REPORT

OF THE

ADVISORY COMMITTEE

ON

BANKRUPTCY RULES

TO THE

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COMMITTEE

ON

RULES OF PRACTICE AND PROCEDURE

Asheville, North Carolina December 17 - 19, 1992 S.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES WASHINGTON, D.C. 20544

ROBERT E. KEETON CHAIRMAN

PETER G. MCCABE

CHAIRMEN OF ADVISORY COMMITTEES KENNETH F. RIPPLE APPELLATE RULES

> SAM C. POINTER, JR. CIVIL RULES

WILLIAM TERRELL HODGES CRIMINAL RULES

> EDWARD LEAVY BANKRUPTCY RULES

TO: Hon. Robert E. Keeton, Chair Standing Committee on Rules of Practice and Procedure

FROM: Hon. Edward Leavy, Chair Advisory Committee on Bankruptcy Rules

RE: Proposed Amendments to the Federal Rules of Bankruptcy Procedure

DATE: November 16, 1992

On behalf of the Advisory Committee on Bankruptcy Rules, I have the honor to submit proposals to amend Rules 8002(b) and 8006 of the Federal Rules of Bankruptcy Procedure.

(1) Rule 8002. Time for filing Notice of Appeal

At its meeting in September of this year, the Advisory Committee adopted a proposal to amend Bankruptcy Rule 8002(b) to conform to the proposed amendments to F.R.App.P. 4(a)(4) in two respects: (1) to add a motion for relief from a judgment or order pursuant to F.R.Civ.P. 60 (made applicable by Bankruptcy Rule 9024) to the list of postjudgment motions that toll the time for filing a notice of appeal, and (2) to provide that a notice of appeal filed prior to disposition of a postjudgment motion does not become a nullity, but is suspended until such disposition.

The proposed amendments to Bankruptcy Rule 8002(b) differ from the proposed amendments to Appellate Rule 4(a)(4) in one respect that is worth noting. Instead of requiring that the motion for relief from a judgment under Rule 9024 be "served" within 10 days after entry of the judgment in order to toll the appeal time, the proposed amendment to Bankruptcy Rule 8002(b) requires that it be "filed" within that 10-day period. The reason for recommending this difference is that a requirement that the motion be filed will enable any party to determine with certainty, by looking at the docket on the morning of the eleventh day, whether such a motion is pending. This certainty is more important in bankruptcy cases, where there is only a 10day appeal period and parties often rely on finality of orders before closing transactions, than it is in district court civil actions where the time to appeal is 30 days.

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(2) Rule 8006. Record and Issues on Appeal.

The proposed amendment to Rule 8006 is related to the proposed amendment to Rule 8002 (b). The purpose of the amendment is to suspend the 10-day period for filing and serving a designation of the record and statement of the issues if a timely postjudgment motion is made that suspends the time for filing a notice of appeal under Rule 8002 (b).

Publication for Comment.

The Advisory Committee requests that the proposed amendments to Rules 8002(b) and 8006 be circulated to the bench and bar and that views and comments be solicited. However, the Advisory Committee recommends that the publication period be limited so that the deadline for submitting comments is no later than April 15, 1993, and that there be no public hearings. The Advisory Committee believes that a shortened comment period is necessary to permit it to consider comments in time to make a final recommendation to the Standing Committee in June 1993. If the Standing Committee is unable to act on these rules at its June 1993 meeting, it will delay the effectiveness of any amendments until late 1995.

The Advisory Committee is concerned that, if the proposed amendments to Appellate Rules 4(a)(4) and 6 are promulgated by the Supreme Court and become effective on December 1, 1993, a delay in the effectiveness of the proposed amendments to Bankruptcy Rule 8002(b) may, after December 1, 1993, create a trap for practitioners who become familiar with Appellate Rules 4(a)(4) and 6 (as amended). In essence, the rules applicable to appeals to the court of appeals will provide that a postjudgment motion merely suspends a filed notice of appeal so that there is no need to file a new one after the motion is decided, but the rule applicable to appeals from the bankruptcy court will still provide that the filed notice of appeal becomes a nullity so that a new one must be filed after disposition of the postjudgment motion.

The Advisory Committee believes that a shortened comment period without public hearings is justified because only two rules are being amended and the proposed amendments to Rule 8002(b) conform substantially to proposed amendments to the Appellate Rules that have been approved by the Standing Committee and the Judicial Conference earlier this year. In addition, the Committee's recommendation regarding these rules is unanimous and it is highly unlikely that the proposed amendments will be controversial.

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Copies of the relevant rules showing the proposed amendments and Advisory Committee Notes are enclosed.

Rule 8002. Time For Filing Notice of Appeal

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3 (b) EFFECT OF MOTION ON TIME FOR APPEAL. If any party makes 4 a timely motion of a type specified immediately below, the time 5 for appeal for all parties runs from the entry of the order 6 disposing of the last such motion outstanding. This provision 7 applies to a timely motion: is filed by any party:

8 (1) under Rule 7052(b) to amend or make additional findings of fact
9 under Rule 7052, whether or not an alteration of granting the
10 motion would alter the judgment would be required if the motion is
11 granted;

12 (2) under Rule 9023 to alter or amend the judgment <u>under Rule 9023;</u>
13 or

14 (3) under Rule 9023 for a new trial under Rule 9023; or

15 (4) for relief under Rule 9024 if the motion is filed within 10 16 days after the entry of judgment., the time for appeal for all 17 parties shall run from the entry of the order denying a new trial 18 or granting or denying any other such motion. A notice of appeal 19 filed before the disposition of any of the above motions shall have 20 no effect; a new notice of appeal must be filed.

A notice of appeal filed after announcement or entry of the judgment, order, or decree but before disposition of any of the above motions is ineffective to appeal from the judgment, order. or decree, or part thereof, specified in the notice of appeal, until the date of the entry of the order disposing of the last such motion outstanding. Appellate review of an order disposing of any of the above motions requires the party, in compliance with Rule 28 <u>8001. to amend a previously filed notice of appeal. A party</u>
29 <u>intending to challenge an alteration or amendment of the judgment.</u>
30 <u>order, or decree shall file an amended notice of appeal within the</u>
31 <u>time prescribed by this Rule 8002 measured from the entry of the</u>
32 <u>order disposing of the last such motion outstanding.</u> No additional
33 fees chall will be required for such filing <u>an amended notice</u>.

COMMITTEE NOTE

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These amendments are intended to conform to the 1993 amendments to F.R.App.P. 4(a)(4) and 6(b)(2)(i).

This rule as amended provides that a notice of appeal filed before the disposition of a specified postjudgment motion will become effective upon disposition of the motion. A notice filed before the filing of one of the specified motions or after the filing of a motion but before disposition of the motion is, in effect, suspended until the motion is disposed of, whereupon, the previously filed notice effectively places jurisdiction in the district court or bankruptcy appellate panel.

Because a notice of appeal will ripen into an effective appeal upon disposition of a postjudgment motion, in some instances there will be an appeal from a judgment that has been altered substantially because the motion was granted in whole or in part. The appeal may be dismissed for want of prosecution when the appellant fails to meet the briefing schedule. But, the appellee may also move to strike the appeal. When responding to such a motion, the appellant would have an opportunity to state that, even though some relief sought in a postjudgment motion was granted, the appellant still plans to pursue the appeal. Because the appellant's response would provide the appellee with sufficient notice of the appellant's intentions, the rule does not require an additional notice of appeal in that situation.

The amendment provides that a notice of appeal filed before the disposition of a postjudgement tolling motion is sufficient to bring the judgment, order, or decree specified in the original notice of appeal to the district court or bankruptcy appellate panel. If the judgment is altered upon disposition of a postjudgement motion, however, and if a party wishes to appeal from the disposition of the motion, the party must amend the notice to so indicate. When a party files an

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amended notice, no additional fees are required because the notice is an amendment of the original and not a new notice of appeal.

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Subdivision (b) is also amended to include, among motions that extend the time for filing a notice of appeal, a motion under Rule 9024 that is filed within 10 days after entry of judgment. The addition of this motion conforms to a similar amendment to F.R.App.R. 4(a)(4) made in 1993, except that a Rule 9024 motion does not toll the time to appeal unless it is filed within the ten-day period. This amendment eliminates the difficulty of determining whether a postjudgment motion made within 10 days after entry of the judgment is a Rule 9023 motion, which tolls the time for filing an appeal, or a Rule 9024 motion, which historically has not tolled the time. Rule 8006. Record and Issues on Appeal

Within 10 days after filing the notice of appeal as provided
3 in Rule 8001(a), or entry of an order granting leave to appeal,
4 or entry of an order disposing of the last timely motion

5 outstanding of a type specified in Rule 8002(b), whichever is 6 later, the appellant shall file with the clerk and serve on the 7 appellee a designation of the items to be included in the record 8 on appeal and a statement of the issues to be presented. Within 9 10 days after the service of the statement of the appellant the 10 appellee may file and serve on the appellant a designation of 11 additional items to be included in the record on appeal and, if 12 the appellee has filed a cross appeal, the appellee as cross 13 appellant shall file and serve a statement of the issues to be 14 presented on the cross appeal and a designation of additional 15 items to be included in the record. A cross appellee may, within 16 10 days of service of the statement of the cross appellant, file 17 and serve on the cross appellant a designation of additional 18 items to be included in the record. The record on appeal shall 19 include the items so designated by the parties, the notice of 20 appeal, the judgment, order, or decree appealed from, and any 21 opinion, findings of fact, and conclusions of law of the court. 22 Any party filing a designation of the items to be included in the 23 record shall provide to the clerk a copy of the items designated 24 or, if the party fails to provide the copy, the clerk shall 25 prepare the copy at the expense of the party. If the record 26 designated by any party includes a transcript of any proceeding 27 or a part thereof, the party shall immediately after filing the

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28 designation deliver to the reporter and file with the clerk a 29 written request for the transcript and make satisfactory 30 arrangements for payment of its cost. All parties shall take any 31 other action necessary to enable the clerk to assemble and é. 32 transmit the record.

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COMMITTEE NOTE

This amendment is made together with the amendment to Rule 8002(b) which provides, in essence, that certain specified postjudgment motions have the effect of suspending a filed notice of appeal until the disposition of the last 37 of such motions. The purpose of this amendment is to suspend the 10-day period for filing and serving a designation of the record and statement of the issues if a timely postjudgment motion is made and a notice of appeal is suspended under Rule 8002(b). The 10-day period set forth in the first sentence of this rule begins to run when the order disposing of the last of such postjudgment motions outstanding is entered.

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TO:

Honorable Robert E. Keeton, Chairman Standing Committee on Rules of Practice and Procedure

FROM: Honorable Edward Leavy, Chairman Advisory Committee on Bankruptcy Rules

RE: Proposed Amendments to the Official Bankruptcy Forms

DATE: November 20, 1992

On behalf of the Advisory Committee on Bankruptcy Rules, I submit proposals to amend several of the Official Bankruptcy Forms.

The proposed amendments consist of conforming amendments required by a recent statutory enactment, clarifications of instructions, and changes designed to facilitate the administration of cases. In view of the technical and conforming nature of the proposed amendments to the forms, the Advisory Committee recommends that they be made without publication for comment by the bench and bar.

The complex format of the forms makes it impractical to show deletions and additions in the manner customarily used when presenting proposed amendments to the rules. Providing the attached hand-marked copies of the present forms showing the proposed changes, however, seems to be an effective way to indicate to the Standing Committee the proposed amendments.

In addition to amending the title page of the Official Bankruptcy Forms for the purpose of conforming the listing of Form No. 9 to the headings used on Forms 9A - 9I, the proposed amendments include the following:

(1) Form 1 (Voluntary Petition). This form is amended to require that the debtor not represented by an attorney provide the debtor's telephone number so that court personnel, the

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trustee, other parties in the case, and their attorneys can contact the debtor concerning matters in the case.

(2) Form 4 (List of Creditors Holding 20 Largest Unsecured Claims). This form is amended to delete reference to the specific subsection of § 101 of the Code in connection with the definition of the term "insider." Section 101 is the general definition section of the Code and is amended from time to time to add definitions. This amendment to the form will avoid the necessity of further amendments to the form whenever § 101 is amended in the future.

(3) Form 6E (Schedule E -- Creditors Holding Unsecured Priority Claims). This form is amended to conform to the recent statutory amendment to § 507(a) that added a new priority for claims arising from a commitment to maintain the capital of an insured depository institution.

(4) Form 7 (Statement of Financial Affairs). Administrative proceedings have been added to the types of legal actions to be disclosed in Question 4. In addition, the second paragraph of the instructions is amended for clarification.

(5) The title page to Form 9 (Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates). The title page to Form 9 is amended to conform to the headings used on the Forms 9A - 9E. In addition, the title page to Form 9 is amended to add references to two new alternative versions of Form 9E and Form 9F.

(6) Form 9E(Alt.) (Notice of Commencement of Case Under Chapter 11 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates (Individual or Joint Debtor Case)), and Form 9F(Alt.) (Notice of Commencement of Case Under Chapter 11 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates (Corporation/Partnership Case). These new alternative versions of Form 9E and 9F have been added for use in courts that, prior to the time that the notice is mailed to creditors, fix the time for filing claims in a chapter 11 case. The alternative versions provide a box labeled "Filing Claims" so that the deadline for filing claims may be indicated.

(7) Form 10 (Proof of Claim). This form has been amended to conform to the recent statutory amendment to § 507(a) that added a new priority for claims based on a commitment to maintain the capital of an insured depository institution, and to clarify that only prepetition arrearages and charges are to be included in the amount of the claim.

Copies of the relevant Official Bankruptcy Forms showing the proposed amendments, and the proposed Advisory Committee Notes, are attached.

OFFICIAL BANKRUPTCY FORMS

1. Voluntary Petition

- 2. Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership
- 3. Application and Order to Pay Filing Fee in Installments
- 4. List of Creditors Holding 20 Largest Unsecured Claims
- 5. Involuntary Petition.

6. Schedules

7. Statement of Financial Affairs

- 8. Chapter 7 Individual Debtor's Statement of Intention Commencement of Case
- 9. Notice of Filing under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates

10. Proof of Claim

11A. General Power of Attorney

11B. Special Power of Attorney

12. Order and Notice for Hearing on Disclosure Statement

13. Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof

14. Ballot for Accepting or Rejecting Plan

15. Order Confirming Plan

16A. Caption

16B. Caption (Short Title)

16C. Caption of Adversary Proceeding

17. Notice of Appeal to a District Court or Bankruptcy Appellate Panel from a Judgment or Other Final Order of a Bankruptcy Court.

18. Discharge of Debtor

Official Forms

[NOTE: These official forms should be observed and used with such alterations as may be appropriate to suit the circumstances. See Rule 9009.]

Title Page

COMMITTEE NOTE

The list of Official Bankruptcy Forms has been amended to conform the title of Form 9 to the headings used on Forms 9A -9I.

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COMMITTEE NOTE

The form has been amended to require a debtor not represented by an attorney to provide a telephone number so that court personnel, the trustee, other parties in the case, and their attorneys can contact the debtor concerning matters in the case.

Form 4. LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

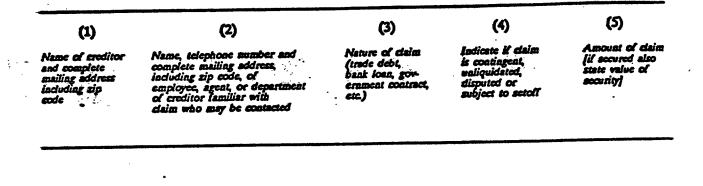
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[Caption as in Form 16B]

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101(30), or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims.



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Debtor

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[Declaration as in Form 2]

Form B4 6/90

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COMMITTEE NOTE

The form has been amended to delete reference to the specific subsection of 11 U.S.C. § 101 in connection with the definition of the term "insider." Section 101 of the Bankruptcy Code contains numerous definitions, and statutory amendments from time to time have resulted in the renumbering of many of its subsections. The more general reference will avoid the necessity to amend the form further in the event of future amendments to § 101.

Case No. _

(If known)

SCHEDULE E-CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H." "W." "J." or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent," If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Extensions of credit in an involuntary case

Debtor

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

□ Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of \$2000 per employee, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to a maximum of \$2000 per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

Deposits by individuals

Claims of individuals up to a maximum of \$900 for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(7).

I Commitments to Maintain the Capital of an Insueed Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Suprevision, Compteoller of the Cureency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to ______ continuation shoets attached maintain the capital of an insured depository institution. 11 4.5.C. § 507 (a)(B).

FORM 86E

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COMMITTEE NOTE

Schedule 6E (Creditors Holding Unsecured Priority Claims) has been amended to conform to the statutory amendment that added subsection (a)(8) to \$ 507 of the Bankruptcy Code. Pub. L. No. 101-647 (Crime Control Act of 1990). The Code amendment created a new priority for claims based on certain commitments to maintain the capital of an insured depository institution. Pris and

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FORM 7. STATEMENT OF FINANCIAL AFFAIRS

UNITED STATES BANKRUPTCY COURT

District of

(It Known)

(Name)

FORM 7 (6/90)

---Debtor

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 15 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 16 - 21. - Each quostion must be answered. If the answer to any question is "None," or the question is not applicable, mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

In business. A debtor is 'in business' for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is 'in business' for the purpose of this form if the debtor is or has been, within the two years immediately preceding the filing of the this bankruptcy case, any of the following: an officer, director, managing executive, or person in control of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any person in control of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101(30).

1. Income from employment or operation of business

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filling under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

Nonê

SOURCE (If more than one)

2. Income other than from employment or operation of business

None 0

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No

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE

3. Payments to creditors

None a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

4.

NAME AND	ADDRESS (DATES OF PAYMENTS	AMOUNT	AMOUNT STILL OWING
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to or for the t chapter 13 m	benefit of cre	ditors who are or we	re insiders. (M or both spouse	larried debtors 1 s whether or no	mmencement of this case iling under chapter 12 or t a joint petition is filed,
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COMMITTEE NOTE

The form has been amended in two ways. In the second paragraph of the instructions, the third sentence has been deleted to clarify that only a debtor that is or has been in business as defined in the form should answer Questions 16 - 21. In addition, administrative proceedings have been added to the types of legal actions to be disclosed in Question 4.a.

COMMENCEMENT OF CASE Form 9. NOTICE OF FILING UNDER THE BANKRUPTCY CODE, MEETING OF CREDITORS, AND FIXING OF DATES

9A.....Chapter 7, Individual/Joint, No-Asset Case

9B.....Chapter 7, Corporation/Partnership, No-Asset Case

9C.....Chapter 7, Individual/Joint, Asset Case

9D.....Chapter 7, Corporation/Partnership, Asset

9E.....Chapter 11, Individual/Joint Case

9F.....Chapter 11, Corporation/Partnership Case

9G.....Chapter 12, Individual/Joint Case

9H.....Chapter 12, Corporation/Partnership Case

91.....Chapter 13, Individual/Joint Case

9E (Alt.)... Chaptee 11, Individual/Joint Cor

9F(Alt.)... Chapter II, Copporation Partnership

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जिंदन - 	FORM BOE (Alt.) United States Bankrupter Court	
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	•	echane Number
	This is a converted case originally filed under o	hepter_on_
		FILING
	DATE, TIN	E. AND LOCATIO
		DISCHARG
	the Discharge of the Debtor	
	POLAUENCENENT DE PLAS A L'ATAC A	
	CONVENCEMENT OF CASE. A petition for reorganization against the person or persons named above as the of all documents filed in this case. All documents property claimed as exempt are evaluable for imp	debtor, and an
	of all documents filed in this case. All documents property claimed as exempt are evallable for imp CREDITORS NAY NOT TAKE CERTAIN ACTIONS. A cradi- Code, the debtor is granted certain protection agi contacting the debtor to demand repayment, taking property of the debtor, and starting or continuin actions are taken by a creditor against a debtor, action against the debtor or the property of the	debtor, and an a filed with the action at the a tor is anyone to ainst creditory action against g foreclosure a the court sup forto about
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NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE, NEETING OF CREDITORS, AND FIXING OF DATES (Individual or Joint Debtor Case)

Address of Debtor

Date Filed Lop Converted)

Kame and Address of Trustee

Address of the Clerk of the Bankruptcy Court

ILING CLATKE

CATION OF MEETING OF CREDITORS

CHARGE OF DESTS dline to file e Compleint Objecting to ermine Dischargeability of Certain Types of Debte.

chapter 19 of the Senkruptcy Code has been filed in this court by or nd an order for relief has been entered. You will not receive notice ith the court, including lists of the debtor's property, debts, and the office of the clerk of the bankruptcy court.

yone to show the debtor owes soney or property. Under the Bankruptcy iditors. Common examples of prohibited sctions by creditors are gainst the debtor to collect moncy owed to creditors or to take sure actions, repossessions, or use doductions. If trauthorized it may penalize that creditor, A creditor sho is considering taking sould review § 362 of the Bankruptcy Code and may wish to seek legal not permitted to give legal advice.

a joint case) is required to appear at the meeting of creditors on of being sxamined under both. Attendance by creditors at the meeting is may examine the debtor and transact such other business as may nued or adjourned from time to time by notice at the meeting, without

s permitted to keep certain money or property as exempt. If a creditor horized by law, the creditor may file an objection. An objection must a meeting of creditors.

ts. A discharge means that certain debts are made unenforceable nat the debtor are discharged may never take action against the debtor at the debtor should not receive a discharge under § 1141(d)(3)(C) of nkruptcy court in accordance with Sankruptcy Rule 4004(a). If a tredi-argeable under § 323(a)(2), (4), or (6) of the Sankruptcy Code, timely ne set forth above in the box labeled "plackarge of Debts." Creditors

e filed pursuant to Benkruptcy Rule 1007. Any creditor holding a it, or unliquidated as to amount may, but is not required to, file a it scheduled or shose claims are listed as disputed, contingent, or the case or ahere in any distribution such file their proofs of creditors has the responsibility for determining that the claim is her in person or by mail, is the office of the clark of the bankruptcy. ffice of any bankruptcy court.

Code enables a debtor to reorganize pursuant to a plan. A plan is not saring. Creditors will be given notice concerning any plan, or in the r of the Wenkruptcy Dode. The debtor will remain in possession of its s trustee is appointed.

For the	Courte	· · ·	هير يتعاذر ويبتيه المرجوعين المرجوعين		•	-	
		Clerk of	the Sankruptcy	COURT	1		
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FORM SPE(AH) United States Bankrubtcy Court District of Case Kumber:		NOTICE OF COMMENCEMENT OF CASE UNDE BANGRUPTCY CODE, NEETING OF CREDITORS	. AND FIXING AS A
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This is a converted case originally filed under			
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COMMITTEE NOTE

The title of Form 9 has been amended to conform to the headings used on Forms 9A - 9I. Alternate versions of Form 9E and Form 9F have been added for use in chapter 11 cases by those courts that, prior to the time that the notice is mailed to creditors, fix the time for filing claims. When a creditor receives the alternate form in a case, the box labeled "Filing Claims" will contain information about the time within which proofs of claim may be filed as follows: "Dead line for filing a claim: <u>(date)</u>." If no deadline is set in a particular case, either the court will use Form 9E or Form 9F, as appropriate, or the alternate form will be used with the following sentence appearing in the box labeled "Filing Claims": "When the court sets a deadline for filing claims, creditors will be notified."

United States Bankruptcy Court District of	PROOF OF CLAIM	,
in re (Name of Debtor)	Case Number	
NOTE: This form should not be used to make a claim for an administrative e case. A "request" for payment of an administrative expense may be filed put	event to 11 U.S.C § 503.	
Name of Creditor (The period or other arbits to mice the deltar sums many or property) Name and Address Where Notices Should be Sent	Check box if you are aware that anyone also has filed a proof of claim relating to your claim. Altech copy of statement giving particulars.	to a surface of the second
	Check box if you have sever received any notices from the bankruptcy court in this case.	
Telephone No.	sent to you by the court.	THIS SPACE IS FO COURT USE ONL
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:	Check here if this claim 🖸 replaces 🖡 a previously i	iled claim, dated:
1. BASIS FOR CLAIM		1. 1. 1. 1. 1.
Goods sold Services performed Money issued	Retiree benefits as defined in 11 U.S.C. § 11 Wages, salaries, and compensations (fill out Your social security number	below)
Personal injury/wrongiel death Taxes	Unpaid compensation for services performed from Jo	(date)
Other (Describe briefly)	(deto)	(asis)
2. DATE DEBT WAS INCURRED	3. IF COURT JUDGMENT, DATE OBTAINED:	•
SECURED CLAIM S Attach evidence of perfection of security interest Brief Description of Collateral: Brief Description of Collateral	UNSECURED PRIORITY CLAIM S Specify the priority of the claim. Wages, sataries, or commissions (up to \$ 200 90 days before filling of the benkruptor petitio business, whichever is sariler) - 11 U.S.C. \$ 5 Contributions to an employee benefit plan . U p to \$ 900 of deposits toward purchase, less	n or constition of the (D7(a)(3) S.C. § 507(a)(4)
UNSECURED NONPRIORITY CLAIM \$ A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.	Other - (4)(3)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)	u.s.c. \$ 507(a)(7)
S. TOTAL AMOUNT OF CLAIM AT TIME SS	(Secured) S(Priority)	\$(Total)
Check this box I claim includes proposition charges in addition to the g 6. CREDITS AND SETOFFS: The amount of all payments on this c	aim has been credited and deducted for	THIS SPACE IS F
the purpose of making this proof of claim. In filing this claim, claima owes to debtor.	tes deducted all amounts that claimant	COURT USE ONL
7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting docu</u> purchase orders, involces, itemized statements of running accounts of security interests. If the documents are not available, explain. If summary.	the documents are voluminous, attach a	. . .
8. TIME-STAMPED COPY: To receive an acknowledgment of the fi self-addressed envelope and copy of this proof of claim.		-
Date Sign and print the name and title, if a authorized to file this claim (attach co	ny, of the creditor or other person by of power of attorney, if any)	
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COMMITTEE NOTE

This form has been amended to accommodate inclusion of the priority afforded in § 507(a)(8) of the Code, which was added by Pub. L. No. 101-647 (Crime Control Act of 1990), and to avoid the necessity of further amendment to the form if other priorities are added to § 507(a) in the future. In addition, sections 4 and 5 of the form have been amended to clarify that only prepetition arrearages and charges are to be included in the amount of the claim.

1.2.2