

# ANNEX TO COMMISSIONER LETTER TO CREDITORS

## CLAIMS APPLICATIONS RECOMMENDED DOCUMENTS

### **Judicial Costs:**

- minutes of securities foreclosure;

### **Employees:**

- monthly payroll sheets for wages in arrears;
- severance pay calculation, with separate indication of the total sum possibly accrued at 31.12.2000 and afterwards, by specifying what is required as severance pay and how much as a monetary revaluation;
- quantification of the credit by monetary revaluation from the maturity date of the same until the date of verification of the claims set in the judgment and the credit for legal interest on the revalued amount, on the same date;

### **Professional advisors:**

- expense and skills report for the amount of credit with the indication of the downpayments previously received;
- letter of assignment and/or consulting or collaboration contract, with a certain date prior to bankruptcy;
- detailed report of the actual work carried out, complete with the evidentiary documentation or the most significant acts;

### **Agents:**

- Chamber of Commerce registration certificate showing the agent qualification;
- copy of the agency contract with certain date ex art. 2704 c.c. and 45 L.F.;
- copy of invoices issued by the bankrupt company that originated the provisional credits or analytic sales statement;
- statement of individual credit entries;

### **Craftsmen:**

- certificate issued by the Chamber of Commerce of enrolment in the register of craftsmen;
- copy of the "Single Model" (VAT turnover framework) for the years the credit reasons arose;
- declaration confirming the number of employees at the time the credit reasons arose;
- declaration certifying the use of capital goods in the business activity, as well as the quality of produced goods and services usually provided to the company;

### **Production bodies or cooperatives:**

- certificate of the prefecture and Chamber of Commerce attesting to the qualification of production and work cooperative;
- full copy of the charter and the social statute in force at the time of the onset of the credit, with the list of employees of the cooperative;
- full copy of the balance sheet, with supplementary note and report from the directors, relating to the period the credit arose;
- copy of the freshman book to verify the nature of the members' employment relationship

- copy of the "Unique Model" for the years the credit reasons arose;

**Temporary work supply company:**

- temporary employment supply contract;
- copy of supply invoices;
- workers' pay slips copy;

**Suppliers:**

- sales invoices and delivery notes copy;
- copy of provision invoices;
- goods transport documents;
- statement of transactions;

**Leasing granting companies:**

- lease agreement with certain date prior to insolvency;
- copy of invoices for the purchase of leased goods;
- statement of the transactions that have taken place up to the time of termination of the contract or the declaration of bankruptcy;
- documents confirming any resolution with a certain date prior to the declaration of bankruptcy;

**Bank and Credit Institutions:**

- copy of the current account contract;
- copy of statements of the transactions made in the year prior to the declaration of bankruptcy;

**Mortgage lenders:**

- copy of the mortgage registration note;
- copy of the contract or act that originated the mortgage registration;
- act of disbursement of the sum and credit transfer;
- amortisation plan showing the outstanding instalments divided in interest and principal share and interest rate, so that the remaining interest and the related interest shares are clearly highlighted also to determine the temporality of the privilege ex art. 2855 Civil Law.

For this purpose, mortgage lenders are recommended to indicate, in the application for admission, in separate items:

- a) the capital to be admitted on a mortgage basis and, therefore, the capital shares of the outstanding instalments as well as the outstanding capital after the last outstanding instalment;
- b) the amount of interest accrued over the three-year period;
- c) interest to be admitted as chirograph, and therefore interest (fees and moratoriums) accrued before the three-year period, the interest accrued over the three-year period on the outstanding instalments' capital shares and the remaining capital.

Therefore, if there are **overdue and unpaid six-monthly instalments**, the creditor will have to indicate the composition of the above six-monthly instalments, i.e. indicate the part attributable to capital, the one to **conventional** interest and the one to interest **on arrears**.

**Pledgees:**

- copy of the contract or pledge
- proof of the validity of the title in relation to the good or the right the pledge is burdened on;