

Trustees' Responsibilities to Creditors

FBiH Law on Bankruptcy Proceedings

Article	Creditors' Rights/Trustee's Duties
18(2)	Creditors may advise Interim Trustee of what security measures they want imposed on the debtor's property. Trustee is liable for losses caused by his failure to timely implement them.
25(1)	The Trustee is authorized to continue the debtor's business activities until the Reporting Hearing only if it doesn't damage the interests of Bankruptcy Creditors.
25(2)	The Trustee must prepare and file with the Court a complete list of the debtor's creditors.
26(1)	The Trustee is liable to all participants in the Bankruptcy Proceeding for any harm caused to them by conscious breaches of his responsibilities.
26(2)	The Trustee must provide liability insurance covering all his activities for the benefit of participants, unless the Judge relieves him from this obligation.
28(1)	The Trustee may convene a meeting of the Creditors' Assembly.
28(2)	The Trustee reviews creditor claims to determine which creditors are eligible to participate in the Creditors' Assembly and the amount of the debt they can vote.
28(3)	At the Claims Investigation Hearing, the Trustee can request the Bankruptcy Judge reconsider a decision on whether to allow a creditor who holds a contested claim to vote.
28(5)	Upon the proposal of at least five creditors who jointly hold one-fifth the debt present, the Creditors' Assembly may elect a Trustee of their own choosing to replace the Trustee originally appointed by the Judge. The Judge makes the final decision on appointing a replacement Trustee.
29(5)	The Board of Creditors is obligated to advise and supervise the Trustee in his management of the Bankruptcy Estate. The Board has the right to require the Trustee to submit reports, render accounts, and carry out their direct instructions.
29(6)	The Trustee must obtain prior consent from the Board of Creditors, or, if one has not been elected, from the Creditors' Assembly, for any important legal action that may have significant influence on the scope of the Bankruptcy Estate.
29(9)	The Trustee may attend meetings of the Board of Creditors, subject to the Board's right to exclude him.
46(2)	Creditors claiming security rights in assets of the Bankruptcy Estate must notify the Trustee, within 30 days of the announcement of the opening of the Bankruptcy Proceeding, of the amount and basis for the claim and the property which is subject to it.
91(1)	The Board of Creditors may specify the place and conditions for deposit or investment of objects of value.
91(2)	If a Board of Creditors has been elected, the Trustee may only take delivery of objects of value that have been deposited or invested if a Board member countersigns the receipt for delivery. Similarly, the Trustee's instructions regarding the deposit or investment of objects of value are only valid if countersigned by a Board member.

Article	Creditors' Rights/Trustee's Duties
91(3)	The Creditors' Assembly may decide procedures for investing or depositing objects of value that conflict with the provisions of Article 91(1) and 91(2).
98(1)	At the Reporting Hearing, the Trustee must report to the Creditors' Assembly on the economic situation of the debtor and its causes, the likelihood of saving the debtor's business in whole or in part, and whether restructuring is possible and how it would affect satisfaction of the creditors' claims.
99	At the Reporting Hearing, the Creditors' Assembly decides whether the debtor's business should be closed or continued, whether the Trustee should prepare a restructuring plan, and the manner and conditions for realizing on the debtor's property.
100(1)	To close the enterprise before the Reporting Hearing, the Trustee must obtain prior consent from the Board of Creditors, if one has been appointed.
101	The Trustee must carry out the realization of the assets in the bankruptcy estate according to the instructions of the Creditors' Assembly or the Board of Creditors. To the extent consistent with the creditors' instructions, the Trustee must carry out the realization "immediately."
106	The Trustee is liable to secured creditors for any loss in value of their claims caused by the Trustee's delay in realizing on the assets securing the claims.
108	The Trustee is required to obtain prior consent from the Board of Creditors, or, if one has not been elected, from the Creditors' Assembly, before taking legal actions of special importance, including: actions with significant impact on the value of the Bankruptcy Estate, significant loans, and initiation, defense, or settlement of lawsuits.
110(3)	The Trustee must prepare an inventory of the claims of all past and employees of the debtor, and submit their claim registrations in two copies for them to sign.
114(1)	The Trustee must declare whether he recognizes or objects to each claim registered by a creditor. The Trustee may also determine the unsecured portion, if any, of a secured creditor's claim.
117(3)	The Trustee is required to obtain prior consent from the Board of Creditors, or, if one has not been elected, from the Creditors' Assembly, before making any distribution to creditors.
124(1)	The Trustee's proposal for the main distribution must be discussed with creditors at the hearing on the main distribution, where it can be modified or supplemented.
124(4)	The Trustee must render his final account at the hearing on the main distribution.
143(2)	If instructed by the Creditors' Assembly to prepare a plan of reorganization, the Trustee cooperates with the Board of Creditors in preparing the plan.
156(2)	The Trustee, with consent of the Board of Creditors, if one has been established, may ask the Bankruptcy Judge to reject a plan of reorganization submitted by the debtor, if an earlier plan submitted by the debtor was not adopted.
158	The Trustee, with consent of the Board of Creditors, if one has been established, may ask the Bankruptcy Judge to continue realization on the assets of the bankruptcy estate while a plan of reorganization is being considered.

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186(1)	If the Bankruptcy Judge orders that implementation of a bankruptcy plan will be supervised, the authority and obligations of the Trustee and Board of Creditors will not cease upon termination of the Bankruptcy Proceeding.
186(2)	During the period of supervision of implementation of the reorganization plan, the Trustee must report to the Court and the Board of Creditors, if one has been established, at least annually, and as requested.
187	As soon as it becomes apparent the continued reorganization will not result in the payments required by the Plan, the Trustee must immediately notify the Court, with rights under the plan.

