if it is in the best interest of the estate, the court may appoint a representative committee from among creditors willing to serve.

(*b*) *Voting at creditors' meetings.*—Bankruptcy Rule 207 applies in Chapter XI cases to the voting at creditors' meetings for a standby trustee and a creditors' committee.

Rule 11–28. Solicitation and voting of proxies.

Bankruptcy Rule 208 applies in Chapter XI cases, except that the rule does not apply to the solicitation of the acceptance of a plan, or to the related proof of claim that does not contain a proxy, and except that for the purpose of this rule "$500" in Bankruptcy Rule 208 (b)(1)(C) is changed to "$1,000."

Rule 11–29. Creditors' committee.

(*a*) *Functions.*—The committee selected pursuant to Rule 11–27 may consult with the trustee, receiver, or debtor in possession in connection with the administration of the estate, examine into the conduct of the debtor's affairs and the causes of his insolvency or inability to pay his debts as they mature, consider whether the proposed plan is for the best interests of creditors and is feasible, negotiate with the debtor concerning the terms of the proposed plan, advise the creditors of its recommendations with respect to the proposed plan, report to the creditors concerning the progress of the case, collect and file with the court acceptances of the proposed plan, and perform such other services as may be in the interest of creditors.

(*b*) *Employment of attorneys, accountants, and agents.*—A committee selected pursuant to Rule 11–27 may employ such attorneys, accountants, and other agents as may be necessary to assist in the performance of its functions.

(*c*) *Reimbursement of expenses; compensation.*—Expenses of the committee, including compensation for attorneys, accountants, and other agents employed under subdivision (b) of this rule, whether incurred before or after the filing of the petition, shall be allowed in the event of confirmation as an expense of administration to the extent deemed reasonable and necessary by the court, and may be allowed when there is no confirmation. Such expense incurred by the committee before its se-

lection pursuant to Rule 11–27 shall not be disallowed because of a change in the committee's composition, provided a majority of the committee when it incurred the expense continues as members of the selected committee. An application by an attorney, accountant, or other agent for compensation or reimbursement of expenses or an application by a committee for reimbursement of expenses paid as compensation, shall be governed by Bankruptcy Rule 219. Expenses deemed reasonable and necessary by the court incurred by the committee other than for compensation of an attorney, accountant, or other agent or incurred by any selected member of the committee in connection with services performed as a member after the filing of the petition, may also be allowed as an expense of administration after hearing on such notice to such persons as the court may direct, whether or not a plan is confirmed. No member of the committee may be compensated for services rendered by him in the case.

Rule 11–30. Duty of trustee, receiver, or debtor in possession to keep records, make reports, and furnish information.

Bankruptcy Rule 218 applies in Chapter XI cases, except that (1) the written report of the financial condition of the estate shall be made by the trustee, receiver, or debtor in possession within a month after the filing of a petition commencing a Chapter XI case and every month thereafter, and shall include a statement of the operation of the business for the preceding month and, if payments are made to employees, the amounts of deductions for withholding and social security taxes and the place where such amounts are deposited and, (2) the court may excuse the filing of a final report and account by the trustee or receiver, and a debtor in possession need not file a final report and account unless ordered to do so by the court.

Rule 11–31. Compensation for services and reimbursement of expenses.

Bankruptcy Rule 219 applies in Chapter XI cases. Reasonable compensation for services beneficial to the estate and reimbursement of necessary expenses may be allowed to the attorney for the debtor and debtor in possession whether or not a plan is confirmed.

Rule 11–32. Examination of debtor's transactions with his attorney.

Bankruptcy Rule 220 applies in Chapter XI cases.

Rule 11–33. Claims.

(*a*) *Form and content of proof of claim; evidentiary effect.*—Bankruptcy Rule 301 applies in Chapter XI cases.

(*b*) *Filing proof of claim.*

(*1*) *Manner and place of filing.*—Bankruptcy Rule 302 (a), (b), (c) and (d) apply in Chapter XI cases. When the petition is filed pursuant to Rule 11–7, all claims filed in the pending bankruptcy case shall be deemed filed in the Chapter XI case.

(*2*) *Time for filing.*—A claim, including an amendment thereof, must be filed before confirmation of the plan except as follows:

(A) if scheduled by the debtor as undisputed, not contingent, and liquidated as to amount, a claim or an amendment to a claim may be filed within 30 days after the date of mailing notice of confirmation to creditors but in such event shall not be allowed for an amount in excess of that set forth in the schedule; and

(B) a claim arising from the rejection of an executory contract of the debtor, and a post-petition claim allowed to be filed under paragraph (3) of this subdivision, may be filed within such time as the court may direct.

(C) Bankruptcy Rule 302 (e)(3) applies in Chapter XI cases.

(3) *Post-petition tax claims.*—Notwithstanding paragraph (2) of this subdivision, the court may, at any time while a case is pending, permit the filing of a proof of claim for the following:

(A) Claims for taxes owing to the United States, a state, or any subdivision thereof, at the time of the filing of the petition under Rule 11–6 or 11–7 which had not been assessed prior to the date of confirmation of the plan, but which are assessed within one year after the date of the filing of the petition.

(B) Claims for taxes owing to the United States, a state, or any subdivision thereof, after the filing of the petition under Rule 11–6 or 11–7 and which are assessed while the case is pending.

(c) *Filing of tax and wage claims by debtor.*—Bankruptcy Rule 303 applies in Chapter XI cases.

(d) *Claim by codebtor.*—A person who is or may be liable with the debtor, or who has secured a creditor of the debtor, may, if the creditor fails to file his proof of claim on or before the first date set for the first meeting of creditors, execute and file a proof of claim pursuant to this rule, including an acceptance of the plan or any modification thereof, in the name of the creditor, if known, or if unknown, in his own name. No distribution shall be made on the claim except on satisfactory proof that the original debt will be diminished by the amount of distribution. The creditor may nonetheless file a proof of claim pursuant to subdivisions (a) and (b) of this rule and, at any time before the court determines that the plan or any modification thereof has been accepted by the number and amount of creditors required for confirmation, an acceptance or revocation of the acceptance by such person, if any, of the plan, or any modification thereof. Such proof of claim and such revocation of acceptance shall supersede the proof of claim and acceptance filed pursuant to the first sentence of this subdivision. In the event the creditor files a claim and does not file a

revocation of acceptance, the acceptance filed by the codebtor shall be deemed made on the creditor's behalf.

(*e*) *Objections to and allowance of claims; valuation of security.*—Bankruptcy Rule 306 applies in Chapter XI cases.

(*f*) *Reconsideration of claims.*—Bankruptcy Rule 307 applies in Chapter XI cases.

Rule 11–34. Withdrawal of acceptance or claim.

A creditor may withdraw a claim as of right by filing a notice of withdrawal, except as provided in this rule. If, after a creditor has filed a claim, an objection is filed thereto or a complaint is filed against him in an adversary proceeding, or the creditor has accepted the plan or otherwise has participated significantly in the case, he may not withdraw the claim save on application or motion with notice to the trustee, receiver, or debtor in possession, and on order of the court containing such terms and conditions as the court deems proper. Unless the court directs otherwise, withdrawal of a claim shall constitute withdrawal of any related acceptance.

Rule 11–35. Distribution; undistributed consideration; unclaimed funds.

(*a*) *Distributions.*—Except as otherwise provided in the plan, Bankruptcy Rule 308 applies in Chapter XI cases to cash distributions made under a plan. Except as otherwise provided in the plan or ordered by the court, consideration other than cash distributed under the plan shall be issued in the name of the creditor entitled thereto and, if a power of attorney authorizing another person to receive dividends has been executed and filed in accordance with Bankruptcy Rule 910, such consideration shall be transmitted to such other person.

(*b*) *Undistributed consideration.*—Except as provided in subdivision (c) of this rule, or as otherwise ordered by the court, the disbursing agent shall return to the debtor or to such other person as may be designated by

the court any money or other deposited consideration in his possession not distributed under the plan.

(c) *Unclaimed Funds.*—Sixty days after any distribution, the disbursing agent shall stop payment on all checks then unpaid. Bankruptcy Rule 310 shall otherwise apply in Chapter XI cases.

Rule 11–36. Filing of plan; transmission to creditors; adjourned meeting.

(a) *Filing of plan; number of copies.*—The debtor may file a plan with his petition or thereafter, but not later than a time fixed by the court. The debtor, if required by the court, shall promptly furnish a sufficient number of copies of the plan to enable the court to transmit them as provided in subdivision (b) of this rule.

(b) *Transmittal of plan to creditors; adjourned meetings.*—If a plan is filed prior to mailing of notice of the first meeting of creditors, a copy of the plan shall accompany the notice. If the debtor has not filed a plan prior to the first date set for the first meeting of creditors, the court, at the first meeting or thereafter, shall fix a time for filing a plan. If a plan is not filed prior to the mailing of notice of the first meeting of creditors, the court, at the first meeting, shall adjourn the meeting to a date certain. When a plan is filed, a copy thereof and notice of a subsequent adjourned meeting date shall be mailed to the persons specified in Rule 11–24 (a) at least 10 days prior to such date. The court may adjourn a first meeting of creditors from time to time to dates certain.

Rule 11–37. Acceptance or rejection of plans.

(a) *Time for acceptance or rejection.*—At any time prior to the conclusion of the first meeting of creditors, each creditor filing a claim may file with the court his acceptance of the plan. A creditor who files a claim but who fails to file an acceptance within the time prescribed, shall be deemed to have rejected the plan. Acceptances may be obtained before or after the filing of the petition

and may be filed with the court on behalf of the accepting creditor.

(*b*) *Form of acceptance.*—An acceptance of a plan shall be in writing, shall identify the plan accepted, and shall be signed by the creditor.

(*c*) *Temporary allowance.*—Notwithstanding objection to a claim the court may temporarily allow it to such extent as to the court seems proper for the purpose of accepting a plan.

Rule 11–38. Deposit; confirmation of plan; evidence of title.

(*a*) *Deposit.*—At the first meeting of creditors, after a plan has been accepted and before confirmation, the court shall (1) designate as disbursing agent the trustee or receiver, if any, otherwise the debtor in possession or a person specially appointed, to distribute, subject to the control of the court, the consideration, if any, to be deposited by the debtor; and (2) fix a time before confirmation within which the debtor shall deposit with the disbursing agent, or in such place and on such terms as the court may approve, the money necessary to pay all priority debts and costs of administration unless such claimants have waived such deposit or consented to provisions in the plan otherwise dealing with their claims, and the money or other consideration which under the plan is to be distributed to other creditors at the time of confirmation.

(*b*) *Waiver.*—Any person who has waived his right to share in the distribution of the deposit or in payments under the plan shall file with the court, prior to confirmation of the plan, a statement setting forth the waiver and any agreement with respect thereto made with the debtor, his attorney, or any other person.

(*c*) *Objections to confirmation.*—Objections to confirmation of the plan shall be filed and served on the debtor, and the creditors' committee, if any, at any time prior to confirmation or by such earlier date as the court may

fix. An objection to confirmation on the ground that the debtor committed any act or failed to perform any duty which would be a bar to the discharge of a bankrupt is governed by Part VII of the Bankruptcy Rules. Any other objection is governed by Bankruptcy Rule 914.

(*d*) *Hearing on confirmation.*—The court shall rule on confirmation of the plan after hearing on notice as provided in Rule 11–24. The hearing may be held at any time after the conclusion of the first meeting of creditors. If no objection is timely filed under subdivision (c) of this rule, the court may find, without taking proof, that the debtor has not committed any act or failed to perform any duty which would be a bar to the discharge of a bankrupt and that the plan has been proposed and its acceptance procured in good faith, and not by any means, promises, or acts forbidden by law.

(*e*) *Order of confirmation.*—The order of confirmation shall conform substantially to Official Form No. 11–F18. Notice of entry of the order of confirmation and a copy of the provisions of the order dealing with the discharge of the debtor shall be mailed to the debtor and to all creditors within 30 days after entry of the order.

(*f*) *Evidence of title.*—A certified copy of the plan and of the order confirming the plan shall constitute conclusive evidence of the revesting of title to all property in the debtor or the vesting of title in such other person as may be provided in the plan or in the order confirming the plan.

Rule 11–39. Modification of plan before confirmation.

At any time prior to the acceptance of a plan by the requisite majority of creditors, the debtor may file a modification thereof. After a plan has been so accepted and before its confirmation the debtor may file a modification of the plan only with leave of court. The debtor may also submit with the proposed modification written acceptances thereof by creditors. If the court finds that

the proposed modification does not materially and adversely affect the interest of any creditor who has not in writing accepted it, the modification shall be deemed accepted by all creditors who have previously accepted the plan. Otherwise, the court shall enter an order that the plan as modified shall be deemed to have been accepted by any creditor who accepted the plan and who fails to file with the court within such reasonable time as shall be fixed in the order a written rejection of the modification. Notice of such order, accompanied by a copy of the proposed modification, shall be given to creditors and other parties in interest at least 10 days before the time fixed in such order for filing rejections of the modification. The debtor shall, if required by the court, furnish a sufficient number of copies of the proposed modification to enable the court to transmit a copy with each such notice.

Rule 11–40. Modification of plan after confirmation where court has retained jurisdiction.

At any time during the period of a confirmed plan providing for extension and before payment in full of deferred installments or delivery of negotiable promissory notes, if any, to the creditors, where the court has retained jurisdiction pursuant to the Act, the debtor may file an application with leave of court to modify the terms of the plan by changing the time of payment or reducing the amount of payment, or both. The application shall set forth the reason for the proposed modification, and shall be accompanied by a list of names and addresses of all creditors who have extended credit to the debtor since the plan was confirmed. If the court permits the application to be filed, it shall call a meeting of creditors including those who extended credit after confirmation of the plan, and other parties in interest, and a copy of the proposed modification shall accompany the notice of such meeting. The court, at such meeting, shall confirm the plan as modified if it is accepted in the

manner required for confirmation of the original plan by the creditors who are provided for in the plan and are affected by such modification.

Rule 11–41. Revocation of confirmation.

Any party in interest may, at any time within six months after a plan has been confirmed, make a motion pursuant to the Act to revoke the confirmation as procured by fraud. The circumstances constituting the alleged fraud shall be stated with particularity. When such motion is made, the court shall reopen the case if necessary and conduct a hearing on at least 10 days' notice to all parties in interest. If the confirmation is revoked—

(1) The court may dispose of the case pursuant to Rule 11–42 (b); or

(2) The court may receive proposals to modify the plan. Thereafter, the procedure for modification and for confirmation of a plan as modified shall follow Rules 11–38 and 11–39, except that acceptance of the plan shall not be required by any creditor who has participated in the fraud and such creditor shall not be counted in determining the number and amount of the claims of creditors whose acceptance is required. If a modified plan is not confirmed, the court shall dispose of the case pursuant to Rule 11–42 (b).

Rule 11–42. Dismissal or conversion to bankruptcy prior to or after confirmation of plan.

(*a*) *Voluntary dismissal or conversion to bankruptcy.*— The debtor may file an application or motion to dismiss the case or to convert it to bankruptcy at any time prior to confirmation or, where the court has retained jurisdiction, after confirmation. On the filing of such application or motion, the court shall—

(1) if the petition was filed pursuant to Rule 11–7, enter an order directing that the bankruptcy case proceed; or

(2) if the petition was filed pursuant to Rule 11–6, enter an order adjudicating the debtor a bankrupt if he so requests, or, if he requests dismissal, enter an order after hearing on notice dismissing the case or adjudicating him a bankrupt whichever may be in the best interest of the estate.

(*b*) *Dismissal or conversion to bankruptcy for want of prosecution, denial or revocation of confirmation, default, or termination of plan.*—The court shall enter an order, after hearing on such notice as it may direct dismissing the case, or adjudicating the debtor a bankrupt if he has not been previously so adjudged, or directing that the bankruptcy case proceed, whichever may be in the best interest of the estate—

(1) for want of prosecution; or

(2) for failure to comply with an order made under Rule 11–20 (d) for indemnification; or

(3) if confirmation of a plan is denied; or

(4) if confirmation is revoked for fraud and a modified plan is not confirmed pursuant to Rule 11–41; or

(5) where the court has retained jurisdiction after confirmation of a plan:

(A) if the debtor defaults in any of the terms of the plan; or

(B) if a plan terminates by reason of the happening of a condition specified therein.

The court may reopen the case, if necessary, for the purpose of entering an order under this subdivision.

(*c*) *Notice of dismissal.*—Promptly after entry of an order of dismissal under this rule, notice thereof shall be given as provided in Rule 11–24.

(*d*) *Effect of dismissal.*—Unless the order specifies to the contrary, dismissal of a case under this rule on the ground of fraud is with prejudice, and a dismissal on any other ground is without prejudice. A certified copy of the order of dismissal under this rule shall constitute

conclusive evidence of the revesting of the debtor's title to his property.

(*e*) *Consent to adjudication.*—Notwithstanding the foregoing, no adjudication shall be entered under this rule against a wage earner or farmer without his written consent.

Rule 11–43. Confirmation as discharge.

(*a*) *Statement of discharge.*—The order confirming a plan shall contain provisions substantially similar to Official Form No. 11–F18 stating the effect of confirmation on the further enforcement of claims against the debtor.

(*b*) *Registration in other districts.*—An order confirming a plan that has become final may be registered in any other district by filing in the office of the clerk of the district court of that district a certified copy of the order and when so registered shall have the same effect as an order of the court of the district where registered and may be enforced in like manner.

Rule 11–44. Petition as automatic stay of actions against debtor and lien enforcement.

(*a*) *Stay of actions and lien enforcement.*—A petition filed under Rule 11–6 or 11–7 shall operate as a stay of the commencement or the continuation of any court or other proceeding against the debtor, or the enforcement of any judgment against him, or of any act or the commencement or continuation of any court proceeding to enforce any lien against his property, or of any court proceeding, except a case pending under Chapter X of the Act, for the purpose of the rehabilitation of the debtor or the liquidation of his estate.

(*b*) *Duration of stay.*—Except as it may be deemed annulled under subdivision (c) of this rule or may be terminated, annulled, modified, or conditioned by the bankruptcy court under subdivision (d), (e), or (f) of

this rule, the stay shall continue until the case is closed, dismissed, or converted to bankruptcy or the property subject to the lien is, with the approval of the court, abandoned or transferred.

(*c*) *Annulment of stay.*—At the expiration of 30 days after the first date set for the first meeting of creditors, a stay provided by this rule other than a stay against lien enforcement shall be deemed annulled as against any creditor whose claim has not been listed in the schedules and who has not filed his claim by that time.

(*d*) *Relief from stay.*—Upon the filing of a complaint seeking relief from a stay provided by this rule, the bankruptcy court shall, subject to the provisions of subdivision (e) of this rule, set the trial for the earliest possible date, and it shall take precedence over all matters except older matters of the same character. The court may, for cause shown, terminate, annul, modify or condition such stay. A party seeking continuation of a stay against lien enforcement shall show that he is entitled thereto.

(*e*) *Ex parte relief from stay.*—Upon the filing of a complaint seeking relief from a stay against any act or proceeding to enforce a lien or any proceeding commenced for the purpose of rehabilitation of the debtor or the liquidation of his estate, relief may be granted without written or oral notice to the adverse party if (1) it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss, or damage will result to the plaintiff before the adverse party or his attorney can be heard in opposition, and (2) the plaintiff's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting his claim that notice should not be required. The party obtaining relief under this subdivision shall give written or oral notice thereof as soon as possible to the trustee, receiver, or debtor in possession and to

the debtor and, in any event, shall forthwith mail to such person or persons a copy of the order granting relief. On 2 days' notice to the party who obtained relief from a stay provided by this rule without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its reinstatement, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(*f*) *Availability of other relief.*—Nothing in this rule precludes the issuance of, or relief from, any stay, restraining order, or injunction when otherwise authorized.

Rule 11–45. Duties of debtor.

Bankruptcy Rule 402 applies in Chapter XI cases and, in addition to the duties specified therein, the debtor shall attend at the hearing on confirmation of a plan and, if called as a witness, testify with respect to issues raised.

Rule 11–46. Apprehension and removal of debtor to compel attendance for examination.

Bankruptcy Rule 206 applies in Chapter XI cases to a debtor and, if the debtor is a partnership, to the general partners and any other person in control of the partnership and, if the debtor is a corporation, to any or all of its officers, members of its board of directors or trustees or of a similar controlling body, a controlling stockholder or member, or any other person in control.

Rule 11–47. Exemptions.

Bankruptcy Rule 403 (a) applies in Chapter XI cases.

Rule 11–48. Determination of dischargeability of a debt; judgment on nondischargeable debt; jury trial.

Bankruptcy Rule 409 applies in Chapter XI cases except that the court may but need not make an order fixing a time for filing a complaint under § 17c (2) of the

Act. If such an order is made, at least 30 days' notice of the time so fixed shall be given to all creditors in the manner provided in Rule 11–24. The court may for cause, on its own initiative or on application of any party in interest, extend the time so fixed under this rule. If such an order is not made, a complaint to determine the dischargeability of a debt under clause (2), (4), or (8) of § 17a of the Act may be filed at any time.

Rule 11–49. Duty of trustee, receiver, or debtor in possession to give notice of Chapter XI Case.

Bankruptcy Rule 602 applies in Chapter XI cases.

Rule 11–50. Burden of proof as to validity of post-petition transfer.

Bankruptcy Rule 603 applies in Chapter XI cases.

Rule 11–51. Accounting by prior custodian of property of the estate.

Bankruptcy Rule 604 applies in Chapter XI cases.

Rule 11–52. Money of the estate; deposit and disbursement.

Bankruptcy Rule 605 (b) and (c) apply in Chapter XI cases.

Rule 11–53. Rejection of executory contracts.

When a motion is made for the rejection of an executory contract, including an unexpired lease, other than as part of the plan, the court shall set a hearing on notice to the parties to the contract and to such other persons as the court may direct.

Rule 11–54. Appraisal and sale of property; compensation and eligibility of appraisers and auctioneers.

(*a*) *Appraiser: Appointment and duties.*—The court may appoint one or more competent and disinterested appraisers who shall prepare and file with the court an appraisal of the property of the debtor. The court may prescribe how such appraisal shall be made.

(*b*) *Sale of property.*—The court may, on such notice as it may direct and for cause shown, authorize the trustee, receiver, or debtor in possession to lease or sell any real or personal property of the debtor, on such terms and conditions as the court may approve.

(*c*) *Compensation and eligibility of auctioneers and appraisers.*—Bankruptcy Rule 606 (c) applies in Chapter XI cases to any appraiser or auctioneer appointed by the court.

Rule 11–55. Abandonment of property.

After hearing on such notice as the court may direct and on approval by the court the trustee, receiver, or debtor in possession may abandon any property.

Rule 11–56. Redemption of property from lien or sale.

Bankruptcy Rule 609 applies in Chapter XI cases.

Rule 11–57. Prosecution and defense of proceedings by trustee, receiver, or debtor in possession.

Bankruptcy Rule 610 applies in Chapter XI cases.

Rule 11–58. Preservation of voidable transfer.

Bankruptcy Rule 611 applies in Chapter XI cases.

Rule 11–59. Proceeding to avoid indemnifying lien or transfer to surety.

Bankruptcy Rule 612 applies in Chapter XI cases.

Rule 11–60. Courts of bankruptcy; officers and personnel; their duties.

Part V of the Bankruptcy Rules applies in Chapter XI cases.

Rule 11–61. Adversary proceedings.

(*a*) *Adversary proceedings.*—Part VII of the Bankruptcy Rules governs any proceeding instituted by a party before a bankruptcy judge in a Chapter XI case to (1) recover money or property other than a proceeding under Rule 11–32 or Rule 11–51, (2) determine the

validity, priority, or extent of a lien or other interest in property, (3) sell property free of a lien or other interest for which the holder can be compelled to take a money satisfaction, (4) obtain an injunction, (5) obtain relief from a stay as provided in Rule 11–44, (6) object to confirmation of a plan on the ground that the debtor has committed any act or failed to perform any duty which would be a bar to the discharge of a bankrupt, or (7) determine the dischargeability of a debt. Such a proceeding shall be known as an adversary proceeding.

(*b*) *Reference in bankruptcy rules.*—As applied in Chapter XI cases, the reference in Rule 741 to "a complaint objecting to the bankrupt's discharge" shall be read to include also a reference to "a complaint objecting to the confirmation of a plan on the ground that the debtor has committed any act or failed to perform any duty which would be a bar to the discharge of a bankrupt."

Rule 11–62. Appeal to district court.

Part VIII of the Bankruptcy Rules applies in Chapter XI cases, except that:

(1) Rule 802 (c) thereof shall read as follows:

"(c) Extension of Time for Appeal. The referee may extend the time for filing the notice of appeal by any party for a period not to exceed 20 days from the expiration of the time otherwise prescribed by this rule. A request to extend the time for filing a notice of appeal must be made before such time has expired, except that a request made after the expiration of such time may be granted upon a showing of excusable neglect if the judgment or order does not authorize the sale of any property or the issuance of any certificate of indebtedness, or is not a judgment or order under Rule 11–38 confirming a plan, or is not a judgment or order under Rule 11–42 dismissing a Chapter XI case, or converting a Chapter XI case to bankruptcy."

(2) The following shall be added to Rule 805 thereof:

"Unless an order approving a sale of property or issuance of a certificate of indebtedness is stayed pending appeal, the sale to a good faith purchaser or the issuance of a certificate to a good faith holder shall not be affected by the reversal or modification of such order on appeal whether or not the purchaser or holder knows of the pendency of the appeal."

Rule 11–63. General provisions.

Part IX of the Bankruptcy Rules applies in Chapter XI cases, except that:

(1) The definitions of words and phrases in §§ 306 and 307 of the Act govern their use in the Chapter XI Rules to the extent they are not inconsistent therewith.

(2) The references to various rules in Rule 906 (b) shall also include a reference to Chapter XI Rule 11–33 (b)(2).

(3) The references to various rules in Rule 906 (c) shall also include references to Chapter XI Rules 11–24 (a), 11–25 (a)(1), and 11–33 (b)(2).

(4) The exception in Rule 910 (c) for "the execution and filing of a proof of claim" shall be read to include also "the execution and filing of an acceptance of a plan" and the reference to Official Forms in that rule shall include a reference to Official Form No. 11–F16.

(5) The reference in Rule 913 (b) to "a dischargeable debt" shall be read as "a debt which is or will be provided for by the plan."

(6) The reference in Rule 919 (a) to Rule 203 (a) shall be read as a reference to Chapter XI Rule 11–24 (a).

(7) The reference in Rule 922 (b) to Rule 102 shall be read as a reference to Chapter XI Rule 11–5.

(8) The reference in Rule 924 to the time allowed by § 15 of the Act for the filing of a complaint to revoke a discharge shall be read to include also a reference to the time allowed by § 386 of the Act for the making of a motion to revoke the confirmation of a plan.

OFFICIAL CHAPTER XI 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. 11–F1

ORIGINAL PETITION UNDER CHAPTER XI

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 XI

1. Petitioner's post-office address is.....
.....

2. Petitioner has resided [*or* has had his domicile *or* has had his principal place of business *or* if a partnership, or corporation, 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].

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 XI 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 XI of the Act].

7. [*If petitioner is a corporation*] Exhibit "A" is attached to and made part of this petition.

Wherefore petitioner prays for relief in accordance with Chapter XI 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 11–11. These statements shall be submitted on official forms and verified under oath.*]

EXHIBIT "A"

[*If petitioner is a corporation, this Exhibit A shall be completed and attached to the petition pursuant to paragraph 7 thereof.*]

[*Caption, other than designation, as in Form No. 11–F1.*]

FOR COURT USE ONLY

.....

Date Petition Filed.

.....

Case Number.

.....

Bankruptcy Judge.

1. Petitioner's employer's identification number is.....

2. If any of the petitioner's securities are registered under section 12 of the Securities and Exchange Act of 1934, SEC file number is.....

3. The following financial data is the latest available information and refers to petitioner's condition on.....

a. Total assets: $.....

b. Liabilities:

		Approximate number of holders
Secured debt, excluding that listed below	$.....	.....
Debt securities held by more than 100 holders:	$.....	.....
Secured	$.....	.....
Unsecured	$.....	.....
Other liabilities, excluding contingent or unliquidated claims.....	$.....	.....
Number of shares of common stock.....	.....	.....

Comments, if any: .....

.....

.....

4. Brief description of petitioner's business: .....

.....

.....

5. The name of any person who directly or indirectly owns, controls, or holds, with power to vote, 25% or more of the voting securities of petitioner is.....

6. The names of all corporations 25% or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held, with power to vote, by petitioner are.....
.....
.....

FORM No. 11–F2

CHAPTER XI PETITION IN PENDING CASE

[*Caption, other than designation, as in Form No. 11–F1.*]

CHAPTER XI 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 XI 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 XI of the Act.]

6. [*If petitioner is a corporation*] Exhibit "A" is attached to and made part of this petition.

Wherefore, petitioner prays for relief in accordance with Chapter XI 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 bankruptcy case they must be filed with this petition or within 15 days thereafter as provided in Rule 11–11. These statements shall be on official forms and vertified under oath.*]

EXHIBIT "A"

[*Exhibit "A" as in Form No. 11–F1.*]

FORM NO. 11–F3

VERIFICATION ON BEHALF OF A CORPORATION

[*Form No. 4 of the Bankruptcy Forms is applicable and should be used.*]

FORM NO. 11–F4

VERIFICATION ON BEHALF OF A PARTNERSHIP

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

FORM NO. 11–F5

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. 11–F6

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."*]

FORM NO. 11–F7

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."*]

FORM NO. 11–F8

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

[*Caption, other than designation, as in Form No. 11–F1.*]

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

1. ....., of *..... ..... is hereby appointed receiver of the estate [*or* disbursing agent for the estate] of the above-named debtor.

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

Dated: .....

.....,
Bankruptcy Judge.

FORM NO. 11–F9

NOTICE TO RECEIVER OR DISBURSING AGENT OF HIS APPOINTMENT

[*Caption, other than designation, as in Form No. 11–F1.*]

NOTICE TO RECEIVER [OR DISBURSING AGENT] OF HIS APPOINTMENT

To ....., of *..... .....

You are hereby notified of your appointment as receiver 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 receiver only.*]

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

Dated: .....

.....,
Bankruptcy Judge.

FORM NO. 11–F10

BOND OF RECEIVER OR DISBURSING AGENT

[*Caption, other than designation, as in Form No. 11–F1.*]

BOND OF RECEIVER [OR DISBURSING AGENT]

We, ...,
of *....., as principal, and .....

State post-office address.

.....

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

Dated: .....

.....,

.....

FORM No. 11–F11

ORDER APPROVING RECEIVER'S OR DISBURSING AGENT'S BOND

[*Caption, other than designation, as in Form No. 11–F1.*]

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

The bond filed by .....

of *..... as receiver of the estate [*or* disbursing agent for the estate] of the above-named debtor is hereby approved.

Dated: .....

.....,

Bankruptcy Judge.

FORM No. 11–F12

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

[*Caption, other than designation, as in Form No. 11–F1.*]

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

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

Dated: .....

.....,

Bankruptcy Judge.

**State post-office address.*

FORM NO. 11–F13

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. 11–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 XI 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.;

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

3. The hearing on confirmation of the 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, elect a standby trustee, elect a committee of creditors, 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 or other

**State post-office address.*

proceeding against the debtor, of the enforcement of any judgment against him, 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 his estate, as provided by Rule 11–44.

In order to have his claim allowed so that he may share in any distribution under a confirmed plan, a creditor must file a claim, whether or not he is included in the schedule of creditors filed by the debtor. Claims which are not filed before confirmation of the plan will not be allowed except as otherwise provided by law. 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 receiver of the estate of the above-named debtor.

Dated: .....

....., *Bankruptcy Judge.*

FORM NO. 11–F14

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. 11–F15

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. 11–F15A

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."*]

**State post-office address.*

FORM No. 11–F16

POWER OF ATTORNEY

[*Caption, other than designation, as in Form No. 11–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: .....
By: .....
[*If appropriate*] as .....
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. 11–F17

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

[*Caption, other than designation, as in Form No. 11–F1.*]

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

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

The debtor having filed a modification of his plan on .....

*State post-office address.

....., 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. 11–F18

ORDER CONFIRMING PLAN

[*Caption, other than designation, as in Form No. 11–F1*]

ORDER CONFIRMING PLAN

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

The deposit required by Chapter XI 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 XI 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 debtor's plan filed 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

order 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 11–48*] 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 11–48*] 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. 11–F19

NOTICE OF ORDER OF CONFIRMATION OF PLAN AND DISCHARGE

[*Caption, other than designation, as in Form No. 11–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 debtor's 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 11–48*] 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 11–48*] 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 therefore 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.

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.*

AMENDMENT TO OFFICIAL BANKRUPTCY FORMS

Effective July 1, 1974

The following amendment to the Official Bankruptcy Forms was prescribed by the Supreme Court of the United States on March 18, 1974, pursuant to 28 U. S. C. § 2075, and was reported to Congress by The Chief Justice on the same date. For the letter of transmittal, see *ante,* p. 1004. The Judicial Conference report referred to in that letter is not reproduced herein.

This amendment became effective July 1, 1974, as provided in paragraph 1 of the Court's order, *ante,* p. 1006.

For earlier publication of Bankruptcy Rules and Forms, see, *e. g.,* 411 U. S. 989.

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AMENDMENT TO OFFICIAL BANKRUPTCY FORM NO. 7 (14)

14. Losses.

a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding the filing of the original petition herein? (If so, give particulars, including dates, names, and places, and the amounts of money or value and general description of property lost.)

b. Was the loss covered in whole or part by insurance? (If so, give particulars.)

15. Payments or transfers to attorneys.

a. Have you consulted an attorney during the year immediately preceding or since the filing of the original petition herein? (Give date, name, and address.)

b. Have you during the year immediately preceding or since the filing of the original petition herein paid any money or transferred any property to the attorney or to any other person on his behalf? (If so, give particulars, including amount paid or value of property transferred and date of payment or transfer.)

c. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney at law, or to any other person on his behalf? (If so, give particulars, including amount and terms of obligation.)

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