

IC 28-6.1-18

Chapter 18. Liquidation and Dissolution of a Savings Bank Organized, Reorganized, or Operating Before January 1, 1993

IC 28-6.1-18-1

Application of chapter

Sec. 1. This chapter applies only to a savings bank organized, reorganized, or operating under IC 28-6 (before its repeal) before January 1, 1993.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-2

Dissolutions; determinations of boards

Sec. 2. A savings bank may dissolve itself under this chapter if the board of the savings bank determines it is in the best interest of the depositors and other creditors of the savings bank to dissolve the savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-3

Resolutions of dissolution

Sec. 3. (a) To dissolve a savings bank, the board must adopt a resolution of dissolution at a regular meeting or a special meeting of the board called for that purpose.

(b) A resolution of dissolution must receive the affirmative vote of at least two-thirds (2/3) of the qualified and acting trustees. The resolution must state that the board of the savings bank considers it is in the best interests of the depositors and other creditors of the savings bank that the savings bank liquidate its affairs and dissolve.

(c) If a resolution is adopted under subsection (b), a statement shall be prepared and verified by the affidavit of the president and secretary of the savings bank setting forth the following:

(1) A copy of the following:

(A) The notice of the meeting of the board at which the resolution was adopted.

(B) The resolution.

(2) The number of the then qualified and acting trustees, including the name and address of each of the trustees.

(3) The number of trustees voting for and the number voting against the resolution.

(d) The statement must be filed with the department.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-4

Liquidation orders; employment of necessary personnel

Sec. 4. (a) If the department receives a statement under section 3 of this chapter, the department shall examine the business and affairs of the savings bank and may make additional investigation of the future prospects of the savings bank the department considers necessary.

(b) If the department finds from the examination that:

(1) the savings bank is solvent, or that the savings bank has sufficient assets with which to pay all of its depositors and all of its other liabilities; and

(2) it will be in the best interests of the depositors and other creditors of the savings bank that the savings bank's affairs be liquidated and that the savings bank be dissolved;

the department may enter a written order directing the liquidation and dissolution of the savings bank.

(c) As soon as practical after an order is issued under subsection (b), the department shall, by a separate order, appoint a special representative of the department to act during the course of the liquidation.

(d) During the course of the liquidation, the department may employ, fix the compensation of, remove, and discharge special representatives, assistants, accountants, agents, and attorneys as the department considers necessary.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-5

Civil actions; filing

Sec. 5. (a) Not later than five (5) days after entry of the order directing the liquidation of the savings bank, the department shall file a copy of the order with the circuit court clerk of the county in which the savings bank is located.

(b) Upon the filing of an order under subsection (a), the clerk shall:

(1) note the filing upon the records of the court; and

(2) enter the cause as a civil action upon the docket of the court under the name and style of "In the Matter of the Liquidation of _____" (inserting the name of the savings bank).

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-6

Jurisdiction of courts

Sec. 6. After the filing of the action under section 5 of this chapter, the court has jurisdiction to hear and determine all issues and matters relating to the liquidation of the savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-7

Taking charge of business and assets by department; notice of departmental actions

Sec. 7. The department shall do the following:

(1) Immediately take charge of the business and assets of the savings bank.

(2) Give notice of:

(A) the department's orders directing the liquidation and dissolution of the savings bank; and

(B) the appointment of the department's special

representative;
by posting copies of the orders in a conspicuous place in the lobby of the savings bank and by one (1) publication of the notice in a newspaper of general circulation, printed in the English language and published in the county where the savings bank is located. The department shall also file a copy of its order appointing a special representative in the court in which the order was filed under section 5 of this chapter.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-8

Petitions opposing liquidation and dissolution

Sec. 8. (a) A depositor or other creditor of the savings bank who is aggrieved by the proceedings to liquidate and dissolve the savings bank may oppose the liquidation and dissolution by a petition filed in the court in which the liquidation action was filed under section 5 of this chapter. The petition must state the petitioner's objections to the liquidation.

(b) A petition filed under subsection (a) must be filed within ten (10) days after the publication of the order under section 7 of this chapter.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-9

Dismissal of liquidation and dissolution actions

Sec. 9. (a) If after hearing the matter, the court determines that it will not be in the best interest of the depositors and other creditors of the savings bank that the savings bank liquidate its affairs and dissolve, the court shall enter an order:

- (1) directing the department to return the business and property of the savings bank to the board; and
- (2) dismissing the action.

(b) If an order is issued under subsection (a):

- (1) the savings bank shall continue to operate as though the proceedings had never begun; and
- (2) all costs of the proceedings to the date of the entry of the order shall be paid by the savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-10

Approval of liquidation and dissolution proceedings

Sec. 10. If after hearing the matter, the court determines that it will be in the best interests of the depositors and other creditors of the savings bank to liquidate its affairs and dissolve, the liquidation may proceed.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-11

Finality of judicial decisions

Sec. 11. The decision of the court under section 9 or 10 of this

chapter is final.
As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-12
Powers and restrictions of department

Sec. 12. (a) During the ten (10) day period after the publication required by section 7 of this chapter, the department may make orders regarding the deposits of the savings bank that the department considers in the best interests of all the depositors and creditors of the savings bank.

(b) Except as provided in this chapter, the department, insofar as is applicable and practical, has the same powers and is subject to the same restrictions as if the savings bank were insolvent.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-13
Completion of liquidation

Sec. 13. (a) When the costs and expenses of the liquidation have been fully paid and all the remaining debts and liabilities of the savings bank, including deposits and accrued interest or dividends, if any, have been paid in full, the remaining assets, if any, shall be paid to or distributed among the persons the court finds to be the owners of the assets.

(b) After the events described in subsection (a) have occurred, the liquidation is considered completed.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-14
Statements of dissolution

Sec. 14. (a) Upon completion of the liquidation, the department shall prepare and file a statement of dissolution in the office of the recorder of the county in which the savings bank was located.

(b) The statement of dissolution shall contain the following:

- (1) The name of the savings bank.
- (2) The location of the savings bank.
- (3) The date of the meeting of the board adopting the resolution of dissolution.
- (4) A copy of the notice of the meeting of the board.
- (5) A copy of the minutes of the meeting of the board containing the full text of the resolution of dissolution.
- (6) The manner of the adoption of the resolution of dissolution and the vote by which the resolution was adopted.
- (7) A copy of the notices published under this chapter.
- (8) The names and addresses of the trustees and officers of the savings bank at the time of the adoption of the resolution.
- (9) A copy of the order of the department directing the liquidation and dissolution of the savings bank.
- (10) A brief summary setting forth, as of the date of the taking possession of the savings bank by the department of the following:

- (A) The aggregate amount of general claims finally allowed against the savings bank.
- (B) The aggregate amount of claims allowed as preferred, and the aggregate amount of all other claims against the savings bank.
- (C) A statement of the aggregate payments made on each of the groups of claims and a reference to the following:
 - (i) The court records where the orders authorizing the payments are recorded.
 - (ii) The current reports where a report of the payments ordered is made.
- (11) A brief summary setting forth the following:
 - (A) The disposition of the surplus assets (if any) remaining after payment of all costs and expenses of administration and liquidation.
 - (B) The payment of all liabilities, including deposits and accrued dividends or interest (if any).
- (12) A copy of the final order of the court in the matter of the liquidation of the savings bank.

As added by P.L.42-1993, SEC.72.

IC 28-6.1-18-15

Termination of savings bank's existence

Sec. 15. When the statement required by section 14 of this chapter is recorded, the savings bank ceases to exist.

As added by P.L.42-1993, SEC.72.