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STATEMENT OF FACTS

1. The petitioner(s) is as designed in the instance. The respondent habitually resides *and/or had an established place of business within the Sheriffdom in the year immediately preceding the date of presentation of this petition, and the court accordingly has jurisdiction.

2. As far as is within the knowledge of the petitioner:

- *(a) the debtor has his main centre of interests or an establishment in the United Kingdom as defined in the EC Regulation on insolvency proceedings;
- *(b) the debtor has his centre of main interests or an establishment as defined above in a Member state other than the United Kingdom;
- *(c) the debtor has neither his centre of main interests nor an establishment in the United Kingdom nor in a Member state other than the United Kingdom.

3. The petitioner(s) is *a temporary administrator of the respondent/a member State liquidator appointed in main proceedings/a foreign representative within the meaning of the Model Law on Cross-Border Insolvency as set out in Schedule 1 to the Cross-Border Insolvency Rules 2006 as evidenced in the supporting documentation attached.

4. The respondent has been rendered apparently insolvent by virtue of (narrate appropriate ground founded on in terms of section 7 of the Bankruptcy (Scotland) Act 1985 or article 31 of the Model Law referred to above) and that within four months of the presentation of this petition.

5. In order to realise the estate of the respondent for the benefit of his creditors, the petitioner(s) is/are under the necessity of applying to the court for the sequestration of the respondent's estate in terms of the Bankruptcy (Scotland) Act 1985.

6. *(Insert name of interim trustee)* satisfies the conditions specified in section 2(3) of the Bankruptcy (Scotland) Act 1985 and his undertaking as required by section 2(3)(c) of that Act is attached. **[or alternatively if no nomination of interim trustee The petitioner(s) accept that the Accountant in Bankruptcy will be interim trustee in the sequestration.]*

(If interim trustee to be appointed forthwith, the circumstances rendering this necessary should also be narrated).

7. A copy of this petition has been sent today to the Accountant in Bankruptcy.

PLEA[S] IN LAW

[Here set out the plea(s) in law]

Date *(insert date of petition)*

Signed

(signature of Petitioner(s))

**or Solicitor for Petitioner(s)*

(insert designation and address))

**(delete as appropriate)*