

Handwritten notes at top of page: 7-3 (2x), 4 Forms (3x), 17 Forms (4x), 22 Forms (1), 27 (1), 34, 36, 39, and other illegible scribbles.

TO: The Judicial Conference of the United States

SUBJECT: Proposed Revision of General Orders and Official Forms in Bankruptcy

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The Committee on Rules of Practice and Procedure transmits herewith a proposed revision of certain general orders and official forms in bankruptcy. The Committee approved the proposed revision at its meeting on February 23, 1961, for submission to the Conference and, if the Conference approves, for transmission to the Supreme Court of the United States.

This set of proposals is the product of a study of the orders and forms by the Advisory Committee on Bankruptcy Rules appointed by the Chief Justice pursuant to the Conference's Resolution of September 18, 1958. The proposed changes are limited to those required (1) to bring the general orders and official forms into harmony with recent amendments of the Bankruptcy Act, (2) to bring them into harmony with current and sound practice, and (3) to correct obvious departures from approved form. Generally speaking, changes of the second and third kinds were proposed only for those orders and forms for which changes of the first kind are necessary.

A preliminary draft of the proposed revision was submitted to the bench and bar on November 1, 1960, with a request that suggestions for improvement be returned by January 1, 1961. Replies received confirmed the opinion of this committee and the Advisory Committee on Bankruptcy Rules that the proposed changes involve no substantial controversy. Since the publication in November, minor verbal and formal changes have been made in the proposed revision in the light of responses to the

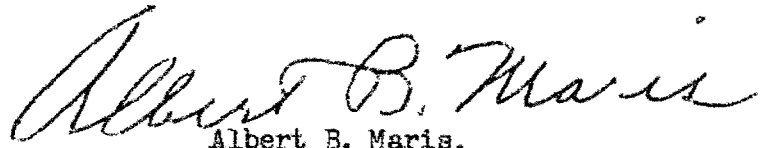
published invitation for suggestions and of discussions held by the Advisory Committee at a meeting held in December 1960.

It may be noted that certain incidental changes of form and phraseology in the general orders and official forms affected by this proposed revision will, if adopted, result in some inconsistency with orders and forms not touched by these proposals. The Advisory Committee on Bankruptcy Rules is making a study of all the general orders and official forms with a view to recommending a revision which will achieve consistency in usage and form while accomplishing more substantial improvements. In the meantime the discrepancies in form between the amended and unamended orders and forms may be viewed as transitional.

The absence of any proposed changes in Official Forms No. 1 (Debtor's Petition), No. 4 (Partnership Petition), and No. 5 (Creditor's Petition) deserves special mention. These forms are commercially printed in large quantities, and the aggregate on hand in stationery stores and law offices over the country constitutes a large inventory. While several minor and noncontroversial changes might appropriately be proposed at this time in order to bring these forms into harmony with recent legislation, no changes in these three forms are being recommended at this time because of the likelihood that other, more substantial changes will be proposed for these forms in the near future. Further study may, of course, indicate the need for changes in other official forms and general orders affected by the revision now being proposed, but none of the changes here recommended would, it is believed, render obsolete any large quantity of forms or entail comparable printing costs.

Memorandum to The Judicial Conference of the United States  
Page 3

The Supreme Court has followed a varying practice in fixing the effective date for amendments of general orders and official forms in bankruptcy. Four weeks' delay was allowed before the extensive amendments of 1939 went into effect, whereas shorter amendments have usually gone into effect immediately. A delay of thirty days between the entry of the order amending the orders and forms and the effective date would permit wide publication of the order and the making of preparations to conform during the interim. While the appropriateness of such a delay is suggested, there appears to be no reason peculiar to the situation in bankruptcy why the Judicial Conference or the Court should not feel free to exercise its own judgment in this matter.

  
Albert B. Maris,  
Chairman

(C)

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IN BANKRUPTCY

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PROPOSED REVISION OF CERTAIN OF THE GENERAL ORDERS AND OFFICIAL FORMS  
IN BANKRUPTCY

Changes proposed are indicated by the underlining of new material to be inserted and striking dashes through material to be deleted. To avoid confusion italicization is indicated by footnotes.

GENERAL ORDERS IN BANKRUPTCY

1

DOCKET

The clerk of the district court 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~~ an entry of the filing of the petition and of the action of the ~~court~~ judge or clerk of the district court thereon; of the reference of the case, if any reference is made, to the a referee; ~~of the transmission by the referee to the clerk of all bonds, orders and reports, and~~ of the transmission 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 section ~~75 or~~ 77, or under ~~Chapters~~ chapter IX, X, XI, XII, or XIII, of the Act, the docket shall so indicate.

The referee, in ~~all~~ each cases referred to him, shall keep a docket sheet of all proceedings before him substantially in the manner indicated by Form No. 70. ~~Such~~ The referee's docket shall at all times be open to public inspection. The original referee's docket sheet ~~or a certified copy thereof~~ shall be transmitted to the clerk of the district court

for preservation by him when the case is closed.

Note

The duty imposed on the referee to transmit all bonds, orders, and reports prior to the closing of the case was eliminated by Public Law 86-49, approved June 23, 1959, which repealed section 39a(9) of the Bankruptcy Act. Hence the passage regarding such transmission in the second sentence of this general order should be stricken.

Other changes are clarifying. In view of the definition of "clerk" by section 1(6) as the "clerk of a court of bankruptcy" and the definition of "court" in section 1(9) to include a referee, the duties defined by the first paragraph of this general order appear somewhat ambiguously to fall on a referee's clerk. The intended reference is to the clerk of the district court, and a change is proposed to make the intention explicit. A like change involves the last sentence of the general order. The word "court" in the second sentence is changed to "judge or clerk of the district court" to conform to current procedure. In practice the clerk of the district court does not enter, on the docket he keeps, memoranda of actions on petitions taken by the referee, these appearing rather on the referee's docket.

The deletion of "75 or" is recommended because no new cases under section 75 (Agricultural Compositions and Extensions) have been or can be filed since March 1, 1949. Only one such case is currently pending, and it is expected that it will be closed in the near future.

Inasmuch as the clerk of the district court is the permanent custodian of all court records, the original docket sheet and not a certified copy thereof should be transmitted to the clerk for preservation by him.

Other changes are minor and technical.

5

FORM OF PETITIONS AND OTHER PAPERS

PARAGRAPHS 2, 4, AND 5

(2) Petitioners in involuntary proceedings for adjudication, whose claims rest upon assignment or transfer from other persons, shall annex to ~~one~~ each of the triplicate petitions a copy of all instruments of assignment or transfer, and an affidavit setting forth the true consideration paid for the assignment or transfer of such claims and stating that the petitioners are the bona fide holders and legal and beneficial owners thereof and whether or not they were purchased for

the purpose of instituting bankruptcy proceedings.

(4) Proceedings shall be entitled "In Bankruptcy," "~~In Proceedings for a Composition or Extension,~~" "In Proceedings for the Reorganization of a Railroad," "In Proceedings for a Composition by a Public Debtor," "In Proceedings for the Reorganization of a Corporation," "In Proceedings for an Arrangement," "In Proceedings for a Real Property Arrangement," or "In Proceedings for a Wage Earner Plan," as the case may be.

(5) In proceedings under chapter VIII, X, XI, XII, or XIII, of the Act, unless and until the debtor is adjudicated a bankrupt, he shall be referred to as a "debtor." In proceedings under chapter IX, the debtor shall be referred to as the "petitioner."

#### Note

The three copies of petitions required to be filed by section 59b of the Act should be complete. With the general availability of duplicating equipment it is not conceived that any hardship will be imposed by requiring, in paragraph (2), that each copy of an involuntary petition be accompanied by the papers described in this paragraph.

The deletions in paragraphs (4) and (5) are warranted by the lapse of section 75, as earlier noted.

#### 9

#### LIST OF CREDITORS IN INVOLUNTARY BANKRUPTCY

In all cases of involuntary bankruptcy in which the bankrupt is absent or cannot be found, it shall be the duty of the petitioning creditor or creditors to file, within five days after the date of ~~the~~ adjudication or within such additional time as may be allowed by the court, a list of the names and places of residence or business of all ~~the~~ creditors of the bankrupt, according to the best information of the petitioning creditor or creditors.



Note

Section 7a(8) of the Act as amended in 1952 requires the bankrupt to file a list of creditors "showing their residences or places of business." The insertion of "or business" conforms this general order to the Act. The insertion of "or creditors" at two points simply recognizes that the duty here defined may be imposed on all the petitioning creditors when there are more than one. The reference to "additional time" recognizes that the court should have discretion to extend the time allowed creditors to file a list under this 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 of the district court for preservation by him when the case is closed.

Note

Inasmuch as the clerk of the district court is the permanent custodian of all court records, the original list and not a certified copy thereof should be transmitted to the clerk for preservation by him.

48

PROCEEDINGS UNDER CHAPTER XI OF THE ACT

PARAGRAPH 3

(3) The clerk of the district court or, in the case of a petition filed after a reference, the referee after such reference, shall forthwith transmit to the ~~Collector~~ District Director of Internal Revenue for the district

in which the proceedings are brought a copy of each petition filed under section 321 or 322 of the Act.

Note

A clarifying change is made in identifying the clerk of the district court as the person who should transmit the copy of the petition if no reference has been made. If a petition is filed under section 321 of the Bankruptcy Act after a reference, the copy should be transmitted by the referee.

The office of Collector of Internal Revenue having been abolished by Reorganization Plan No. 1 of 1952, the function of receiving information pertinent to bankruptcy and debtor-relief proceedings has been assigned to the office of the District Director of Internal Revenue. State<sup>ment</sup> of Organization and Functions of the Internal Revenue Service ¶ 1118.54(3), 21 F.R. 10418, 10432, effective December 1, 1956. This reorganization accordingly requires the substitution of "District Director" for "Collector."

PROCEEDINGS UNDER SECTION 77 OF THE ACT

PARAGRAPH 6

(6) The clerk of the district court in which proceedings under section 77 are brought shall forthwith transmit to the Secretary of the Treasury copies of (a) any petition filed under subsection (a) of section 77; (b) the answer, if any, of the railroad corporation; (c) the order approving or dismissing the petition; (d) any order appointing or removing a trustee; (e) any application by a trustee for authority to issue certificates, and any order authorizing or refusing to authorize such issuance; (f) any order determining the time within which, and the manner in which, claims may be filed or evidenced and allowed, and the division of creditors and stockholders into classes; (g) any plan of reorganization filed with the court; (h) any order approving a plan, or referring the proceedings back to the commission

for further action; (i) the order confirming a plan; (j) any application for allowances of compensation and expenses, and any order making or refusing to make such allowances; (k) the order dismissing the proceedings; (l) the final decree; (m) any opinion of the court, or report of a special master, with respect to the matters above enumerated; and (n) such other papers filed in the proceedings as the Secretary of the Treasury may request or the court may direct to be transmitted to him: *Provided,\** That if the Secretary of the Treasury shall determine that the transmission of any such papers is unnecessary, he shall so notify the clerk, whereupon the clerk may dispense with the transmittal of further papers.

The clerk shall also transmit to the ~~Collector~~ District Director of Internal Revenue for the district in which the proceedings are pending a copy of any petition filed under subsection (a) of section 77.

\* Italicized.

Note

The substitution of "District Director" for "Collector" is required for the same reason here as in General Order 48(3).

ANCILLARY RECEIVERSHIPS LIMITED

No ancillary receiver shall be appointed in any district court of the United States in any bankruptcy proceeding pending in any other district of the United States except (1) upon the application of the primary receiver, or (2) upon the application of any party in interest with the consent of the primary receiver, or by leave of a judge of

the court of original jurisdiction. No application for the appointment of such ancillary receiver shall be granted unless the ~~petition~~ application contains a detailed statement of the facts showing the necessity for such appointment, ~~which petition.~~ The application shall be ~~verified~~ signed by the party in interest, or the primary receiver, or by an agent of the party in interest or primary receiver specifically authorized in writing for that purpose and having knowledge of the facts. Such authorization shall be attached to the ~~petition~~ application.

Note

In view of the amendment to section 18c of the Bankruptcy Act by Public Law 86-293, approved September 21, 1959, eliminating the oath to pleadings other than petitions for voluntary and involuntary bankruptcy, the word "verified" is changed to "signed."

The substitution of "application" for "petition" is dictated by the statutory definition of "petition" in section 1(24) to "mean a document filed in a court of bankruptcy or with a clerk thereof initiating a proceeding under this Act." See 1 Collier, Bankruptcy ¶ 1.24 (14th ed. rev. 1956).

PROCEEDINGS UNDER CHAPTER X OF THE ACT

PARAGRAPH 3

(3) The clerk of the district court shall forthwith transmit to the ~~Collector~~ District Director of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 127 or 128 of the Act.

Note

The identification of the clerk as "of the district court" is clarifying, and the substitution of "District Director" for "Collector" is required for the same reason here as in General Order 48(3).

BOND OF DESIGNATED DEPOSITORY UNDER SECTION 61

PARAGRAPHS 1 AND 2

(1) The bond required of a banking institution designated as a depository shall be given with an authorized fidelity or bonding company as surety, or with approved individual sureties who are residents of the judicial district in which the court of bankruptcy or the banking institution is located, and two of whom are neither officers nor directors of the institution designated as a depository: *Provided,\** That the judge may, in accordance with the provisions of ~~and the authority conferred in section 1126 of the Revenue Act of 1926,~~ ~~as amended (U.S.C., Title 6, United States Code, section 15),~~ accept the deposit of the securities therein designated, in lieu of a surety or sureties upon such bond.

(2) The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all moneys deposited with it as such depository, and shall pay out such moneys only as provided by the bankruptcy law Act and applicable general orders and court rules, and shall abide by all orders of the court in respect of such moneys, and shall otherwise faithfully perform all duties pertaining to it as such depository, ~~provided, that:~~ *Provided,\** That no security in the form of a bond or otherwise shall be required in the case of such part of the deposits as are insured under ~~section 12B of the Federal Reserve Act,~~ ~~as amended~~ Title 12, United States Code, section 1821.

\* Italicized.

Note

These changes conform the statutory references in the general order to those in section 61 of the Bankruptcy Act as amended in 1952. Other minor changes conform usage to that prevailing elsewhere in the general orders.

54

PROCEEDINGS UNDER CHAPTER XII OF THE ACT

PARAGRAPH 3

(3) The clerk of the district court shall forthwith transmit to the ~~Collector~~ District Director of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 421 or 422 of the Act.

Note

The identification of the clerk as "of the district court" is clarifying, and the substitution of "District Director" for "Collector" is required for the same reason here as in General Order 48(3).

55

PROCEEDINGS UNDER CHAPTER XIII OF THE ACT

PARAGRAPHS 3, 4, AND 5

~~(3)~~ The clerk shall forthwith transmit to the Collector of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 621 or 622 of the Act.

~~(4)~~(3) All papers filed shall be accompanied by such copies as the clerk or referee may require to enable him to comply with the provisions of the Act and of this general order.

~~(5)~~(4) Each proof of claim shall, unless the court is satisfied from its other allegations that the claim is not based upon money

loaned or upon any bond, note or other obligation, contain proof that the claim is free from usury as defined by the laws of the place where the debt was contracted.

Note

Public Law 86-631, approved July 12, 1960, amended section 678 to eliminate the necessity of sending copies of petitions filed under sections 621 and 622 of the Bankruptcy Act to the Secretary of the Treasury. Paragraph (3) of this general order should accordingly be deleted in furtherance of the legislative purpose to reduce the unnecessary transmission of papers, and the succeeding paragraphs should be renumbered.

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~~ distributed by the clerk of the district court as follows: Two copies to the Library of the Supreme Court of the United States, Washington 25, D.C.; two copies to the Director of Libraries, Department of Justice, Washington 25, D.C.; two copies to the Comptroller General, General Accounting Office, Washington 25, D.C.; and four copies to the Administrative Office of the United States Courts, Washington 25, D.C.

Note

The change here proposed embodies the order of distribution of local rules of court established at the instance of the Supreme Court and conforms the general order to section 4.54 of the Clerk's Manual issued by the Administrative Office of the United States Courts.





Note

Since the oath is no longer required in connection with this form by virtue of Public Law 86-293, approved September 21, 1959, amending section 18c to eliminate the verification requirement as to all pleadings except petitions for voluntary and involuntary bankruptcy, the form for the oath should be stricken. The time and place of execution of the answer should nonetheless be ascertainable from the pleading, and blanks have been provided for entry of this information. Space for the entry of the address of the signing party or his attorney is added pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Form No. 14

ORDER OF REFERENCE IN JUDGE'S ABSENCE

~~At ....., in said district, on the ... day of ....., 19...~~

~~Whereas a petition was filed in this court on the ... day of ....., 19.., by [or\* against] ....., the alleged bankrupt above named, praying that he be adjudged a bankrupt under the Act of Congress relating to bankruptcy, and whereas the judge of said court was absent from said district [or\* said division of said district] at the time of the filing of said petition [or,\* in\* case\* of\* involuntary\* bankruptcy,\* on the next day after the last day on which pleadings might have been filed, and none have been filed by the alleged bankrupt];~~

~~It is ordered that the above entitled proceeding be, and it hereby is, referred to ....., one of the referees in bankruptcy of this court, to consider said petition and take such proceedings therein as are required and permitted by said Act, and that the said ....., shall henceforth attend before said referee.~~

~~Witness my hand and the seal of the said court.~~

~~.....  
Clerk.\*~~

~~[Seal of the Court]~~

\* Italicized.

Note

Since Public Law 86-64, approved June 23, 1959, repealed section 18f of the Bankruptcy Act and amended section 22a to provide for reference of all bankruptcy cases unless "the judge or judges direct otherwise," this form is no longer needed and should be stricken.

Form No. 17A

ORDER FOR FIRST MEETING OF CREDITORS

To be used in cases where the filing fees are to be paid in  
installments\*

At ....., in this district, on the ..... day of  
....., 19...

It is ordered that the first meeting of creditors herein be held  
at ....., in ....., on ....., 19...  
at ..... o'clock ... m., ..... time.

It is further ordered that the above-named bankrupt /or, in  
Proceedings under Chapter XIII,\* debtor/ be and appear before a  
referee of this court at the time and place appointed for the first  
meeting of creditors for the purpose of being examined as provided  
by the Bankruptcy Act.

.....

Referee in Bankruptcy.+

\* The preceding words within the brackets are italicized.

+ The title is italicized.

Note

The official forms now contain no form for an order for the first meeting of creditors. The Administrative Office of the United States Courts has prepared and provided such a form for use of referees, and the proposed Form No. 17A is an adaptation of that form for use in

proceedings in bankruptcy and under Chapter XIII where the filing fees are to be paid in installments. The need for this new form arises out of the fact that when fees have been paid in full at the time of filing, it is advantageous and possible to prepare a combined "Order for First Meeting of Creditors and Order Fixing Time for Filing Objections to Discharge," by virtue of the amendment of section 14b of the Bankruptcy Act effected by Public Law No. 82-275 in 1957. A form for such a combined order is proposed infra as Official Form No. 42B. A separate order for the first meeting of creditors is still required when the filing fees are to be paid in installments, in order that the time limits prescribed by section 55a for holding the meeting may be complied with.

Form No. 17B

NOTICE OF FIRST MEETING OF CREDITORS

To be used in cases where the filing fees are to be paid in installments\*

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

Notice is hereby given that said ..... has been duly adjudged a bankrupt on a petition filed by ~~for~~ against him on ....., 19.., and that the first meeting of his creditors will be held at ....., in ....., on ....., 19.., at .... o'clock ...m., ..... time, 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 the meeting.

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

.....,  
Referee in Bankruptcy.+

\* The preceding word or words within the brackets are italicized.

+ The title is italicized.

Note

Since the amendment of section 14b of the Act in 1957 referred to in the preceding note, notice of the first meeting of creditors can and, in the interest of economy, should be combined in most cases with notice of the last day fixed by the court for the filing of objections to a bankrupt's discharge. The Act permits the court to fix the time for filing objections to discharge, however, only after the filing fees required by the Act have been paid in full. Since the first meeting must nonetheless be held within the time limits prescribed by section 55a, it is necessary in installment cases to provide for a separate notice. Proposed Form No. 17B is an adaptation of present Form No. 17 for use in giving notice in such cases. When fees have been paid in full at the time of filing, the form proposed for use is Form No. 43B infra. Unlike the proposed Form No. 17A, which is adaptable for use in proceedings in bankruptcy and under Chapter XIII, this form is appropriate only in bankruptcy proceedings.

Form No. 20

ORDER APPROVING APPOINTMENT OF TRUSTEE

OR

APPOINTMENT OF TRUSTEE BY REFEREE

At ....., in ~~said~~ this district, on the ..... day of ....., 19..%.

If the creditors elect a trustee, use paragraph (1) and strike paragraph (2); if the creditors fail to elect a trustee, use paragraph (2) and strike paragraph (1).\*<sup>7</sup>

(1) ....., of ....., having ~~the~~ been appointed trustee of the estate of the above-named bankrupt by his ~~of said bankrupt~~ creditors, as provided in the Bankruptcy Act of Congress relating to bankruptcy,

It is ordered that the appointment of ~~said~~ .....  
....., as trustee be, and it hereby is, approved, and the amount of his bond is fixed at ..... dollars.

\* The words within the brackets are italicized.

(2) The creditors of the above-named bankrupt having failed to appoint a trustee as provided in the Bankruptcy Act, of Congress relating to bankruptcy, I hereby appoint ....., of ....., is hereby appointed trustee of the estate of said the bankrupt, and ~~fix~~ the amount of his bond is fixed at ..... dollars.

.....,

Referee in Bankruptcy.+

+ The title is italicized.

Note

The proposed form is a consolidation of Form No. 20 and Form No. 21. The proposal carries out in part a recommendation approved by the Judicial Conference of the United States (see Conference Report, September 1958, p. 29) that Official Forms No. 20, 21, and 24 be combined. Form No. 24 for the order approving the trustee's bond frequently cannot be executed, however, until an interval after either Form No. 20 or Form No. 21 has been completed. Moreover, by section 21e of the Act a certified copy of the order approving the bond of a trustee is conclusive evidence of the trustee's appointment and qualification and, by section 21g, may be recorded so as to give constructive notice of the trustee's title to purchasers and lienors of the bankrupt's real property. It is desirable therefore to keep Form No. 24, Order Approving Trustee's Bond, as a short separate form. Convenience and economy would be achieved nevertheless by providing a single form for the appointment of a trustee with mutually exclusive paragraphs applicable to the alternative modes of selecting a trustee. The Administrative Office of the United States Courts believes that, in the light of an expected increase in the appointment and use of trustees by virtue of the recent doubling of the trustee's fee pursuant to Public Law 86-504, approved June 11, 1960, the advantages of the single form will be substantial.

Minor conforming changes have been made in the combined forms, including substitution of the official short title of the Bankruptcy Act, adopted in 1950, for the longer reference to the "Act of Congress relating to bankruptcy."

Form No. 21

APPOINTMENT OF TRUSTEE BY REFEREE

Note

It is recommended that this form be consolidated with Form No. 20, as noted supra.

Form No. 22

NOTICE TO TRUSTEE OF HIS APPOINTMENT

AND, IF FIXED,

NOTICE OF TIME FIXED FOR FILING OBJECTIONS TO

DISCHARGE

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

I hereby notify you that you were duly appointed trustee ~~for one of the trustees~~ of the estate of the above-named bankrupt at the first meeting of creditors, on the ..... day of ....., 19.., and I have approved ~~said~~ the appointment. The amount of your bond as such trustee has been fixed at ..... dollars. You are required to notify me forthwith of your acceptance or rejection of the trust.

If the time for the filing of objections to the bankrupt's discharge has been fixed, add the following paragraph; if the time has not been fixed, strike out the paragraph.\*

You are further notified that the ..... day of ....., 19.., has been fixed as the last day for the filing of objections to the discharge of bankrupt.

Dated at ....., the ..... day of ....., 19.. .

.....,

Referee in Bankruptcy.+

\* The words within the brackets are italicized.

+ The title is italicized.



2. That the consideration of ~~said this~~ debt [or\* liability] is as follows: .....

3. That no part of ~~said the~~ debt [or\* liability] has been paid, except .....

4. That there are no set-offs or counterclaims to ~~said the~~ debt [or\* liability] except .....

5. That ~~dependent~~ this creditor does not hold, and has not, nor has any person by his order, or to his knowledge or belief, for his use, had or received, any security or securities for ~~said the~~ debt [or\* liability] except .....

6. [If the debt or liability is founded upon an instrument of writing\*] That the instrument upon which ~~said the~~ debt [or\* liability] is founded is attached hereto [or\* is lost or destroyed, as set forth in the affidavit attached hereto].

7. [If the debt is founded upon an open account\*] That the ~~said~~ debt was [or\* will become] due on ..... [or\* that the average due date thereof is .....]; that no note or other negotiable instrument has been received for such account or any part thereof [or\* that the ~~said~~ debt is evidenced by a note [or\* other negotiable instrument], which is attached hereto]; and that no judgment has been rendered thereon, except .....

\* The preceding word or words within the brackets are italicized.



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

.....  
Creditor.\*

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

.....  
~~Official\* character.\*~~

PENALTY FOR PRESENTING FRAUDULENT CLAIM.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C., § 152.

\* Italicized.

Note

The provision for the oath at the foot of this form is stricken pursuant to the elimination of the requirement of a verification for a proof of claim by Public Law 86-519, approved June 12, 1960. Verbal changes in the form entailed by the elimination of the oath have been made, and blanks for the entry of the place and date of execution of the proof of claim have been provided. The addition of the penalty warning is recommended as a prophylactic safeguard.

Form No. 29

PROOF OF CLAIM BY CORPORATION

~~State of .....~~  
} ss.\*  
~~County of .....~~

....., of ....., in the County of .....,

State of ....., being duly sworn, deposes and says:

1. That he is the ..... of ....., a corporation organized

\* Italicized.

and existing under the laws of the State of ....., and carrying on business at No. ... Street, in ....., County of ....., State of ....., and is duly authorized to make this proof of claim on its behalf.

2. That ....., the above-named bankrupt, was at and before the filing by [or\* against] him of the petition for adjudication of bankruptcy, and still is, justly and truly indebted [or\* liable] to ~~said~~ this corporation in the sum of ..... dollars.

3. That the consideration of ~~said~~ this debt [or\* liability] is as follows: .....

4. That no part of ~~said~~ the debt [or\* liability] has been paid, except .....

5. That there are no set-offs or counterclaims to ~~said~~ the debt [or\* liability], except .....

6. That ~~said~~ the corporation does not hold, and has not, nor has any person by its order, or to ~~dependent~~ the knowledge or belief of the undersigned, for its use, had or received, any security or securities for ~~said~~ the debt [or\* liability] except .....

7. [If the debt or liability is founded upon an instrument of writing\*] That the instrument upon which ~~said~~ the debt [or\* liability] is founded is attached hereto [or\* is lost or destroyed, as set forth in

\* The preceding word or words within the brackets are italicized.

the affidavit attached hereto

8. If the debt is founded upon an open account\* That the ~~said~~ debt was or will become due on ..... or that the average due date thereof is .....; that no note or other negotiable instrument has been received for such account or any part thereof or that the ~~said~~ debt is evidenced by a note or other negotiable instrument, which is attached hereto; and that no judgment has been rendered thereon, except .....

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

.....  
..... of ~~said~~ the corporation corporation

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

19.. r

.....  
.....  
Official character,

PENALTY FOR PRESENTING FRAUDULENT CLAIM.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C., § 152.

\* The preceding word or words within the brackets are italicized.

+ The words on this line are all italicized.

Note

See Note supra accompanying Form No. 28 for reasons for these changes.

Form No. 30

PROOF OF CLAIM BY PARTNERSHIP

State of .....  
County of .....  
-ss.\*

....., of ....., in the County of .....,  
State of ....., being duly sworn, deposes and says:

1. That he is a member of ....., a copartnership composed  
of ~~deponent~~ the undersigned and ....., of ....., in the County  
of ....., State of ....., and carrying on business at No. ....  
..... Street, in ....., County of ....., State of .....

2. That ....., the above-named bankrupt, was  
at and before the filing by [*or\* against*] him of the petition for  
adjudication of bankruptcy, and still is, justly and truly indebted  
[*or\* liable*] to ~~said this~~ copartnership in the sum of ..... dollars.

3. That the consideration of ~~said this~~ debt [*or\* liability*] is as  
follows: .....

4. That no part of ~~said the~~ debt [*or\* liability*] has been paid,  
except .....

5. That there are no set-offs or counterclaims to ~~said the~~ debt  
[*or\* liability*], except .....

6. That ~~said the~~ copartnership does not hold, and has not, nor has  
any person by its order, or to ~~deponent's~~ the knowledge or belief of  
the undersigned, for its use, had or received, any security or securities

\* Italicized.

for ~~said~~ the debt [or\* liability], except .....

7. [If the debt or liability is founded upon an instrument of writing\*] That the instrument upon which ~~said~~ the debt [or\* liability] is founded is attached hereto [or\* is lost or destroyed, as set forth in the affidavit attached hereto].

8. [If the debt is founded upon an open account\*] That the ~~said~~ debt was [or\* will become] due on ..... [or\* that the average due date thereof is .....]; that no note or other negotiable instrument has been received for such account or any part thereof [or\* that the ~~said~~ debt is evidenced by a note [or\* other negotiable instrument], which is attached hereto]; and that no judgment has been rendered thereon, except .....

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

Subscribed and sworn to before me this ~~xxxx~~ day of ~~xxxx~~ 19xx x

[Official character,\*]

PENALTY FOR PRESENTING FRAUDULENT CLAIM.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C., § 152.

\* The preceding word or words within the brackets are italicized.

Note

See Note supra accompanying Form No. 28 for reasons for these changes.

Form No. 31

PROOF OF CLAIM BY AGENT OR ATTORNEY

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

....., of ....., in the County of .....,  
State of ....., being duly sworn, deposes and says:

1. That he is the attorney [*or*\* agent] of ..... of No.  
..... Street, in ....., County of ....., State  
of .....; that ~~deponent~~ the undersigned is duly authorized by  
~~said~~ ..... to make this proof of claim in his behalf; and that  
~~said~~ proof cannot be made by ~~said~~ ..... in person because  
.....  
.....  
.....

2. That ....., the above-named bankrupt, was at and  
before the filing by [*or*\* against] him of the petition for adjudication  
of bankruptcy, and still is, justly and truly indebted [*or*\* liable] to  
~~said~~ ..... in the sum of ..... dollars.

3. That the consideration of ~~said~~ this debt [*or*\* liability] is  
as follows: .....  
.....

4. That no part of ~~said~~ the debt [*or*\* liability] has been paid,  
except .....  
.....

\* Italicized.

5. That there are no set-offs or counterclaims to ~~said~~ the debt ~~[or\* liability]~~, except .....

6. That ~~said~~ ..... does not hold, and has not, nor has any person by his order, or to ~~dependent~~ the knowledge or belief of the undersigned, for his use, had or received, any security or securities for ~~said the debt~~ ~~[or\* liability]~~, except .....

7. ~~[If the debt or liability is founded upon an instrument of writing\*]~~ That the instrument upon which ~~said the debt~~ ~~[or\* liability]~~ is founded is attached hereto ~~[or\* is lost or destroyed, as set forth in the affidavit attached hereto]~~.

8. ~~[If the debt is founded upon an open account\*]~~ That the ~~said~~ debt was ~~[or\* will become]~~ due on ..... ~~[or\* that the average due date thereof is .....]~~; that no note or other negotiable instrument has been received for such account or any part thereof ~~[or\* that the said debt is evidenced by a note [or\* other negotiable instrument]~~, which is attached hereto; and that no judgment has been rendered thereon, except .....

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

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

..... y

..... y

~~[Official character,\*]~~

\* The preceding word or words within the brackets are italicized.

PENALTY FOR PRESENTING FRAUDULENT CLAIM.--Fine of not more than \$5,000 or imprisonment for not more than five years or both--Title 18, U.S.C., § 152.

Note

See Note supra accompanying Form No. 28 for reasons for these changes.

Form No. 35

PETITION APPLICATION FOR SALE OF REAL ESTATE

~~The Petitioner~~ This application of ....., trustee of the estate of the above-named bankrupt, respectfully represents:

1. A portion of ~~said the~~ the bankrupt's estate consists of the following described real estate: [Here describe the property and any mortgages or liens thereon, and give its appraised or estimated value.\*]

2. In the judgment of ~~your petitioner~~ this applicant it will be for the benefit of ~~said the~~ the estate to sell ~~said this~~ this property at public auction, upon the following terms and conditions: .....

Wherefore ~~your petitioner~~ this applicant prays that he may be authorized to make sale by public auction of ~~said the~~ the real estate as aforesaid.

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

Signed+: .....  
Trustee+ [or Attorney+ for+ Trustee+]

Address+: .....

State-of-.....)-  
  )-as.\*  
County-of-.....)-

~~I, ....., the petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true~~

\* The preceding words within the brackets are italicized.  
+ Italicized.



according to the best of my knowledge, information, and belief.

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

.....

.....

~~Official character.\*~~

\* The preceding words within the brackets are italicized.

Note

The oath should be stricken from this form pursuant to the amendment of section 18c of the Act by Public Law 86-293, approved September 21, 1959, eliminating the requirement of verification for pleadings other than petitions for voluntary and involuntary bankruptcy. The date and place of the execution of the application should nonetheless appear, and blanks are accordingly provided for this information. A space for the entry of the trustee's or his attorney's address is provided pursuant to Rule 11 of the Federal Rules of Civil Procedure.

The substitution of "application" for "petition" is made for the reason indicated supra in the Note accompanying General Order 51.

Form No. 37

~~PETITION~~ APPLICATION FOR REDEMPTION OF PROPERTY

~~The petition~~ This application of ..... , trustee of the estate of the above-named bankrupt, respectfully represents:

1. A portion of ~~said~~ the bankrupt's estate consists of the following described property: [Here describe the property and give its appraised or estimated value.\*]

2. ~~Said~~ This property is subject to the following described mortgage [or+ lien or+ pledge]: .....  
.....

3. In the judgment of ~~your petitioner~~ this applicant it will be for the benefit of the estate to redeem ~~said~~ this property from ~~said~~ this mortgage

\* The preceding words within the brackets are italicized.

+ Italicized.

[or+ lien or+ pledge], for the following reasons: .....  
.....

Wherefore ~~your petitioner~~ this applicant prays that he may be authorized to pay out of the assets of ~~said the~~ estate the sum of ..... dollars, being the amount of ~~said the~~ mortgage [or+ lien or+ pledge], to redeem ~~said the~~ property therefrom.

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

Signed\*: ..... ,  
Trustee\* [or Attorney\* for\* Trustee\*].

Address\*: .....

State of ..... )  
County of ..... )

*By ~~my~~ ~~power~~ the petitioner named in the foregoing petition do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.*

*Subscribed and sworn to before me this ~~error~~ day of ~~error~~ 19~~ee~~ e*

*.....  
.....  
.....  
[Official character\*]*

\* Italicized.

Note

See Note supra accompanying Form No. 35 for the reasons for these changes.

REPORT OF TRUSTEE IN NO ASSET CASE

To ....., Referee in Bankruptcy:

....., of ....., in the County of ....., State of ....., trustee of the estate of the above-named bankrupt, respectfully reports that he has neither received any property nor paid any moneys on account of said this estate; that he has made diligent inquiry into the whereabouts of property belonging to the said estate; and that there are no assets in said the estate over and above the exemptions claimed by, and by him set aside to, the said bankrupt.

Wherefore he prays that this report be approved, and that he be discharged of his trust.

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

Signed\*: .....,  
Trustee\* /or Attorney\* for\* Trustee\*.

Address\*: .....

~~State of .....~~)  
~~County of .....~~) *ss.\**

~~I, ....., the trustee named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.~~

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

~~.....~~  
~~.....~~  
~~.....~~  
/Official\* character.\*

\* Italicized



he is the ~~owner~~ of ~~the~~ ~~petitioner~~ the petitioner named in the foregoing petition, and is duly authorized to make this affidavit on its behalf, and that the statements contained in said petition are true according to the best of his knowledge, information, and belief.

Subscribed and sworn to before me this ~~\_\_\_\_\_~~ day of ~~\_\_\_\_\_~~ 19~~\_\_~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Official character\*

\* The words within the brackets are italicized.

Note

See Note supra accompanying Form No. 35 for the reasons for these changes.

Form No. 42A

ORDER FIXING TIME FOR FILING OBJECTIONS TO  
DISCHARGE

To be used in cases where the filing fees have been paid in installments\*

At ....., in said this district on the ..... day of ....., 19... .

It appearing that the above named bankrupt has been duly adjudged a bankrupt and has been duly examined at a meeting of creditors as required by the Act of Congress relating to bankruptcy, if the bankrupt is a corporation, add:\* and it further appearing that said bankrupt

\*The preceding words within the brackets are italicized.

~~filed its application for a discharge on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_~~<sup>7</sup>

It is ordered that the ..... day of ....., 19..., be, and it hereby is, fixed as the last day for the filing of objections to the discharge of ~~said~~ the bankrupt.

.....

Referee in Bankruptcy.\*

\* The title is italicized.

Note

Form No. 42 for the order fixing the time for filing objections to the discharge is here proposed to be renumbered ~~Form~~ No. 42A and, as revised, reserved for use in the cases where the filing fees have been paid in installments. Form No. 42 now contains a recital that the debtor has been duly examined at a meeting of creditors as required by the Act. The 1957 amendment of section 14b eliminates the examination as a prerequisite to the entry of an order fixing the last date for the filing of objections to the discharge. The recital that the bankrupt has been duly adjudged bankrupt or, if the bankrupt is a corporation, that a timely application for a discharge has been filed, does not appear to be a jurisdictional requirement of an order fixing the time for filing objections. (This is not to say of course that the necessity of an adjudication, or a timely application by a corporate bankrupt, can ever be dispensed with.) The instances when a corporation applies for a discharge are quite rare. The recitals therein being nonessential, it is recommended that the first paragraph of Form No. 42 be omitted from both the separate ~~Form~~ No. 42A and the combined Form No. 42B infra.

Form No. 42B

ORDER FOR FIRST MEETING OF CREDITORS

AND

ORDER FIXING TIME FOR FILING OBJECTIONS TO

DISCHARGE

To be used in cases where the filing fees were paid in full  
at the time of filing\*

\* The words within the brackets are italicized.

At ....., in this district, on the ..... day of .....,  
19.. .

It is ordered that the first meeting of creditors herein be held  
at ....., in ....., on ....., 19.., at ..... o'clock .. , m.,  
..... time.

It is further ordered that the above-named bankrupt be and appear  
before a referee of this court at the time and place appointed for the  
first meeting of creditors for the purpose of being examined as pro-  
vided by the Bankruptcy Act.

And it is further ordered that the ..... day of ....., 19..,  
be, and it hereby is, fixed as the last day for the filing of objections  
to the discharge of the bankrupt.

.....

Referee in Bankruptcy.\*

\* The title is italicized.

Note

The amendment of section 14b of the Bankruptcy Act effected by Public Law No. 82-275 in 1957 authorized the order fixing a time for the filing of objections to the bankrupt's discharge to be entered after the required filing fees have been paid in full rather than after the debtor has been examined. It is thus now possible in all but installment cases for the order fixing such time to be entered concurrently with the order for the first meeting of creditors. The Administrative Office has found it advantageous to prepare a combined "Order for First Meeting of Creditors and Order Fixing Time for Filing Objections to Discharge" for use by referees in cases where the filing fees have been paid in full at the time of filing. Since there has been no official form for the order fixing the date of the first meeting, the combined form adds appropriate new language (identical to that of the proposed new Form No. 17A *supra*) to Form No. 42, the official form for the order fixing the time for filing objections to the discharge. This combined form has been revised slightly and is proposed as Official Form No. 42B.

Form No. 43A

NOTICE OF ORDER FIXING TIME FOR FILING  
OBJECTIONS TO DISCHARGE

To be used in cases where the filing fees have been paid in  
installments\*

To the creditors of the above-named bankrupt and other parties  
in interest:

Notice is hereby given that on the ..... day of ....., 19...,  
an order was made in the above-entitled proceeding, fixing the ..... day  
of ....., 19..., as the last day for the filing of objections to the  
discharge of said the bankrupt.

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

..... ,

Referee in Bankruptcy.+

\* The words within the brackets are italicized.

+ The title is italicized.

Note

Proposed Form No. 43A is substantially present Form No. 43 but  
is designated for use in the cases where the filing fees have been  
paid in installments. When the installment fees have been paid in  
full, it is possible and desirable to combine this form with present  
Form No. 17 as indicated in the proposed Form No. 43B infra.

Form No. 43B

NOTICE OF FIRST MEETING OF CREDITORS AND

NOTICE OF ORDER FIXING TIME FOR FILING OBJECTIONS TO DISCHARGE

To be used in cases where the filing fees were paid in  
full at the time of filing\*

\* The words within the brackets are italicized.



To the creditors of ..... <sup>C</sup> of ....., a bankrupt,  
and to other parties in interest:

Notice is hereby given that ..... 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 ~~the .....~~ day of ..... at ..... o'clock .. . m., <sup>> 19...</sup>  
..... time, at which place and time the 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. <sup>the</sup>

Notice is also hereby given that on the ..... day of ....., 19...  
an order was made in the above-entitled proceeding, fixing the ..... day  
of ....., 19..., as the last day for the filing of objections to  
the discharge of the bankrupt.

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

.....

Referee in Bankruptcy.\*

\*The words within the brackets are italicized.

+The title is italicized.

Note

Prior to the amendment of section 14b of the Bankruptcy Act by Public Law No. 82-275 in 1957, at least two separate notices were required to be given in every ordinary bankruptcy case. The first was the ten-day notice of the first meeting of creditors required by section 58a(3), and the second was the thirty-day notice of the last day fixed by the court pursuant to section 58b for the filing of objections to a bankrupt's discharge. Prior to the amendment this second notice

could not ordinarily be combined with the first because the order fixing the last day for filing objections could not be entered until after the debtor's examination, which was typically held at the first meeting at least ten days after the first notice.

The 1957 amendment of section 14b permits the two notices to be combined in approximately two-thirds of all ordinary bankruptcy cases, where the fees are fully paid at the time of filing. This legislation was requested by the Administrative Office of the United States Courts to effect a substantial saving in expenditures for postage, clerical help, supplies, and equipment. Since the amendment the Administrative Office has prepared and provided printed forms for the use of referees in this most numerous class of cases, which combine the essential features of Official Forms No. 17 and 43. This form is designated as No. 43B.

Form No. 44

SPECIFICATION OF OBJECTIONS TO DISCHARGE

....., of ....., in the County of ....., State of ....., the trustee of the estate [or\* a creditor] of the above-named bankrupt [or\* the United States attorney for said this district [or\* the attorney designated by the Attorney General of the United States], having examined into the acts and conduct of said the bankrupt and being satisfied that probable grounds exist for the denial of the discharge of said the bankrupt and that the public interest so warrants], does hereby oppose the granting to said the bankrupt of a discharge from his debts, and specifies the following as grounds of objection: [Here specify in separately numbered paragraphs the grounds of objection.\*]

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

Signed\*: .....  
Trustee\* [or creditor,\* etc,\* or attorney\*]

Address\*: .....

State of ..... )  
                          ) ss,\*  
County of ..... )

By ..... the trustee [or\* creditor, etc,\*] named in the foregoing petition do hereby make solemn oath that the statements

\* The preceding words within the brackets are italicized.

\* Italicized.

contained therein are true according to the best of my knowledge,  
information, and belief.

.....

.....

*[Official character]\**

\* The preceding words within the brackets are italicized.

Note

See Note supra accompanying Form No. 35 for the reasons for these changes.

Form No. 48

ORIGINAL PETITION IN PROCEEDINGS UNDER

CHAPTER XI

To the Honorable ....., Judge of the District Court of the  
United States for the ..... District of .....

The petition of ....., of ....., in the County of  
....., State of ....., by occupation a ..... *[or\** engaged  
in the business of .....*]*, respectfully represents:

1. Your petitioner has had his principal place of business *[or\**  
has resided, *or\** has had his domicile*]* at ....., within the above  
judicial district, for a longer portion of the six months immediately  
preceding the filing of this petition *[or\* for a longer portion of the  
six months immediately preceding the filing of this petition than in any*  
than in any other judicial district<sup>u</sup>*]*.

2. No bankruptcy proceeding, initiated by a petition by or against

\* Italicized.

your petitioner, is now pending.

3. Your petitioner is insolvent [or\* unable to pay his debts as they mature], and proposes the following arrangement with his unsecured creditors: .....

.....  
[or\* intends to propose an arrangement pursuant to the provisions of Chapter XI of the Bankruptcy Act.]

4. The schedule hereto annexed, marked Schedule A, and verified by your petitioner's oath, contains a full and true statement of all his debts, and, so far as it is possible to ascertain, the names and places of residence of his creditors, and such further statements concerning ~~said~~ his debts as are required by the provisions of the Bankruptcy Act of Congress relating to bankruptcy.

5. The schedule hereto annexed, marked Schedule B, and verified by your petitioner's oath, contains an accurate inventory of all his property, real and personal, and such further statements concerning ~~said~~ his property as are required by the provisions of ~~said~~ the Act.

6. The statement hereto annexed, marked Exhibit 1, and verified by your petitioner's oath, contains a full and true statement of all his executory contracts, as required by the provisions of ~~said~~ the Act.

7. The statement hereto annexed, marked Exhibit 2, and verified by your petitioner's oath, contains a full and true statement of his affairs, as required by the provisions of ~~said~~ the Act.

Wherefore your petitioner prays that proceedings may be had upon this petition in accordance with the provisions of chapter XI of the

\* Italicized.

Bankruptcy Act of Congress relating to bankruptcy.

.....  
Petitioner.+

Address+: .....

....., Attorney.+

Address+: .....

State of ..... )  
County of ..... ) ss.+

I, ....., the petitioner named in the foregoing petition,  
do hereby make solemn oath that the statements contained therein are  
true according to the best of my knowledge, information, and belief.

.....  
Petitioner.+

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

..... ,  
.....

[Official character.\*]

[Schedules to be annexed corresponding with schedules under Form No. 1.]

\* The preceding words within the brackets are italicized.

+ Italicized.

Note

The change in the first paragraph conforms the language of the form more closely to that in section 2a(1) of the Bankruptcy Act. The principal change is that in paragraph 3 to accommodate a petition not accompanied by the proposed arrangement, as permitted by the amendment of section 323 in 1958. The change in the fourth and concluding paragraphs simply employs the official short title of the Act. Spaces have been added for entry of the addresses of the petitioner and his attorney pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Received

Form No. 49

NOTICE OF MEETING OF CREDITORS IN PRO-  
CEEDINGS UNDER CHAPTER XI

To the creditors of ....., of ....., ~~in the~~  
~~County of .....~~ and district aforesaid his creditors, and to  
other parties in interest:

Notice is hereby given that on the ..... day of .....,  
19.., the said ..... filed a petition in this court  
proposing [or\* stating that he intended to propose] an arrangement with  
his unsecured creditors under the provisions of chapter XI of the  
Bankruptcy Act of Congress relating to bankruptcy, and that a meeting  
of his creditors will be held at ....., in ....., on the .....  
day of ....., 19.., at ..... o'clock ~~in the .....~~ noon .. .  
..... time, at which place and time the ~~said~~ creditors  
may attend, prove their claims, nominate a trustee, appoint a committee  
of creditors, examine the debtor, present written acceptances of the  
proposed arrangement, if filed, and transact such other business as  
may properly come before ~~said~~ the meeting.

Annexed hereto ~~is~~ are, if filed, a copy of the proposed arrangement,  
a summary of the liabilities of ~~said~~ the debtor as shown by his schedules,  
and a summary of the appraisal of the property of ~~said~~ the debtor [or\*  
a summary of the assets of ~~said~~ the debtor as shown by his schedules].

[If appropriate, the following may be added:\*

Notice is also hereby given that the application to confirm ~~said~~  
the arrangement shall be filed with this court on or before the .....

\* The preceding words within the brackets are italicized.

day of ....., 19..; and that the hearing on the confirmation and objections thereto, if any, will be held at ....., in ....., on the ..... day of ....., 19.., at .... 1<sup>0</sup>'clock ~~in the evening~~ noon .. .m., ..... time.

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

.....,

Referee in Bankruptcy.\*

\* The title is italicized.

Note

The addition of the debtor and "other parties in interest" to the categories of persons to receive the notice of the creditors' meeting required by section 334 of the Act appears to fulfill the mandate of the section and to conform to the recitals in Form No. 51.

Changes in the first two paragraphs are proposed to permit the form to apply to a case where no arrangement is proposed with the petition as contemplated by the 1958 amendment to section 323.

Form No. 50

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER CHAPTER XI

To ....., Referee in Bankruptcy:

....., the above-named debtor, respectfully represents that the arrangement under chapter XI of the Bankruptcy Act of Congress relating to bankruptcy, proposed ~~in the petition filed by him~~ on the ..... day of ....., 19.., has been duly accepted, in accordance with the provisions of ~~said~~ this chapter, and that the deposit required by the provisions of ~~said~~ the chapter and by the ~~said~~ arrangement, amounting to the sum of ..... dollars, has been deposited, subject

to the order of the court, in ....., of ....., the depository designated by the court.

Wherefore the ~~said~~ debtor prays that the ~~said~~ arrangement be confirmed by the court.

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

Signed\*: .....,  
Debtor\* /or Attorney\* for\* Debtor\*7.

Address\*: .....

~~State of .....~~ }  
                                  } ss.\*  
~~County of .....~~ }

~~I, .....~~ the debtor named in the foregoing application, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.

~~.....~~  
Debtor,\*

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

~~.....~~  
~~.....~~  
Official\*-character,\*7

\* Italicized.

Note

Section 323 of the Act as amended in 1958 requires the reference to proposal of the arrangement in the petition to be stricken. The oath should be stricken by virtue of the amendment of section 18c by Public Law 86-293, approved September 21, 1959. A space is provided for entry of the address of the debtor or his attorney following the signature pursuant to Rule 11 of the Federal Rules of Civil Procedure.



Form No. 51

ORDER CONFIRMING AN ARRANGEMENT UNDER CHAPTER XI (WHERE ALL AFFECTED CREDITORS HAVE ACCEPTED)

At ....., in ~~said~~ this district, on the ..... day of ....., 19.. .

A petition having been filed herein on the ..... day of ....., 19.., by the above-named debtor, and ~~proposing~~ an arrangement under chapter XI of the Bankruptcy Act of Congress relating to bankruptcy, having been proposed and said arrangement having been thereafter accepted in writing by all creditors affected thereby, at a meeting of creditors held on the ..... day of ....., 19.., of which meeting .. days' notice by mail was given to ~~said~~ <sup>the</sup> debtor, to his creditors, and to other parties in interest; and

It appearing that the deposit required by the provisions of ~~said~~ this chapter and by ~~said~~ the arrangement, amounting to the sum of ..... dollars, has been deposited, subject to the order of the court, in ....., of ....., the depository designated by the court, and that ~~said~~ the arrangement and its acceptance are in good faith and have not been made or procured by any means, promises, or acts forbidden by ~~said~~ the Act;

It is ordered that the ~~said~~ arrangement be, and it hereby is, confirmed.

.....,

Referee in Bankruptcy.\*

\* The title is italicized.

Note

The principal change here would conform the form to the 1958 amendment of section 323, which no longer requires the arrangement to be proposed in the petition.

Form No. 52

ORDER CONFIRMING AN ARRANGEMENT UNDER CHAPTER XI (WHERE LESS THAN ALL AFFECTED CREDITORS HAVE ACCEPTED)

At ....., in said district, on the ..... day of ....., 19.. .

The application of ....., the above-named debtor, for confirmation of the arrangement under chapter XI of the Bankruptcy Act of Congress relating to bankruptcy, proposed by ~~said the~~ debtor in the petition filed by him on the ..... day of ..... 19... having been heard and duly considered; and due notice of ~~said the~~ hearing having been given [here state the manner of notice]; and [here state the proceedings, whether there was no opposition, or if opposed, what proceedings were had]; and

It appearing that ~~said the~~ arrangement has been duly accepted in accordance with the provisions of ~~said this~~ chapter, and that the ~~said~~ deposit required by the provisions of ~~said the~~ chapter and by ~~said the~~ arrangement, amounting to the sum of ..... dollars, has been deposited, subject to the order of the court, in ....., of ....., the depository designated by the court; and

It further appearing that the provisions of ~~said the~~ chapter have been complied with; that the arrangement is for the best interests of the creditors of said debtor; ~~that the arrangement is fair and~~

\* The words within the brackets are italicized.

~~equitable~~, and <sup>is</sup> feasible; that 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; and that the proposal and its acceptance are in good faith and have not been made or procured by any means, promises, or acts forbidden by ~~said the~~ Act.

It is ordered that the ~~said~~ arrangement be, and it hereby is, confirmed.

.....,

Referee in Bankruptcy.\*

\* The title is italicized.

Note

See the Note accompanying Form 51 for the reason for the principal change made here. *in the first paragraph.*  
*The reference to a "fair and equitable" arrangement in the third paragraph is stricken pursuant to the amendment of Conf. 1952 deleting these words from Form No. 55 Section 36 of the Act.*

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER  
CHAPTER XII

To ....., Referee in Bankruptcy:

....., the above-named debtor, respectfully represents that the arrangement under chapter XII of the Bankruptcy Act, of Congress ~~relating to bankruptcy~~, proposed in the petition filed by him on the ..... day of ....., 19.., has been duly accepted, in accordance with the provisions of ~~said~~ this chapter, and that the deposit required by the provisions of ~~said the~~ chapter and by the ~~said~~ arrangement, amounting to the sum of ..... dollars, has been deposited, subject to the order of



ORIGINAL PETITION IN PROCEEDINGS UNDER  
CHAPTER XIII

To the Honorable ..... , Judge of the District Court of the  
the United States for the ..... District of .....

The petition of ..... , of ..... , in the County of  
..... , State of ..... , by occupation a ..... , and  
employed by ..... , respectfully represents:

1. Your petitioner has resided [~~or~~\* has had his domicile] at .....  
..... , within the above judicial district, for ~~a longer portion~~  
of the six months immediately preceding the filing of this petition [~~or~~\*  
for a longer portion of the six months immediately preceding the filing of  
this petition than in any other judicial district].

2. Your petitioner ~~works-for-wages-  
of-compensation-which-when-added-to-all-his-other-income-dees-not-exceed~~  
\$3,600-per-year-is an individual whose principal income is derived from  
wages, salary or commissions.

3. No bankruptcy proceeding, initiated by a petition by or against  
your petitioner, is now pending.

4. Your petitioner is insolvent [~~or~~\* unable to pay his debts as they  
mature], and desires to effect a composition [~~or~~\* an extension of time to  
pay his debts, or\* a composition and an extension of time to pay his  
debts] out of his future earnings.

5. The schedule hereto annexed, marked Schedule A, and verified by  
your petitioner's oath, contains a full and true statement of all his  
debts, and, so far as it is possible to ascertain, the names and places  
of residence or of business of his creditors, and such further

---

\* Italicized.

statements concerning said debts as are required by the provisions of the Bankruptcy Act of Congress relating to bankruptcy.

6. The schedule hereto annexed, marked Schedule B, and verified by your petitioner's oath, contains an accurate inventory of all his property, real and personal, and such further statements concerning said property as are required by the provisions of ~~said~~ the Act.

7. The statement hereto annexed, marked Exhibit 1, and verified by your petitioner's oath, contains a full and true statement of all his executory contracts, as required by the provisions of ~~said~~ the Act.

8. The statement hereto annexed, marked Exhibit 2, and verified by your petitioner's oath, contains a full and true statement of his affairs, as required by the provisions of ~~said~~ the Act.

Wherefore your petitioner prays that proceedings may be had upon this petition in accordance with the provisions of chapter XIII of the Bankruptcy Act of Congress relating to bankruptcy.

.....  
Petitioner.\*

Address\*: .....

....., Attorney.\*

Address\*: .....

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

I, ....., the petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.

.....  
Petitioner.\*

\* Italicized.

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

..... ,

..... .

[Official character.\*]

[Schedules to be annexed corresponding with schedules under  
Form No. 1.]

\* The words within the brackets are italicized.

Note

The first paragraph is revised to conform more closely to the statutory language of section 2a(1) of the Act. Other conforming changes in paragraph 5 and the last paragraph use the short title of the Act.

The principal changes here are in paragraphs 2 and 5. The 1959 amendment to section 606(8), effected by Public Law 86-24, approved May 13, 1959, requires an amendment in paragraph 2 to conform with the new statutory definition of a wage earner as "an individual whose principal income is derived from wages, salary or commissions." The insertion of the reference to creditors' places of business in paragraph 5 recognizes the change made in section 7a(8) by the amendment of 1952.

Form No. 60

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER

CHAPTER XIII

To ....., Referee in Bankruptcy:

....., the above-named debtor, respectfully represents that the plan under chapter XIII of the Bankruptcy Act, of Congress relating to bankruptcy, submitted by him at a meeting of his creditors on the ..... day of ....., 19.., has been duly accepted, in accordance





Form No. 63

DEBTOR'S PETITION IN PROCEEDINGS UNDER SECTION  
75 OF THE BANKRUPTCY ACT

~~To the Honorable \_\_\_\_\_, Judge of the District Court of  
the United States for the \_\_\_\_\_ District of \_\_\_\_\_  
The petitioner of \_\_\_\_\_ of \_\_\_\_\_, in the county of  
\_\_\_\_\_, and district and State of \_\_\_\_\_, respectfully represents:~~

~~That he is primarily bona fide personally engaged in producing  
products of the soil or\* that he is primarily bona fide personally  
engaged in dairy farming, the production of poultry or livestock, or  
the production of poultry products or livestock products in their  
unmanufactured state, or the principal part of whose income is derived  
from any one or more of the foregoing operations 7 as follows:~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~that such operations occur in the county or\* counties 7 of \_\_\_\_\_,  
within said judicial district; that he is insolvent or\* unable to  
meet his debts as they mature 7; and that he desires to effect a com-  
position or extension of time to pay his debts under section 75 of the  
Bankruptcy Act.~~

~~That the schedule hereto annexed, marked "A", and verified by  
your petitioner's oath, contains a full and true statement of all his  
debts, and (so far as it is possible to ascertain) the names and places  
of residence of his creditors, and such further statements concerning~~

\* Italicized



Note

This form may be abrogated inasmuch as the time for filing a petition under section 75 (Agricultural Compositions and Extensions) expired March 1, 1949. There is only one case currently pending under section 75. It should be closed in the near future.

Form No. 64

ORDER APPROVING DEBTOR'S PETITION IN PROCEED-  
INGS UNDER SECTION 75

~~At ....., in said district, on the ..... day of .....,  
19.., before the Honorable ....., judge of said court, the  
petition of ....., praying that he be afforded an opportunity  
to effect a composition or an extension of time to pay his debts under  
section 75 of the Bankruptcy Act, having been heard and duly considered,  
is approved as properly filed under said section.~~

~~Witness the Honorable ....., judge of said court, and  
the seal thereof, at ....., in said district, on the ..... day of  
....., 19..~~

~~.....,~~

~~Clerk,\*~~

~~Seal of the Court~~

~~\* Italicized.~~

Note

See Note accompanying Form No. 63 supra.

ORDER OF REFERENCE IN PROCEEDINGS UNDER  
SECTION 75

~~Whereas the petition of ....., filed in this court on  
the ..... day of ....., 19.., praying that he be afforded an  
opportunity to effect a composition or an extension of time to pay his  
debts under section 75 of the Bankruptcy Act, having been duly  
approved by order of this court on the ..... day of ....., 19..,  
it is thereupon ordered, that said matter be referred to .....,  
one of the conciliation commissioners of this court, to take such  
further proceedings therein as are required by said section, and that  
the said ..... shall attend before said conciliation  
commissioner on the ..... day of ....., at ....., and thereafter  
shall submit to such orders as may be made by said conciliation commis-  
sioner or by this court relating to the proceedings under said section.~~

~~Witness the Honorable ....., judge of the said court,  
and the seal thereof, at ....., in said district, on the ..... day  
of ....., 19...~~

.....  
Clerk.\*

~~[Seal of the Court]~~

\* Italicized.

Note

See Note accompanying Form No. 63 supra.

BOND OF CONCILIATION COMMISSIONER

~~Know all men by these presents: That we ....., of  
....., as principal, and ....., of ..... and .....~~

~~of ....., as sureties, are held and firmly bound to the United States of America in the sum of ..... dollars, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents,~~

~~Signed and sealed this ..... day of ....., A. D. 19..~~

~~The condition of this obligation is such that whereas the said ..... has been on the ..... day of ....., A. D. 19.., appointed by the Honorable ..... judge of the District Court of the United States for the ..... District of ....., a conciliation commissioner under section 75 of the Bankruptcy Act, in and for the county of ....., in said district,~~

~~Now, therefore, if the said ..... shall well and faithfully discharge and perform all the duties pertaining to the said office of conciliation commissioner, then this obligation to be void, otherwise to remain in full force and virtue.~~

~~Signed and sealed in~~

~~the presence of~~

~~.....~~

~~.....~~

~~..... [E.S.]~~

~~..... [E.S.]~~

~~..... [E.S.]~~

~~Approved this ..... day of .....~~

~~.....,~~

~~District Judge.\*~~

\* Italicized title.

Note

See Note accompanying Form No. 63 supra.

Form No. 67

NOTICE OF FIRST MEETING OF CREDITORS IN PRO-  
CEEDINGS UNDER SECTION 75

~~To the creditors of ....., of ....., in the county of  
....., and district aforesaid.~~

~~Notice is hereby given that on the ..... day of ....., A. D.  
19.., the petitioner of the said ....., praying that he be  
afforded an opportunity to effect a composition or an extension of  
time to pay his debts under section 75 of the Bankruptcy Act, was  
approved by this court as properly filed under said section; and that  
the first meeting of his creditors will be held at ..... in .....  
on the ..... day of ....., A. D. 19.., at ..... o'clock in the .....  
noon, at which time the said creditors may attend, prove their claims,  
examine the debtor, and transact such other business as may properly  
come before said meeting.~~

~~.....~~

~~Conciliation Commissioner.\*~~

~~....., 19..~~

~~\*Italicized title.~~

Note

See Note accompanying Form No. 63 supra.

Form No. 68

APPLICATION FOR CONFIRMATION OF A COMPOSITION  
OR EXTENSION PROPOSAL UNDER SECTION 75

~~To the Honorable ....., Judge of the District Court of the  
United States for the ..... District of .....~~

~~At ....., in said district, on the ..... day of ....., A. D.  
19.., now comes ....., the above named debtor, and respectfully  
represents to the court that, after he had filed in court a schedule  
of his property and a list of his creditors, as required by law, he  
offered a proposal for a composition or an extension to his creditors,  
which proposal has been accepted in writing by a majority in number  
of all creditors whose claims have been allowed, including secured  
creditors whose claims are to be affected by the proposal, which  
number represents a majority in amount of such claims.~~

~~Wherefore the said ..... respectfully asks that the  
said proposal be confirmed by the court.~~

.....

Debtor.\*

\* Italicized.

Note

See Note accompanying Form No. 63 supra.

Form No. 69

ORDER CONFIRMING A COMPOSITION OR EXTENSION  
PROPOSAL UNDER SECTION 75

~~An application for the confirmation of the proposal offered by~~

~~the debtor under section 75 of the Bankruptcy Act having been filed in court, and it appearing that the proposal has been accepted by a majority in number of creditors whose claims have been allowed, including secured creditors whose claims are to be affected by the proposal, which number represents a majority in amount of such claims; and it also appearing that the proposal includes an equitable and feasible method of liquidation for secured creditors whose claims are affected and of financial rehabilitation for the debtor, that it is for the best interests of all creditors, and that the offer and its acceptance are in good faith and have not been made or procured by any means, promises, or acts contrary to the acts of Congress relating to bankruptcy: It is therefore hereby ordered that the said proposal be, and it hereby is, confirmed.~~

~~Witness the Honorable ....., judge of said court, and the seal thereof, this ..... day of ....., A. D. 19..~~

~~.....~~

~~Clerk,\*~~

~~[Seal of the Court]~~

\* Italicized.

Note

See Note accompanying Form No. 63 supra.