

Instructions C026i

Statement of Bankruptcy or Receivership

ARIZONA CORPORATION COMMISSION

Corporations Division
1300 West Washington Street
Phoenix, Arizona 85007

www.azcc.gov
(602) 542-3026



General Information

Any corporation that files a petition for bankruptcy or for receivership must submit to the Arizona Corporation Commission for filing a statement that contains certain information about the corporation. See A.R.S. §§ 10-1623, 10-11623. Statutes are available on the Arizona Legislature's website, www.azleg.gov, by following the link for Arizona Revised Statutes.

By law, you must use the Arizona Corporation Commission's Statement of Bankruptcy or Receivership form. Forms are available on the A.C.C.'s website at <http://www.azcc.gov/Divisions/Corporations/forms/formsindex.asp>.

Is there a criminal penalty for failing to submit the Statement?

Yes. "Any person or corporation failing to comply with the requirements of this section is guilty of a class 1 misdemeanor. Any person making a false statement or giving false information pursuant to this section is guilty of a class 5 felony." A.R.S. §§ 10-1623, 10-11623.

Is there a monetary penalty for failing to submit the Statement?

No.

What does the Commission do with the information?

The Arizona Corporation Commission is obligated by statute to provide to the Attorney General a copy of all statements filed pursuant to A.R.S. §§ 10-1623 or 10-11623. In addition, the statement is treated like any other document filed with the Arizona Corporation Commission, and is available to the public as an electronic document posted on the A.C.C.'s website under the entity's record.

Does the statement have to be published?

No.

Filing fee. There is no filing fee. For expedited processing (read the next paragraph), add \$35.00 to the filing fee. All fees are nonrefundable. See A.R.S. §§ 10-122, 10-3122.

Processing time. Processing times are posted on the A.C.C. website each

Monday at

www.azcc.gov/Divisions/Corporations.

For expedited (faster) processing, payment of the expedite fee plus payment of the filing fee must be submitted. See A.R.S. §§ 10-122, 10-3122. The expedite fee is \$35.00. See Decision No. 68008, July 22, 2005, Docket No. AC-00000A-05-0488. The Arizona Corporation Commission does not currently offer same day or next day service.

Instructions

Number 1. List the exact name of the corporation as shown in the records of the Arizona Corporation Commission, including exact spelling, punctuation, and any corporate identifier (Inc. or Incorporated, etc.).

Number 2. A.C.C. file number – list the corporation's file number given to it by the Arizona Corporation Commission. Find the file number on the A.C.C. website at www.azcc.gov/Divisions/Corporations.

Number 3. Complete 3.1 through 3.6 by providing the case information for the bankruptcy or receivership. All of the requested information is available from the bankruptcy court pleadings and court orders.

Number 4. List the name and address of each and every officer of the corporation who was an officer of the corporation within one year of the date on which the petition for bankruptcy or for receivership was filed. Complete all address blanks that are not marked optional.

Number 5. List the name and address of each and every director of the corporation who was a director of the corporation within one year of the date on which the petition for bankruptcy or for receivership was filed. Complete all address blanks that are not marked optional.

Number 6. This question refers to persons who are NOT the bankruptcy trustee. List the name and address of each and every trustee of the corporation who was a trustee of the

corporation within one year of the date on which the petition for bankruptcy or for receivership was filed. Complete all address blanks that are not marked optional.

Number 7. For-profit corporations must provide information on their major stockholders. The term "major stockholder" is defined on the form.

Number 7.1. For-profit corporations must check either "yes" or "no." If "yes" is checked, the name and address for each major stockholder must be provided. For each major stockholder listed, check "yes" or "no" below that name and address to indicate whether that major stockholder is a corporation. If it is, then the president and chairman of the board of directors must also be listed for that major stockholder.

Number 8. This question asks whether current officers, directors, etc. of the corporation have been officers, directors, etc. on the bankruptcy or receivership of some other corporation (not the one submitting the statement). Read the question carefully and check the appropriate box. If "yes" is checked, continue and provide the name of each individual officer, director, etc., the name and address of each other corporation, and the remainder of the requested information for each other corporation. If "no" is checked, go to the Signature section.

Signature and Verification

The Statement of Bankruptcy or Receivership may be signed only by one of the following: (1) the Chairman of the Board of Directors, (2) a duly-authorized Officer of the corporation, or (3) a duly-authorized bankruptcy trustee, receiver, or other court-appointed fiduciary. See A.R.S. §§ 10-120(F), 10-140(23), 10-3120(F), 10-3140(27).

The document is submitted under penalty of perjury, and the "I accept" box must be checked.

Sign on the line underneath the "I accept" box. Print the name of the individual signing next to the signature.

If completing the form online, type in the name in both fields. Fill in the date. Check the appropriate box underneath the signature line to indicate the capacity of the signer.

Submit the document

Cover Sheet. All documents must be submitted with a Cover Sheet. Forms are available on our website at this link: <http://www.azcc.gov/Divisions/Corporations/forms/formsindex.asp>.

What to submit:

1. Cover Sheet
2. Statement of Bankruptcy
3. Any applicable completed Attachments.

By Mail. Mail the completed paper document, cover sheet, and payment (see below for payment information) to:
Arizona Corporation Commission
Corporations Division
1300 W. Washington St.
Phoenix, Arizona 85007

In Person. Deliver the completed document, cover sheet, and payment (see below for payment information) to:
Arizona Corporation Commission
Corporations Division
1300 W. Washington St.
Phoenix, Arizona 85007

Payment Methods

Credit card. If submitting the document in person, payment by credit card is acceptable. Credit cards cannot be used if submitting by mail. The Arizona Corporation Commission accepts only Visa, MasterCard, or American Express.

Check. If submitting the document by mail or in person, payment by check is acceptable. Checks must be made payable to "Arizona Corporation Commission," with all words spelled out and no abbreviations. Checks must be completely and properly filled out, including the amount sections. Checks that do not have an imprinted or preprinted name and address of the account holder and an imprinted or preprinted check number will not be accepted. Handwritten or stamped names, addresses, or check numbers will not be accepted. For example, we will not accept temporary checks, such as those from a new account. We will accept checks drawn on non-U.S. banks

as long as the check states that the funds are payable in U.S. dollars.

Money order. If submitting the document by mail or in person, payment by money order is acceptable.

Cash. If submitting the document in person, cash payments are acceptable. Do not mail cash.

Questions

For questions, contact our Customer Service Call Center at 602-542-3026, or, within Arizona only, 800-345-5819.