

# Insolvency Trustee

Statistics of cases in which KPMG operated from 2010 to January 2018

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## Reorganization Bankruptcy Cases Number of Reorganization Bankruptcy proceedings

KPMG, since 2010, has operated as insolvency trustee. We decided to prepare the statistical analysis for the period from 2010 to January 2018, assessing what occurred with all the reorganization bankruptcy proceedings in which we operated as insolvency trustees. In this period, we operated in 62 reorganization bankruptcy proceedings: 14% of these proceedings have already been closed and 34% are being complied with the plan, that is, paying according to the ratified plan. There are 27 reorganization bankruptcy proceedings which are still in a phase before the plan is approved and ratified. 8% of total reorganization bankruptcy proceedings in which we operated as insolvency trustees in the period were converted into bankruptcy.

> Phases prior to the Compliance with Ratified Payment Plan **44%**

> > Phase of Compliance with Ratified Payment Plan

34%

Reorganization Bankruptcy converted into Bankruptcy

Reorganization Bankruptcy closed

Reorganization Bankruptcy closed – No solution of merits



## Active joinder

In our surveys, we noticed that, of the cases in which we operate, 34% of the reorganization bankruptcy requests refer to active joinder. In these cases, the judge of the proceeding accepted the request of joinder in 86% of the cases and, within this percentage, in only one case there was presentation of an individual payment plan and consequently creditors meetings held separately.



## Term of the proceedings

- During the analysis of the survey, we assessed the terms and noticed that the average term of grant for the reorganization bankruptcy request was 44 days. At this average, we excluded three cases that did not comply with the rule, since the grant took more than 360 days.
- As to the General Creditors' Meeting ("GCM"), we noticed that the average realization was three GCMs, and the maximum was eight GCMs and the minimum was one GCM.
- We noticed that between the payment plan grant and homologation, an average term of 20 months had elapsed. Two reorganization bankruptcy proceedings had some GCM after the approval of the plan.

- The seven reorganization bankruptcy proceedings closed presented an average term of 39 months between the approval of the plan and the closing of the proceeding.
- We noticed that the extension of stay-period within the analysis period was approved only in 53% of the proceedings.

## Classes of creditors

When we compared the reorganization bankruptcy proceedings in which we operated as insolvency trustee under the concept Classes of creditors, we observed that the majority, 24%, is comprised of Classes I, III and IV, followed by the complete group of Classes, representing 21%.



I - creditors derived from the labor legislation or from occupational accidents.

II - creditors with real guarantee.

III - creditors of unsecured credits.

 $\operatorname{IV}$  - creditors qualified as microbusiness or small-sized business.



## Appointments per city





## Sector of activity of the clients

The highest concentration of clients is in the industry sector, followed by trading and rendering of services.



## Terms of Ratified Payment Plans

When analyzing the Ratified Payment Plans ("RPP"), we noticed that the highest average grace period is for class III, of 19 months, and the highest is 60 months and the lowest is one month. Among the cases we worked on, the average of discounts also has the highest index in class III, which is 48%, and the highest discount identified is 80%.

	Class I	Class II	Class III	Class IV
Average - Grace period (months)	6	18	19	12
Average - Discount	7%	43%	48%	23%
Average – Payment Term (years)	1	9	9	4
Restatement Index – Higher Levy	TJ/SP	TR	TR	TR
Average – Interest Rate	-	2%	2%	2%



### Finance

Among 62 plans, 34 have already been evaluated and approved at creditors meetings. Out of these plans, six included the sale of UPI and one included financial contribution through DIP Financing. The existence of partner creditor occurred in 11 court-ordered reorganizations.



**DIP Financing** 



#### **Partner Creditor**



## Bankruptcy

KPMG, since 2010, has operated as insolvency trustee. Therefore, we have decided to prepare the statistical analysis for the period from 2010 to January 2018, analyzing what occurred with all the bankruptcy proceedings in which we operated as insolvency trustee. In this period, we operated in 67 bankruptcy proceedings. In 61% of these proceedings, we were appointed in replacement for other insolvency trustees and 31% of these proceedings are pending under Decree Law No. 7661 / 45 (former Bankruptcy and Composition Law). Out of the cases in which we operated, 21% had already been closed.



## Term of the proceedings

In our surveys, we noticed that out of the total bankruptcy proceedings in which we operated 19% were determined under the former decree and 81% already under the current law. 21% of the bankruptcy proceedings in which we operated have already been closed, and 79% of the proceedings were bankruptcy proceedings filed under the current law, that is, after 2005. On average, after KPMG being appointed as an insolvency trustee, the proceeding has taken two years to be closed.



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## Disregard of legal entity

Among the bankruptcy proceedings in which we operated, we noticed that in ten proceedings the legal entity was disregarded.



Disregard of legal entity

## Auction results

In 10% of the bankruptcy proceedings, there were auctions with positive results and 51% are pending conclusion.



## Appointments per city



13% Ribeirão Preto 9% lpauçu 6% Itapira 4% Catanduva 4% Suzano 4% Ibaté 3% Campinas 3% Barueri 3% Barretos 3% Taquaritinga 3% Indaiatuba 3% Mogi Guaçu 1% Santo André 1% Guararema 1% São Carlos 1% Cascavel 1% Araraquara 1% Nazaré Paulista 1% São Bernardo do Campo 1% Paulínia 1% Guarulhos 1% Poá 1% Toledo 1% Curitiba 1% Santa Cruz do Rio Pardo 1% Jaú



## Sector of activity of the clients

The highest concentration of bankruptcy proceedings in which we operated is in industry and trade sectors.





33% Trade



13% Services



Industry and trade 7%









Commercial representation



Sundry



## Talk to our team

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