

Corporate Liquidations and Reorganizations

This chapter examines accounting and legal matters related to financially distressed corporations.¹ Some corporations are able to recover from financial adversity through internal operating and policy changes, whereas others with more serious financial problems are forced to seek external remedies. These remedies are classified as direct agreements with creditors, reorganizations, and liquidations.

This chapter focuses on bankruptcies that result either in corporate liquidation or reorganization. We first provide an overview of U.S. bankruptcy law. We then discuss the requirements and procedures related to liquidations and reorganizations.

BANKRUPTCY REFORM ACT OF 1978

A debtor corporation is considered insolvent when it is unable to pay its debts as they come due, or when its total debts exceed the fair value of its assets. The inability to make payments on time is referred to as **equity insolvency**. Having total debts that exceed the fair value of total assets is referred to as **bankruptcy insolvency**. Debtor corporations that are insolvent in the equity sense may be able to avoid bankruptcy proceedings by negotiating an agreement directly with creditors. Debtor corporations that are insolvent in the bankruptcy sense ordinarily will be reorganized or liquidated under the supervision of a bankruptcy court.

Prior to 1898, state government legislation governed bankruptcy proceedings. The 1898 Bankruptcy Act, a federal law, preempted the state legislation. The 1898 Bankruptcy Act and its numerous amendments were repealed when Congress enacted Title 11 of the *United States Code*, the Bankruptcy Reform Act of 1978, which reflects the entire bankruptcy law and became effective October 1, 1979. The 1978 act established comprehensive bankruptcy law as well as new bankruptcy judges and new bankruptcy courts. The act has been amended several times since it was enacted, most recently in 2005.

Effective in October 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) received a great deal of attention for its provisions, which made it more difficult for individual debtors to abuse the spirit behind bankruptcy provisions. BAPCPA also has ramifications for businesses, primarily through its limitations on the time frames allowed for plan exclusivity in Chapter 11 bankruptcies and real estate leases.

Under the current rules, a debtor company that files for bankruptcy has 120 days to submit a plan of reorganization to the court for approval. During this time, no other parties, such as creditors, can

¹Municipalities, railroads, stockbrokers, and commodity brokers are excluded from the discussion in this chapter. Bankruptcies of these entities are covered by special provisions of Title 11 of the *United States Code*.

LEARNING OBJECTIVES

- 18.1 Understand differences among different types of bankruptcy filings.
- 18.2 Comprehend trustee responsibilities and accounting during liquidation.
- 18.3 Understand financial reporting during reorganization.
- 18.4 Understand financial reporting after emerging from reorganization, including fresh-start accounting.

LEARNING OBJECTIVE 18.1

Chapter 18 Corporate Liquidations And Reorganizations

**Floyd A. Beams, John A.
Brozovsky, Craig D. Shoulders**

Chapter 18 Corporate Liquidations And Reorganizations:

Managing a Corporate Bond Portfolio Leland E. Crabbe, Frank J. Fabozzi, 2003-04-07 Praise for Managing a Corporate Bond Portfolio Crabbe and Fabozzi's *Managing a Corporate Bond Portfolio* is a refreshingly good book on the neglected topic in fixed income portfolio management. If you want to understand the latest thinking in corporate bonds, what drives prices and why, read this book. You will emerge with knowledge that will help you get an edge in the competitive investing arena. Tim Opler, Director, Financial Strategy Group, CSFB/A Practitioner's Guide: A creative, comprehensive, and practical book that addresses the myriad of challenges facing managers of corporate bond portfolios. The chapter on liquidity trading and trading costs is a must read. Mary Rooney, Head of Credit Strategy, Merrill Lynch. As a Senior Portfolio Manager responsible for managing billions of dollars invested in fixed income product during the mid 1990s, Lee Crabbe was the one Wall Street strategist that I would read every week to help me figure out where value was in the corporate bond market and for insightful and easy-to-understand special reports that educated me and most investors on the risks and opportunities inherent in new structures and subordinated products. Fortunately for me and investors, Lee Crabbe and Frank Fabozzi have written this book, which compiles much of their previous work on corporate bond valuation along with new features that are a must read, especially in light of the volatile times in the corporate bond market over the past few years. For portfolio managers, analysts, traders, and even strategists, if there is one book in your bookshelf that you should have on corporate bond portfolio management, it is this one. William H. Cunningham, Managing Director, Director of Credit Strategy, J.P. Morgan Securities Inc. www.wileyfinance.com

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entries schedules etc are integrated throughout the text to support concepts described in the narrative The Seventh Edition features updated implementation procedures for new developments in accounting and new financial accounting and reporting standards NEW Reflects the input of two new authors drawing on their knowledge of the subject matter and teaching experience to bring a new perspective to the book and new ideas for presentations that work in the classroom NEW Describes FASB changes to consolidations and business combinations Updates the earnings per share section to reflect FASB Statement No 128 Updates sections on disclosures about business segments to include FASB Statement No 131 Updates the foreign currency section for derivatives and hedging activities under FASB statement No 133 Prepares students for accounting under forthcoming pronouncements

Investment Management for Insurers David F. Babbel, Frank J. Fabozzi, 1999-02-15 Investment Management for Insurers details all phases of the investment management process for insurers as well as fixed income instruments and derivatives and state of the art analytical tools for valuing securities and measuring risk Complete coverage includes a general overview of issues fixed income products valuation measuring and controlling interest rate risk and equity portfolio management *Equity Finance* Joseph W. Bartlett, 1995 **Prentice-Hall**

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