

Rules of Civil Rehabilitation

(Rules of the Supreme Court No. 3 of January 31, 2000)

Table of Contents

Chapter I General Provisions (Articles 1 to 11)

Chapter II Commencement of Rehabilitation Proceedings

Section 1 Petition for Commencement of Rehabilitation Proceedings (Articles 12 to 16)

Section 2 Order to Commence Rehabilitation Proceedings (Articles 17 to 19)

Chapter III Authorities Responsible for Rehabilitation Proceedings

Section 1 Supervisors (Articles 20 to 25)

Section 2 Examiners (Article 26)

Section 3 Trustees and Temporary Administrators (Article 27)

Chapter IV Rehabilitation Claims

Section 1 Rights of Rehabilitation Creditors (Articles 28 to 30)

Section 2 Filing of Proofs of Rehabilitation Claims (Articles 31 to 35-2)

Section 3 Investigation and Allowance of Claims (Articles 36 to 47)

Section 4 Creditors Meetings and Creditors Committees (Articles 48 to 54)

Chapter V Common Benefit Claims (Articles 55 and 55-2)

Chapter VI Investigation and Securing of the Rehabilitation Debtor's Property

Section 1 Investigation on the Status of Rehabilitation Debtor's Property
(Articles 56 through 65)

Section 2 Right to Avoidance (Articles 65-2 through 67)

Section 3 Enforcement of Liabilities of Officers of Juridical Persons (Articles 68 and 69)

Section 4 Extinguishment of Security Interests (Articles 70 through 82)

Chapter VII Rehabilitation Plans

Section 1 Clauses of Rehabilitation Plans (Article 83)

Section 2 Submission of Proposed Rehabilitation Plans (Articles 84 through 89)

Section 3 Resolution Adopting Proposed Rehabilitation Plan (Articles 90 through 92)

Section 4 Approval of Rehabilitation Plans (Article 93)

Chapter VIII Procedures after Rehabilitation Plan is Approved (Articles 94 through 96)

Chapter IX Discontinuance of Rehabilitation Proceedings (Articles 97 and 98)

Chapter X Special Provisions for Home Loan Claims (Articles 99 through 104)

Chapter XI Special Provisions for Cases When Foreign Insolvency Proceedings Have been Initiated (Articles 105 and 106)

Chapter XII Special Provisions for Simplified Rehabilitation Proceedings and
Consensual Rehabilitation Proceedings

Section 1 Simplified Rehabilitation Proceedings (Articles 107 through 109)

Section 2 Consensual Rehabilitation Proceedings (Articles 110 and 111)

Chapter XIII Special Provisions for Rehabilitation Proceedings Filed by
Individuals with Small Debt and Rehabilitation Proceedings Filed by
Salaried Workers

Section 1 Rehabilitation Proceedings Filed by Individuals with Small Debt
(Articles 112 through 135)

Section 2 Rehabilitation Proceedings Filed by Salaried Workers (Articles 136
through 141)

Chapter XIV Transfer Between Rehabilitation Proceedings and Bankruptcy
Proceedings (Articles 142 and 143)

Chapter XV Special Provisions for Rehabilitation Proceedings of Agricultural
and Fishery Cooperatives (Articles 144 through 146)

Supplementary Provisions

Chapter I General Provisions

(Responsibilities of Rehabilitation Debtors)

Article 1 (1) A rehabilitation debtor must endeavor to ensure the smooth
progress of rehabilitation proceedings.

(2) A rehabilitation debtor must endeavor to inform rehabilitation creditors of
important matters concerning the progress of rehabilitation proceedings.

(3) In the rehabilitation proceedings, the activities of a rehabilitation debtor who
endeavors to ensure the smooth progress of the rehabilitation proceedings must
be respected whenever possible.

(Procedures to File Petition)

Article 2 (1) A petition for rehabilitation proceedings must be filed in writing,
except as otherwise provided.

(2) The provisions of the preceding paragraph apply mutatis mutandis to filing of
notifications and requests and submission of reports on rehabilitation
proceedings to the court, as well as to the submission of proposed rehabilitation
plans (including revised proposed plans).

(3) Notwithstanding the provisions of paragraph (1) as applied mutatis mutandis
pursuant to the preceding paragraph, if the court finds it necessary to ensure
the smooth progress of rehabilitation proceedings, the court may permit
reports referred to in the preceding paragraph (excluding the reports under
Article 125 (Report to the Court), paragraph (1) of the Civil Rehabilitation Act
(Act No. 225 of 1999; hereinafter referred to as the "Act")) to be made orally.

(4) When a person who has submitted or intends to submit a document to the court has an electronic or magnetic record (meaning a record prepared in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used for data processing by computers; hereinafter the same applies in this paragraph) recording the content of the information recorded in the document, and if the court finds it necessary, the court may request the person to provide the information recorded in the electronic or magnetic record by electronic or magnetic means (meaning a method using an electronic data processing system or a method using other information and communications technology; the same applies hereinafter) specified by the court.

(Records)

Article 3 It is not necessary to prepare a record of rehabilitation proceedings (excluding a record of oral argument), except as otherwise provided; provided, however, that this does not apply when the presiding judge orders to prepare a record.

(Forwarding of Case Records of Immediate Appeal; Article 9 of the Act)

Article 4 (1) If an immediate appeal is filed and the court finds it unnecessary to forward the records of the rehabilitation case, a court clerk at the rehabilitation court only needs to forward the records of the appeal case alone to a court clerk at the court in charge of an appeal.

(2) When the records of the appeal case have been forwarded pursuant to the provisions of the preceding paragraph, and the court in charge of an appeal finds that the records of the rehabilitation case are necessary, a court clerk at the court in charge of the appeal must promptly request a court clerk at the rehabilitation court to forward the records.

(Person Who Administers Affairs Related to Public Notice; Article 10 of the Act)

Article 5 Affairs related to public notice are administered by a court clerk.

(Administration of Affairs Related to Notification Filed by Trustees)

Article 5-2 When a trustee has been appointed, with the consent of the trustee, the court may have the trustee send documents or administer other affairs related to notice if it is necessary for the smooth progress of rehabilitation proceedings.

(Filing of Notice of Place to Receive Notification)

Article 5-3 (1) When a rehabilitation creditor has filed notice of the place to

receive a notice or summons to appear on the designated date prescribed in Article 31 (Procedures to File Notification), paragraph (1), item (ii) or Article 35 (Procedures to Change the Name of Holder of Filed Claim), paragraph (1), item (ii) (hereinafter referred to as "notice, etc." in this Article), in the rehabilitation proceedings, a notice, etc. is to be given by sending a document to the rehabilitation creditor at the place pertaining to the notice (when the rehabilitation creditor has filed a notice to change the place to receive notification pursuant to the provisions of Article 33 (Changes Made to Particulars in Filed Notice), paragraph (1); the place that has been changed).

- (2) When a rehabilitation creditor who has not filed notice of place to receive a notification, etc. specified in the preceding paragraph files notice of the place where a legal document to be served pursuant to the provisions of Article 104 (Notice of Place to Be Served, etc.), paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996) as applied *mutatis mutandis* pursuant to Article 18 (Applied *Mutatis Mutandis* to the Code of Civil Procedure), a notice, etc. specified in the preceding paragraph, which will be given to the rehabilitation creditor, will be given at the place pertaining to the notice.
- (3) If a notice, etc. given to the rehabilitation creditor pursuant to the provisions of paragraph (1) or the preceding paragraph is not received by the rehabilitation creditor, it is not necessary to give any notice to the rehabilitation creditor thereafter.
- (4) When the court or court clerk does not give a notification, etc. to the rehabilitation creditor pursuant to the provisions of preceding paragraph, the court clerk must clearly state the fact in the records that a notification, etc. given to the rehabilitation creditor was not received by the rehabilitation creditor.

(Notice to Government Agencies)

- Article 6 (1) When an order to commence rehabilitation proceedings has been given against a rehabilitation debtor who is a juridical person, if a government agency or any other organization has approved the establishment of the juridical person or the business that is the objective thereof, a court clerk must notify the government agency or other organization of the fact that an order to commence rehabilitation proceedings has been given.
- (2) The provisions of the preceding paragraph apply *mutatis mutandis* if an order to revoke an order to commence rehabilitation proceedings, an order to discontinue rehabilitation proceedings, an order to approve or disapprove a rehabilitation plan, or an order to cancel a rehabilitation plan becomes final and binding, or if an order to conclude rehabilitation proceedings is given.

(Entrusted Procedures for Registration in Rehabilitation Proceedings of

Juridical Persons; Article 11 of the Act)

Article 7 (1) The entrustment set forth in the following items must be requested by a letter of entrustment accompanied by the documents specified in the respective items:

- (i) the entrustment under the provisions of Article 11 (Entrusted Registration, etc. in Rehabilitation Proceedings of Juridical Persons), paragraph (1) of the Act: a transcript of a written judgment on commencement of rehabilitation proceedings;
 - (ii) the entrustment under the provisions of Article 11, paragraph (2) of the Act: the following documents:
 - (a) a transcript of a written judgment specified in Article 11, paragraph (2) of the Act; or
 - (b) if permission referred to in the proviso to Article 70 (Performance of Duties by Two or More Trustees), paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 83 (Provisions Applied Mutatis Mutandis to the Provisions Concerning Supervisor to Temporary Administrator), paragraph (1) of the Act) is granted to the duties of trustee or temporary administrator to be performed independently or to the duties thereof to be divided, a transcript of a written judgment on the grant of permission;
 - (iii) the entrustment under the provisions of Article 11, paragraph (2) of the Act as applied mutatis mutandis pursuant to paragraph (4) of that Article (excluding the entrustment if the name or address of a specific supervisor, trustee or temporary administrator has changed): a transcript of a written judgment on the change or revocation of the disposition specified in paragraph (2) of that Article or on the changes to the particulars specified in the items of paragraph (3) of that Article; and
 - (iv) the entrustment under the provisions of Article 11, paragraph (5) of the Act: a transcript of a written judgment specified in the respective items of that paragraph.
- (2) The entrusted registration of the approval of a rehabilitation plan must be requested along with the entrusted registration of the conclusion of rehabilitation proceedings, except when a supervisor or a trustee is appointed.
- (3) When an order to commence bankruptcy proceedings has been given pursuant to the provisions of Article 250 (Order to Commence Bankruptcy Proceedings Given by the Court upon Conclusion of Rehabilitation Proceedings), paragraph (1) or (2) of the Act, the entrustment under the provisions of Article 11, paragraph (5) of the Act must be requested along with the entrusted registration of the commencement of bankruptcy proceedings.

(Entrusted Procedures for Registration of Registered Rights; Article 12 of the

Act)

Article 8 (1) The entrustment set forth in the following items must be requested by a letter of entrustment accompanied by the documents specified in the respective items. In this case, it is not necessary to attach a document containing the information certifying the grounds for registration prescribed in Article 61 (Provision of Information Contained in the Document Certifying the Grounds for Registration) of the Real Property Registration Act (Act No. 123 of 2004) other than the relevant documents:

- (i) the entrustment under the provisions of Article 12 (Entrusted Registration of Registered Rights), paragraph (1) of the Act: a transcript of a written judgment on provisional order prescribed in that paragraph;
 - (ii) the entrustment under the provisions of Article 12, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to paragraph (2) of that Article: a transcript of a written judgment on the change or revocation of the provisional order prescribed in that paragraph (1) or a document certifying that the provisional order has ceased to be effective;
 - (iii) the entrustment under the provisions of Article 12, paragraph (3) of the Act: a transcript of a written judgment on commencement of rehabilitation proceedings;
 - (iv) the entrustment under the provisions of Article 12, paragraph (4) of the Act: a transcript of a written judgment on the revocation of order to commence rehabilitation proceedings;
 - (v) the entrustment under the provisions of Article 12, paragraph (5) of the Act: a transcript of a written judgment on the approval of the rehabilitation plan;
 - (vi) the entrustment under the provisions of Article 13 (Registration of Avoidance), paragraph (4) of the Act: a transcript of a written judgment on the approval of the rehabilitation plan; and
 - (vii) the entrustment under the provisions of Article 13, paragraph (6) of the Act: a transcript of a written judgment prescribed in that paragraph.
- (2) In the cases prescribed in Article 13, paragraph (4) or (6) of the Act, a supervisor or trustee must promptly submit a certificate of registered information concerning a registration of avoidance under the provisions of paragraph (1) of that Article to the court.
- (3) The provisions of paragraph (1) apply *mutatis mutandis* to the entrustment under the provisions of Article 15 (apply *mutatis mutandis* to registration) of the Act, and the provisions of the preceding paragraph apply *mutatis mutandis* to the cases prescribed in Article 13, paragraph (4) or (6) of the Act as applied *mutatis mutandis* pursuant to that Article.

(Public Inspection of Case Documents; Article 16 of the Act)

Article 9 (1) The provisions of Article 16 (Public Inspection of Case Documents)

of the Act apply mutatis mutandis to documents and any other items submitted to the court or prepared by the court under the provisions of the Rules (including any other rules as applied mutatis mutandis pursuant to the Rules).

- (2) A request for the public inspection or copy of any documents specified in Article 16, paragraph (1) of the Act , or for the issuance or reproduction of transcript or extract thereof, etc. prescribed therein must be made by providing the information sufficient enough to identify the document or other items pertaining to the request.

(Procedures to File Petition for Restriction on Public Inspection of Detrimental Part of Documents; Article 17 of the Act)

Article 10 (1) The petition referred to in Article 17 (Restriction on Public Inspection of Detrimental Part of Documents), paragraph (1) of the Act must be filed by specifying the detrimental part.

- (2) The petition referred to in the preceding paragraph must be filed at the time when the document pertaining to the petition, etc. is submitted.

- (3) When filing the petition referred to in paragraph (1), the petitioner must also prepare a document in which the detrimental part in the document pertaining to the petition, etc., is deleted and submit it to the court.

- (4) The detrimental part must be specified in the order given under the provisions of Article 17, paragraph (1) of the Act.

- (5) When the order referred to in the preceding paragraph is given, the person who has filed the petition referred to in paragraph (1) must prepare a document in which the detrimental part specified by the order in the document pertaining to the petition, etc., is deleted and submit it to the court, without delay; provided, however, that this does not apply to cases if the detrimental part specified by the petition and the detrimental part specified by the order are identical.

(Provisions Applied Mutatis Mutandis to the Rules of Civil Procedure; Article 18 of the Act)

Article 11 The provisions of the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) apply mutatis mutandis to rehabilitation proceedings, except as otherwise provided.

Chapter II Commencement of Rehabilitation Proceedings

Section 1 Petition for Commencement of Rehabilitation Proceedings

(Particulars to Be Provided in Written Petition for Commencement of Rehabilitation Proceedings; Article 21 of the Act)

Article 12 (1) The following particulars must be included in a written petition for

commencement of rehabilitation proceedings:

- (i) the name and address of the petitioner and of their statutory agent;
 - (ii) the names and addresses of the rehabilitation debtor and their statutory agent;
 - (iii) the purport of the petition;
 - (iv) the facts constituting the grounds for commencement of the rehabilitation proceedings; and
 - (v) the opinion of the petitioner on the policy for preparing a proposed rehabilitation plan.
- (2) The opinion of the petitioner on the policy for preparing a proposed rehabilitation plan must be clearly stated, whenever possible, the details of any expected changes of the rights of rehabilitation creditors and the possibility to gain cooperation from interested persons.

Article 13 (1) In a written petition for commencement of rehabilitation proceedings, in addition to the particulars set forth in the items of paragraph (1) of the preceding Article (Particulars to Be Provided in Written Petition for Commencement of Rehabilitation Proceedings), the following particulars must be contained:

- (i) if the rehabilitation debtor is a juridical person, the purpose, the names of their officers, the status of their shares or contributions, and other descriptions of the juridical person;
- (ii) if the rehabilitation debtor conducts any business, the description and status of the business, the names and locations of the business offices or other offices, and the status of the employees and other workers;
- (iii) the status of the rehabilitation debtor's property, such as the status of their assets and liabilities (including the number of rehabilitation creditors);
- (iv) the circumstances in which the facts constituting the grounds for commencement of the rehabilitation proceedings have occurred;
- (v) any other proceeding started or disposition implemented with respect to the property of rehabilitation debtor which is known by the petitioner;
- (vi) if the rehabilitation debtor is either of the persons set forth in (a) and (b) below, the particulars specified in (a) and (b), respectively;
 - (a) a labor union consisting of the employees of rehabilitation debtor and other workers: the name of the labor union, the location of its principal office, the number of union members, and the name of the union representative; or
 - (b) a person who represents the majority of the employees of rehabilitation debtor and other workers: the name and address of the person;
- (vii) if there is a bond administrator, etc. specified in Article 169-2 (Restrictions on Exercise of Voting Rights by Bondholders), paragraph (1) of

- the Act, the trade name thereof;
 - (viii) if foreign insolvency proceedings specified in Article 207 (Cooperation with Foreign Trustees), paragraph (1) of the Act are initiated against the rehabilitation debtor, the relevant statement;
 - (ix) if the rehabilitation debtor is a juridical person, and a government agency or any other organization has approved the establishment of the juridical person or the business that is the objective thereof, the name and location of the government agency or other organization; and
 - (x) the postal code and telephone number (including facsimile number) of the petitioner or their agent.
- (2) If there are any rehabilitation cases, etc. specified in Article 5 (Jurisdiction over Rehabilitation Cases), paragraphs (3) through (7) of the Act, with respect to the rehabilitation case, etc., the particulars specified in the following items must be contained according to the categories of cases set forth in the following items:
- (i) a rehabilitation case: the court before which the rehabilitation case is pending, the indication of the rehabilitation case, and the name of the rehabilitation debtor concerned in the rehabilitation case; or
 - (ii) a reorganization case: the court before which the reorganization case is pending, the indication of the reorganization case name, and the trade name of the reorganization company or the company before the reorganization proceedings are initiated in the reorganization case (the name of the cooperative financial institution filing a petition for reorganization or the cooperative financial institution before the reorganization proceedings are initiated prescribed in Article 4 (Definitions), paragraph (3) of the Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions (Act No. 95 of 1996)).

(Documents to Be Attached to Written Petition for Commencement of Rehabilitation Proceedings; Article 21 of the Act)

- Article 14 (1) The following documents are to be attached to a written petition for commencement of rehabilitation proceedings:
- (i) if the rehabilitation debtor is an individual, a copy of their resident record;
 - (ii) if the rehabilitation debtor is a juridical person, their articles of incorporation or act of endowment and its certificate of registered information;
 - (iii) a list including the names, addresses, postal codes, and telephone numbers (including facsimile numbers) of the creditors, as well as the details of claims and security interests thereof;
 - (iv) the inventory of assets of the rehabilitation debtor;
 - (v) the balance sheets and profit and loss statements of the rehabilitation

debtor that were prepared based on the provisions of laws and regulations within three years from the date on which the petition for commencement of rehabilitation proceedings was filed;

- (vi) if the rehabilitation debtor conducts any business, a document showing the actual cash management by the rehabilitation debtor within a year from the date on which the petition for commencement of rehabilitation proceedings was filed, and a document showing the cash management plan by rehabilitation debtor within six months from the date on which the petition for commencement of rehabilitation proceedings was filed; and
- (vii) if the rehabilitation debtor has concluded any collective agreement or prepared rules of employment, the collective agreement or rules of employment.

- (2) If the court finds it necessary, the court may have the petitioner for commencement of rehabilitation proceedings submit a certificate of registered information or the information included in the document certifying the particulars included in the registry, with regard to any right to the assets of rehabilitation debtor which has been registered with the Legal Affairs Bureau or the relevant municipal government.

(Request for Submission of Materials Made to Petitioner for Commencement of Rehabilitation Proceedings)

Article 14-2 The court may request a person who has filed or intends to file a petition for commencement of rehabilitation proceedings to submit materials related to the rehabilitation claims and the status of the rehabilitation debtor's property and any other materials necessary for the smooth progress of the rehabilitation proceedings, in addition to a written petition for commencement of rehabilitation proceedings, and the documents to be attached to the written petition or to be submitted pursuant to the provisions of the Act and the Rules.

(Investigation of Facts by Court Clerks; Article 21 of the Act)

Article 15 When the court finds it appropriate, the court may order a court clerk to investigate the facts constituting the grounds for commencement of the rehabilitation proceedings or the facts pertaining to the grounds set forth in the items of Article 25 (Requirements to Commence Rehabilitation Proceedings) of the Act.

(Prepayment of Costs; Article 24 of the Act)

Article 16 (1) The amount of money referred to in Article 24 (Prepayment of Costs), paragraph (1) of the Act must be determined in consideration of the description of the business conducted by rehabilitation debtor, the status of the rehabilitation debtor's property including the status of their assets and

liabilities, the number of rehabilitation creditors, whether a supervisor or any other authority responsible for rehabilitation proceedings is appointed or not, and other circumstances. When a rehabilitation creditor has filed a petition for commencement of rehabilitation proceedings, the costs that will be required after rehabilitation proceedings are initiated must be determined by taking the amount that can be paid by selling the assets of the rehabilitation debtor must be taken into account.

- (2) When the prepaid costs run short before an order to commence rehabilitation proceedings is given, the court may request the petitioner to make an additional prepayment.

Section 2 Order to Commence Rehabilitation Proceedings

(Written Judgment on Commencement of Rehabilitation Proceedings; Article 33 of the Act)

Article 17 (1) A judicial decision on a petition for commencement of rehabilitation proceedings must be made by preparing a written judgment.

- (2) A written judgment on commencement of rehabilitation proceedings must contain the date and time when the order is made.

(Period During Which Proofs of Rehabilitation Claims Should Be Filed; Article 34 of the Act)

Article 18 (1) The periods set forth in the following items must be determined within the period specified in the respective items, except when there are special circumstances:

- (i) the period during which proofs of rehabilitation claims should be filed: more than two weeks and less than four months from the date on which the order to commence rehabilitation proceedings is given (if any known rehabilitation creditor has no domicile, residence, place of business or other office in Japan, more than four weeks and less than four months from the relevant date); and
- (ii) the period during which an investigation of rehabilitation claims is conducted: more than one week and less than three weeks, and the interval between the date on which the relevant period starts and the date on which the period referred to in the preceding item ends is more than one week and less than two months.
- (2) Where the court has given an order referred to in Article 34 (Matters to Be Specified upon Commencement of Rehabilitation Proceedings), paragraph (2) of the Act, the court may instruct that the rehabilitation debtor, etc. should take measures to make the following matters known to rehabilitation creditors by using a method specified by the court, such as publication in a daily newspaper or on the website:

- (i) the details of the matters which must be notified pursuant to the provisions of Article 35 (Public Notice of Commencement of Rehabilitation Proceedings), paragraph (3), item (i) of the Act as applied mutatis mutandis pursuant to the main clause of paragraph (5) of that Article, and the main clause of Article 37 (Revocation of Order to Commence Rehabilitation Proceedings) of the Act; and
- (ii) the date of creditors meeting (excluding a meeting to adopt a resolution of a proposed rehabilitation plan).

(Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be Served to Shareholders; Article 43 of the Act)

Article 19 (1) When a court clerk serves documents to shareholders pursuant to the provisions of Article 43 (Permission in Lieu of Consent Resolution Concerning Business Transfer at a Shareholders Meeting), paragraph (2) of the Act, the court clerk may, if it is necessary, request the rehabilitation debtor, etc. to submit a document including the address or place specified in paragraph (4) of that Article.

- (2) When a court clerk serves legal document pursuant to the provisions of Article 43, paragraph (2) of the Act by using the method prescribed in paragraph (4) of that Article, the court clerk must prepare a document including the name of the person to whom the document is to be served, the address, and the date on which the document is served.

Chapter III Authorities Responsible for Rehabilitation Proceedings

Section 1 Supervisors

(Appointment of Supervisors; Article 54 of the Act)

Article 20 (1) A supervisor must be appointed from among persons suitable for performing the duties of a supervisor.

- (2) When a juridical person is appointed to a supervisor, the juridical person must designate a person who is to perform the duties of a supervisor from among their officers or employees and notify the court of the name of the designated person, and must give notice the name of the designated person to the rehabilitation debtor as well.
- (3) A court clerk must issue a document certifying the appointment of the supervisor to the supervisor.

(Procedures to File a Request for Supervisor's Consent; Article 54 of the Act)

Article 21 (1) A request for a supervisor's consent must be filed and a supervisor's consent must be given in writing.

- (2) When the rehabilitation debtor obtained the consent from the supervisor, the rehabilitation debtor must report to the court to that effect without delay.

(Reports to Supervisors by Rehabilitation Debtors)

Article 22 (1) When a supervisor is appointed, and the court finds it necessary, the court may designate actions of rehabilitation debtor which needs to be reported to the supervisor.

- (2) When the rehabilitation debtor has taken action prescribed in the preceding paragraph, the rehabilitation debtor must promptly report the action taken to the supervisor.

(Supervision of Supervisors; Article 57 of the Act)

Article 23 (1) The court may order a court clerk to urge the submission of a written report and carry out any other affairs related to the supervision of a supervisor.

- (2) A supervisor may resign with the permission of the court if the supervisor has reasonable reasons.

(Consultations on Progress of Rehabilitation Proceedings)

Article 23-2 When it is necessary for the smooth progress of rehabilitation proceedings, the court, the rehabilitation debtor, and the supervisor, are to hold a consultation on the policy for preparing a proposed rehabilitation plan and other necessary matters concerning the progress of rehabilitation proceedings.

(Appointment of Expert Witnesses by Supervisors; Article 59 of the Act)

Article 24 If it is necessary, a supervisor may appoint an expert witness with the permission of the court.

(Amount of Remuneration of Supervisors; Article 61 of the Act)

Article 25 The amount of remuneration of a supervisors determined by the court must be proportionate to the supervisor's duties and responsibilities.

Section 2 Examiners

(Appointment of Examiners; Article 62, etc. of the Act)

Article 26 (1) An examiner must be appointed from among persons suitable for performing the duties of an examiner, who are not real parties in interest.

- (2) The provisions of Article 20 (Appointment of Supervisors.), paragraphs (2) and (3), Article 23 (Supervision of Supervisors), Article 24 (Appointment of Expert Witnesses by Supervisors), and the preceding Article (Amount of

Remuneration of Supervisors) apply mutatis mutandis to examiners.

Section 3 Trustees and Temporary Administrators

(Provisions Applied Mutatis Mutandis to Provisions Concerning Supervisor;
Article 78 of the Act)

Article 27 (1) The provisions of Article 20 (Appointment of Supervisors) and Articles 23 through 25 (Supervision of Supervisors, Consultation on Progress of Rehabilitation Proceedings, Appointment of Expert Witnesses by Supervisors, and Amount of Remuneration of Supervisors) apply mutatis mutandis to trustees and temporary administrators, and the provisions of Article 25 apply mutatis mutandis to deputy trustees and temporary administrator representatives. In this case, the phrase the "rehabilitation debtor, and the supervisor" in Article 23-2 is deemed to be replaced with the "trustee or temporary administrator."

(2) If a trustee or temporary administrator has submitted the seal impression to be used in performing their duties to the court, in advance, and when the trustee or temporary administrator files a request for certificate of the seal impression to be submitted to a registry office to file a request for registration of a right to real property that belongs to the rehabilitation debtor, a court clerk must issue the document specified in Article 20, paragraph (3) as applied mutatis mutandis pursuant to the preceding paragraph, which pertains to the trustee or temporary administrator, by providing the statement therein that the seal impression pertaining to the request is certified to be identical to the seal impression submitted to the court.

Chapter IV Rehabilitation Claims

Section 1 Rights of Rehabilitation Creditors

(Notice of Payments Received by Rehabilitation Creditors in Foreign States;
Article 89 of the Act)

Article 28 A holder of filed rehabilitation claim prescribed in Article 102 (Investigation during the General Investigation Period), paragraph (1) of the Act, and a rehabilitation creditor who holds a rehabilitation claim listed in a statement of approval or disapproval pursuant to the provisions of Article 101 (Preparation and Submission of Statement of Approval or Disapproval), paragraph (3) of the Act, when the holder of filed rehabilitation claim or rehabilitation creditor receives the payment prescribed in Article 89 (Payments Received by Rehabilitation Creditors in Foreign States), paragraph (1) of the Act, must promptly notify the rehabilitation debtor, etc. of this and of the details of the payment.

(Certificate of Authority of Rehabilitation Creditors' Representatives; Article 90 of the Act)

Article 29 (1) The authority of a rehabilitation creditors' representative must be certified in writing.

(2) When a rehabilitation creditors' representative is dismissed by a rehabilitation creditor, the rehabilitation creditor must notify the court of the dismissal without delay.

Article 30 Deleted

Section 2 Filing of Proofs of Claims

(Procedures to File Proofs of Claims; Article 94 of the Act)

Article 31 (1) In a written proof of rehabilitation claim, the following particulars of each claim must be included, in addition to the details and grounds for the claim, and if the claim is the consensually-subordinated rehabilitation claim, a statement to that effect, the amount of voting rights, and the particulars prescribed in Article 94 (Filing of Proofs of Claims), paragraph (2) of the Act:

(i) the names and addresses of the rehabilitation creditor and their agent;

(ii) the place where the rehabilitation creditor is to receive a notice to be given or summons to appear on the designated date to be issued by sending a document in the course of rehabilitation proceedings (limited to a place in Japan);

(iii) if any of the claims set forth in the items of Article 84 (Claims Classified as Rehabilitation Claims), paragraph (2) of the Act are included, a statement to that effect;

(iv) if the claim is accompanied by an enforceable title of obligation or a final judgment, a statement to that effect; and

(v) if an action in relation to the rehabilitation claim is pending on the commencement date of the rehabilitation proceedings, the court before which the action is pending, the names of the parties, and the indication of the case.

(2) In a written proof of rehabilitation claim, the rehabilitation creditor's postal code, telephone number (including facsimile number), and any other matters specified by the courts necessary for the rehabilitation creditor to receive any notice, service, or summons to appear on the designated date in the course of rehabilitation proceedings must be included.

(3) If a rehabilitation claim is accompanied by an enforceable title of obligation or a final judgment, a copy of the enforceable title of obligation or a copy of the judgment document must be attached to the written notice referred to in paragraph (1).

- (4) If a rehabilitation creditor files a proof of a claim by proxy, the rehabilitation debtor must attach a document certifying the right to represent to the written notice referred to in paragraph (1).

(Copies of Written Proofs of Claims to Be Attached)

Article 32 (1) When filing a proof of claim, a written notice and a copy thereof must be submitted.

- (2) When a copy of a written notice is submitted pursuant to the provisions of the preceding paragraph, a court clerk must send the copy to the rehabilitation debtor, etc. without delay.

(Changes Made to Particulars in Filed Notice)

Article 33 (1) When a filed rehabilitation claim is extinguished or any other changes are made to the filed information which does not impair the interests of any other rehabilitation creditors, the rehabilitation creditor who filed the proof of claim must notify the court of the changes without delay.

- (2) In the case prescribed in the preceding paragraph, notice of the changes may also be filed by the rehabilitation debtor, etc.; provided, however, that in the case of the rehabilitation debtor (except when a trustee is appointed), this applies only when the rehabilitation debtor has given notice to the rehabilitation creditor who should file notice of the changes in advance, stating that the rehabilitation creditor should raise an objection to the notice of the changes within a certain period if the rehabilitation creditor has any objection, and when the rehabilitation creditor did not raise any objection within the relevant period.

- (3) The period referred to in the preceding paragraph may not be shorter than one week.

- (4) When filing notice under the provisions of paragraph (1) or (2), the details and grounds for the extinguishment of the rehabilitation claim or the changes to notice of particulars must be provided in a written notice.

- (5) When the rehabilitation debtor, etc. files notice under the provisions of paragraph (2), they must attach a copy of the documentary evidence to the written notice referred to in the preceding paragraph.

- (6) The provisions of the preceding Article (Copies of Written Proofs of Claims to Be Attached) apply mutatis mutandis to the written notice when a rehabilitation creditor files notice under the provisions of paragraph (1).

- (7) When notice is filed pursuant to the provisions of paragraph (1) or (2), a court clerk is to enter the details of the notice in the schedule of rehabilitation creditors.

- (8) The provisions of paragraph (1), the main clause of paragraph (2), paragraph (4), paragraph (6), and the preceding paragraph apply mutatis mutandis to the

case where a rehabilitation claim stated in a statement of approval or disapproval is extinguished pursuant to the provisions of Article 101 (Preparation and Submission of Statement of Approval or Disapproval), paragraph (3) of the Act or where any other changes that do not impair the interests of other creditors are made to the particulars stated in a statement of approval or disapproval pursuant to the provisions of that paragraph.

(Procedures for Subsequent Completion to File Proofs of Claims; Article 95 of the Act)

- Article 34 (1) When a subsequent proof of claim referred to in Article 95 (Subsequent Filing of Proofs of Claims for Completion), paragraph (1) of the Act is filed for completion, the grounds for the failure to file the proof of claim within the period for filing proofs of claims and the time when the grounds ceased to exist must also be provided in the written proof of claim.
- (2) When filing a proof of claim referred to in Article 95, paragraph (3) of the Act, the time when the rehabilitation claim for which the proof of claim is to be filed arose must also be provided in the written proof of the claim.
- (3) The written notice of changes referred to in Article 95, paragraph (5) of the Act must contain the details and grounds for the change as well as the particulars prescribed in paragraph (1).
- (4) The provisions of Article 32 (Copies of Written Proofs of Claims to Be Attached) apply mutatis mutandis to the written notice referred to in the preceding paragraph.

(Procedures to Change the Name of Holder of Filed Claim; Article 96 of the Act)

- Article 35 (1) The following particulars must be provided in a written notice of change of name of holder of filed claim:
- (i) the name and address of the person who intends to change the registered name of the holder of the filed claim, as well as the name and address of their agent;
 - (ii) the place where the person is to receive a notice to be given or summons to appear on the designated date to be issued by sending a document in the course of rehabilitation proceedings (limited to a place in Japan); and
 - (iii) the right acquired as well as the date and grounds for the acquisition.
- (2) The written notice referred to in the preceding paragraph must be accompanied by a copy of the documentary evidence.
- (3) The provisions of Article 31 (Procedures to File Proofs of Claims), paragraphs (2) and (4), Article 32 (Copies of Written Proofs of Claims to Be Attached), and Article 33 (Changes Made to Particulars in Filed Notice), paragraph (7) apply mutatis mutandis to the written notice referred to in paragraph (1).

(Procedures to File Notification of Fine, and Petty Fine; Article 97 of the Act)
Article 35-2 In written notice of fine, etc. that arises prior to the commencement of rehabilitation proceedings specified in Article 97 (Notification of Fine, and Petty Fine) of the Act, the following particulars must be provided in addition to the particulars specified in that Article:

- (i) the name and address of the person who holds the filed claim related to the notification, as well as the name and address of the agent thereof; and
- (ii) if there is a lawsuit or case pending before an administrative authority in relation to the filed claim when the rehabilitation proceedings are commenced, the court or administrative authority before which the lawsuit or case is pending, the names of the parties, and the indication of the case.

Section 3 Investigation and Allowance of Claims

(Time to Prepare Schedule of Rehabilitation Creditors and Particulars to Be Contained Therein; Article 99 of the Act)

Article 36 (1) A schedule of rehabilitation creditors is to be prepared immediately after the general investigation period has begun.

(2) In the schedule of rehabilitation creditors, the details of each claim (including as to whether it is a consensually-subordinated rehabilitation claim or not; hereinafter the same applies in this Section) and cause, the amount of voting rights, and the amount of the claim specified in Article 94 (Filing of Proofs of Claims), paragraph (2) of the Act must be contained, and the following particulars must also be contained:

- (i) the name and address of the rehabilitation creditor;
- (ii) if any of the claims set forth in the items of Article 84 (Claims Classified as Rehabilitation Claims), paragraph (2) of the Act are included, a statement to that effect; and
- (iii) if the claim is accompanied by an enforceable title of obligation or a final judgment, a statement to that effect.

(Documentary Evidence to Be Sent; Article 101 of the Act)

Article 37 If it is necessary for a rehabilitation debtor, etc. to prepare a statement of approval or disapproval, they may request a holder of filed rehabilitation claim to send documentary evidence concerning the relevant filed rehabilitation claim.

(Procedures to Complete a Statement of Approval or Disapproval; Article 101 of the Act)

Article 38 (1) When expressing disapproval in a statement of approval or

disapproval pursuant to the provisions of Article 101 (Preparation and Submission of Statement of Approval or Disapproval), paragraph (1) or (2) of the Act or Article 103 (Investigation during the Special Investigation Period), paragraph (3) of the Act, the rehabilitation debtor, etc. may add a summary of the reasons for disapproval to the statement.

- (2) When including any rehabilitation claim that has not been filed in a statement of approval or disapproval pursuant to the provisions of Article 101, paragraph (3) of the Act, the rehabilitation debtor, etc. must include what the rehabilitation debtor, etc. admits, and also provide the following particulars:
- (i) the name and address of the rehabilitation creditor;
 - (ii) the grounds for the rehabilitation claim;
 - (iii) if any of the claims set forth in the items of Article 84 (Claims Classified as Rehabilitation Claims), paragraph (2) of the Act are included, a statement to that effect;
 - (iv) the particulars specified in Article 94 (Filing of Proofs), paragraph (2) of the Act;
 - (v) if the claim is accompanied by an enforceable title of obligation or a final judgment, a statement to that effect; and
 - (vi) if an action is pending in relation to the rehabilitation claim when the rehabilitation proceedings are commenced, the court before which the action is pending, the names of the parties, and the indication of the case name.
- (3) A statement of approval or disapproval must be accompanied by a duplicate.

(Procedures to File Objections; Article 102 of the Act)

Article 39 (1) In the document referred to in Article 102 (Investigation during the General Investigation Period), paragraph (1) or (2) of the Act or Article 103 (Investigation during the Special Investigation Period), paragraph (4) of the Act, the particulars to which an objection is filed and the grounds for objection must be provided.

- (2) The provisions of paragraph (3) of the preceding Article (Procedures to Complete a Statement of Approval or Disapproval) apply mutatis mutandis to the document referred to in the preceding paragraph.

(Order to Change General Investigation Period to Be Served; Article 102 of the Act)

Article 40 The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting Served to Shareholders), paragraph (2) apply mutatis mutandis to cases in which a legal document is served pursuant to the provisions of Article 102, paragraph (3) (including as applied mutatis mutandis pursuant to Article 103, paragraph (5)) by using the method specified in Article 102 (Investigation during General

Investigation Period), paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 103, paragraph (5) of the Act).

(Change of Decision on Whether to Approve or Disapprove)

Article 41 (1) When the rehabilitation debtor, etc., makes changes to the details of rehabilitation claim or changes their decision on approval or disapproval of the voting right after submitting a statement of approval or disapproval, the rehabilitation debtor, etc. must submit a document providing the details of the relevant changes to the court, and must notify the rehabilitation creditor who holds the relevant rehabilitation claim of the changes.

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases where the holder of filed rehabilitation claim or the rehabilitation debtor (limited to a case where a trustee is appointed) withdraws their objection to the details of the rehabilitation claim or the voting right.

(3) The provisions of Article 38 (Procedures to Complete a Statement of Approval or Disapproval), paragraph (3) apply mutatis mutandis to the document to be submitted to the court pursuant to the provisions of paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph).

(Public Inspection of Statement of Approval or Disapproval by Means of Duplicate Thereof)

Article 42 The submitted duplicate of a statement of approval or disapproval, the document referred to in Article 39 (Procedures to File Objections), paragraph (1), and the document referred to in paragraph (3) of the preceding Article (Change the Decision on Approval or Disapproval) is made available for public inspection or may be copied.

(Disclosure of Statement of Approval or Disapproval by Rehabilitation Debtors)

Article 43 (1) The rehabilitation debtor must take measures to make the details of the information recorded in the statement of approval or disapproval or the document referred to in Article 41 (Change of Decision on Whether to Approve or Disapprove), paragraph (1), submitted to the court, available for public inspection, particularly for rehabilitation creditors, at the rehabilitation debtor's principal place of business or other office during the general investigation period; provided, however, that this does not apply if the rehabilitation debtor does not have a place of business or office.

(2) The rehabilitation debtor, etc. may take the measures specified in the preceding paragraph at any place of business or office of the rehabilitation debtor other than their principal place of business or office, and may take any other appropriate measures to make the details of the information specified in that paragraph known to the public.

- (3) A rehabilitation creditor may request the rehabilitation debtor, etc. to issue a document containing the part of the information concerning the rehabilitation creditor's rehabilitation claim specified in paragraph (1), at the place of business or other office where the measures specified in that paragraph have been taken pursuant to the preceding two paragraphs.
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to the cases where a special investigation period has been set.

(Notice of Objection)

Article 44 When a holder of filed rehabilitation claim has filed an objection to the details of any other rehabilitation claim or voting right, a court clerk must notify the rehabilitation creditor who holds the relevant rehabilitation claim of the objection.

(Procedures for an Order to Prepay Costs to be Incurred for the Special Investigation Period; Article 103-2 of the Act)

Article 44-2 A disposition under the provisions of Article 103-2 (Prepaid Costs for the Special Investigation Period), paragraph (1) of the Act must be implemented by preparing a document stating the disposition, by affixing the name and seal of the court clerk who implemented the disposition to the document.

(Procedures to File Petition for Assessment of Rehabilitation Claims; Article 105 of the Act)

Article 45 (1) The following particulars must be included in a written petition for assessment referred to in the main clause of Article 105 (Assessment Decisions on Rehabilitation Claims), paragraph (1) of the Act:

- (i) the name and address of the party and of their agent; and
 - (ii) the purport and grounds for the petition;
- (2) The grounds for the petition must contain a specific statement of the facts constituting the grounds for the petition and a statement of the evidence for the respective grounds that require proof.
- (3) The written petition referred to in paragraph (1) must be accompanied by a copy of the documentary evidence for grounds that require proof.
- (4) A rehabilitation creditor who files a petition for assessment referred to in the main clause of Article 105, paragraph (1) of the Act must send the written petition referred to in paragraph (1) directly to the opposite party (meaning the written petition to be send directly to the opposite party; the same applies hereinafter).

(Value of the Subject Matter of Suit Concerning Allowance of Rehabilitation

Claims; Article 106 of the Act)

Article 46 The value of the subject matter of suit concerning the allowance of rehabilitation claim is determined by the court in charge of the case on the basis of the estimated amount of profit from the rehabilitation plan.

(Outcomes of Suits Concerning the Allowance of Rehabilitation Claims to Be Provided; Article 110 of the Act)

Article 47 If a judgment on the allowance of rehabilitation claim has become final and binding, and a petition referred to in Article 110 (Outcomes of Suits Concerning Allowance of Rehabilitation Claims to Be Provided) of the Act is filed, the petitioner must submit a transcript of the judgment document and a certificate of the judgment that has become final and binding.

Section 4 Creditors Meetings and Creditors Committees

(Procedures to File Petition to Call Creditors Meetings; Article 114 of the Act)

Article 48 In a written petition to call a creditors meeting, the subject matter of the meeting and the reasons for holding the meeting must be provided.

(Attendance of Supervisors to Creditors Meeting; Article 116 of the Act)

Article 49 (1) If the court finds it necessary, the court may have the supervisor attend a creditors meeting and state opinions on the rehabilitation debtor's affairs, status of their property, and other matters.

(2) The provisions of the preceding paragraph apply mutatis mutandis to examiners.

Articles 50 and 51 Deleted

(Number of Members of the Creditors Committee; Article 117 of the Act)

Article 52 The number specified by the Rules of the Supreme Court referred to in Article 117 (Creditors Committee), paragraph (1), item (i) of the Act is ten.

(Procedures to File Petition for Approval from Creditors Committee; Article 117 of the Act)

Article 53 (1) The following particulars must be included in a written petition for approval under the provisions of Article 117 (Creditors Committee), paragraph (1) of the Act:

- (i) the name and address of the petitioner and of their agent;
- (ii) the names and addresses of the members constituting the committee specified in Article 117, paragraph (1) of the Act;
- (iii) the details of the rehabilitation claims held by the members referred to in

- the preceding item; and
- (iv) the reason that the committee referred to in item (ii) properly represents the interests of rehabilitation creditors as a whole.
- (2) The following documents must be attached to the written petition referred to in the preceding paragraph:
- (i) a document including the provisions concerning the administration of the committee referred to in item (ii) of the preceding paragraph; and
- (ii) a document which sufficiently evidences that the majority of rehabilitation creditors agreed that the committee referred to in the preceding item takes part in rehabilitation proceedings.

(Activities of Creditors Committee; Article 117 of the Act)

- Article 54 (1) The activities of the creditors committee in rehabilitation proceedings are carried out in accordance with a majority of opinions of the members constituting the creditors committee.
- (2) The creditors committee must designate a person who is in charge of liaison from among the committee members and notify the court of the designation, and must notify this to the rehabilitation debtor, etc. and the supervisor.
- (3) If any of the members of the creditors committee has changed or changes are made to the provisions on the administration thereof, the creditors committee must notify the court of the changes without delay.

Chapter V Common Benefit Claims

(Report on Approval in Lieu of Permission to the Effect that Claims are Common Benefit Claims; Article 120 of the Act)

- Article 55 When granting approval referred to in Article 120 (Borrowings, etc. Prior to the Commencement) paragraph (2) of the Act, the supervisor must file a report on the approval to the court without delay.

(Reporting of Common Benefit Claims)

- Article 55-2 (1) When the holder of a common benefit claim comes to know that an administration order under the provisions of Article 64 (Administration Order), paragraph (1) of the Act is given after an order to commence rehabilitation proceedings was given, the holder must promptly report to a trustee that the holder holds the relevant claim.
- (2) The provisions of Article 2 (Procedures to File Petition), paragraph (2) do not apply to the report under the provisions of the preceding paragraph.

Chapter VI Investigation and Securing of Rehabilitation Debtor's Property

Section 1 Investigation on the Status of Rehabilitation Debtor's Property

(Criteria for Assessment of Property Value; Article 124 of the Act)

Article 56 (1) The assessment under the provisions of Article 124 (Assessment of Property Value), paragraph (1) of the Act must be conducted on the assumption that the property will be disposed of; provided, however, that, if it is necessary, all or part of the property may be assessed on the assumption that the rehabilitation debtor's business will continue.

(2) The inventory of assets and balance sheet referred to in Article 124, paragraph (2) of the Act must include a note on the method to assess property and any other accounting policy used to prepare these documents.

(3) The inventory of assets and balance sheet referred to in the preceding paragraph must be accompanied by a duplicate thereof.

(Period for Submission of Written Report If Meeting for Reporting the Status of Property Is Not Called; Article 125 of the Act)

Article 57 (1) If a meeting for reporting the status of property is not called, the rehabilitation debtor, etc. must submit a written report referred to in Article 125 (Reports to the Court), paragraph (1) of the Act within two months from the date on which the order to commence rehabilitation proceedings was given.

(2) The provisions of paragraph (3) of the preceding Article (Criteria for Assessment of Property Value) apply mutatis mutandis to the written report referred to in the preceding paragraph.

(Balance Sheet to Be Attached to Written Report; Article 125 of the Act)

Article 58 (1) If the court finds it appropriate, the court has the following documents attached to the written report referred to in Article 125 (Submitting Reports to the Court), paragraph (1) of the Act: [i] a balance sheet as of the last day of the relevant rehabilitation debtor's business year or any other period equivalent thereto (hereinafter referred to as "business year, etc." in this paragraph) which ended within three years prior to the date on which the petition for commencement of rehabilitation proceedings was filed, and [ii] a profit and loss statement for the business year, etc., as well as [iii] a profit and loss statement for the period from the date following the date on which the most recent business year, etc. ended, to the date on which rehabilitation proceedings were commenced.

(2) The provisions of Article 56 (Criteria for Assessment of Property Value), paragraph (2) apply mutatis mutandis to the balance sheets and profit and loss statements referred to in the preceding paragraph.

(Urging Rehabilitation Debtors to Submit Written Reports; Article 125 of the Act)

Article 59 The court may order a court clerk to urge the rehabilitation debtor (except the case where a trustee is appointed; hereinafter the same applies in this Article) to submit a written report, make inquiries about the progress of rehabilitation proceedings, and take any other measures necessary for the rehabilitation debtor to conduct the rehabilitation proceedings smoothly.

(Calling Meetings for Reporting the Status of Property; Article 126 of the Act)

Article 60 (1) The date for a meeting for reports on the property status is to be a date within two months from the date on which the order to commence rehabilitation proceedings was given, except where there are special circumstances.

(2) When the court has given an order to call a meeting for reports on the property status upon issuance of an order to commence rehabilitation proceedings, the court may give public notice of the commencement of rehabilitation proceedings and public notice under the provisions of Article 115 (Summons to Appear on the Date of Creditors Meeting), paragraph (4) of the Act at one time. The same applies to the notification under the provisions of Article 35 (Public Notice of Commencement of Rehabilitation Proceedings), paragraph (3) of the Act and the summons under the provisions of the main clause of Article 115, paragraph (1) of the Act.

(Holding of Explanatory Meeting for Creditors)

Article 61 (1) The rehabilitation debtor, etc. (including the temporary administrator if the one is appointed; hereinafter the same applies in this Article) may hold an explanatory meeting for creditors. At an explanatory meeting for creditors, the rehabilitation debtor, etc. is to give an explanation to the rehabilitation creditors of the status of the rehabilitation debtor's business and property or matters concerning the progress of the rehabilitation proceedings.

(2) If the rehabilitation debtor, etc. holds the explanatory meeting for creditors, they must report a summary of the results thereof to the court.

(Public Inspection of Inventory of Assets by Means of Duplicate Thereof)

Article 62 The submitted duplicate of the inventory of assets and balance sheet referred to in Article 124 (Assessment of Property Value), paragraph (2) of the Act, as well as the written report referred to in Article 125 (Submitting Reports to the Court), paragraph (1) of the Act is made available for public inspection or may be copied.

(Status of Property Made Available to Creditors by the Rehabilitation Debtors)

Article 63 (1) If a meeting for reports on the property status is not called, the

rehabilitation debtor, etc., must send a document containing the outline of the written report submitted to the court referred to in Article 125 (Submitting Report to the Court), paragraph (1) of the Act, hold an explanatory meeting for creditors, or take any other appropriate measures in order to make the information available to known rehabilitation creditors of the outline of the written report.

- (2) When the rehabilitation debtor, etc. takes any of the measures set forth in the following items pursuant to the preceding paragraph, the rehabilitation debtor, etc. must take the action specified in the respective item and address it to the labor union consisting of a majority of the rehabilitation debtor's employees and other workers or to the individual representing a majority of the rehabilitation debtor's employees and other workers if there is no labor union:
- (i) sending a document including the outline of the written report specified in the preceding paragraph: sending of the document; or
 - (ii) holding an explanatory meeting for creditors specified in the preceding paragraph: giving notice of the date and venue of the explanatory meeting for creditors.

(Disclosure of Inventory of Assets by Rehabilitation Debtors)

Article 64 (1) The rehabilitation debtor, etc. must take measures to make the details of the information recorded in the inventory of assets and balance sheet referred to in Article 124 (Assessment of Property Value), paragraph (2) of the Act and the written report referred to in Article 125 (Submitting Report to the Court), paragraph (1) of the Act, which have been submitted to the court, available for public inspection by rehabilitation creditors at the rehabilitation debtor's principal place of business or other office until an order to revoke the order to commence rehabilitation proceedings, an order to discontinue rehabilitation proceedings or an order to approve or disapprove the rehabilitation plan becomes final and binding; provided, however, that this does not apply to the cases where the rehabilitation debtor does not have a place of business or other office.

- (2) The rehabilitation debtor, etc. may take the measures specified in the preceding paragraph at any place of business or other office of the rehabilitation debtor other than their principal place of business or other office, and may take any other appropriate measures to make the details of the information specified in that paragraph available to the public.

(Method to Retain Property)

Article 65 The court may specify the matters necessary for the method to preserve money and other property as well as the receipt and payment of money.

Section 2 Right to Avoidance

(Procedures to File Petition for Provisional Order to Enforce Right to Avoidance; Article 134-2 of the Act)

Article 65-2 (1) The following particulars must be provided in a written petition for a provisional order under the provisions of Article 134-2 (Provisional Order to Enforce Right to Avoidance), paragraph (1) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; the same applies in paragraph (1) of the following Article):

- (i) the names and addresses of the party and their agent; and
 - (ii) the purport and grounds for the petition.
- (2) The grounds for the petition must contain the right to be preserved and the necessity of the preservation thereof, and a statement of the evidence for the respective grounds that require proof.

(Procedures to Continue Procedures for Provisional Order to Enforce Right to Avoidance; Article 134-3 of the Act)

Article 65-3 (1) When continuing the procedures for the provisional order under the provisions of Article 134-2 (Provisional Order to Enforce Right to Avoidance), paragraph (1) of the Act, pursuant to the provisions of Article 134-3 (Continuation of Procedures for Provisional Order and Treatment of Security), paragraph (1) of the Act, the supervisor or trustee having the right to avoidance must notify the court of this.

- (2) When the notification referred to in the preceding paragraph has been given, a court clerk must notify the petitioner of the relevant provisional order and the opposition party of this without delay.
- (3) When a court clerk issues notice referred to in the preceding paragraph to the opposition party pursuant to the provisions of that paragraph, and if security has been substituted pursuant to the provisions of Article 134-3, paragraph (3) of the Act, the court clerk must also give notice of the details of the substituted security.
- (4) When the notification referred to in paragraph (1) has been given, and if an immediate appeal referred to in Article 134-2, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) is pending with regard to the relevant provisional order, a court clerk must notify the court in charge of an appeal of the fact that the notification has been given.
- (5) The provisions of Article 3 (Records) do not apply to a petition for revocation of a provisional order under the provisions of Article 37 (Revocation of Provisional Orders Due to Failure to File an Action on the Merits), paragraph

- (3), Article 38 (Revocation of Provisional Orders due to a Change in Circumstances), paragraph (1) or Article 39 (Revocation of Provisional Orders due to Special Circumstances), paragraph (1) of the Civil Provisional Remedies Act (Act No. 91 of 1989), or to a record of a hearing in the appeal proceedings pertaining to a provisional order under the provisions of Article 41 (Appeal Against Provisional Orders), paragraph (1) of that Act, as applied *mutatis mutandis* pursuant to Article 134-3, paragraph (4) of the Act.
- (6) The provisions of Article 4 (Procedures to Withdraw Petition), paragraphs (1) and (2) of the Rules of Civil Provisional Remedies (Rules of the Supreme Court No. 3 of 1990) apply *mutatis mutandis* to the withdrawal of a petition for a provisional order specified in Article 18 (Withdrawal of Petition for Provisional Orders) of the Civil Provisional Remedies Act as applied *mutatis mutandis* pursuant to Article 134-3, paragraph (4) of the Act; the provisions of Article 28 (Procedures to File Petition for Order to File Action) of those Rules apply *mutatis mutandis* to the petition referred to in Article 37, paragraph (1) of the Civil Provisional Remedies Act as applied *mutatis mutandis* pursuant to Article 134-3, paragraph (4) of the Act; the provisions of Article 4, paragraphs (1) and (3), Article 7 (Omission of Inclusion of Oral Argument), Article 8 (Preparation of Records of Hearing), paragraphs (2) and (3), Article 9 (Preparation of Written Decision), Article 10 (Record in lieu of Written Decision), and Article 29 (Provisions Applied *Mutatis Mutandis* to Provisions Concerning Objections to Provisional Orders) of those Rules apply *mutatis mutandis* to the procedures to file petition for revocation of provisional order specified in the preceding paragraph; and the provisions of Article 4, paragraphs (1) and (3), Article 7, Article 8, paragraphs (2) and (3), Article 9, Article 10, and Article 30 (Provisions Applied *Mutatis Mutandis* to Provisions Concerning Objections to Provisional Orders) of those Rules apply *mutatis mutandis* to the procedures to file appeal against a provisional order specified in the preceding paragraph.

(Procedures to File Request for Avoidance; Article 136 of the Act)

Article 66 (1) The following particulars must be provided in a written request for avoidance:

- (i) the indication of the rehabilitation case name;
 - (ii) the names and addresses of the party and their agent; and
 - (iii) the object of claim and the grounds for the claim.
- (2) The grounds for the claim must contain the facts constituting the grounds for the request for avoidance, and a statement of the evidence for the respective grounds that require proof.
- (3) The postal code and telephone number (including facsimile number) of a supervisor having a right to avoidance or a trustee, or an agent thereof who

- files a request for avoidance must be included in the written request referred to in paragraph (1) in addition to the particulars set forth in that paragraph.
- (4) The written request referred to in paragraph (1) must be accompanied by a copy of the documentary evidence for grounds that require proof.
- (5) When filing a request for avoidance, the supervisor having a right to avoidance or trustee must send the written request referred to in paragraph (1) directly.

(Notice of Pending Action of Avoidance; Article 138 of the Act)

- Article 67 (1) When an action of avoidance specified in Article 138 (Intervention in Action by Supervisor Having Right to Avoidance), paragraph (2) of the Act is pending, the supervisor must notify the rehabilitation debtor of this.
- (2) The provisions of Article 20 (Written Request for Supporting Intervention to Be Served), paragraph (2) of the Rules of Civil Procedure apply mutatis mutandis to service of a written request for intervention under the provisions of Article 138, paragraphs (1) and (2) of the Act.

Section 3 Enforcement of Liabilities of Officers of Juridical Persons

(Procedures to File Petition for Provisional Order Imposed on Officer's Property of Judicial Persons; Article 142 of the Act)

- Article 68 (1) The following particulars must be provided in a written petition for a provisional order referred to in Article 142 (Provisional Orders Imposed on Officer's Property of Judicial Persons), paragraph (1) of the Act:
- (i) the names and addresses of the party and their agent; and
 - (ii) the purport and grounds for the petition.
- (2) The grounds for the petition must contain a specific statement of the claim for damages to be preserved and the necessity for the preservation thereof, and a statement of the evidence for the respective grounds that require proof.

(Procedures to File Petition for Assessment of Claim for Damages; Article 143 of the Act)

- Article 69 (1) The following particulars must be provided in a written petition for assessment of a claim for damages referred to in Article 143 (Petition for Assessment of Claims for Damages), paragraph (1) of the Act:
- (i) the names and addresses of the party and their agent; and
 - (ii) the purport and grounds for the petition.
- (2) The grounds for the petition must contain a specific statement of the facts constituting the grounds for the petition and a statement of the evidence for the respective grounds that require proof.
- (3) The postal code and telephone number (including facsimile number) of the

petitioner or their agent must be provided in the written petition referred to in paragraph (1) in addition to the particulars set forth in that paragraph.

- (4) The written petition referred to in paragraph (1) must be accompanied by a copy of the documentary evidence for grounds that require proof.
- (5) When filing a petition for assessment referred to in Article 143, paragraph (1) of the Act, the rehabilitation debtor, etc. or a rehabilitation creditor must send the written petition referred to in paragraph (1) directly.

Section 4 Extinguishment of Security Interests

(Particulars to Be Provided in Written Petition for Permission for
Extinguishment of Security Interests; Article 148 of the Act)

Article 70 (1) In the document referred to in Article 148 (Permission for Extinguishment of Security Interests), paragraph (2) of the Act, the following particulars must be provided, in addition to the particulars set forth in that paragraph:

- (i) the names and addresses of the security interest holder specified in Article 148, paragraph (3) of the Act (hereinafter referred to as the "security interest holder" in this Section); and
 - (ii) the grounds for which the property referred to in Article 148, paragraph (2), item (i) of the Act is indispensable for the continuation of the rehabilitation debtor's business.
- (2) The postal codes and telephone numbers (including facsimile numbers) of the rehabilitation debtor, etc. or their agent and the security interest holder must be provided in the document referred to in the preceding paragraph, in addition to the particulars set forth in that paragraph.

(Documents to Be Submitted When Filing Petition for Permission for
Extinguishment of Security Interests; Article 148 of the Act)

Article 71 (1) When filing a petition for permission referred to in Article 148 (Permission for Extinguishment of Security Interests), paragraph (1) of the Act, the petitioner must submit the following documents:

- (i) a document including the basis for the value referred to in Article 148, paragraph (2), item (ii) of the Act; and
 - (ii) if there is any security interest referred to in Article 148, paragraph (2), item (iii) of the Act which is non-registrable, a document certifying the existence of the security interest.
- (2) If the property referred to in Article 148, paragraph (2), item (i) of the Act may be registered with the Legal Affairs Bureau or the relevant municipal government, the court, and when the court finds it necessary, the court may have the rehabilitation debtor, etc. who has filed the petition for permission

referred to in the preceding paragraph submit a certificate of registered information of the relevant property or a document certifying the matters recorded in the registry.

(Written Petition for Permission for Extinguishment of Security Interests to Be Served; Article 148 of the Act)

Article 72 (1) The written petition referred to in Article 148 (Permission for Extinguishment of Security Interests), paragraph (3) of the Act must be served by using a duplicate submitted by the rehabilitation debtor, etc.

(2) When a legal document was served to all security interest holders pursuant to the provisions of Article 148, paragraph (3) of the Act, a court clerk must notify the rehabilitation debtor, etc. of this.

(Notification of Transfer of Security Interests After Petition for Permission for Extinguishment of Security Interests has been Filed)

Article 73 When a rehabilitation debtor, etc. who has filed a petition for permission referred to in Article 148 (Permission for Extinguishment of Security Interests), paragraph (1) of the Act comes to know that a person has acquired the security interest referred to in Article 148, paragraph (2), item (iii) of the Act which is included in the written petition referred to in paragraph (3) of Article 148 of the Act due to a transfer or on any other grounds before receiving the notice under the provisions of paragraph (2) of the preceding Article (Written Petition for Permission for Extinguishment of Security Interests to Be Served), the rehabilitation debtor must notify the court of this immediately.

(Notice of Withdrawal of Petition for Permission for Extinguishment of Security Interests)

Article 74 When a petition for permission referred to in Article 148 (Permission for Extinguishment of Security Interests), paragraph (1) of the Act has been withdrawn, a court clerk must notify the security interest holder to whom the document has been served pursuant to the provisions of paragraph (3) of that Article of this.

(Procedures to File Request for Property Valuation; Article 149 of the Act)

Article 75 (1) The following particulars must be provided in a written request for property valuation:

- (i) the indication of the rehabilitation case;
- (ii) the names and addresses of the party and their agent; and
- (iii) the indication of the property specified in Article 149 (Request for Property Valuation), paragraph (1) of the Act, and a statement that a valuation of the

property is requested.

- (2) The written request referred to in paragraph (1) must be accompanied by copies of the written judgment and written petition which has been served pursuant to the provisions of Article 148 (Permission for Extinguishment of Security Interests), paragraph (3) of the Act.
- (3) A security interest holder who has filed a request for property valuation must notify the rehabilitation debtor, etc. of the filing.
- (4) When a security interest holder who files a request for property valuation has assessed the property referred to in paragraph (1), item (iii) (referred to as the "property" in the following Article (Submission of Documents Concerning Request for Property Valuation), Article 78 (Support Provided to Valuers), paragraph (2) and Article 79 (Criteria for Property Valuation), paragraphs (1), (2), and (4)), if the security interest holder possesses a document including the assessment, the security interest holder must submit the document to the rehabilitation court.

(Submission of Documents Concerning Request for Property Valuation)

Article 76 When a request for property valuation is filed with the rehabilitation court, and if the court finds it necessary, the court may have the rehabilitation debtor, etc. submit the following documents:

- (i) if the property is land, a certificate of registered information of any building which stands on the land;
- (ii) if the property is a building, a certificate of registered information of the land on which it stands;
- (iii) if the property is the real property, copies of a map as set forth in Article 14 (Map), paragraph (1) of the Real Property Registration Act or a drawing equivalent to a map referred to in paragraph (4) of that Article showing the relevant real property (if the relevant real property is the land, any building which stands on the land must be included; if the relevant real property is the building, the land on which the building stands must be included), and a location of the building referred to in paragraph (1) of that Article (if the map, drawing equivalent to a map, or a location of building is recorded in an electronic or magnetic record, a document certifying the details of the recorded information);
- (iv) a drawing showing the most common route to the location of the property and the method to access; and
- (v) if the property whose price is registered in the fixed asset taxation ledger referred to in Article 341 (Meanings of Terms Related to Fixed Asset Tax), item (ix) of the Local Tax Act (Act No. 226 of 1950), a document certifying the price.

(Notice Informing Security Interest Holders That a Request for Valuation has been Filed)

Article 77 (1) If there are two or more security interest holders, a court clerk must notify all of them (excluding the requestor for valuation) that a request for valuation has been filed.

(2) In the case referred to in the preceding paragraph, if two or more requests for valuation are pending concurrently, it is sufficient to provide the notice referred to in that paragraph when the first request for valuation is filed.

(Support Provided to Valuators)

Article 78 (1) When a valuator has been appointed pursuant to the provisions of Article 150 (Decision on Property Valuation), paragraph (1) of the Act, the rehabilitation debtor, etc. and the security interest holder who filed a request for valuation must provide the necessary support so that the valuator's affairs will be handled in a smooth manner.

(2) The valuator may also request support necessary for valuation from any security interest holder who has not filed a request for valuation.

(Criteria for Property Valuation; Article 150 of the Act)

Article 79 (1) The property valuation referred to in Article 150 (Decision on Property Valuation), paragraph (1) of the Act must be conducted on the assumption that the property will be disposed of.

(2) If the property is the real property, the valuator, when conducting the valuation thereof, must use the sales comparison approach, the discounted cash flow method, the cost method, or any other appraisal approach appropriately in light of the environment in which the relevant real property is located and the type, size, structure, etc. of the relevant real property.

(3) The provisions of Article 30 (Appraisal Report), paragraph (1) of the Rules of Civil Execution (Rules of the Supreme Court No. 5 of 1979) apply mutatis mutandis if a valuator conducts a valuation of real property.

(4) The provisions of paragraph (2) apply mutatis mutandis if the property is not real property, and the provisions of Article 30, paragraph (1) of the Rules of Civil Execution (excluding items (iv) and (v)) apply mutatis mutandis if a valuator conducts a valuation of the property which is not real property.

(Notice of Transfer of Security Interests Before Written Judgment on Decision on Valuation is Served)

Article 80 (1) When the document is served pursuant to the provisions of Article 150 (Decision on Property Valuation), paragraph (6) to all security interest holders, a court clerk must notify the rehabilitation debtor, etc. of this.

(2) The provisions of Article 71 (Documents to Be Submitted When Filing

Petition for Permission for Extinguishment of Security Interests), paragraph (2) and Article 73 (Notification of Transfer of Security Interests After Petition for Permission for Extinguishment of Security Interests has been Filed) apply *mutatis mutandis* if a request for valuation is filed and if an immediate appeal is filed against the decision on the request. In this case, the term the "court" in Article 71, paragraph (2) and Article 73 is deemed to be replaced with the "rehabilitation court or the court in charge of an appeal"; the phrase "Article 148, paragraph (2), item (i) of the Act" is deemed to be replaced with "Article 149 (Request for Valuation), paragraph (1) of the Act," and the phrase the "rehabilitation debtor, etc. who has filed the petition for permission referred to in the preceding paragraph" is deemed to be replaced with the "rehabilitation debtor, etc., and the security interest holder who has filed a request for valuation or filed an immediate appeal against the decision on the request" in Article 71, paragraph (2); and the phrase "paragraph (2) of the preceding Article (Written Petition for Permission for Extinguishment of Security Interests to Be Served)" is deemed to be replaced with "Article 80 (Notice of Transfer of Security Interests Before Written Judgment on Valuation is Served), paragraph (1)." in Article 73,

(Due Date for Payment of Money Equivalent to Claimed or Determined Value; Article 152 of the Act)

- Article 81 (1) The due date referred to in Article 152 (Payment of Money Equivalent to Claimed or Determined Value) paragraph (1) of the Act must be a date within one month from the day specified in the following items for the respective categories set forth in those items:
- (i) if no request for valuation is filed or all requests for valuation are withdrawn or dismissed without prejudice within the filing period for the request specified in Article 150 (Decision on Property Valuation), paragraph (3) of the Act: the day on which the filing period for request expires;
 - (ii) if all requests for valuation are withdrawn or dismissed without prejudice after the expiration date of the filing period referred to in the preceding item: the date on which all requests for valuation are withdrawn or dismissed without prejudice; or
 - (iii) when the decision referred to in Article 150, paragraph (2) of the Act becomes final and binding: the date on which the decision becomes final and binding.
- (2) When the due date referred to in the preceding paragraph is specified, a court clerk must notify the rehabilitation debtor, etc. of this
- (3) The entrustment under the provisions of Article 152, paragraph (3) of the Act must be requested by attaching a transcript of the written judgment specified in Article 148 (Permission for Extinguishment of Security Interests),

paragraph (3) of the Act. In this case, the provisions of the second sentence of Article 8 (Entrusted Procedures for Registration of Registered Rights), paragraph (1) apply mutatis mutandis.

- (4) Notwithstanding the provisions of Article 11 (Provisions Applied Mutatis Mutandis to the Rules of Civil Procedure), Article 4 (Demands and Notifications), paragraph (5) of the Rules of Civil Procedure do not apply mutatis mutandis to the notice under the provisions of paragraph (2).

(Implementation of Liquidating Distribution; Article 153 of the Act)

Article 82 (1) The provisions of Article 12 (Records of Civil Execution Proceedings), Article 59 (Designation of the Distribution Date) (excluding the second sentence of paragraph (1)), Article 60 (Demand for Submission of a Calculation Statement), and Article 61 (Procedures for Paying the Proceeds from Sale) of the Rules of Civil Execution apply mutatis mutandis to the procedures for liquidating distribution referred to in Article 153 (Implementation of Liquidating Distribution), paragraph (1) of the Act and the procedures for paying tenders under the provisions of paragraph (2) of that Article. In this case: the term the "execution court" in Article 12, Article 59, paragraph (1) and Article 60 of those Rules is deemed to be replaced with the "court"; the phrase the "price for real property" in Article 59, paragraph (1) of those Rules, the term the "proceeds" in paragraph (2) of that Article, and the phrase the "proceeds from a sale" in Article 61 of those Rules are deemed to be replaced with the " money specified in Article 152 (Payment of Money Equivalent to Claimed or Determined Value), paragraph (1) of the Civil Rehabilitation Act"; the phrase "each obligee and obligor" in Article 59, paragraph (3) and Article 61 of those Rules is deemed to be replaced with the "security interest holder and the rehabilitation debtor, etc."; and the term "each obligee" in Article 60 of those Rules is deemed to be replaced with the " security interest holder," and the term "execution costs" is deemed to be replaced with the "costs referred to in Article 151 (Sharing of Costs), paragraph (3) of the Civil Rehabilitation Act."

- (2) The provisions of paragraph (4) of the preceding Article (Due Date for Paying Money Equivalent to Claimed or Determined Value) apply mutatis mutandis to the notice under the provisions of Article 59, paragraph (3) of the Rules of Civil Execution as applied mutatis mutandis pursuant to the preceding paragraph.

Chapter VII Rehabilitation Plan

Section 1 Clauses of Rehabilitation Plan

(Clauses on Common Benefit Claims and Claims with General Priorities;
Article 154 of the Act)

Article 83 With regard to common benefit claims and general priority claims, a rehabilitation plan is to clearly indicate the debt to be liquidated in the future.

Section 2 Submission of Proposed Rehabilitation Plan

(Period for Submission of Proposed Rehabilitation Plans; Article 163 of the Act)

Article 84 (1) The last day of the period specified in Article 163 (Period for Submission of Proposed Rehabilitation Plans), paragraph (1) of the Act must be a date within two months from the day on which the general investigation period ends, except where there are special circumstances.

(2) If the rehabilitation debtor, etc. is unable to submit a proposed rehabilitation plan to the court within the period referred to in the preceding paragraph (if the period has been extended pursuant to the provisions of Article 163, paragraph (3) of the Act, the extended period), the rehabilitation debtor, etc. must submit a written report stating the failure in submitting the plan and the reasons to the court within the period.

(3) Except where there are special circumstances, the period may not be extended more than twice pursuant to the provisions of Article 163, paragraph (3) of the Act.

(Report on Rehabilitation Claims Paid)

Article 85 (1) When submitting a proposed rehabilitation plan to the court (except when it is submitted prior to the commencement of rehabilitation proceedings pursuant to the provisions of Article 164 (Prior Submission of Proposed Rehabilitation Plan), paragraph (1) of the Act), the rehabilitation debtor, etc. must also submit a written report containing the following particulars:

(i) the rehabilitation claims paid with the permission of the court under the provisions of Article 85 (Prohibition of Payments for Rehabilitation Claims), paragraph (2) or (5) of the Act;

(ii) the rehabilitation claims that were offset with the permission of the court under the provisions of Article 85-2 (Offset Implemented by the Rehabilitation Debtors) of the Act; and

(iii) the rehabilitation claims specified in Article 89 (Payments Received by Rehabilitation Creditors in Foreign States), paragraph (1) of the Act.

(2) The provisions of the preceding paragraph apply mutatis mutandis if the proposed rehabilitation plan is supplemented with clauses pursuant to the provisions of the second sentence of Article 164, paragraph (2) of the Act.

(Handling of Cases When Proposed Rehabilitation Plan Is Submitted in Advance; Article 164 of the Act)

Article 86 (1) When a proposed rehabilitation plan is submitted prior to the commencement of rehabilitation proceedings pursuant to the provisions of Article 164 (Prior Submission of Proposed Rehabilitation Plan), paragraph (1) of the Act, the court may give notice of the details of the proposed rehabilitation plan together with the particulars referred to in Article 35 (Public Notice of Commencement of Rehabilitation Proceedings), paragraph (3) of the Act.

(2) When the rehabilitation debtor, etc. supplements the proposed rehabilitation plan with clauses pursuant to the provisions of the second sentence of Article 164, paragraph (2) of the Act, the rehabilitation debtor, etc. must prepare a proposed rehabilitation plan to which the supplementary clauses are added and submit it to the court.

(Ways of Giving Consent of Person Who Owes Debt; Article 165 of the Act)

Article 87 (1) The consent referred to in Article 165 (Consent of Person Who Owes Debt), paragraph (1) or (2) of the Act must be given in writing.

(2) When submitting the proposed rehabilitation plan referred to in Article 165, paragraph (1) or (2) of the Act, the document referred to in the preceding paragraph must also be submitted.

(Permission Concerning Clauses Specifying Shares Acquired by Rehabilitation Debtors to Be Served to Shareholders; Article 166 of the Act)

Article 88 The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be Served to Shareholders), paragraph (1) apply mutatis mutandis to cases in which a document is served to shareholders pursuant to the provisions of the first sentence of Article 166 (Permission Concerning Clauses Specifying Shares Acquired by Rehabilitation Debtors), paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 166-2 (Permission Concerning Clauses Specifying Solicitation of Subscribers of Shares Offered), paragraph (4) of the Act; hereinafter the same applies in this Article), and Article 19, paragraph (2) apply mutatis mutandis if a document is served to shareholders pursuant to the provisions of the first sentence of Article 166, paragraph (3) of the Act by using the method specified in Article 43 (Permission in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting), paragraph (4) of the Act as applied mutatis mutandis pursuant to the second sentence of Article 166, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 166-2, paragraph (4) of the Act).

(Revision of Proposed Rehabilitation Plans; Article 167 of the Act)

Article 89 The court may order the person who has submitted a proposed

rehabilitation plan to revise it.

Section 3 Resolution Adopting Proposed Rehabilitation Plan

(Procedures to Exercise Voting Rights; Article 169 of the Act)

- Article 90 (1) If the base date specified in Article 172-2 (Determination of Persons Eligible to Vote as of the Base Date), paragraph (1) of the Act has been designated, the date of a creditors meeting referred to in Article 169 (Order to Refer Proposed Rehabilitation Plans to Resolution), paragraph (2), item (i) of the Act is to be set within a period not exceeding three months from the day following the base date, except where there are special circumstances.
- (2) The means specified by the Rules of the Supreme Court referred to in Article 169, paragraph (2), item (ii) of the Act is the following means:
- (i) a document; or
 - (ii) an electronic or magnetic means specified separately by the Supreme Court.
- (3) When voting by document, etc. (meaning voting by document, etc. specified in Article 169, paragraph (2), item (ii) of the Act), persons eligible to vote must follow the methods specified by the court.
- (4) The period referred to in Article 169, paragraph (2), item (ii) of the Act is to be set within a period not less than two weeks but not more than three months from the date specified in the following items, except where there are special circumstances:
- (i) if the base date specified in Article 172-2, paragraph (1) of the Act is designated: the day following the base date; or
 - (ii) the case other than that set forth in the preceding item: the date on which an order to refer a proposed rehabilitation plan to a resolution is given.

(Procedures to File Petition to Exercise Voting Rights on Company Bonds; Article 169-2 of the Act)

Article 90-2 The provisions of Article 31 (Procedures to File Proofs of Claims), paragraphs (2) and (4), Article 33 (Changes Made to Particulars in Filed Notice), paragraph (7), and Article 35 (Procedures to Change Names of Holders of Filed Claims), paragraphs (1) and (2) apply mutatis mutandis to the offer referred to in Article 169-2 (Restrictions on Exercising Voting Rights by Bondholders), paragraph (1), item (ii) of the Act and the offer to change of the name of voter filing the petition referred to in that item.

(Procedures to File Petition to Change Order to Determine the Amount to Exercise Voting Rights; Article 170 of the Act)

Article 90-3 The petition referred to in Article 170 (Method to Determine the Amount to Exercise Voting Right When Creditors Meeting Is Held), paragraph

(3) of the Act may be filed orally on the date of creditors meeting.

(Certificate of Authority to Represent; Article 172 of the Act)

Article 90-4 The authority of the proxy referred to in Article 172 (Methods of Exercising Voting Rights), paragraph (1) of the Act must be certified in writing.

(Procedures to File Petition for Designation of Extended Dates of Creditors Meeting; Article 172-5 of the Act)

Article 91 The provisions of Article 90-3 (Method to File Petition to Change Order to Determine the Amount to Exercise Voting Rights) apply mutatis mutandis to the petition filed on the date of a creditors meeting referred to in the main clauses of paragraphs (1) and (3) of Article 172-5 (Extended Dates of Creditors Meeting) of the Act.

(Notification Pertaining to Continuation of Juridical Person; Article 173 of the Act)

Article 92 In the case specified in Article 173 (Continuation of Juridical Person If Proposed Rehabilitation Plan Is Approved), paragraph (1) of the Act, when the determination as to whether or not the juridical person continues to exist is made, the rehabilitation debtor, etc. must promptly notify the court of the determination.

Section 4 Approval of Rehabilitation Plans

(Continuation of Juridical Person, and Time to Give Orders to Approve Rehabilitation Plans; Article 174 of the Act)

Article 93 In the case specified in Article 173 (Continuation of Juridical Person If Proposed Rehabilitation Plan Is Approved), paragraph (1) of the Act, an order to approve or disapprove rehabilitation plan is to be given when the notification under the provisions of the preceding Article (Notification Pertaining to Continuation of Juridical Person) is filed or when the notification under the provisions of that Article is not filed within a reasonable period after the proposed rehabilitation plan is approved.

Chapter VIII Procedures after Rehabilitation Plan is Approved

(Procedures to File Petition to Revise Rehabilitation Plans; Article 187 of the Act)

Article 94 (1) The following particulars must be provided in a written petition to revise the rehabilitation plan:

(i) the names and addresses of the petitioner and their agent; and

- (ii) a statement of the intent to change the rehabilitation plan and the reasons.
- (2) The reasons for revising the rehabilitation plan must contain a specific statement of the grounds for the necessity of the revision.
- (3) When filing a petition to revise the rehabilitation plan, the petitioner must simultaneously submit the revised proposed plan.
- (4) In the case specified in the main clause of Article 187 (Revision of Rehabilitation Plan), paragraph (2) of the Act, the provisions concerning the procedures to be followed when a proposed rehabilitation plan is submitted apply *mutatis mutandis*.

(Procedures to File Petition for Revocation of Rehabilitation Plan; Article 189 of the Act)

Article 95 (1) The following particulars must be provided in a written petition for revocation of the rehabilitation plan:

- (i) the indication of the rehabilitation case name;
 - (ii) the names and addresses of the petitioner and their agent;
 - (iii) the names and addresses of the rehabilitation debtor, etc. and their agent;
 - (iv) a statement of the intent to seek revocation of the rehabilitation plan and the reasons; and
 - (v) if the petition is filed on the grounds set forth in Article 189 (Revocation of Rehabilitation Plan), paragraph (1), item (ii) of the Act, any part of the rights held by the petitioner and approved pursuant to the provisions of rehabilitation plan, of which due date has come but obligation has not been performed.
- (2) The reasons for requesting revocation of the rehabilitation plan must contain a specific statement of the grounds for the necessity of the revocation.

(Handling of Petition for Revocation of Rehabilitation Plan If Order to Commence Bankruptcy Proceedings Is Given; Article 190 of the Act)

Article 96 In the case specified in Article 190 (Handling of Petition if Order to Commence Bankruptcy Proceedings or Order to Commence Additional Rehabilitation Proceedings Is Given), paragraph (1) of the Act, if a petition for revocation of the rehabilitation plan is filed, the court must dismiss the petition with prejudice on the merits.

Chapter IX Discontinuance of Rehabilitation Proceedings

Article 97 Deleted

(Hearings of Discontinuance of Rehabilitation Proceedings after Rehabilitation Plan is Approved; Article 194 of the Act)

Article 98 In order to issue an order to discontinue rehabilitation proceedings pursuant to the provisions of Article 194 (Discontinuance of Proceedings After Rehabilitation Plan is Approved) of the Act, the court must hear the opinions of the rehabilitation debtor, supervisor, trustee, and any known person who may exercise the rights specified in Article 179 (Changes in Rights of Holders of Filed Rehabilitation Claims), paragraph (2) of the Act in advance, unless it is clear that the order should be given.

Chapter X Special Provisions for Home Loan Claims

(Special Clauses for Home Loan)

Article 99 Special clauses for home loan must clearly state the fact that they are special clauses for home loans, as well as the following particulars:

- (i) the name of the rehabilitation creditor holding a home loan claim specified in Article 198 (Cases Where Special Clauses for Home Loan May Be Specified), paragraph (1) of the Act or the person who is to acquire a home loan claim pursuant to the provisions of the main clause of Article 204 (Handling of Home Loan Claims if Guarantee Company Has Performed Guarantee Obligation), paragraph (1) of the Act;
- (ii) the indication of the residence and the site; and
- (iii) the indication of the mortgage specified in Article 196 (Definitions), item (iii) of the Act on the residence and the site.

(Procedures for Giving Consent of Person Whose Rights will be Changed Pursuant to Special Clauses for Home Loan; Article 199 of the Act)

Article 100 (1) The consent referred to in Article 199 (Details of Special Clauses for Home Loan), paragraph (4) of the Act must be given in writing.

- (2) When submitting a proposed rehabilitation plan that includes special clauses for home loan, which includes the changes other than those specified in Article 199, paragraphs (1) through (3) of the Act are made, the rehabilitation debtor must also submit the document referred to in the preceding paragraph.

(Prior Consultation; Article 200 of the Act)

Article 101 (1) When submitting a proposed rehabilitation plan that includes special clauses for home loan, the rehabilitation debtor is to consult with any person whose rights will be changed pursuant to the special clauses for home loan in advance.

- (2) In the case referred to in the preceding paragraph, the person whose rights will be changed pursuant to the special clauses for home loan must give necessary advice on drafting of special clauses for home loan.

(Documents to Be Submitted Together with Proposed Rehabilitation Plans;
Article 200 of the Act)

Article 102 (1) When submitting a proposed rehabilitation plan that includes special clauses for home loan, the rehabilitation debtor must also submit the following documents:

- (i) a copy of the certificate including the details of the home loan contract;
 - (ii) a document showing the amount to be paid on each due date as specified in the home loan contract;
 - (iii) a certificate of registered information concerning the residence and the site;
 - (iv) if a mortgage specified in Article 196 (Definitions), item (iii) of the Act is also placed on real property other than the residence or the site, a certificate of registered information concerning the real property;
 - (v) if the residence of rehabilitation debtor has any part that is not being used for the residence of their own, a document clearly showing the part of the residence used exclusively for the residence of their own and the floor area thereof; and
 - (vi) if a guarantee company has entirely performed their guarantee obligation for the home loan claim, a document showing the date on which the guarantee obligation was extinguished by the performance.
- (2) In the case specified in the preceding paragraph, the court, when the court finds it necessary, may request the rehabilitation debtor to submit a copy of the document certifying that the right to reimbursement held by the guarantee company against the principal debtor exists.

(Notification to Be Given When Objection Ceases to Be Effective; Article 200 of the Act)

Article 103 If an objection made in an investigation of rehabilitation claim ceases to be effective pursuant to the provisions of Article 200 (Submission of Proposed Rehabilitation Plan Specifying Special Clauses for Home Loan), paragraph (2) or (4) of the Act, a court clerk must notify the person who made the objection and the rehabilitation creditor who holds the rehabilitation claim to which the objection was raised of this.

(Notification to Rehabilitation Debt Guarantors; Article 203 of the Act)

Article 104 When an order to approve rehabilitation plan that includes special clauses for home loan becomes final and binding, the rehabilitation debtor must notify the co-owners of the residence (excluding the rehabilitation debtor), the owners of the residential site on which a mortgage specified in Article 196 (Definitions), item (iii) of the Act is placed (excluding the rehabilitation debtor), the rehabilitation debt guarantor, and those who owe debts jointly with the

rehabilitation debtor of the order that has become final and binding.

Chapter XI Special Provisions for Cases When Foreign Insolvency Proceedings Have been Initiated

(Certificate of Foreign Trustee Eligibility; Article 209, etc. of the Act)

Article 105 (1) The foreign trustee eligibility must be proven by a document certified by the court before which the foreign insolvency proceedings are pending or by any other person having certification authority.

(2) The authority referred to in the proviso to Article 210 (Mutual Participation in Proceedings), paragraph (1) of the Act must be proven in writing.

(3) The documents referred to in the preceding two paragraphs must be accompanied by translations thereof.

(Participation in Foreign Insolvency Proceedings; Article 210 of the Act)

Article 106 (1) When a rehabilitation debtor (except when a trustee is appointed) intends to participate in foreign insolvency proceedings against the rehabilitation debtor on behalf of a holder of filed rehabilitation claim specified in Article 210 (Mutual Participation in Proceedings), paragraph (2) of the Act pursuant to that paragraph, the rehabilitation debtor may request a court clerk of the rehabilitation court to issue a certificate stating that the rehabilitation debtor has the right to perform the rehabilitation debtor's affairs, and administer and dispose of their property.

(2) When a rehabilitation debtor, etc. participates in foreign insolvency proceedings against the rehabilitation debtor on behalf of a holder of filed rehabilitation claim specified in Article 210, paragraph (2) of the Act pursuant to that paragraph, the rehabilitation debtor must notify the relevant holder of filed rehabilitation claim of this.

(3) When a holder of rehabilitation claim specified in Article 210, paragraph (2) of the Act participates in foreign insolvency proceedings against the rehabilitation debtor, the holder of filed rehabilitation claim must notify the rehabilitation debtor, etc. of their participation.

Chapter XII Special Provisions for Simplified Rehabilitation Proceedings and Consensual Rehabilitation Proceedings

Section 1 Simplified Rehabilitation Proceedings

(Consent of Holders of Filed Rehabilitation Claims; Article 211 of the Act)

Article 107 (1) When filing a petition referred to in Article 211 (Order to Simplify Rehabilitation Proceedings), paragraph (1) of the Act, the petitioner must simultaneously submit the document referred to in the second sentence of

- that paragraph (hereinafter referred to as the "written consent" in this Article).
- (2) The holder of the filed rehabilitation claim who has given consent specified in the second sentence of Article 211, paragraph (1) of the Act or their agent must affix their name and seal to the written consent.
 - (3) If the consent of a holder of filed rehabilitation claim referred to in the preceding paragraph is given by proxy, the holder of filed rehabilitation claim must attach a document proving the right to represent to the written consent.
 - (4) When intending to obtain consent referred to in paragraph (2), the rehabilitation debtor, etc. must disclose the rehabilitation debtor's affairs and status of their property and any matters necessary for a holder of filed rehabilitation claim to determine whether the holder of filed rehabilitation claim give consent or not.

(Date of Creditors Meeting When Order to Simplify Rehabilitation Proceedings is Given; Article 212 of the Act)

- Article 108 (1) The date of the creditors meeting referred to in Article 212 (Effectiveness of Order to Simplify Rehabilitation Proceedings), paragraph (3) of the Act must be a day within two months from the date on which the order to simplify rehabilitation proceedings was given, except when there are special circumstances.
- (2) The provisions of Article 90 (Method to Exercise Voting Rights), paragraph (1) apply mutatis mutandis to the date of the creditors meeting referred to in the preceding paragraph if the base date specified in Article 172-2 (Persons Eligible to Vote to Be Determined as of the Base Date), paragraph (1) of the Act is designated.

(Order to Specify General Investigation Period to Be Served; Article 213 of the Act)

- Article 108-2 The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be Served to Shareholders), paragraph (2) apply mutatis mutandis if a legal document is served pursuant to the provisions of Article 102 (Investigation during the General Investigation Period), paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 213 (Immediate Appeal), paragraph (4) of the Act by using the method specified in Article 102, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 213, paragraph (4) of the Act.

(Exclusion from Application of Provisions Concerning Investigation and Allowance of Rehabilitation Claims; Article 216 of the Act)

- Article 109 If an order to simplify rehabilitation proceedings is given, the provisions of Article 33 (Changes to Particulars in Filed Notice), paragraph (7)

(including as applied mutatis mutandis pursuant to Article 35 (Procedures to Change Names of Holders of Filed Claims), paragraph (3), Article 90-2 (Procedures to File Petition to Exercise Voting Rights on Company Bonds), and Article 145 (Procedures Made to File Petition to Participate in Rehabilitation Proceedings)) and paragraph (8), Section 3 (Investigation and Allowance of Rehabilitation Claims) of Chapter IV (Rehabilitation Claims), Article 84 (Period for Submission of Proposed Rehabilitation Plans), Article 85 (Report on Rehabilitation Claims Paid), paragraph (2), Article 86 (Handling of Cases When Proposed Rehabilitation Plan Is Submitted in Advance), paragraph (2), Article 90 (Procedures to Exercise Voting Rights), Article 94 (Procedures to File Petition to Revise Rehabilitation Plans), and Article 103 (Notification to Be Given When Objection Ceases to Be Effective) do not apply.

Section 2 Consensual Rehabilitation Proceedings

(Provisions Applied Mutatis Mutandis to Provisions Concerning Simplified Rehabilitation; Article 217 of the Act)

- Article 110 (1) The provisions of Article 107 (Consent of Holders of Filed Rehabilitation Claims), paragraph (1) apply mutatis mutandis to the petition referred to in Article 217 (Order to Initiate Consensual Rehabilitation Proceedings), paragraph (1) of the Act, the paragraphs (2) and (3) of Article 107 apply mutatis mutandis to the document set forth in the second sentence of Article 217, paragraph (1) of the Act, and Article 107, paragraph (4) apply mutatis mutandis when intending to obtain consent referred to in the second sentence of Article 217, paragraph (1) of the Act from a rehabilitation creditor.
- (2) The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be Served to Shareholders), paragraph (2) apply mutatis mutandis when a legal document is served pursuant to the provisions of Article 102 (Investigation during General Investigation Period), paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 218 (Immediate Appeal), paragraph (3) of the Act by using the method specified in Article 102, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 218, paragraph (3) of the Act.

(Exclusion from Application of Provisions Concerning Investigation and Allowance of Rehabilitation Claims; Article 220 of the Act)

- Article 111 If an order to initiate consensual rehabilitation proceedings is given, the provisions of Article 33 (Changes Made to Particulars in Filed Notice), paragraph (7) (including as applied mutatis mutandis pursuant to Article 35 (Procedures to Change Names of Holders of Filed Claims), paragraph (3) and Article 145 (Procedures to File Petition to Participate in Rehabilitation

Proceedings)) and paragraph (8), Section 3 (Investigation and Allowance of Rehabilitation Claims) of Chapter IV (Rehabilitation Claims), Article 84 (Period for Submission of Proposed Rehabilitation Plans), Article 85 (Report on Rehabilitation Claims Paid), paragraph (2), Article 86 (Handling of Cases When Proposed Rehabilitation Plan Is Submitted in Advance), paragraph (2), Section 3 (Resolution Adopting Proposed Rehabilitation Plan) of Chapter VII (Rehabilitation Plans), Article 93 (Continuation of Juridical Person, and Time to Give Orders to Approve Rehabilitation Plans), Article 94 (Procedures to File Petition to Revise Rehabilitation Plans), and Article 103 (Notification to Be Given When Objection Ceases to Be Effective) do not apply.

**Chapter XIII Special Provisions for Rehabilitation Proceedings Filed by
Individuals with Small Debt and Rehabilitation Proceedings Filed by
Salaried Workers**

**Section 1 Rehabilitation Proceedings Filed by Individuals with Small
Debt**

(Procedures to File Statement of Rehabilitation Proceedings by Individuals with Small Debt in Cases Filed by Debtors; Article 221 of the Act)

- Article 112 (1) If a rehabilitation debtor files a petition to commence rehabilitation proceedings, a statement that rehabilitation proceedings by individuals with small debt referred to in Article 221 (Prerequisite Before Rehabilitation Proceedings Commence), paragraph (2) of the Act are requested, must be provided in the written petition for commencement of rehabilitation proceedings.
- (2) In the case referred to in the preceding paragraph, the following particulars must be provided in a written petition for commencement of rehabilitation proceedings, in addition to the particulars set forth in the items of Article 12 (Particulars to Be Provided in Written Petition for Commencement of Rehabilitation Proceedings), paragraph (1) and the statement referred to in the preceding paragraph:
- (i) whether or not the petitioner intends to seek the commencement of rehabilitation proceedings if it is obvious that the statement referred to in the preceding paragraph does not satisfy the requirements specified in Article 221, paragraph (1) and (3) of the Act;
 - (ii) the way how the rehabilitation debtor makes living, such as their occupation and income; and
 - (iii) the total amount of the rehabilitation claims specified in Article 221, paragraph (1) of the Act.
- (3) In the case referred to in paragraph (1), the following documents must be attached to a written petition for commencement of rehabilitation proceedings,

in addition to the documents set forth in the items of Article 14 (Documents to Be Attached to Written Petition for Commencement of Rehabilitation Proceedings), paragraph (1):

- (i) a document showing the amount of the rehabilitation debtor's income, such as a copy of tax return specified in Article 2 (Definitions), paragraph (1), item (xxxvii) of the Income Tax Act (Act No. 33 of 1965) and a copy of a withholding certificate issued pursuant to the provisions of Article 226 (Withholding Certificates) of that Act; and
- (ii) a document showing the value of the property listed in the inventory of assets referred to in Article 14, paragraph (1), item (iv).

(Procedures to File Statement of Rehabilitation Proceedings by Individuals with Small Debt in Cases Filed by Creditors; Article 221 of the Act)

Article 113 (1) If a rehabilitation creditor files a petition for commencement of rehabilitation proceedings against a debtor who is an individual, a court clerk must notify the rehabilitation debtor of the petition and the fact that the rehabilitation debtor may file a request for rehabilitation proceedings by individuals with small debt before an order to commence rehabilitation proceedings is given.

- (2) In the case specified in the preceding paragraph, a statement that requests for rehabilitation proceedings filed by individuals with small debt referred to in Article 221 (Prerequisite Before Proceedings Commence), paragraph (2) of the Act must be provided in writing.
- (3) The following particulars must be provided in the document referred to in the preceding paragraph:
 - (i) the names and addresses of the rehabilitation debtor and their statutory agent; and
 - (ii) the particulars set forth in paragraph (2), items (ii) and (iii) of the preceding Article (Procedures to File Statement of Rehabilitation Proceedings by Individuals with Small Debt in Cases Filed by Debtors).
- (4) The document referred to in paragraph (2) must be accompanied by the documents set forth in the items of paragraph (3) of the preceding Article.

(Particulars to Be Provided in List of Creditors; Article 221 of the Act)

Article 114 (1) The following particulars must be provided in the list of creditors in addition to the particulars set forth in the items of Article 221 (Prerequisite Before Proceedings Commence), paragraph (3) of the Act:

- (i) the address, postal code, and telephone number (including facsimile number) of the rehabilitation creditor;
- (ii) with regard to the claims set forth in the items of Article 84 (Claims Classified as Rehabilitation Claims), paragraph (2) of the Act, a statement to

- that effect; and
- (iii) with regard to the claims accompanied by an enforceable title of obligation or final judgment, a statement to that effect.
- (2) The list of creditors must be accompanied by a duplicate thereof.

(Special Provisions for Cases Where Debtors Have Intention to Submit
Proposed Rehabilitation Plans Including Special Clauses for Home Loans;
Article 221 of the Act)

- Article 115 (1) When submitting a list of creditors stating the intention to submit a proposed rehabilitation plan, which includes special clauses for home loans, pursuant to the provisions of Article 221 (Prerequisite Before Proceedings Commence), paragraph (3), item (iv) of the Act, the debtor must also submit the documents set forth in the items of Article 102 (Documents to Be Submitted Together with Proposed Rehabilitation Plans), paragraph (1).
- (2) The provisions of Article 102, paragraph (2) apply mutatis mutandis to the case specified in the preceding paragraph.
- (3) In the case specified in paragraph (1), the provisions of Article 102 do not apply at the time when the debtor submits a proposed rehabilitation plan to the court.

(Order to Commence Rehabilitation Proceedings; Article 222 of the Act)

- Article 116 (1) When giving an order to commence rehabilitation proceedings in the following cases, the court must state in the main text of the written judgment that the court commences rehabilitation proceedings filed by individual with small debt:
- (i) when the statement referred to in Article 221 (Prerequisite Before Proceedings Commence), paragraph (2) of the Act is submitted (except when the order referred to in the main clause of paragraph (7) of that Article is given); and
- (ii) when the order referred to in the main clause of Article 239 (Prerequisite Before Proceedings Commence), paragraph (5) of the Act is given.
- (2) The periods set forth in the following items are to be set within the period specified respectively therein, except when there are special circumstances:
- (i) the period for filing proofs of claims: no less than two weeks but no more than one month from the date on which the order to commence rehabilitation proceedings is given (if there are any known rehabilitation creditor who does not have domicile, residence, place of business or office in Japan, no less than four weeks but no more than four months from that date); and
- (ii) the period for filing general objections: no less than one week but no more than three weeks, and the interval between the date on which the relevant period starts and the date on which the period referred to in the preceding

item ends is no more than two weeks.

(Individual Rehabilitation Commissioners; Article 223 of the Act)

Article 117 The provisions of Article 20 (Appointment of Supervisors), paragraphs (2) and (3), Article 23 (Supervision of Supervisors), Article 24 (Appointment of Expert Witnesses by Supervisors), Article 25 (Amount of Remuneration of Supervisors), and Article 26 (Appointment of Examiners), paragraph (1) apply mutatis mutandis to individual rehabilitation commissioners.

(Procedures to File Proofs of Rehabilitation Claims; Article 224 of the Act)

Article 118 (1) In the case of rehabilitation proceedings filed by individuals with small debt, the following particulars must be provided in a written proof of claim, in addition to the particulars specified in Article 31 (Procedures to File Proofs of Claims), paragraph (1) (except the fact that the claim is a consensually-subordinated rehabilitation claim and the amount of voting rights):

- (i) the relationship between the rehabilitation claim stated in the written proof of claim and the rehabilitation claim stated in the list of creditors; and
 - (ii) if the rehabilitation creditor does not have the rehabilitation claim stated in the list of creditors, a statement to that effect.
- (2) Notwithstanding the provisions of Article 31, paragraph (1), it is not required to provide the amount of voting rights in the written proof of claim referred to in the preceding paragraph.
- (3) The number of copies to be attached to the written proof of claim referred to in paragraph (1) pursuant to the provisions of Article 32 (Copies of Written Proofs of Claims to Be Attached), paragraph (1) is two.

(Materials Concerning Rehabilitation Claims to Be Sent)

- Article 119 (1) When it is necessary for a rehabilitation debtor to determine whether they make an objection specified in the main clause of Article 226 (Objection to Filed Rehabilitation Claims), paragraph (1) of the Act or paragraph (3) of that Article against any filed rehabilitation claim or not, the rehabilitation debtor may request the rehabilitation creditor who holds the relevant rehabilitation claim to send materials concerning whether the rehabilitation claim exists or not and the amount thereof, as well as the estimated amount of deficiency.
- (2) When a rehabilitation creditor is requested to send the materials under the provisions of the preceding paragraph, they must respond promptly to the request.

(Document in Which Filed Rehabilitation Claims are Listed)

- Article 120 (1) If the court finds it necessary, the court may request the rehabilitation debtor to submit a document providing the particulars prescribed in Article 114 (Particulars to Be Provided in List of Creditors), paragraph (1) concerning filed rehabilitation claims. In this case, if the court finds it necessary, the court may also request the rehabilitation debtor to provide the particulars to which the rehabilitation debtor has made an objection or intends to make an objection against any filed rehabilitation claim in the relevant document.
- (2) The provisions of Article 114, paragraph (2) apply *mutatis mutandis* to the document referred to in the preceding paragraph.

(Procedures to File Objections; Article 226 of the Act)

- Article 121 (1) In the document referred to in the main clause of Article 226 (Objections to Filed Rehabilitation Claims), paragraph (1) of the Act or paragraph (3) of that Article, the particulars to which an objection is made and the reasons for the objection must be provided; provided, however, that if the rehabilitation debtor makes an objection, they are not required to provide the reasons for the objection.
- (2) The provisions of Article 114 (Particulars to Be Provided in List of Creditors) paragraph (2) apply *mutatis mutandis* to the document referred to in the preceding paragraph.

(Order to Specify Special Period for Filing Objections to Be Served; Article 226 of the Act)

- Article 121-2 The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be Served to Shareholders), paragraph (2) apply *mutatis mutandis* if a legal document is sent pursuant to the provisions of Article 102 (Investigation during General Investigation Period), paragraph (3) of the Act as applied *mutatis mutandis* pursuant to Article 226 (Objections to Filed Rehabilitation Claims), paragraph (4) of the Act by using the method specified in Article 102, paragraph (4) of the Act as applied *mutatis mutandis* pursuant to Article 226, paragraph (4) of the Act.

(Revocation of Objections)

- Article 122 (1) When revoking the objection to the amount of the filed rehabilitation claim or the estimated amount of deficiency, the rehabilitation debtor or a holder of filed rehabilitation claim must submit a document stating to that effect, and must notify the rehabilitation creditor who holds the relevant rehabilitation claim of this.

(2) The provisions of Article 114 (Particulars to Be Provided in List of Creditors), paragraph (2) apply mutatis mutandis to the document to be submitted to the court pursuant to the provisions of the preceding paragraph.

(Public Inspection of List of Creditors by Means of Duplicate Thereof)

Article 123 The submitted duplicate of a list of creditors, a written proof of claim, the document referred to in Article 120 (Document in Which Filed Rehabilitation Claims are Listed), paragraph (1), the document referred to in the main clause of Article 121 (Procedures to File Objections), paragraph (1) and the document referred to in paragraph (1) of the preceding Article (Revocation of Objections) is made available for public inspection or may be copied).

(Disclosure of List of Creditors by Rehabilitation Debtors)

Article 124 (1) When submitting a list of creditors, the document referred to in Article 120 (Document in Which Filed Rehabilitation Claims are Listed), paragraph (1), the document referred to in the main clause of Article 121 (Procedures to File Objections), paragraph (1), or the document referred to in Article 122 (Revocation of Objections), paragraph (1) to the court, or when receiving a copy of a written proof of claim pursuant to the provisions of Article 32 (Copies of Written Proofs of Claims to Be Attached), paragraph (2), the rehabilitation debtor must take measures to make the details of the information recorded in these documents available for public inspection by rehabilitation creditors at the place where the court finds appropriate, such as the principal place of business and other office of the rehabilitation debtor as well as their agent, until the period for filing general objections ends.

(2) The provisions of paragraphs (2) through (4) of Article 43 (Disclosure of Statement of Approval or Disapproval by Rehabilitation Debtors) apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the phrase "special investigation period" in Article 43, paragraph (4) is deemed to be replaced with "special period for filing objections."

(Notice of Objection)

Article 125 When a rehabilitation debtor or a holder of filed rehabilitation claim has made an objection to the amount of the filed rehabilitation claim or the estimated amount of deficiency, a court clerk must notify the rehabilitation creditor who holds the relevant rehabilitation claim of the objection.

(Procedures to File Petition for Valuation of Rehabilitation Claims; Article 227 of the Act)

Article 126 The provisions of Article 45 (Procedures to File Petition for

Assessment of Rehabilitation Claims) apply mutatis mutandis to a petition for a valuation of rehabilitation claim referred to in Article 227 (Valuation of Rehabilitation Claims), paragraph (1) of the Act.

(Notice of Sanctions to Be Provided When Individual Commissioners Request to Submit Materials; Article 227 of the Act)

Article 127 When an individual rehabilitation commissioner requests a rehabilitation debtor to submit materials concerning whether the rehabilitation claim exists or not and the amount of a rehabilitation claim and the estimated amount of deficiency pursuant to the provisions of Article 227 (Valuation of Rehabilitation Claims), paragraph (6) of the Act, the individual rehabilitation commissioner must simultaneously give notice of the legal sanctions against the failure to comply with the request.

(Simplified Listing of Inventory of Assets)

Article 128 The inventory of assets to be submitted pursuant to the provisions of Article 124 (Assessment of Property Value), paragraph (2) of the Act may be prepared by citing the inventory of assets submitted pursuant to the provisions of Article 14 (Documents to Be Attached to Written Petition for Commencement of Rehabilitation Proceedings), paragraph (1), item (iv).

(Disclosure of Inventory of Assets by Rehabilitation Debtors)

Article 129 (1) When submitting the inventory of assets referred to in Article 124 (Assessment of Property Value), paragraph (2) of the Act or the written report referred to in Article 125 (Report to Court), paragraph (1) of the Act to the court, the rehabilitation debtor must take measures to make the details of the information recorded in these documents available for public inspection by rehabilitation creditors at the place where the courts finds appropriate, such as the principal place of business and other office of the rehabilitation debtor and the office of their agent, until an order to revoke the order to commence rehabilitation proceedings, an order to discontinue rehabilitation proceedings or an order to approve or disapprove the rehabilitation plan becomes final and binding.

(2) The provisions of Article 64 (Disclosure of Inventory of Assets by Rehabilitation Debtors), paragraph (2) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Period for Submission of Proposed Rehabilitation Plans)

Article 130 With regard to the application of the provisions of Article 84 (Period for Submission of Proposed Rehabilitation Plans), paragraph (1) in rehabilitation proceedings filed by individuals with small debt, the phrase

"from the day on which the general investigation period ends" in that paragraph is deemed to be replaced with "from the day on which the period for making general objections ends."

(Documents in Which Rights to Be Changed Based on Rehabilitation Plans are Described)

- Article 130-2 (1) If the court finds it necessary, the court may request the rehabilitation debtor to submit, along with a proposed rehabilitation plan, a document containing the details of any rights held by holders of filed rehabilitation claims (excluding those who hold the rehabilitation claims specified in Article 160 (Provisions Concerning Rights of Right to Separate Satisfaction), paragraph (1) of the Act) to be revised, the rights changed according to the common standards referred to in Article 156 (Common Standards for Changing Creditors' Rights) of the Act, any claims which must be paid pursuant to the provisions of Article 232 (Effect of Rehabilitation Plans), paragraph (4) of the Act, and the part of the claims to be paid according to the common standards referred to in Article 156 of the Act.
- (2) When the document specified in the preceding paragraph is submitted, and the court gives notice referred to in Article 230 (Resolution Adopting Proposed Rehabilitation Plan), paragraph (4) of the Act, the court must also notify persons who are eligible to vote of the details of the document.

(Period for Response to Resolution in Writing; Article 230 of the Act)

- Article 131 (1) The period set by the court specified in Article 230 (Resolution Adopting Proposed Rehabilitation Plan), paragraph (4) of the Act must be set within a period of no less than two weeks but no more than three months from the date on which the order referred to in paragraph (3) of that Article is given.
- (2) Persons eligible to vote who receive notice pursuant to the provisions of the Article 230, paragraph (4) of the Act, if they give consent to the proposed rehabilitation plan specified in that paragraph, are not required to respond to the court to that effect, but if they do not give consent to it, must respond to that effect as determined by the court.

(Procedures to File Petition to Revise Rehabilitation Plans; Article 234 of the Act)

- Article 132 (1) The following particulars must be provided in a written petition for revision of the rehabilitation plan under the provisions of Article 234 (Revision of Rehabilitation Plans), paragraph (1) of the Act:
- (i) the indication of the rehabilitation case name;
 - (ii) the names and addresses of the petitioner and their agent; and
 - (iii) a statement of the intent to change the rehabilitation plan and the reasons.

- (2) The provisions of Article 94 (Procedures to File Petition to Revise Rehabilitation Plans), paragraph (2) apply mutatis mutandis to the written petition referred to in the preceding paragraph, and the paragraph (3) of that Article apply mutatis mutandis to a petition for revision of the rehabilitation plan under the provisions of Article 234, paragraph (1) of the Act.
- (3) When a petition for revision of the rehabilitation plan is filed pursuant to the provisions of Article 234, paragraph (1) of the Act, the provisions concerning the procedures to follow when a proposed rehabilitation plan in these Rules is submitted apply mutatis mutandis.

(Procedures to File Petition for Discharge When it is Extremely Difficult to Carry Through the Plan; Article 235 of the Act)

- Article 133 (1) The following particulars must be provided in a written petition for discharge under the provisions of Article 235 (Discharge When It is Extremely Difficult to Carry Through the Plan), paragraph (1) of the Act:
- (i) the indication of the rehabilitation case;
 - (ii) the names and addresses of the petitioner and their agent;
 - (iii) a statement of the intent to request discharge and the reasons.
- (2) The reasons for requesting a discharge must contain a specific statement of the facts that satisfy the requirements specified in Article 235, paragraph (1) of the Act.
- (3) The written petition referred to in paragraph (1) must be accompanied by a document proving the facts specified in the preceding paragraph.

(Method to File Petition for Discontinuance of Rehabilitation Proceedings; Article 237 of the Act)

- Article 134 (1) The following particulars must be provided in a written petition for discontinuance of rehabilitation proceedings under the provisions of Article 237 (Discontinuance of Rehabilitation Proceedings), paragraph (2) of the Act:
- (i) the names and addresses of the petitioner and their agent; and
 - (ii) a statement of the intent to request for discontinuance of rehabilitation proceedings and the reasons.
- (2) The reasons for requesting discontinuance of rehabilitation proceedings must contain a specific statement of the facts that satisfy the requirements specified in Article 237, paragraph (2) of the Act.

(Exclusion from Application of Provisions Concerning General Rehabilitation Proceedings; Article 238 of the Act)

- Article 135 In the case of rehabilitation proceedings filed by individuals with small debt, the provisions of Article 18 (Period During Which Proofs of Rehabilitation Claims Should Be Filed), paragraph (2), Chapter III

(Authorities Responsible for Rehabilitation Proceedings), Section 1 (Supervisors) and Section 2 (Examiners), Article 33 (Changes Made to Particulars in Filed Notice), paragraph (7) (including as applied mutatis mutandis pursuant to Article 35 (Procedures to Change Names of Holders of Filed Claims), paragraph (3)) and paragraph (8), Section 3 (Investigation and Allowance of Rehabilitation Claims) and Section 4 (Creditors Meetings and Creditors Committee) of Chapter IV (Rehabilitation Claims), Article 56 (Criteria for Assessment of Property Value), paragraph (2), Article 57 (Period for Submission of Written Report If Meeting for Reporting the Status of Property Is Not Called), paragraph (1), Article 60 (Calling Meetings for Reporting the Status of Property), Article 63 (Status of Property Made Available to Creditors by the Rehabilitation Debtors), Article 64 (Disclosure of Inventory of Assets by the Rehabilitation Debtors), Section 2 (Right to Avoidance) of Chapter VI (Investigation and Securing of Rehabilitation Debtor's Property), Article 86 (Handling of Cases When Proposed Rehabilitation Plan Is Submitted in Advance), paragraph (2), Section 3 (Resolution Adopting Proposed Rehabilitation Plan) of Chapter VII (Rehabilitation Plans)(excluding Article 90-4 (Certificate of Authority to Represent)), Article 94 (Procedures to File Petition to Revise Rehabilitation Plans), Article 103 (Notification to Be Given When Objection Ceases to Be Effective), and Chapter XII (Special Provisions for Simplified Rehabilitation Proceedings and Consensual Rehabilitation Proceedings).

Section 2 Rehabilitation Proceedings Filed by Salaried Workers

(Procedures to File Statement Concerning Rehabilitation Proceedings by Salaried Workers in Cases Filed by Debtors; Article 239 of the Act)

Article 136 (1) If a rehabilitation debtor files a petition for commencement of rehabilitation proceedings, a statement that requests for rehabilitation proceedings filed by salaried workers referred to in Article 239 (Prerequisite Before Proceedings Commence), paragraph (2) of the Act, must be provided in the written petition for commencement of rehabilitation proceedings.

(2) In the case referred to in the preceding paragraph, the following particulars must be provided in a written petition for commencement of rehabilitation proceedings, in addition to the particulars set forth in the items of Article 12 (Particulars to Be Provided in Written Petition for Commencement of Rehabilitation Proceedings), paragraph (1) and the statement referred to in the preceding paragraph:

(i) whether the petitioner has intention to request the commencement of general rehabilitation proceedings if it is obvious that the request referred to in the preceding paragraph does not satisfy the requirements specified in

Article 221 (Prerequisite Before Proceedings Commence), paragraphs (1) of the Act and paragraph (3) of that Article as applied mutatis mutandis pursuant to Article 244 (Provisions Applied Mutatis Mutandis to Provisions Concerning Rehabilitation Proceedings Filed by Individuals with Small Debt) of the Act;

- (ii) whether the petitioner intends to seek the commencement of proceedings for rehabilitation for individuals with small debt in cases where it becomes obvious that the request set forth in the preceding paragraph falls under any of the grounds set forth in the items under Article 239, paragraph (5) of the Act;
 - (iii) the way how rehabilitation debtor makes a living, such as their occupation, income, and family relationships;
 - (iv) the total amount of the rehabilitation claims specified in Article 221, paragraph (1) of the Act; and
 - (v) if a rehabilitation debtor has any of the grounds set forth in Article 239, paragraph (5), item (ii), (a) through (c) of the Act, a statement that the statement referred to in the preceding paragraph has not been provided within seven years from the day specified in (a), (b), or (c), respectively.
- (3) In the case referred to in paragraph (1), the following documents must be attached to a written petition for commencement of rehabilitation proceedings, in addition to the documents set forth in the items of Article 14 (Documents to Be Attached to Written Petition for Commencement of Rehabilitation Proceedings), paragraph (1):
- (i) a copy of a tax return specified in Article 2 (Definitions), paragraph (1), item (xxxvii) of the Income Tax Act, a copy of a withholding certificate issued pursuant to the provisions of Article 226 (Withholding Certificates) of that Act, or any other document showing the amount specified in Article 241 (Orders to Approve or Disapprove Rehabilitation Plans), paragraph (2), item (vii), (a) through (c) of the Act; and
 - (ii) a document showing the value of the property provided in the inventory of assets referred to in Article 14, paragraph (1), item (iv).

(Method to Provide Statement for Rehabilitation Proceedings by Salaried Workers in Cases Filed by Creditors; Article 239 of the Act)

- Article 137 (1) If a rehabilitation creditor files a petition for commencement of rehabilitation proceedings against a debtor who is an individual, a court clerk must notify the rehabilitation debtor to that effect and that the rehabilitation debtor may request rehabilitation proceedings filed by salaried workers before an order to commence rehabilitation proceedings is given.
- (2) In the case prescribed in the preceding paragraph, the statement concerning rehabilitation proceedings by salaried workers referred to in Article 239

(Prerequisites Before Proceedings Commence), paragraph (2) of the Act must be provided in writing.

(3) The following particulars must be provided in the document referred to in the preceding paragraph:

- (i) the names and addresses of the rehabilitation debtor and their statutory agent; and
- (ii) the grounds referred to in paragraph (2), items (iii) through (v) of the preceding Article (Procedures to File Statement Concerning Rehabilitation Proceedings by Salaried Workers in Cases Filed by Debtors).

(4) The document referred to in paragraph (2) must be accompanied by the documents set forth in the items of paragraph (3) of the preceding Article.

(Order to Commence Rehabilitation Proceedings)

Article 138 (1) When giving an order to commence rehabilitation proceedings when the statement referred to in Article 239 (Prerequisites Before Proceedings Commence), paragraph (2) of the Act has been provided (except when an order under the provisions of the main clause of paragraph (4) or the main clause of paragraph (5) of that Article has been given), the court must state in the main text of the written judgment that the court commences the rehabilitation proceedings filed by salaried worker.

(2) The provisions of Article 116 (Order to Commence Rehabilitation Proceedings), paragraph (2) apply mutatis mutandis to the periods specified in Article 222 (Measures Taken to Commence Rehabilitation Proceedings), paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 244 (Provisions Applied Mutatis Mutandis to Provisions Concerning Rehabilitation Proceedings Filed by Individuals with Small Debt) of the Act.

(Period for Hearing on Proposed Rehabilitation Plan; Article 240 of the Act)

Article 139 (1) The period to be set by the court specified in Article 240 (Hearing on Proposed Rehabilitation Plans), paragraph (2) of the Act must be set within a period of no less than two weeks but no more than two months from the date on which the order to hear opinions from holders of filed rehabilitation claims referred to in paragraph (1) of that Article is given (if any holder of filed rehabilitation claim does not have domicile, residence, business office or other office in Japan, no less than four weeks but no more than three months from the relevant date).

(2) Holders of filed rehabilitation claims who have received notice pursuant to the provisions of Article 240, paragraph (2) of the Act are not required to state their opinions to the court if they do not have an opinion prescribed in that paragraph, and if they have an opinion prescribed in that paragraph and have received a form for stating an opinion from the court, they must provide a

specific statement of grounds prescribed in that paragraph in the form and submit it to the court.

(Provisions Applied Mutatis Mutandis to Provisions Concerning Rehabilitation Proceedings Filed by Individuals with Small Debt; Article 244 of the Act)

Article 140 The provisions of Article 114 (Particulars to Be Provided in List of Creditors), Article 115 (Special Provisions for Cases Where Debtors Have Intention to Submit Proposed Rehabilitation Plans Including Special Clauses for Home Loans), Articles 117 through 126 (Individual Rehabilitation Commissioners, Procedures to File Proofs of Rehabilitation Claims, Materials Concerning Rehabilitation Claims to Be Sent, Document in Which Filed Rehabilitation Claims are Listed, Procedures to File Objections, Order to Specify Special Period for Filing Objections to Be Served, Revocation of Objections, Public Inspection of List of Creditors by Means of Duplicate Thereof, Disclosure of List of Creditors by Rehabilitation Debtors, Notice of Objection, and Method to File Petition for Valuation of Rehabilitation Claims), Articles 128 through 130-2 (Simplified Listing of Inventory of Assets, Disclosure of Inventory of Assets by Rehabilitation Debtors, Period for Submission of Proposed Rehabilitation Plans, and Documents in Which Rights to Be Changed Based on Rehabilitation Plans are Described), and Articles 132 through 134 (Procedures to File Petition for Revision of Rehabilitation Plan, Procedures to File Petition for Discharge When It is Extremely Difficult to Carry Through the Plan, and Procedures to File Petition for Discontinuance of Rehabilitation Proceedings) apply mutatis mutandis to rehabilitation filed by salaried workers. In this case, the phrase "Article 230 (Resolution Adopting Proposed Rehabilitation Plan), paragraph (4)" in Article 130-2, paragraph (2) is deemed to be replaced with "Article 240 (Hearing on Proposed Rehabilitation Plans), paragraph (2)."

(Exclusion from Application of Provisions Concerning General Rehabilitation Proceedings; Article 245 of the Act)

Article 141 In rehabilitation proceedings filed by salaried workers, the provisions of Article 135 (Exclusion from Application of Provisions Concerning General Rehabilitation Proceedings) and the provisions of Article 90-4 (Certificate of Authority to Represent) do not apply.

Chapter XIV Transfer Between Rehabilitation Proceedings and Bankruptcy Proceedings

(Notification of Place to Receive Notice If Order Not to Require Filing of Proofs of Rehabilitation Claims Is Given; Article 247 of the Act)

Article 142 (1) If an order under the provisions of Article 247 (Order Not to Require Filing of Proofs of Rehabilitation Claims), paragraph (1) of the Act has been given and it is deemed that proofs of rehabilitation claims have been filed pursuant to the provisions of paragraph (3) of that Article, notice on the particulars set forth in Article 32 (Procedures to File Proofs of Bankruptcy Claims), paragraph (2), item (ii) of the Bankruptcy Rules (Rules of the Supreme Court No. 14 of 2004) pertaining to claims filed as bankruptcy claims in the bankruptcy proceedings set forth in Article 247, paragraph (1) of the Act is deemed to have been provided on the particulars concerning petition for rehabilitation claim set forth in Article 31 (Procedures to File Proofs of Claims), paragraph (1), item (ii).

(2) If an order under the provisions of Article 253 (Order Not to Require Filing of Proofs of Bankruptcy Claims), paragraph (1) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this Article) has been given and it is deemed that proofs of bankruptcy claims have been filed pursuant to the provisions of paragraph (3) of that Article (including as applied mutatis mutandis pursuant to paragraph (7) of that Article), notice on particulars set forth in Article 31, paragraph (2), item (ii) pertaining to claims filed as rehabilitation claims in the rehabilitation proceedings referred to in that Article is deemed to have been provided on particulars set forth in Article 32, paragraph (2), item (ii) of the Bankruptcy Rules as notice of claims filed as rehabilitation claims.

(Request for Common Benefit Claims upon Transfer from Bankruptcy Proceedings to Rehabilitation Proceedings)

Article 143 (1) When a person holding a claim set forth in Article 39 (Suspension of Other Proceedings), paragraph (3), item (i) of the Act learns that an order to commence rehabilitation proceedings has been given, the person is to promptly file a request to the rehabilitation debtor, etc. stating that the person holds the claim that is classified as a common benefit claim pursuant to the provisions of that item.

(2) the provisions of Article 2 (Procedures to File Petition), paragraph (2) do not apply to the petition under the provisions of the preceding paragraph.

Chapter XV Special Provisions for Rehabilitation Proceedings of Agricultural and Fishery Cooperatives

(Permission by Court in Lieu of Consent Resolution Concerning Transfer of Credit Business at General Meeting to Be Served to Partners)

Article 144 The provisions of Article 19 (Permission by Court in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting to Be

Served to Shareholders), paragraph (1) apply mutatis mutandis when a legal document is served to partners or members under the provisions of Article 43 (Permission in Lieu of Consent Resolution Concerning Business Transfer at Shareholders Meeting), paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 8 (Permission in Lieu of Consent Resolution Concerning Transfer of Credit Business at General Meeting or Member Representatives Meeting), paragraph (2) of the Act on Special Provisions for Rehabilitation Proceedings of Agricultural and Fishery Cooperatives (Act No. 95 of 2000; hereinafter referred to as the "Act on Special Provisions for Rehabilitation Proceedings"), and the provisions of Article 19, paragraph (2) apply mutatis mutandis when a legal document is served to the partners or members pursuant to the provisions of Article 43, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 8, paragraph (2) of the Act on Special Provisions for Rehabilitation Proceedings by using the method specified in Article 43, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 8, paragraph (2) of the Act on Special Provisions for Rehabilitation Proceedings.

(Procedures to File Petition to Participate in Rehabilitation Proceedings)

Article 145 The provisions of Article 31 (Procedures to File Proofs of Claims), paragraphs (2) and (4), Article 33 (Changes Made to Particulars in Filed Notice), paragraph (7) and Article 35 (Procedures to Change Names of Holders of Filed Claims), paragraphs (1) and (2) apply mutatis mutandis to the notification of participation under the provisions of Article 18 (Participation of Depositors), paragraph (1) of the Act on Special Provisions for Rehabilitation Proceedings.

(Special Provisions for Notice of Objection)

Article 146 It is not necessary to give notice under the provisions of Article 44 (Notice of Objection) to the depositors represented by the Corporation specified in Article 19 (Authority of Corporations) of the Act on Special Provisions for Rehabilitation Proceedings.