

Sunsets 1/1/2016

48-2c-1212 Receivership or custodianship.

- (1) A court in a judicial proceeding brought to dissolve a company may, at any time before entering a decree of dissolution, appoint one or more custodians to manage the business and affairs of the company until further order of the court and may, upon or after entering a decree dissolving the company, appoint one or more receivers to wind up and liquidate the business and affairs of the company. The court shall hold a hearing, after giving notice to all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or a custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the company and all of its property wherever located.
- (2) The court may appoint any person or the court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.
- (3) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:
 - (a) the receiver:
 - (i) may dispose of all or any part of the assets of the company wherever located, at a public or private sale, if authorized by the court; and
 - (ii) may sue and defend in its own name as receiver of the company in all courts of this state; or
 - (b) the custodian may exercise all of the powers of the company, through or in place of its members or managers, to the extent necessary to manage the affairs of the company in the best interests of its members and creditors.
- (4) The court during a receivership may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the company, its members, and its creditors.
- (5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and the custodian's or receiver's counsel from the assets of the company or proceeds from the sale of the assets.