



1. **What forms of security can be granted over immovable and movable property? What**

company are insufficient to meet the claims in full, they shall be paid rateably); and

d. after paying all admitted claims, in paying any interest payable.

Preferential creditors rank equally between themselves and, if the assets of the company are insufficient to meet the claims in full, they shall be paid ratably. Preferential claims include (1) the amount due to a person as a present or past employee of the debtor to include wages

c. if the transaction has the effect of putting the creditor into a position which, in the event of the company going into insolvent liquidation, will be better than the position he would have been in if the transaction had not been entered into.

7. What form of stay or moratorium applies in insolvency proceedings against the continuation of legal proceedings on the enforcement of creditors claims? What is the effect of such a stay or moratorium on the enforcement of creditors claims?

What is the effect of such a stay or moratorium on the enforcement of creditors claims?

10. Can a restructuring proceeding release claims against non-debtor parties (e.g. guarantees granted by parent entities, claims against directors of the debtor), and, if so, in what circumstances?

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claims.

If a liquidator is appointed over a company, a secured creditor may still exercise his security and, until the security is discharged, any purchaser will take the asset subject to that security.

In the event that a secured creditor surrenders its security or the company holds an assets that are not subject to security, any purchaser will take that asset free and clear of claims.

14. **What duties and liabilities should directors and officers be mindful of when**

of the liquidator. What constitutes a preferential claim is as prescribed by Schedule 2 of the BVI Insolvency Rules, 2005, and include:

- a. the amount due to a person as a present or past employee of the company that represents