

Creditor's Bankruptcy Petition Where Execution or Other Process on a Judgment has been Returned in Whole or Part

(TITLE)

- (a) Insert full name(s) and address(es) of petitioner(s) I/We (a)
- (b) Insert full name, place of residence and occupation (if any) of debtor petition the court that a bankruptcy order be made against (b)
- (c) Insert in full any other name(s) by which the debtor is or has been known [also known as (c)]
- (d) Insert trading name (adding "with another or others", if this is so), business address and nature of business [and carrying on business as (d)]
- (e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred [and lately residing at (e)]
- (f) Give the same details as specified in note (d) above for any other businesses which have been carried on at or after the time the petition debt was incurred [and lately carrying on business as (f)]
- and say as follows:–

- (g) Delete as applicable 1. (g) [the debtor's centre of main interests is in England and Wales][the debtor has an establishment in England and Wales.]

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation

OR

The debtor's centre of main interests is not within a member State

2. The debtor is (g)[not] resident in England and Wales. I am presenting this petition to the (g)[High Court][Central London County Court] because (g)[the proceedings are allocated to the London insolvency district as][(g)Rule 6.9A[(1)][(a)][(b)][(2)][(5)][(6)] applies][and the petition debt is (g)[£50,000 or more][less than £50,000]][and within the 6 months immediately preceding its presentation (g)[the debtor carried on business in England and Wales and the debtor carried on business within the area of the London insolvency district (g)[for the greater part of that period of 6 months][for a longer period than in any other insolvency district]][the debtor has not carried on business in England and Wales but has resided in England and Wales and the debtor resided within the area of the London insolvency district (g)[for the greater part of that period of 6 months][for a longer period than in any other insolvency district]].

OR

The debtor is (g)[not] resident in England and Wales. I am presenting this petition to this county court because (g)Rule 6.9A[(3)][(5)][(6)] applies [and within the 6 months immediately preceding its presentation (g)[the debtor has carried on business in England and Wales and for the longest part of the period during which the debtor carried on business within that period of 6 months, the [principal] place of business has been situated in the district of this county court][the debtor has not carried on business in England and Wales, but has resided in England and Wales and for the longest part of the period during which the debtor was resident in England and Wales within that period of 6 months, the debtor resided in the district of this county court]].

Under the EC Regulation:

(i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.

(ii) Establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

(j) Please give the amount of debt(s), what they relate to and when they were incurred. Please show separately the amount or rate of any interest or other charge not previously notified to the debtor **and the reasons why you are claiming it**

3. The debtor is justly and truly indebted to me[us] in the aggregate sum of £(j)

4. The above-mentioned debt is for a liquidated sum payable immediately and the debtor appears to be unable to pay it.

5. On (k) _____ judgment was obtained in (g) [The High Court of Justice _____ Division] [_____ County Court] [or as the case may be] on an action the short title and reference to the record whereof is “A _____ V B _____” Number _____

(k) Insert date on which judgment was obtained
(l) Insert date of execution

in the sum of £ _____ following which execution was issued at the _____ court in respect of the debt and on (l) _____

the sheriff/county court (g) [made a return] [endorsed upon the writ a statement] to the effect that the execution was unsatisfied (g) [as to the whole] [as to part] and the above-mentioned debt represents the amount by which the execution was returned unsatisfied.

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor’s estate, or any part thereof, for the payment of the above-mentioned sum.

OR

(m) Delete as applicable

I/We hold security for the payment of (m) [part of] the above-mentioned sum.

I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

OR

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ _____. This petition is not made in respect of the secured part of my/our debt.

Endorsement

This petition having been presented to the court on _____ it is ordered that the petition shall be heard as follows:–

Date _____

Time _____ hours

Place _____

and you, the above-named (n) _____, are to take notice that if you intend to oppose the petition you must not later than 7 days before the day fixed for the hearing:

(n) Insert name of debtor

- (i) file in court a notice (in Form 6.19) specifying the grounds on which you object to the making of a bankruptcy order, and
- (ii) send a copy of the notice to the petitioner or his solicitor.

(o) Only to be completed
where the petitioning
creditor is represented by
a solicitor

The solicitor to the petitioning creditor is:- (o)

Name _____

Address _____

Telephone Number _____

Reference _____