

Bankruptcy Rules

(Rules of the Supreme Court No. 14 of October 6, 2004)

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Chapter I General Provisions

(Formalities of Filing Petitions)

- Article 1 (1) A petition, notification, application, or report to the court in connection with bankruptcy proceedings, etc. (meaning bankruptcy proceedings, etc. as prescribed in Article 3 of the Bankruptcy Act (Act No. 75 of 2004; referred to below as the "Act") must be filed in writing except as otherwise provided.
- (2) Notwithstanding the provisions of the preceding paragraph, except as otherwise provided, the petition stated in the preceding paragraph which is filed by a bankruptcy trustee (meaning the bankruptcy trustee prescribed in Article 2, paragraph (12) of the Act; the same applies below) on an appearance date may be filed orally; provided, however, that this does not apply to the following petitions:
- (i) a petition for an order to deliver property that belongs to the bankruptcy estate under Article 156, paragraph (1) of the Act;
 - (ii) a request for avoidance prescribed in Article 173, paragraph (1) of the Act;
 - (iii) a petition for provisional order against the assets of an officer pursuant to the provisions Article 177, paragraph (1) of the Act;
 - (iv) petition for an officer's liability assessment order under Article 178, paragraph (1) of the Act; or
 - (v) a petition for provisional order against the property of a trustee, etc. or financial auditor pursuant to the provisions of Article 177, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 244-11, paragraph (3) of the Act;
 - (vi) a petition for an assessment decision on a compensation claim for a loss or restoration of the trust property based on the liability of a trustee, etc. or a financial auditor pursuant to Article 178, paragraph (1) of the Act as applied

mutatis mutandis in the provisions of Article 244-11, paragraph (3) of the Act.

- (3) Notwithstanding the provisions of paragraph (1), the court may permit orally making the report stated in that paragraph when the court finds it necessary to do so to ensure smooth progress in bankruptcy proceedings, etc., except as otherwise provided.

(Matters to Be Stated in Written Petitions)

Article 2 (1) The following matters must be stated in a written petition for bankruptcy proceedings, etc. (excluding a written petition to commence bankruptcy proceedings (meaning a written petition to commence bankruptcy proceedings prescribed in Article 21, paragraph (1) of the Act; the same applies below)):

- (i) the names and addresses of the parties and the name and address of the legal representative;
 - (ii) the purpose of the petition.
- (2) The written petition stated in the preceding paragraph is to state the following matters, in addition to the matters listed in the items of that paragraph:
- (i) specific facts that justify the petition;
 - (ii) evidence for each issue that requires to be proven; and
 - (iii) the postal code and telephone number (including facsimile number) of the petitioner or their agent.
- (3) The written petition stated in paragraph (1) is to be accompanied by a copy of the documentary evidence of the grounds requiring proof.
- (4) A person that files a petition for bankruptcy claim assessment prescribed in Article 125, paragraph (1) of the Act, a request for avoidance prescribed in Article 173, paragraph (1) of the Act, a petition for an officer's liability assessment order under Article 178, paragraph (1) of the Act, or a petition for an assessment decision on a claim for compensation for a loss or restoration of the Trust Property based on the liability of a Trustee, etc. or a financial auditor under Article 244-11, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 178, paragraph (1) of the Act must, when filing the petition, send a copy of the written petition and documentary evidence to the opponent.
- (5) When the court (including the bankruptcy court (meaning the bankruptcy court prescribed in Article 2, paragraph (3) of the Act; the same applies below)) finds it necessary, it may have the person that has filed a petition to commence bankruptcy proceedings, or any other petition concerning bankruptcy proceedings, etc. submit a document certifying the matters stated in the certificate of registered information or registry regarding any registered right

regarding property that belongs to the bankruptcy estate (meaning the bankruptcy estate prescribed in Article 2, paragraph (14) of the Act; the same applies below) (or, prior to the commencement of bankruptcy proceedings, the property of the debtor).

(Provision of Information by Electronic or Magnetic Means)

- Article 3 (1) When a person that has submitted or intends to submit a document to the court has an electronic or magnetic record (meaning a record made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computer; the same applies below in this paragraph) in which the content of the information recorded in the document is recorded, the court (including the bankruptcy court; the same applies below in this paragraph) may request the person to provide the information recorded in the electronic or magnetic record by electronic or magnetic means (meaning the means of using an electronic data processing system or a means of using other information and communications technology; the same applies in Article 46, paragraph (1), item (ii)) specified by the court when it finds it necessary.
- (2) The court may request a person that has submitted, or intends to submit the document to the court to submit its copy if it finds it necessary to do so to make a document available for inspection by interested persons.

(Records)

- Article 4 A record in bankruptcy proceedings, etc. (excluding a record of oral argument) is not required to be prepared except as otherwise; provided; provided, however, that this does not apply when the presiding judge orders its preparation.

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

- Article 5 (1) In the case of an immediate appeal, if the court finds it unnecessary to send the record of the case relating to bankruptcy proceedings, etc., it is sufficient for the court clerk of the bankruptcy court to send only the record of the appeal case to the court clerk of the court in charge of the appeal.
- (2) When the record of the appeal case has been sent pursuant to the provisions of the preceding paragraph, if the court in charge of the appeal finds the record of the case relating to bankruptcy proceedings, etc. to be necessary, the court clerk of the court in charge of the appeal must promptly request the court clerk of the bankruptcy court to send the record.

(Handlers of Public Notice Affairs; Article 10 of the Act)

Article 6 Affairs relating to public notices are handled by a court clerk.

(Bankruptcy Trustees' Handling of Affairs Concerning Giving Notices)

Article 7 The court may have a bankruptcy trustee send documents or handle other affairs concerning giving notice with the consent of the bankruptcy trustee if it is necessary to do so in order to ensure smooth progress in bankruptcy proceedings (meaning bankruptcy proceedings prescribed in Article 2, paragraph (1) of the Act; the same applies below).

(Notification of Place to Receive Notices)

Article 8 (1) If a bankruptcy creditor (meaning the bankruptcy creditor prescribed in Article 2, paragraph (6) of the Act; the same applies below) has filed a proof of the place where they are to receive the notice, or summons to appear on the appearance date prescribed in Article 32, paragraph (2), item (ii) or Article 35, paragraph (1), item (ii) (referred to below as "notice, etc." in this Article), in bankruptcy proceedings and discharge proceedings (meaning discharge proceedings prescribed in Article 3 of the Act; the same applies below), a notice, etc. to be given by sending a document to the bankruptcy creditor is given at the place related to the filing of the proof (if the bankruptcy creditor has filed a proof of a change in the place where they are to receive notice, etc. pursuant to the provisions of Article 33, paragraph (1), at the place after the change).

(2) If the bankruptcy creditor who has not given notification of the place to receive the notice, etc. prescribed in the preceding paragraph has given notification of the place where service should be received, pursuant to the provisions of Article 104, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996) as applied mutatis mutandis pursuant to Article 13 of the Act, the notice prescribed in the preceding paragraph is given at the place relating to the notification.

(3) If a notice, etc. given to bankruptcy creditors pursuant to the provisions of paragraph (1) or the preceding paragraph has failed to reach them, a subsequent notice, etc. is not required to be given to the bankruptcy creditors; provided, however, that this does not apply to a notice given under Article 197, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 209, paragraph (3) of the Act) or Article 201, paragraph (7), Article 204, paragraph (2), and Article 211.

(4) If the court or court clerk does not give a notice, etc. to a bankruptcy creditor pursuant to the provisions of the main clause of the preceding paragraph, the court clerk must make it clear in the records that the notice, etc. given to the bankruptcy creditor has not arrived.

(Notices to Government Agencies)

Article 9 (1) If an order commencing bankruptcy proceedings is made against a corporation engaged in business that may not be commenced without permission (including administrative disposition similar to licenses, registrations or any other permission; the same applies below in this paragraph) of a government agency or any other organization, the court clerk must notify the organization to that effect. The same applies when an order commencing bankruptcy proceedings is made against a corporation that may not be established without the permission of a government agency or any other organization.

(2) The provisions of the preceding paragraph apply *mutatis mutandis* if an order of setting aside of the order commencing bankruptcy proceedings or an order of discontinuance of bankruptcy proceedings becomes final and binding, or if an order of closing of bankruptcy proceedings is made.

(Access to Documents Relating to Cases; Article 11 of the Act)

Article 10 (1) The provisions of Article 11 of the Act apply *mutatis mutandis* to documents and any other objects submitted to the court or prepared by the court based on the provisions of these Rules (including other rules as applied *mutatis mutandis* pursuant to these Rules).

(2) A request to inspect or copy a document, or any other object prescribed in Article 11, paragraph (1) of the Act or the preceding paragraph, or to deliver an authenticated copy, transcript, or extract of the document or object, or to reproduce that document or object must be made by clarifying the matters sufficient for specifying the referenced document or other objects.

(3) If a copy of a document has been submitted pursuant to the provisions of Article 3, paragraph (2), the document may be inspected or copied through the submitted copy.

(Method of Filing Petitions to Restrict Access to Detrimental Parts of Documents; Article 12 of the Act)

Article 11 (1) A petition as referred to in Article 12, paragraph (1) of the Act must be filed by specifying the detrimental part (meaning the detrimental part prescribed in that paragraph; the same applies below in this Article).

(2) The petition referred to in the preceding paragraph must be filed at the time of submission of the documents, or any other object concerning the petition.

(3) When filing the petition stated in paragraph (1), the petitioner must also prepare a document or any other object relating to the petition excluding the detrimental part and submit it to the court; provided, however, that this does not apply if the detrimental part relating to the petition stated in the paragraph is the entirety of the document or any other object relating to the

petition.

- (4) An order under Article 12, paragraph (1) of the Act must specify the detrimental part.
- (5) If the order stated in the preceding paragraph is given, the person that filed the petition stated in paragraph (1) must prepare documents or other object relating to the petition excluding the detrimental part specified by the order, and submit them to the court without delay; provided, however, that this does not apply if the detrimental part specified by the petition and the detrimental part specified by the order are the same.
- (6) When an order setting aside a part of an order under Article 12, paragraph (1) of the Act becomes final and binding, the petitioner referred to in paragraph (1) must prepare and submit to the court a document or other object subject to the petition without delay, excluding the detrimental part specified in the order under Article 12, paragraph (1) which is not part of the order setting aside the order partially.
- (7) The provisions of paragraph (3) of the preceding Article are to apply mutatis mutandis if a document or other object from which the detrimental part has been excluded is submitted pursuant to the provisions of the main clause of paragraph (3), the main clause of paragraph (5), or the preceding paragraph.

(Mutatis Mutandis Application of the Rules of Civil Procedure; Article 13 of the Act)

Article 12 Except as otherwise provided, the provisions of the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) (excluding the provisions of Articles 30-2 and 30-3 of those Rules) apply mutatis mutandis to bankruptcy proceedings, etc., unless contrary to their nature.

Chapter II Commencement of Bankruptcy Proceedings

Section 1 Petition to Commence Bankruptcy Proceedings

(Matters to Be Stated in Written Petition to Commence Bankruptcy Proceedings; Article 20 of the Act)

Article 13 (1) The particulars specified by the Rules of the Supreme Court as referred to in Article 20, paragraph (1) of the Act are to be as follows:

- (i) the name and address of the petitioner and the name and address of the legal representative;
- (ii) the name and address of the debtor and the name and address of the legal representative;
- (iii) the purpose of the petition; and
- (iv) the fact constituting the grounds for the commencement of bankruptcy proceedings.

- (2) A written petition to commence bankruptcy proceedings is to state the following matters, beyond the matters stated in the items of the preceding paragraph:
- (i) the status of the debtor's income and expenditure and the status of their assets and liabilities (including the number of creditors);
 - (ii) circumstances that led to the occurrence of the fact constituting the grounds for the commencement of bankruptcy proceedings;
 - (iii) any other proceedings or dispositions being undertaken in connection with the debtor's property, which are known to the petitioner;
 - (iv) if there is a bankruptcy case (meaning a bankruptcy case as prescribed in Article 2, paragraph (2) of the Act; the same applies below) currently pending regarding the debtor, rehabilitation case, or reorganization case (meaning a reorganization case as prescribed in Article 2, paragraph (3) of the Corporate Reorganization Act (Act No. 154 of 2002) or a reorganization case as prescribed in Article 4, paragraph (3), or Article 169, paragraph (3) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions (Act No. 95 of 1996)), the court before which the case is pending and an indication of the case;
 - (v) when there is a bankruptcy case, etc. prescribed in Article 5, paragraphs (3) through (7) of the Act, the court before which the bankruptcy case, etc. is pending, the indication of the bankruptcy case, etc., and the name or business name of the bankrupt (meaning the bankrupt prescribed in Article 2, paragraph (4) of the Act; the same applies below) or debtor, the rehabilitation debtor, or the reorganizing company or pre-commencement company that is located in the bankruptcy case, etc. (in the case of a reorganization case prescribed in Article 4, paragraph (3) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions, the reorganizing cooperative financial institution or that awaiting commencement that is located in the reorganization case);
 - (vi) when a foreign bankruptcy procedure (meaning foreign insolvency proceedings prescribed in Article 245, paragraph (1) of the Act; the same applies below) has been instituted against a debtor, an outline of the foreign bankruptcy proceedings;
 - (vii) if there are any of the persons listed in (a) or (b) below, in relation to the debtor, the matters specified in (a) or (b) respectively:
 - (a) a labor union organized by a majority of employees and any other workers of the debtor: the name of the labor union, the location of its principal office, the number of its members, and the name of its representative; or
 - (b) a person who represents a majority of the employees and other workers of the debtor: the name and address of the person;
 - (viii) if there is an organization required to be notified under Article 9,

- paragraph (1) regarding the debtor, the name and location of that organization; and
- (ix) the postal code and telephone number (including a facsimile number) of the petitioner or their agent.

(Documents to Be Attached to Written Petitions to Commence Bankruptcy Proceedings; Article 20 of the Act)

- Article 14 (1) The matters specified by the Rules of the Supreme Court as referred to in Article 20, paragraph (2) of the Act are to be the name and address of the person holding the following claims and the details of the claims and security interests held by that person.
- (i) a claim that would become a bankruptcy claim (meaning a bankruptcy claim prescribed in Article 2, paragraph (5) of the Act; the same applies below) if an order commencing bankruptcy proceedings was made, but which does not fall under the category of claims stated in the following item and item (iii);
 - (ii) a claim for tax, etc. (meaning a claim for tax, etc. as prescribed in Article 97, item (iv) of the Act);
 - (iii) a claim for the salary of employees of the debtor and claim for retirement benefits; and
 - (iv) common-benefit claims prescribed in Article 252, paragraph (6) of the Civil Rehabilitation Act (Act No. 225 of 1999), Article 254, paragraph (6) of the Corporate Reorganization Act, or Article 158-10, paragraph (6), or Article 331-10, paragraph (6) of the Act on Special Measures for the Reorganization Proceedings of Financial Institutions.
- (2) When a creditor files a petition to commence bankruptcy proceedings, the creditor is to submit to the court a list of creditors stating the matters prescribed in the preceding paragraph; provided, however, that this does not apply in cases when it is extremely difficult for the creditor to prepare the list.
- (3) The following documents are to be attached to a written petition to commence bankruptcy proceedings:
- (i) if the debtor is an individual, a copy of the resident record of the debtor, in which the entry of the registered domicile (for a person without a registered domicile or a person whose registered domicile is unclear, a statement to that effect) is not omitted;
 - (ii) if the debtor is a corporation, the certificate of registered information of the corporation;
 - (iii) if the petitioner files a petition to commence bankruptcy proceedings in connection with trust property connected to a limited liability trust, a certificate of registered information relating to the registration of the limited liability trust;
 - (iv) the balance sheets and profit and loss statement of the debtor prepared

pursuant to the provisions of laws or regulations immediately prior to the date of the filing of the petition for the commencement of bankruptcy proceedings;

(v) if the debtor is an individual, the documents stated in (a) and (b) below:

(a) a document stating the debtor's income and expenditure for one month prior to the day of the petition to commence bankruptcy proceedings; and

(b) a copy of the tax return form prescribed in Article 2, paragraph (1), item (xxxvii) of the Income Tax Act (Act No. 33 of 1965), a copy of the withholding certificate issued pursuant to the provisions of Article 226 of the Act, or any other document showing the amount of the debtor's income; and

(vi) inventory of the debtor's assets.

(Request for Submission of Materials by Petitioner to Commence Bankruptcy Proceedings)

Article 15 The court may request a person that has filed, or intends to file a petition to commence bankruptcy proceedings to submit materials concerning the status of claims that are to become bankruptcy claims if an order commencing bankruptcy proceedings is made, and property that is to belong to the bankruptcy estate, and any other materials necessary for ensuring smooth progress in bankruptcy proceedings, in addition to a written petition to commence bankruptcy proceedings and documents to be attached to or submitted with the written petition to commence bankruptcy proceedings pursuant to the provisions of the Act or these Rules.

(Method of Disposition to Amend Written Petition to Commence Bankruptcy Proceedings; Article 21 of the Act)

Article 16 The disposition under Article 21, paragraph (1) of the Act must be reached by preparing a document stating the disposition, and the court clerk making the disposition must affix their name and seal to that document.

(Examination of Facts by Court Clerks)

Article 17 The court may order a court clerk to investigate the facts constituting the grounds for the commencement of bankruptcy proceedings or the facts relating to the grounds listed in the items of Article 30, paragraph (1) of the Act when it finds it appropriate to do so.

(Prepayment of Expenses; Article 22 of the Act)

Article 18 (1) The amount stated in Article 22, paragraph (1) of the Act is specified by taking into consideration the status of the property that is to become the bankruptcy estate and the debtor's liabilities (including the

number of creditors) and any other circumstances.

- (2) When prepaid expenses become insufficient until an order commencing bankruptcy proceedings is made, the court may have the petitioner pay further costs.

Section 2 Order Commencing Bankruptcy Proceedings

(Written Judgment on Order Commencing Bankruptcy Proceedings; Article 30 of the Act)

- Article 19 (1) A judicial decision on a petition to commence bankruptcy proceedings must be made by preparing a written judgment.
- (2) A written judgment on an order commencing bankruptcy proceedings must state the date and time of the order.

(Matters to Be Specified upon Making Order Commencing Bankruptcy Proceedings; Article 31 of the Act)

- Article 20 (1) If the periods or dates referred to in the items of Article 31, paragraph (1) of the Act are specified pursuant to the provisions of paragraph (1) of the paragraph, the periods stated in items (i) and (iii) are to be specified within the limits specified in those items respectively, and the dates stated in items (ii) and (iv) are to be the dates specified in those items respectively, except in cases where there are special circumstances:

- (i) the period during which proofs of bankruptcy claims should be filed: not less than two weeks but not more than four months from the date of the order commencing bankruptcy proceedings (if any known bankruptcy creditor has no domicile, residence, business office, or other office in Japan, not less than four weeks but not more than four months from that date);
 - (ii) the date of the meeting for reporting the status of property (meaning the meeting for reporting the status of property prescribed in Article 31, paragraph (1), item (ii) of the Act; the same applies in Article 54, paragraph (1)): a date within three months from the date of the order commencing bankruptcy proceedings;
 - (iii) the period for conducting an investigation of bankruptcy claims: one week or more but not more than three weeks, with a period of not less than one week, but not more than two months, falling between the first day of the period and the last day of the period stated in item (i); and
 - (iv) the date for conducting an investigation of bankruptcy claims: a day that falls within a period no earlier than one week, and no later than two months from the last day of the period stated in item (i).
- (2) The provisions of the preceding paragraph (excluding item (ii)) apply mutatis mutandis to cases where the period or date prescribed in Article 31, paragraph

(3) of the Act is specified pursuant to the provisions of that paragraph. In this case, the phrase "the date of the order commencing bankruptcy proceedings" in item (i) of the preceding paragraph is deemed to be replaced with "the date specified under Article 31, paragraph (3) of the Act".

(3) When the court has made the order stated in Article 31, paragraph (5) of the Act, it may have a bankruptcy trustee take measures to make the following matters known to bankruptcy creditors by a method specified by the court, such as publication in a daily newspaper or on the Internet:

- (i) the contents of the matters to be notified pursuant to the provisions of Article 32, paragraph (3), item (i) of the Act, as applied mutatis mutandis pursuant to the main clause of paragraphs (4) and (5) of the Article, the main clause of Article 33, paragraph (3) of the Act, and the main clause of Article 139, paragraph (3); and
- (ii) date of a creditors' meeting.

(Method of Filing a Petition for Extension of the Scope of Property Not Belonging to the Bankruptcy Estate; Article 34 of the Act)

Article 21 A written petition relating to the petition stated in Article 34, paragraph (4) of the Act is to have a document attached stating the indication and value of the following items of property held by the bankrupt at the time of commencement of bankruptcy proceedings:

- (i) documents relating to the petition stated in Article 34, paragraph (4) of the Act;
- (ii) the documents listed in the items of Article 34, paragraph (3) of the Act; and
- (iii) beyond what is stated in the preceding two items, the particulars determined by the court.

(Physical Escort of the Bankrupt; Article 38 of the Act)

Article 22 The provisions on physical escort in the Rules of Criminal Procedure (Rules of the Supreme Court No. 32 of 1948) apply mutatis mutandis to physical escort under Article 38, paragraphs (1) and (2) of the Act (including as applied mutatis mutandis pursuant to the provisions of Article 39, Article 230, paragraph (3), and Article 244-6, paragraph (3) of the Act).

Chapter III Offices for Bankruptcy Proceedings

Section 1 Bankruptcy Trustees

Subsection 1 Appointment and Supervision of Bankruptcy Trustees

(Appointment of Bankruptcy Trustees; Article 74 of the Act)

Article 23 (1) In appointing a bankruptcy trustee, the court is to appoint a

person suitable to perform their duties.

- (2) If a corporation is appointed as a bankruptcy trustee, the corporation must designate a person who is to perform the duties of a bankruptcy trustee, and notify the court of the name of the designated person from among its officers or employees.
- (3) The court clerk must deliver a document certifying the appointment of a bankruptcy trustee.
- (4) When a bankruptcy trustee has submitted to the court in advance the seal impression to be used for their duties, if the bankruptcy trustee requests certification of the seal to be submitted to a registry office to apply for registration of the rights relating to real estate that belongs to the bankruptcy estate, the court clerk is to deliver the document prescribed in the preceding paragraph relating to the bankruptcy trustee by stating that they certify that the seal impression relating to the request is consistent with the seal impression submitted to the court.
- (5) A bankruptcy trustee may resign with permission of the court when there are reasonable grounds.

(Supervision of Bankruptcy Trustee; Article 75 of the Act)

Article 24 The court may order the court clerk to urge a bankruptcy trustee to submit a written report or conduct any other affairs concerning the supervision of a bankruptcy trustee.

Subsection 2 Authority of Bankruptcy Trustees

(Acts Not Requiring Permission of Court; Article 78 of the Act)

Article 25 The amount specified by the Rules of the Supreme Court under Article 78, paragraph (3), item (i) of the Act is one million yen.

(Scheduling Conference)

Article 26 (1) The court and a bankruptcy trustee are to hold consultations on the policy for the administration and disposal of property belonging to the bankruptcy estate, and any other necessary matters concerning the progress of bankruptcy proceedings when it is necessary to do so in order to ensure smooth progress in bankruptcy proceedings.

- (2) A bankruptcy trustee may request a person that has filed a petition to commence bankruptcy proceedings to submit materials or provide information concerning the status of bankruptcy claims and property belonging to the bankruptcy estate, or to provide any other cooperation necessary for the smooth progress of bankruptcy proceedings.

(Remuneration for Bankruptcy Trustees; Article 87 of the Act)

Article 27 In determining the remuneration of a bankruptcy trustee or deputy bankruptcy trustee, the court is to determine an amount that is appropriate for the duties and responsibilities of the bankruptcy trustee.

(Method of Making Objection to Bankruptcy Trustee's Account; Article 89 of the Act)

Article 28 A statement of an objection under Article 89, paragraph (3) of the Act must be made in writing.

Section 2 Temporary Administrators

(Application Mutatis Mutandis of Provisions on Bankruptcy Trustees)

Article 29 The provisions of the preceding Section (excluding the preceding Article) apply mutatis mutandis to a temporary administrator (meaning a temporary administrator as prescribed in Article 2, paragraph (13) of the Act; the same applies in Article 78), and the provisions of Article 27 apply mutatis mutandis to a temporary administrator representative.

Chapter IV Bankruptcy Claims

Section 1 Rights of Bankruptcy Creditors

(Notice of Payment Received Abroad by Bankruptcy Creditors; Article 109 of the Act)

Article 30 When a holder of a filed bankruptcy claim has received payment prescribed in the provisions of Article 109 of the Act, they must promptly notify the court to that effect, and of the details of the payment, and also notify a bankruptcy trustee.

(Proof of Representative's Authority; Article 110 of the Act)

Article 31 (1) Authority of a representative must be proven in writing.
(2) When a bankruptcy creditor has dismissed a representative, the bankruptcy creditor must notify the court to that effect without delay.

Section 2 Filing of Proofs of Bankruptcy Claims

(Method of Filing Proofs of Bankruptcy Claims; Article 111 of the Act)

Article 32 (1) The amount specified by the Rules of the Supreme Court under Article 111, paragraph (1), item (iv) of the Act is one thousand yen.
(2) The matters specified by the Rules of the Supreme Court under Article 111, paragraph (1), item (v) of the Act are to be as follows:

- (i) names and addresses of the bankruptcy creditors and their representatives;
 - (ii) the place (limited within Japan) where a notice is to be given or summons for a designated date is to be received, by means of sending a document, and in bankruptcy proceedings and discharge proceedings;
 - (iii) if the claim in question is a bankruptcy claim accompanied by an enforceable title of obligation or final judgment, a statement to that effect
 - (iv) if a lawsuit relating to the bankruptcy claim is pending at the time of commencement of bankruptcy proceedings, the court before which the lawsuit is pending, the names of the parties, and the indication of the case.
- (3) The proof of bankruptcy claims are to include the bankruptcy creditor's postal code, telephone number (including facsimile number), and any other matters specified by the court as necessary to receive notice, service, or summons to appear on the designated date in bankruptcy proceedings, etc.
- (4) The written notification under the preceding paragraph must be accompanied by the following documents.
- (i) copies of the documentary evidence concerning bankruptcy claims
 - (ii) when the bankruptcy claim is under an enforceable title of obligation or final judgment, a copy of the enforceable title of obligation or a copy of the judgment document;
 - (iii) when a bankruptcy creditor files a proof of a bankruptcy claim by proxy, a document certifying the representative authority.
- (5) The court may request a bankruptcy creditor who intends to file a proof of a bankruptcy claim to submit a copy of the written notice stated in paragraph (3).

(Change of Notified Matters)

- Article 33 (1) If a change in the filed matters (including the extinguishment of the bankruptcy claim; the same applies below in this Article) occurs regarding their claim, which does not harm the interests of other bankruptcy creditors, a bankruptcy creditor must notify the court of the content and cause of such change without delay.
- (2) The provisions of paragraph (5) of the preceding Article are to apply mutatis mutandis to notification under the preceding paragraph.
- (3) If they know that the change prescribed in paragraph (1) has occurred, a bankruptcy trustee must notify the court of the content and cause of the change. In this case, a copy of the documentary evidence must be attached to the notification.
- (4) When a notification under paragraph (1) or the preceding paragraph is filed, the court clerk is to make a note of the notification in the table of bankruptcy creditors.

(Formalities of Filing Notification After Completion of Ordinary Period for

- Investigation or After Ordinary Date of Investigation; Article 112 of the Act)
- Article 34 (1) When filing a proof of claim under the provisions of Article 112, paragraph (1) of the Act, the proof of the bankruptcy claim must also state the grounds stated in the Article and the date when the grounds were extinguished.
- (2) When giving a notification under Article 112, paragraph (3) of the Act, the proof of the bankruptcy claim must also state the date on which the bankruptcy claim to be filed arose.
- (3) The following matters must be stated in a written notification of a change to the Article 112, paragraph (4) of the Act
- (i) the details and cause of the change; and
 - (ii) the grounds for Article 112, paragraph (4) of the Act and the date on which the grounds ceased to exist.
- (4) The provisions of Article 32, paragraph (4), item (i) and paragraph (5), and paragraph (4) of the preceding Article apply mutatis mutandis to the written notification referred to in the preceding paragraph.

- (Method of Changing Title of Holder of Filed Claims; Article 113 of the Act)
- Article 35 (1) The following matters must be stated in a written notification of a change to the title of the holder of the filed claim:
- (i) the name and address of the person who intends to receive a change of the title of the holder of the filed claim and the name and address of their agent;
 - (ii) the place (limited within Japan) where a notice is to be given or summons for a designated date is to be received, by means of sending a document, and in bankruptcy proceedings and discharge proceedings;
 - (iii) the rights acquired, and the date and cause of their acquisition.
- (2) The provisions of Article 32, paragraphs (3), (4) (excluding item (ii)) and (5), and Article 33, paragraph (4) apply mutatis mutandis to the written notification referred to in the preceding paragraph.

- (Method of Filing Proofs of Claims for Tax; Article 114 of the Act)
- Article 36 The matters specified by the Rules of the Supreme Court of Article 114 of the Act are to be as follows:
- (i) the name and address of the person that holds a filed claim and the name and address of their agent;
 - (ii) if there is a lawsuit concerning a filed claim or a case pending before an administrative authority at the time of commencement of bankruptcy proceedings, the court or administrative authority before which the lawsuit or case is pending, the names of the parties, and an indication of the case;
 - (iii) if the bankruptcy claim is a preferred bankruptcy claim (meaning a preferred bankruptcy claim in Article 98, paragraph (1) of the Act; the same applies in Article 68, paragraph (2)), a statement to that effect; and

- (iv) if the bankruptcy claim is a subordinate bankruptcy claim (meaning a subordinate bankruptcy claim prescribed in Article 99, paragraph (1) of the Act; the same applies in Article 68, paragraph (2)) or a consensually-subordinated bankruptcy claims (meaning a consensually-subordinated bankruptcy claim prescribed in Article 99, paragraph (2) of the Act; the same applies in Article 68, paragraph (2)), a statement to that effect.

Section 3 Investigation and Finalization of Bankruptcy Claims

Subsection 1 General Rules

(Matters to Be Stated in Table of Bankruptcy Creditors; Article 115 of the Act)

Article 37 The matters specified by the Rules of the Supreme Court of Article 115, paragraph (2) of the Act are to be as follows:

- (i) the name and address of the bankruptcy creditor;
- (ii) if the claim in question is a bankruptcy claim accompanied by an enforceable title of obligation or final judgment, a statement to that effect.

Subsection 2 Investigation of Bankruptcy Claims in Writing

(Method of Changing Approval or Disapproval; Article 117 of the Act)

Article 38 When a bankruptcy trustee changes their idea to the effect that they approve their approval or disapproval of the particulars listed in the items of Article 117, paragraph (1) of the Act after submitting a statement of approval or disapproval, the bankruptcy trustee must submit a document stating the details of the relevant change to the court, and notify bankruptcy creditors that hold bankruptcy claims relating to the relevant change to that effect.

(Method of Making Objections in Writing; Article 118 of the Act)

Article 39 (1) When a holder of a filed bankruptcy claim makes an objection in writing pursuant to Article 118, paragraph (1) or Article 119, paragraph (5) of the Act, the document must state the reasons for the objection in addition to the content of the objection. The same applies when the bankrupt makes an objection in writing pursuant to the provisions of Article 118, paragraph (2) or Article 119, paragraph (5) of the Act.

- (2) When an objection prescribed in the first sentence of the preceding paragraph is made, the court clerk must notify the bankruptcy creditor who holds the bankruptcy claim relating to the objection to that effect.
- (3) The provisions of the preceding Article apply mutatis mutandis when a holder of a filed bankruptcy claim revokes the objection prescribed in the first sentence of paragraph (1) and when the bankrupt revokes the objection prescribed in the second sentence of the paragraph.

(Preparation of Documents Concerning Service; Article 118 of the Act)

Article 40 When a document has been served pursuant to the provisions of Article 118, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 119, paragraph (6) of the Act) by sending it by ordinary mail or by using the services of correspondence delivery prescribed by Article 118, paragraph (4) of the Act, the court clerk must prepare a document stating the name of the person that is to be served, the address, and the date of the service.

(Method of Issuing Disposition Ordering Prepayment of Expenses for Special Period for Investigation; Article 120 of the Act)

Article 41 A disposition under Article 120, paragraph (1) of the Act must be made by preparing a document stating the disposition, and the court clerk who has made the disposition must affix their name and seal to the document.

Subsection 3 Investigation of Bankruptcy Claims on the Dates

(Submission of Schedule of Approval or Disapproval)

Article 42 (1) When the court designates the ordinary date of investigation (meaning the ordinary date of investigation prescribed in Article 112, paragraph (1) of the Act; the same applies below in this Subsection), it may order a bankruptcy trustee to submit a document stating their plan to approve or disapprove the particulars listed in the items of Article 121, paragraph (1) of the Act regarding bankruptcy claims prescribed in Article 117, paragraph (1) of the Act. In this case, the bankruptcy trustee may also state in the document their plan to approve or disapprove the particulars listed in the items of Article 121, paragraph (7) of the Act regarding the bankruptcy claims prescribed in Article 117, paragraph (1) of the Act.

(2) The provisions of the first sentence of the preceding paragraph apply mutatis mutandis to bankruptcy claims prescribed in Article 122, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (1) and paragraph (2) of that Article, in cases of a special date of investigation (meaning the special date of investigation prescribed in Article 119, paragraph (2) of the Act; the same applies below in this Subsection).

(Method of Approval or Disapproval on Date; Article 121 of the Act)

Article 43 (1) When a holder of a filed bankruptcy claim makes an objection pursuant to the provisions of Article 121, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of the Article and Article 122, paragraph (2) of the Act), the holder must state the reasons for the

objection in addition to the content of the objection. The same applies when the bankrupt makes an objection pursuant to the provisions of Article 121, paragraph (4) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (7) of the Article and Article 122, paragraph (2) of the Act).

- (2) The provisions of the first sentence of the preceding paragraph apply *mutatis mutandis* to the agent referred to in Article 121, paragraph (2) of the Act, and the provisions of the second sentence of the preceding paragraph apply *mutatis mutandis* to an agent referred to in the proviso to paragraph (3) of that Article.
- (3) The authority of the agent referred to in Article 121, paragraph (2) of the Act and in the proviso to paragraph (3) of that Article must be proven in writing.
- (4) When a bankruptcy trustee, has disapproved the particulars listed in the items of Article 117, paragraph (1) of the Act regarding a bankruptcy claim held by a holder of a filed bankruptcy claim without appearing on the ordinary date of investigation or special date of investigation, the bankruptcy trustee must notify the holder of the filed bankruptcy claim to that effect; provided, however, that this does not apply if it is clear that the holder of the filed bankruptcy claim knows the content of the approval or disapproval.
- (5) When an objection prescribed in the first sentence of paragraph (1) (including cases where applied *mutatis mutandis* pursuant to paragraph (2)) is made on the ordinary date of investigation or special date of investigation regarding a bankruptcy claim held by a holder of a filed bankruptcy claim without appearing on the ordinary date of investigation or special date of investigation, the court clerk must give a notice to the holder of the filed bankruptcy claim to that effect.

(Application *Mutatis Mutandis* of Provisions on Investigation of Bankruptcy Claims by Means of Documents)

- Article 44 (1) The provisions of Article 38 apply *mutatis mutandis* if a bankruptcy trustee changes their idea to the effect that they approve their approval or disapproval on the matters listed in the items of Article 117, paragraph (1) of the Act stated on the ordinary date of investigation or special date of investigation, if any holder of a filed bankruptcy claim revokes the objections prescribed in the first sentence of paragraph (1) of the preceding Article (including cases where applied *mutatis mutandis* pursuant to paragraph (2) of the Article), and if the bankrupt revokes the objections prescribed in the second sentence of paragraph (1) of the Article (including cases where applied *mutatis mutandis* pursuant to paragraph (2) of the Article).
- (2) The provisions of the first sentence of Article 39, paragraph (1) apply *mutatis mutandis* when the bankrupt makes an objection in writing pursuant to the provisions of the Article 123, paragraph (1) of the Act.
 - (3) The provisions of Article 40 apply *mutatis mutandis* if a document is served

pursuant to the provisions of Article 121, paragraph (9) or paragraph (10) of the Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (2) of the Act) or the provisions of Article 118, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 119, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 122, paragraph (2) of the Act, by sending the document by attaching it to ordinary mail or by using the services of correspondence delivery as prescribed in Article 40.

- (4) The provisions of Article 41 apply mutatis mutandis to the disposition under the provisions of Article 120, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 122, paragraph (2) of the Act.

Subsection 4 Finalization of Bankruptcy Claims

(Value of the Subject Matter of Proceedings Concerning the Finalization of Bankruptcy Claims; Article 126 of the Act)

Article 45 The value of the subject matter of proceedings concerning the finalization of a bankruptcy claim is specified by the court in charge of the case on the basis of the estimated amount of liquidating distribution.

Section 4 Creditors' Meetings and Creditors' Committees

Subsection 1 Creditors' Meetings

(Method of Exercising Voting Rights; Article 139 of the Act)

Article 46 (1) The means specified by the Rules of the Supreme Court in the Article 139, paragraph (2), item (ii) of the Act are as follows:

- (i) a document; or
 - (ii) an electronic or magnetic means specified separately by the Supreme Court.
- (2) A voting right holder must exercise their voting right by written ballot or otherwise (meaning written ballot or otherwise as provided for in Article 139, paragraph (2), item (ii) of the Act), in accordance with the court.
- (3) The period referred to in Article 139, paragraph (2), item (ii) of the Act is to be determined within a period of not less than two weeks but not more than three months from the date of the decision to refer to the resolution under paragraph (1) of the Article, except in cases where there are special circumstances.

(Method of Filing Petition for Modification of the Order to Determine the Amount of Voting Rights; Article 140 of the Act)

Article 47 A petition under Article 140, paragraph (3) of the Act that is to be filed on the date of a creditors' meeting may be made orally.

(Proof of Authority to Represent; Article 143 of the Act)

Article 48 The authority of an agent under Article 143 of the Act must be proved in writing.

Subsection 2 Creditors' Committees

(Number of Members of Creditors' Committees; Article 144 of the Act)

Article 49 (1) The number specified by the Rules of the Supreme Court of Article 144, paragraph (1), item (i) of the Act is ten.

(2) A creditors' committee (meaning a creditors' committee prescribed in Article 144, paragraph (2) of the Act; the same applies below in this Article) must designate a person in charge of liaison from among its constituent members, notify the court to that effect, and notify the bankruptcy trustee of it.

(3) The creditors' committee must notify the court when there is any change to the members who constitute it, or the provisions on its administration, to that effect without delay.

Chapter V Claims on the Estate

(Filing of Claims on the Estate)

Article 50 (1) When a holder of a claim on the estate (meaning a holder of a claim on the estate prescribed in Article 2, paragraph (8) of the Act) becomes aware that an order commencing bankruptcy proceedings has been made, they are to promptly notify a bankruptcy trustee that they have a claim on the estate (meaning the claim on the estate prescribed in Article 2, paragraph (7) of the Act)

(2) The provisions of Article 1, paragraph (1) do not apply to a request under the provisions of the preceding paragraph.

Chapter VI Administration of the Bankruptcy Estate

Section 1 Investigation on the Status of the Bankrupt's Property

(Method of Retention of Money Belonging to Bankruptcy Estates)

Article 51 (1) A bankruptcy trustee must determine the method of custody of money and securities out of the property that belongs to the bankruptcy estate, and notify the court of the method without delay, after the commencement of bankruptcy proceedings.

(2) When a bankruptcy trustee has changed the method of custody of property that was notified pursuant to the provisions of the preceding paragraph, they must notify the court of the changed method of custody without delay.

(Omission of Preparation of Balance Sheets; Article 153 of the Act)

Article 52 The amount specified by the Rules of the Supreme Court referred to in Article 153, paragraph (3) of the Act is ten million yen

(Method of Sealing; Article 155 of the Act)

Article 53 (1) The court clerk, court enforcement officer, or notary must prepare a record when having sealed or removed a seal pursuant to the provisions of Article 155, paragraph (1) of the Act (referred to below as "sealing, etc." in this Article)

(2) The record referred to in the preceding paragraph must contain the date, time, and place of the sealing, etc. and an indication of the property sealed, etc., and the court clerk, court enforcement officer, or notary who sealed or removed a seal of the record must affix their name and seal to it.

(3) The bankruptcy trustee must submit to the court a copy of the record stated in paragraph (1), except when the court clerk has affixed a seal, etc.

(4) When the court clerk closes the books concerning the bankruptcy estate pursuant to the provisions of the Article 155, paragraph (2) of the Act, the court clerk must state in those books the fact that they are closed, and affix their name and seal to it.

(5) The provisions of paragraph (1) and paragraph (2) apply mutatis mutandis when the court clerk closes the books concerning the bankruptcy estate pursuant to the provisions of the Article 155, paragraph (2) of the Act. In this case, the phrase "property under seal, etc." in paragraph (2) is deemed to be replaced with "closed books concerning the bankruptcy estate".

(Measures When Date of Meeting for Reporting Status of Property Is Not Specified; Article 157 of the Act)

Article 54 (1) When the court does not specify the date of a meeting for reporting the status of property pursuant to the provisions of Article 31, paragraph (4) of the Act, it may specify a period during which a bankruptcy trustee is to submit a written report of the Article 157, paragraph (1) of the Act (referred to below as a "written report on the status of property" in this Article and Article 84), after hearing the opinion of the bankruptcy trustee.

(2) When a bankruptcy trustee fails to submit a written report on the status of property within the period specified pursuant to the provisions of the preceding paragraph, the court may order the bankruptcy trustee to submit a document stating the reason.

(3) In the case prescribed in paragraph (1), in order to make public the outline of the written report on the status of property submitted to the court to known bankruptcy creditors, a bankruptcy trustee must send a document stating the outline of the written report on the status of property, keep the written report

on the status of property at an appropriate place, and take other appropriate measures.

Section 2 Right of Avoidance

(Method of Continuing Procedures Relating to Provisional Order for Right of Avoidance; Article 172 of the Act)

- Article 55 (1) When a bankruptcy trustee continues the procedure relating to Article 171, paragraph (1) under the provisions of Article 172, paragraph (1) of the Act (including the cases applied *mutatis mutandis* pursuant to paragraph (7) of that Article) pursuant to the provisions of provisional order of the Act, the bankruptcy trustee must notify the court to that effect.
- (2) When the notification stated in the preceding paragraph has been made, the court clerk must notify the petitioner of the provisional order, and the adverse party to that effect without delay.
- (3) When the court clerk notifies the adverse party as referred to in the preceding paragraph pursuant to the provisions of that paragraph, if a substitution of security has been effected pursuant to the provisions of the Article 172, paragraph (3) of the Act, the court clerk must also notify the adverse party of the content of the substituted security.
- (4) If the notification referred to in paragraph (1) has been filed and the procedure for an immediate appeal against a ruling as referred to the provisional order in connection with that Article 171, paragraph (4) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (7) of that Article) is pending, the court clerk must notify the court in charge of the appeal that the notification has been filed.
- (5) The provisions of Article 4 do not apply to a petition for revocation of a provisional remedy pursuant to the provisions of Article 37, paragraph (3), Article 38, paragraph (1), or Article 39, paragraph (1) of the Civil Provisional Remedies Act (Act No. 91 of 1989) as applied *mutatis mutandis* pursuant to Article 172, paragraph (4) of the Act revocation of provisional remedy, or to a written statement of interrogation in the proceedings for appeal relating to provisional remedy pursuant to the provisions of Article 41, paragraph (1) of the same Act.
- (6) The provisions of Article 4, 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, as prescribed in Article 18 of the Civil Provisional Remedies Act as applied *mutatis mutandis* pursuant to Article 172, paragraph (4) of the Act; the provisions of Article 28 of those Rules apply *mutatis mutandis* to a petition as referred to in Article 37, paragraph (1) of the Civil Provisional Remedies Act, as applied *mutatis*

mutandis pursuant to Article 172, paragraph (4) of the Act; the provisions of Article 4, paragraphs (1) and (3), Article 7, Article 8, paragraphs (2) and (3), Article 9, Article 10, and Article 29 of those Rules apply mutatis mutandis to the proceedings for a petition to revoke the provisional remedy as prescribed 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 of those Rules apply mutatis mutandis to the appeal relating to the provisional remedy, as prescribed in the preceding paragraph.

Chapter VII Realization of Bankruptcy Estates

Section 1 General Rules

(Notice to Security Interest Holders Regarding Private Contract Sales)

Article 56 When a bankruptcy trustee intends to make a sale by private contract of real property that is the subject matter of the registered security interest prescribed in Article 65, paragraph (2) of the Act, the bankruptcy trustee must give notice to the person that holds the security interest, no later than two weeks prior to the sale by private contract, to the effect that the sale by private contract will be made and of the name of the other party to the sale by private contract. The same applies where the bankrupt is a corporation and the bankruptcy trustee intends to waive rights on the real property.

Section 2 Extinguishment of Security Interests

(Method of Filing Petition for Permission for Extinguishment of Security Interests; Article 186 of the Act)

Article 57 (1) The written petition prescribed in Article 186, paragraph (3) of the Act is to state the matters listed in the items of the paragraph, as well as the progress of negotiations on the sale by private contract of property.

(2) In addition to the document prescribed in the Article 186, paragraph (4) of the Act, a written petition as referred to in the preceding paragraph must be accompanied by a copy of the residence certificate of the counterparty to the sale referred to in paragraph (3), item (iii) of that Article, if that counterparty is a person, or by a certificate of registered information, if that counterparty is a corporation.

(3) The court may order a bankruptcy trustee who has filed a petition for Article 186, paragraph (1) of the Act to submit materials concerning the value of the property stated in paragraph (3), item (i) of the Article, when it finds it necessary.

(Service of Written Petitions for Permission for Extinguishment of Security

Rights; Article 186 of the Act)

Article 58 (1) If all designated security interest holders (meaning the designated security interest holder prescribed in the Article 186, paragraph (5) of the Act; the same applies below in this Section) have been served as under the provisions of that paragraph, the court clerk must notify the bankruptcy trustee to that effect, and of the date of termination of service for all designated security interest holders.

(2) When a bankruptcy trustee who has filed a petition for Article 186, paragraph (1) of the Act becomes aware by the day prescribed in the preceding paragraph that a person has newly come to hold the security interest stated in paragraph (3), item (iv) of the Article by reason of transfer or on any other grounds, the bankruptcy trustee must immediately notify the court to that effect.

(3) If a petition for Article 186, paragraph (1) of the Act is withdrawn, the court clerk must notify the designated security interest holder that has been served pursuant to the provisions of paragraph (5) of that Article to that effect.

(Method of Making Purchase Offer; Article 188 of the Act)

Article 59 (1) Beyond the matters stated in the items of the paragraph, the following matters must be stated in the document of the Article 188, paragraph (2) of the Act:

(i) the name and address of the person that made the purchase offer (meaning the purchase offer prescribed in Article 188, paragraph (1) of the Act; the same applies below in this Section), and the name and address of the person's agent;

(ii) the address of the applicant for purchase (meaning the applicant for purchase as prescribed in Article 188, paragraph (2), item (i) of the Act; the same applies below in this Section), and the name and address of the legal representative;

(iii) the postal code and telephone number (including facsimile numbers) of the person prescribed in the preceding two items.

(2) The following documents must be attached to the document referred to in the preceding paragraph:

(i) if the applicant for purchase is an individual, a copy of their resident record;

(ii) if the applicant for purchase is a corporation, its certificate of registered information;

(iii) a document prepared by the applicant for purchase, stating that the applicant will purchase the property of the Article 186, paragraph (3), item (i) of the Act at the purchase offer price (meaning the purchase offer price prescribed in the Article 188, paragraph (2), item (ii) of the Act; the same applies in paragraph (1) of the following Article) stated in the document referred to in the preceding paragraph.

- (3) When a purchase offer is made by an agent, the person making the purchase offer must attach a document proving the authority of representation to the document referred to in paragraph (1).
- (4) The withdrawal of a purchase offer under Article 188, paragraph (7) or Article 189, paragraph (3) of the Act must be made in writing.

(Amount of Purchase Offer Guarantee and Method of Provision, etc.; Article 188 of the Act)

Article 60 (1) The amount specified by the Rules of the Supreme Court of Article 188, paragraph (5) of the Act is an amount equivalent to two-tenths of the purchase offer price (if the amount includes a fraction less than one yen, it is to be rounded off).

- (2) The method specified by the Rules of the Supreme Court of the Article 188, paragraph (5) of the Act is the method of attaching any of the documents listed in the following items to the document stated in paragraph (2) of the Article:
 - (i) a certificate from a financial institution, stating that the applicant for purchase has transferred a certain amount of money to a deposit account, or savings account of a bankruptcy trustee;
 - (ii) a document proving that the applicant for purchase has concluded a contract for consignment of payment guarantee that satisfies the following requirements, with a bank, an insurance company, the Shoko Chukin Bank Limited, Norinchukin, the federation of shinkin banks whose district is the entire nation, credit union, or workers' credit union (referred to below as the "bank, etc." in this paragraph):
 - (a) that on behalf of the applicant for purchase, the bank, etc. is to pay money pursuant to the provisions of Article 190, paragraph (1), item (ii) of the Act, or pay a certain amount of money to a bankruptcy trustee when an order to reverse the order of permission of Article 189, paragraph (1) of the Act under the provisions of paragraph (6) of that Article is made;
 - (b) the contract ceases to be effective when a judicial decision on the petition stated in Article 186, paragraph (1) of the Act (excluding an order of permission of Article 189, paragraph (1) of the Act, in which the applicant for purchase is the counterparty to the sale relating to the permission) becomes final and binding; or
 - (c) the contract may not be changed or cancelled, except in cases where a petition for Article 188, paragraph (10) of the Act pursuant to the provisions of Article 186, paragraph (1) of the Act has been withdrawn, where the purchase offer has been withdrawn pursuant to the provisions of Article 188, paragraph (7), or Article 189, paragraph (3) of the Act, or where a guarantee has been converted pursuant to the provisions of the following paragraph.

- (3) Pursuant to a contract with a bankruptcy trustee, an applicant for purchase may convert a guarantee provided by attaching any of the documents listed in the items of the preceding paragraph into a guarantee provided by attaching any of the other documents listed in the items of that paragraph.
- (4) When submitting to the court the document stated in Article 188, paragraph (2) of the Act, relating to a purchase offer made within the period stated in Article 187, paragraph (1) of the Act (or within the extended period, if that period has been extended pursuant to the provision of paragraph (2) of that Article) pursuant to the provisions of Article 188, paragraph (9) of the Act, the bankruptcy trustee must submit a copy of the document listed in each item of the attached paragraph, pursuant to the provisions of paragraph (2).

(Notice Concerning Payment of Money; Article 190 of the Act)

- Article 61 (1) When the due date for the Article 190, paragraph (1) of the Act is specified, the court clerk must notify the counterparty to the sale referred to in that paragraph of this.
- (2) When money is paid pursuant to the provisions of the Article 190, paragraph (1), item (ii) of the Act, the court clerk must notify a bankruptcy trustee to that effect.
 - (3) The written commission of cancellation of registration relating to the security interest extinguished under the provisions of Article 190, paragraph (5) of the Act must be accompanied by a certified copy of the written judgment on the order of permission of Article 189, paragraph (1) of the Act. In this case, a document stating the information proving the cause of registration prescribed in Article 61 of the Real Property Registration Act (Act No. 123 of 2004) other than the certified copy of the written judgment is not required to be attached.

(Procedures for Liquidating Distribution; Article 191 of the Act)

- Article 62 (1) The provisions of Article 12, Article 59 (excluding the second sentence of paragraph (1)), Article 60, and Article 61 of the Rules of Civil Execution (Rules of the Supreme Court No. 5 of 1979) apply mutatis mutandis to the procedure for liquidating distribution in Article 191, paragraph (1) of the Act and the procedure for delivery of payment money under the provisions of paragraph (2) of that Article. In this case, the term the "execution court" in Article 12, paragraph (1), Article 59, paragraph (1), and Article 60 of those Rules is deemed to be replaced with "the court"; the phrase the "price of the real property" in Article 59, paragraph (1) of those Rules, the phrase the "price" in paragraph (2) of that Article, and the phrase the "proceeds of the sale" in Article 61 of those Rules are deemed to be replaced with "money equivalent to the amount of proceeds prescribed in the Article 186, paragraph (1), item (i) of the Bankruptcy Act (in the case where the notification

prescribed in the Article 188, paragraph (8) of that Act has not been made and which is stated in that item, the amount obtained by deducting the amount of money to be paid in as prescribed in that item from the amount of proceeds); the phrase "each obligee and obligor" in Article 59, paragraph (3) and Article 61 of those Rules is deemed to be replaced with "designated security interest holder and a bankruptcy trustee"; the phrase "each obligee" in Article 60 of those Rules is deemed to be replaced with "designated security interest holder"; and the phrase "the amount of the incidental claim and the execution costs" in that Article is deemed to be replaced with "any incidental claim".

- (2) Notwithstanding the provisions of Article 12, the provisions of Article 4, paragraph (5) of the Rules of Civil Procedure do not apply mutatis mutandis to a notice under Article 59, paragraph (3) of the Rules of Civil Execution as applied mutatis mutandis pursuant to the preceding paragraph.

Chapter VIII Distribution

Section 1 General Rules

(Report on Implementation of Liquidating Distribution)

Article 63 (1) When a bankruptcy trustee has made a liquidating distribution, they must report to the court in writing to that effect without delay.

- (2) The written report under the provisions of the preceding paragraph must have attached a copy of a document proving payment of the distributed amount to each bankruptcy creditor.

Section 2 Final Distribution

(Method of Notification Relating to Arrival of Notice of Liquidating Distribution; Article 197 of the Act)

Article 64 Written notification in the case of filing a notification under Article 197, paragraph (3) of the Act must also state the method of notice under the provisions of paragraph (1) of the Article, and the date on which the notice was issued.

(Notice Concerning Objections to Distribution List; Article 200 of the Act)

Article 65 When an opposition under Article 200, paragraph (1) of the Act is filed, the court clerk must notify the bankruptcy trustee to that effect without delay.

Section 3 Simplified Distribution

(Method of Making Objections to Simplified Distribution; Article 204 of the Act)

Article 66 (1) The objection prescribed in Article 204, paragraph (1), item (ii) of the Act must be made in writing.

(2) If it becomes impossible to grant permission under Article 204, paragraph (1), item (ii) of the Act because an objection stated in the preceding paragraph has been filed, the court clerk must notify the bankruptcy trustee to that effect without delay.

(3) The provisions of paragraph (1) apply mutatis mutandis to the statement of objections prescribed in the second sentence of Article 206 of the Act.

(Mutatis Mutandis Application of Provisions on Final Distribution)

Article 67 The provisions of the preceding Section apply mutatis mutandis to simplified distribution (meaning the simplified distribution prescribed in Article 204, paragraph (1) of the Act). In this case, the terms "Article 197, paragraph (3) of the Act" and "paragraph (1) of the Article" in Article 64 are deemed to be replaced with "Article 204, paragraph (4) of the Act" and "paragraph (2) of the Article" respectively.

Section 4 Interim Distribution

(Report of Percentage of Distribution; Article 211 of the Act)

Article 68 (1) When a bankruptcy trustee has determined the percentage of distribution pursuant to the provisions of the Article 211 of the Act, the bankruptcy trustee must report to the court to that effect in writing without delay.

(2) In the written report under the provisions of the preceding paragraph, preferred bankruptcy claims, subordinate bankruptcy claims, and consensually-subordinated bankruptcy claims must be separated from other bankruptcy claims, and regarding preferred bankruptcy claims, the percentage of distribution must be stated in the order of priority prescribed in Article 98, paragraph (2) of the Act.

(Mutatis Mutandis Application of Provisions on Final Distribution)

Article 69 Regarding an interim dividends (meaning an interim dividends as prescribed in Article 209, paragraph (1) of the Act), the provisions of Section 2 apply mutatis mutandis.

Chapter IX Closing of Bankruptcy Proceedings

(Matters to Be Prescribed When an Order Reversing a Ruling of Simultaneous Discontinuance Becomes Final and Binding; Article 216 of the Act)

Article 70 The provisions of Article 20 apply mutatis mutandis when an order to

reverse the order of discontinuance of bankruptcy proceedings made under Article 216, paragraph (1) of the Act becomes final and binding. In this case, the phrase "the date of the order commencing bankruptcy proceedings" in Article 20, paragraph (1), items (i) and (ii) and paragraph (2) is deemed to be replaced with "the date when the order reversing the order of discontinuance of bankruptcy proceedings under the provision of Article 216, paragraph (1) of the Act became final and binding".

(Method of Stating Opinions on Discontinuance of Bankruptcy Proceedings;
Article 217 of the Act)

- Article 71 (1) When a bankruptcy creditor that filed a proof of claim pursuant to the provisions of Article 218, paragraph (4) of the Act states their opinion, they must state their opinion in writing.
- (2) When a bankruptcy creditor states their opinion pursuant to the provisions of the second sentence of Article 217, paragraph (1) of the Act or the first sentence of paragraph (2), they must also state the reason for their opinion. The same applies when bankruptcy creditor that filed a proof of claim pursuant to the provisions of Article 218, paragraph (4) of the Act states their opinion.

Chapter X Special Provisions When Foreign Insolvency Proceedings Exist

(Certification of Foreign Trustees Qualifications; Article 246 of the Act)

- Article 72 (1) The qualification of a foreign trustee (meaning a foreign trustee prescribed in Article 245, paragraph (1) of the Act) must be certified by a document certified by the court, before which foreign insolvency proceedings relating to the debtor or the bankrupt are pending, or by a person who has the power of certification.
- (2) The authority of the proviso to Article 247, paragraph (1) must be proved in writing.
- (3) The document referred to in the preceding two paragraphs must be accompanied by its translation.

(Participation in Foreign Insolvency Proceedings; Article 247 of the Act)

- Article 73 (1) When a bankruptcy trustee, pursuant to the provisions of Article 247, paragraph (2) of the Act, has participated in foreign insolvency proceedings against the bankrupt while representing a holder of a filed bankruptcy claim prescribed in that paragraph, the bankruptcy trustee must give a notice to that effect to the holder of the filed bankruptcy claim.
- (2) When a holder of the filed bankruptcy claim prescribed in Article 247, paragraph (2) of the Act has participated in foreign insolvency proceedings against the bankrupt, the holder must notify the bankruptcy trustee to that

effect.

Chapter XI Discharge Proceedings and Release from Restrictions

Section 1 Discharge Proceedings

(Matters to Be Stated in Documents That Must Be Submitted in Discharge Proceedings; Article 248 of the Act)

- Article 74 (1) A written petition for grant of discharge (limited to a written petition in cases of filing a petition for grant of discharge after filing a petition to commence bankruptcy proceedings) and any other document to be submitted to the court by a party or an interested party in discharge proceedings must state an indication of the bankruptcy case.
- (2) When filing a petition under Article 248, paragraph (2) of the Act, a written petition for grant of discharge must also state the grounds stated in that paragraph and the day on which the grounds ceased to exist.
- (3) The matters specified by the Rules of the Supreme Court of Article 248, paragraph (3) of the Act are to be the name and address of the person that has a claim that is supposed to be a bankruptcy claim if an order commencing bankruptcy proceedings is made (or a bankruptcy claim if a petition for grant of discharge is filed after an order commencing bankruptcy proceedings is made) and that does not fall under the category of claim stated in Article 14, paragraph (1), item (ii) or (iii), and the contents of the claim and security interest held by that person.

(Investigating Discharges; Article 250 of the Act)

- Article 75 (1) The court may request a person that has filed a petition for grant of discharge to submit materials necessary for conducting an examination on the existence or nonexistence of the grounds stated in the items of Article 252, paragraph (1) of the Act or the circumstances that should be considered in determining whether or not to make an order of grant of discharge under the provisions of paragraph (2) of that Article.
- (2) The court may order the court clerk to investigate facts relating to the grounds or circumstances prescribed in the preceding paragraph when it finds it to be appropriate.

(Method of Stating Opinions on Discharge; Article 251 of the Act)

- Article 76 (1) The statement of opinions prescribed in Article 251, paragraph (1) of the Act must be made in writing, except when it is made on an appearance date.
- (2) The statement of opinion referred to in the preceding paragraph must be made by clarifying specific facts that fall under the grounds stated in the items

of Article 252, paragraph (1) of the Act.

Section 2 Release from Restrictions

(Method of Stating Opinions on Petition for Release from Restrictions; Article 256 of the Act)

Article 77 (1) A statement of opinion under Article 256, paragraph (3) of the Act must be made in writing.

(2) The provisions of the first sentence of Article 71, paragraph (2) apply mutatis mutandis to the statement of opinions stated in the preceding paragraph.

Chapter XII Miscellaneous Provisions

(Documents to Be Attached to Written Commission for Registration of Bankruptcy Proceedings of Corporations; Article 257 of the Act)

Article 78 The documents stated in the right-hand column of the following table must be attached to the written commission of the registration stated in the left-hand column of that table.

(Documents to Be Attached to Written Commission for Registration Concerning Bankruptcy Proceedings of Individuals; Article 258 of the Act)

Article 79 The documents stated in the right-hand column of the following table must accompany a written commission for a registration or for the cancellation of a registration as stated in the left-hand column of that table. In this case, the provisions of the second sentence of Article 61, paragraph (3) apply mutatis mutandis.

(Documents Attached to Written Commission for Registration Regarding Provisional Order; Article 259 of the Act)

Article 80 (1) A written commission for registration of a provisional order stated in Article 259, paragraph (1) of the Act must be accompanied by a certified copy of the written judgment of the provisional order prescribed in the items of the paragraph.

(2) The written commission of a registration under Article 259, paragraph (1) as applied mutatis mutandis pursuant to Article 259, paragraph (2) of the Act must be accompanied by a certified copy of the written judgement on an order to change or reverse the provisional order prescribed in paragraph (1) of that Article, or by a document proving that the provisional order has ceased to be effective.

(Documents Attached to Written Commission to Cancel Registration of

Avoidance; Article 260 of the Act)

Article 81 (1) The written commission of cancellation of a registration of avoidance referred to in the first sentence of Article 260, paragraph (4) of the Act must be accompanied by a certified copy of a written judgment on an order to reverse the order commencing bankruptcy proceedings, an order to discontinue bankruptcy proceedings, or an order to terminate bankruptcy proceedings. In this case, the provisions of the second sentence of Article 61, paragraph (3) apply *mutatis mutandis*.

(2) In the case prescribed in the first sentence of Article 260, paragraph (4) of the Act, a bankruptcy trustee must promptly submit to the court a certificate of registered information concerning a registration of avoidance under the provisions of paragraph (1) of Article 260.

(3) The written commission to cancel the registration of avoidance referred to in the second sentence of Article 260, paragraph (4) of the Act must be accompanied by a document proving that the petition referred to in the second sentence of that paragraph has been filed. In this case, the provisions of the second sentence of Article 61, paragraph (3) apply *mutatis mutandis*.

(4) The certificate of registered information prescribed in paragraph (2) must be attached to the written petition relating to the petition stated in the preceding paragraph.

(Application *Mutatis Mutandis* to Registered Rights; Article 262 of the Act)

Article 82 The provisions of the preceding three Articles apply *mutatis mutandis* to the registered rights.

(Measures in the Event of Discontinuance of Limitation of Liability

Proceedings; Article 264 of the Act)

Article 83 (1) When the period or date prescribed in Article 264, paragraph (1) of the Act is specified pursuant to the provisions of the paragraph, the period stated in items (i) and (ii) is to be specified within the scope specified respectively in those items, and the date stated in item (iii) is to be the date specified in the item, except in cases where there are special circumstances:

(i) the period during which proofs of claims should be filed: not less than one week but not more than two months from the day on which the ruling to discontinue the limitation of liability proceedings (meaning the limitation of liability proceedings as prescribed in Article 24, paragraph (1), item (v) of the Act) becomes final and binding (or not less than three weeks but not more than two months, if any known holder of a claim subject to limitation has no domicile, residence, business office, or other office in Japan);

(ii) the period for conducting an investigation of claims: not less than one week but not more than three weeks, with a period of not less than one week but

not more than two months falling between the first day of that period and the last day of the period referred to in the preceding item; and
(iii) the date for conducting an investigation of claims: a day that falls within a period no earlier than one week and no later than two months after the last day of the period referred to in item (i).

(2) The provisions of the preceding paragraph apply mutatis mutandis when the period and date provided for in Article 264, paragraph (6) of the Act are specified pursuant to the provisions of Article 31, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 264, paragraph (1) of the Act. In this case, the phrase "the day on which the ruling to discontinue limitation of liability proceedings (meaning the limitation of liability proceedings as prescribed in Article 24, paragraph (1), item (v) of the Act) becomes final and binding with regard to the day on which the order of abolition of the procedure for limitation of liability proceedings" in item (i) of the preceding paragraph is deemed to be replaced with "the day on which the provisions under Article 31, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 264, paragraph (6) of the Act are established".

(Informing AFCSIC of Status of Property in Bankruptcy Proceedings of
Agricultural or Fishery Cooperatives)

Article 84 In bankruptcy proceedings of an agricultural or fishery cooperative (meaning an agricultural or fishery cooperative as prescribed in Article 2, paragraph (1) of the Act on Special Provisions for Rehabilitation Proceedings of Agricultural and Fishery Cooperatives (Act No. 95 of 2000)), a bankruptcy trustee must send a document stating the outline of the report on the status of property submitted to the court to the Agricultural and Fishery Co-operative Savings Insurance Corporation (AFCSIC) or take other appropriate measures to inform them.

(Method of Filing Notification of Participation in Bankruptcy Proceedings of
Agricultural or Fishery Cooperatives)

Article 85 The provisions of Article 32, paragraphs (3) and (4) (excluding item (ii)), Article 33, paragraph (4), and Article 35, paragraph (1) apply mutatis mutandis to a notification of participation under Article 39, paragraph (1) of the Act on Special Provisions for Rehabilitation Proceedings of Agricultural and Fishery Cooperatives.

(Special Provisions on Notice of Objection in Bankruptcy Proceedings of
Agricultural or Fishery Cooperatives)

Article 86 The notice under Article 39, paragraph (2) and the main clause of Article 43, paragraph (4) and paragraph (5) is not required to be given to

savings holders represented by the AFCSIC, prescribed in Article 40 of the Act on Special Provisions for Rehabilitation Proceedings of Agricultural and Fishery Cooperatives.

Supplementary Provisions

(Effective Date)

Article 1 These Rules come into effect as of the date on which the Act comes into effect [January 1, 2005].

(Repeal of the Rules of Temporary Measures Concerning Bankruptcy Proceedings When Foreign Insolvency Proceedings Exist)

Article 2 The Rules on Temporary Measures in Bankruptcy Proceedings When Foreign Insolvency Proceedings Exist (Rules of the Supreme Court No. 18 of 2000) are repealed.

(Transitional Measures)

Article 3 (1) Prior laws continue to govern a bankruptcy case in which a petition for bankruptcy has been filed before these Rules come into effect, or in which a declaration of bankruptcy has been made by the court's own authority before these Rules come into effect.

(2) Prior laws continue to govern cases concerning the discharge of the bankrupt relating to a petition for bankruptcy filed prior to the enforcement of these Rules, or an adjudication of bankruptcy made by the court's own authority prior to the enforcement of these Rules.

(3) Prior laws continue to govern cases relating to a petition for release from restrictions filed prior to the enforcement of these Rules.

Supplementary Provisions [Extract from Rules of the Supreme Court No. 1 of January 11, 2005] [Extract]

(Effective Date)

Article 1 (1) These Rules come into effect, as of the date on which the Act Partially Amending the Code of Civil Procedure and Other Acts for the Improvement of Civil Procedure (Act No. 152 of 2004) comes into effect [April 1, 2005]; provided, however, that the provisions stated in the following items come into effect as of the dates specified in the respective items.

(i) and (ii) [Omitted];

(iii) the provisions of Article 6 of the Supplementary Provisions: the day on which the Bankruptcy Rules (Rules of the Supreme Court No. 14 of 2004) come into effect (January 1, 2005) or the day on which these Rules come into

effect, whichever comes later.

Supplementary Provisions [Rules of the Supreme Court No. 6 of February 9, 2005]

These Rules come into effect as of the date on which the Real Property Registration Act (Act No. 123 of 2004) comes into effect (March 7, 2005).

Supplementary Provisions [Rules of the Supreme Court No. 5 of April 11, 2007]

These Rules come into effect as of the date on which the Trust Act (Act No. 108 of 2006) comes into effect [September 30, 2007].

Supplementary Provisions [Rules of the Supreme Court No. 8 of June 6, 2008]

These Rules come into effect as of the date on which the Shoko Chukin Bank Limited Act (Act No. 74 of 2007) comes into effect (October 1, 2008).

Supplementary Provisions [Extract from Rules of the Supreme Court No. 17 of November 7, 2022] [Extract]

(Effective Date)

Article 1 These Rules come into effect as of the date on which the provisions stated in Article 1, item (ii) of the Supplementary Provisions of the Act Partially Amending the Code of Civil Procedure (Act No. 48 of 2022; referred to below as the "Amending Act" in this Article) come into effect [February 20, 2023]; provided, however, that the provisions stated in the following items come into effect as of the dates specified respectively in those items:

(i) omitted;

(ii) [Omitted] the provisions amending Article 12 of the Bankruptcy Rules in Article 17 [Omitted] the date on which the provisions stated in Article 1, item (iv) of the Supplementary Provisions of the Amending Act come into effect [March 1, 2024]; or

(iii) [Omitted]