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2. *Text of Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19, 21, 22A, 22B, 22C, 23, and 24, new Official Forms 25A, 25B, 25C, and 26, and Exhibit D to Official Form 1* — Sec. II-E, Page 14

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III. INFORMATION ITEMS

A. Attached to the report is an analysis of the comments on the Means Test Forms, Official Forms 22A, 22B, and 22C, prepared by the Advisory Committee's Subcommittee on Consumer Issues

B. Attached to the report is the Bankruptcy Rules Docket.

C. Attached to the report is the draft of the Minutes of the March 2007 meeting of the Advisory Committee.

8A

TO: **Hon. David F. Levi, Chair**
Standing Committee on Rules of Practice and Procedure

FROM: **Hon. Thomas S. Zilly, Chair**
Advisory Committee on Bankruptcy Rules

DATE: **May 8, 2007**

RE: **Report of the Advisory Committee on Bankruptcy Rules**

I. INTRODUCTION

The Advisory Committee on Bankruptcy Rules met on March 29-30, 2007, at Marco Island, Florida. The Committee considered a number of issues as more fully set out in the draft of the minutes of that meeting which are attached to this report. Subsequent to the meeting, the Committee voted on a number of issues that had been deferred at the meeting or needed to be clarified as a result of the formal meeting.

As a result of the meeting and other subsequent action, the Advisory Committee recommends a series of action items to the Standing Committee. First, the Committee recommends that the Standing Committee approve amendments to 32 rules and seven new rules, published for comment in August 2006. The Advisory Committee received 60 comments on the published rules and forms and reviewed 38 additional comments on the Interim Rules and Forms. After considering the comments, the Committee recommends approval of 25 amended rules and four new rules as published. The Committee recommends approval of seven amended rules (Rules 1007, 2002, 3002, 3019, 4003, 5003, and 9006), and three new Rules (new Rules 2015.1, 2015.3, and 6011) as revised as a result of the comments and further study. In the Committee's view, none of the changes requires republication.

Second, the Committee recommends approval of minor technical changes to four rules that are necessary as a result of the restyled Civil Rules. We do not believe these rule changes will require publication. Third, the Committee recommends for publication amendments to four rules (including Rule 9006(a), the Time Template Rule) and two new rules. Fourth, the Committee recommends for publication amendments to the deadlines set out in 39 rules in connection with the Time Computation Template Project.

Fifth, the Committee recommends approval of 18 amended Official Forms, four new Official Forms, and the combination of Official Forms 19A and 19B. The Committee

recommends approval of six Official Forms and two new Official Forms as published in August 2006. Twelve Official Forms (Forms 1, 4, 6, 7, 9, 10, 22A, 22B, 22C, 23, and 24, and Exhibit D to Official Form 1) and two new Official Forms (Forms 25A and 25C) were changed after publication, and Official Forms 19A and 19B were combined, as a result of the comments and further study. The Committee recommends that these forms be approved by the Standing Committee and submitted to the Judicial Conference without further publication. And, sixth, the Committee recommends for publication a proposed amendment to Official Form 8 and new Official Form 27 as outlined in this report.

As a result of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "2005 Act") Interim Rules were prepared by this Committee, approved by the Standing Committee, and adopted by standing order in every district in the United States. Time did not allow for publication of these Interim Rules before the October 17, 2005 effective date to the 2005 Act. The Interim Rules comprise the bulk of the package of new rules and rule amendments published in August 2006, which are now being recommended for final approval.

Our report to the Standing Committee dated May 24, 2006 (Revised June 30, 2006) included a statement as to whether each rule (ultimately published in August 2006) was previously approved as an Interim Rule, and the changes and reasons for any change to the Interim Rules. This report provides an explanation of changes being recommended to the published rules.

Similarly, the 2005 Act required amendments to, or creation of, many new Official Forms. These amendments and additions were recommended to the Judicial Conference and approved by it in August and October 2005. These Official Forms, as modified, were also published for comment in August 2006. The Committee report in the Spring of 2006 also explained the proposed changes to the Official Forms and the reasons for the proposed changes. This report outlines changes to the published Official Forms that the Committee recommends for final adoption without further publication.

In August 2006, proposed amendments to 32 Bankruptcy Rules, eight new rules, amendments to 21 Official Forms, and four new Official Forms were published for comment. All written comments were due by February 15, 2007. No party requested to testify at the public hearings scheduled for January 22, 2007, and the hearing was cancelled. However, the Committee reviewed the 60 written comments received on the published rules and forms and the 38 comments received on the Interim Rules and Forms. Copies of the comments are available on the Federal Rulemaking page of the Judiciary's website at:

http://www.uscourts.gov/rules/2006_Bankruptcy_Rules_Comments_Chart.htm and
http://www.uscourts.gov/rules/BK%20Interim%20Rules%20Forms.htm.

The Advisory Committee held numerous subcommittee telephone call meetings to discuss all the comments at great length. Since publication, I estimate a total of 20 subcommittee

meetings lasting two to three hours were held to carefully analyze the comments. In addition, separate additional memorandums were prepared by the Reporter and other members of the Committee outlining the Recommendations of the various subcommittees. At the meeting of the full Advisory Committee in March 2007, the Committee carefully considered all the public comments, the recommendations of the subcommittees, and the views of the entire Advisory Committee. The Committee now provides the Standing Committee with its recommendations.

II. ACTION ITEMS

A. Proposed Amendments to Bankruptcy Rules 1005, 1006, 1007, 1009, 1010, 1011, 1015, 1017, 1019, 1020, 2002, 2003, 2007.1, 2015, 3002, 3003, 3016, 3017.1, 3019, 4002, 4003, 4004, 4006, 4007, 4008, 5001, 5003, 6004, 8001, 8003, 9006, and 9009, and new Rules 1021, 2007.2, 2015.1, 2015.2, 2015.3, 5008, and 6011 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference:

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to the Bankruptcy Rules and Official Forms and submit them to the Judicial Conference.

1. *Public Comment and Hearing*

The proposed amendments were published for comment in August 2006. A public hearing on the proposed amendments was scheduled for January 22, 2007, but there were no requests to appear at the hearing. The comments are summarized below immediately following each of the rules to which the comment relates. The Advisory Committee reviewed these comments and approved the amendments to the rules either as published or with changes that are described in the Changes Made After Publication section of this report.

2. *Synopsis of Proposed Amendments*

(a) **Rule 1005 (conforming)** contains an amendment to require the disclosure of all names used by the debtor in the past eight years to implement the provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) that extends the time between discharges from six to eight years. The rule is also amended to include an individual debtor's tax identification number among the information that must be limited to protect the debtor's privacy.

(b) **Rule 1006** is amended to implement the provisions in the Act that, for the first time on a nationwide basis, authorize the courts to waive the payment of filing fees by debtors. The amendment directs the debtor to use the Official Form for requesting a fee waiver. The amendment also permits the court to allow the payment of the filing fee in installments even if the debtor has made a payment to an attorney in connection with the case.

(c) **Rule 1007 (conforming)** is amended to reflect the expanded obligations of debtors to file a variety of documents and materials by the Act. The amendments address the filing of current monthly income statements and other forms to implement the means test imposed by the 2005 bankruptcy reform legislation. There are also changes to require debtors to file additional

materials such as payment advices and education income retirement accounts, as well as certificates for the completion of credit counseling and financial management programs mandated by the legislation. The rule is also amended to recognize the limitation on the extension of the time to file schedules and statements when the debtor is a small business debtor. Section 1116(3), added to the Bankruptcy Code by the Act in 2005, establishes a specific standard for the courts to apply in the event that the debtor in possession or the trustee seeks an extension for the filing of these forms for a period beyond 30 days after the order for relief. Finally, the rule is amended to require that any entity filing a petition for recognition to commence a case under chapter 15 of the Code file a list of entities with whom the debtor is engaged in litigation in the United States. This chapter was added to the Code by the Act. The recognition of a foreign proceeding makes § 362 of the Code operative in the case, so the amendment to the rule requires the entity filing a petition for recognition to file a list of parties to pending litigation with the debtor. These entities can them be notified prior to the imposition of the automatic stay that the petitioner has sought relief under chapter 15.

(d) **Rule 1009 (technical)** is amended to correct a cross reference to the Bankruptcy Code due to the restructuring of § 521 of the Code by the Act.

(e) **Rule 1010 (conforming)** is amended to implement the changes to the Bankruptcy Code made by the Act. It repealed § 304 of the Code and replaced it with chapter 15 governing both ancillary and cross-border cases. Under that chapter, a foreign representative commences a case by filing a petition for recognition of a pending foreign proceeding. This amendment requires service of the summons and petition on the debtor and any entity against whom the representative is seeking provisional relief. The rule also provides that the court may direct that service be made on additional entities as appropriate.

(f) **Rule 1011 (technical)** is amended to reflect the 2005 enactment of the Act which repealed § 304 of the Code and added chapter 15 to the Code. Section 304 covered cases "ancillary to foreign proceedings", while chapter 15 of the Code governs cross-border insolvencies and introduces the concept of a petition for recognition of a foreign proceeding. The amendment implements this new terminology.

(g) **Rule 1015 (technical)** is amended to change the cross references in the Rule to conform to the renumbered subsections of the provision of the Bankruptcy Code as amended by the 2005 Act.

(h) **Rule 1017 (conforming)** is amended to implement the amendments to § 707(b) of the Code by the Act that permit parties in interest to move to dismiss the chapter 7 case of an individual whose debts are primarily consumer debts as abusive. The amendments to subdivision (e) of the rule preserve the time limits already in place for § 707 motions. The rule also requires that a motion filed under § 707(b)(3) state with particularity the circumstances that present the alleged abuse.

(i) **Rule 1019 (conforming)** is amended because the Act is likely to lead to more conversions of cases to and from chapters 7 and 13. The amendments preserve deadlines for motions to dismiss a case under § 707(b) upon conversion of a case from chapter 13 to chapter 7.

(j) **Rule 1020** is essentially a new rule that reflects the change in the definition of a small business debtor made by the Act. The former rule is deleted, and the new rule provides a procedure for informing the parties, the United States trustee, and the court of whether the debtor is a small business debtor. It also provides procedures for bringing to the court disputes regarding the proper characterization of the debtor. Because it is important to resolve such disputes early in the case, a time limit for objecting to the debtor's self-designation is imposed. Rule 9006(b)(1), which governs enlargement of time, is applicable to the time limits set forth in this rule. Subdivision (c), which relates the presence and activity of a committee of unsecured creditors, is designed to be consistent with the Code's definition of "small business debtor."

(k) **Rule 1021** is new. It is added to the rules to implement § 101(27A) of the Code, added by the Act in 2005. That section defines health care businesses, and the rule authorizes parties in interest to seek an order identifying a debtor as a health care business. The debtor, in a voluntary case and the petitioning creditors in an involuntary case will make the health care business identification on the petition. If a party in interest disagrees with the determination by the debtor or petitioning creditors that the debtor is not a health care business, the party can move for an order designating the debtor as a health care business.

(*l*) **Rule 2002 (conforming and otherwise)** is amended to reflect the 2005 revisions to § 704 of the Bankruptcy Code in the Act requiring the court to provide a copy to all creditors of a statement by the United States trustee as to whether the debtor's case would be presumed to be an abuse under § 707(b) not later than five days after receiving it.

The rule is also amended in several respects to implement amendments made to the business provisions of the Bankruptcy Code by the Act. Subdivision

(b) is amended to require that notice of a hearing on the approval of a plan to serve as a disclosure statement be given in a small business case in chapter 11. Subdivision (p)(1) is added to the rule to give the court flexibility to direct that notice by other means shall supplement notice by mail, or to enlarge the notice period, for creditors with foreign addresses now required by § 1514(d) of the Code. This portion of the rule recognizes that the court has discretion to establish procedures to determine, on its own initiative, whether relief under subdivision (p) is appropriate, but that the court is not required to establish such procedures and may decide to act only on request of a party in interest. Subdivision (p)(2) is added to the rule to grant creditors with a foreign address to which notices are mailed at least 30 days notice of the time within which to file proofs of claims if notice is mailed to the foreign address, unless the court orders otherwise. If cause exists, such as likely delays in the delivery of notices in particular locations, the court may extend the notice period for creditors with foreign addresses. The court also may shorten the additional notice time if circumstances so warrant.

Finally, Rule 2002 is amended to implement the provisions of chapter 15 of the Bankruptcy Code. Subdivision (q) is added to the rule to require that notice be given to the debtor and entities against whom provisional relief is sought of a hearing on a petition for recognition of a foreign proceeding. There is no need at this stage of the proceedings to provide notice to all creditors. If the foreign representative should take action to commence a case under another chapter of the Code, the rules governing those proceedings will operate to provide that notice is given to all creditors.

(m) **Rule 2003 (technical)** is amended to implement the Act's amendment to § 341(e) of the Bankruptcy Code. The amendment to the rule authorizes the court, on request of a party in interest and after notice and a hearing, to order that a meeting of creditors not be convened if the debtor had solicited acceptances of a plan prior to the commencement of the case. The amended rule recognizes that a meeting of creditors may not be held in those cases.

(n) **Rule 2007.1 (conforming)** is amended to reflect the change in the manner of the election and appointment of trustees in chapter 11 cases. The 2005 amendments to the Bankruptcy Code reduce somewhat the role of the United States trustee in the appointment process, so the amendments to Rule 2007.1 limit that role and require the elected trustee to file an affidavit setting forth information regarding that person's connections with creditors and others with an interest in the case.

(o) **Rule 2007.2 (conforming)** is new. It is added to the rules to govern the appointment of a health care ombudsman in the first 30 days of all health care

business cases unless the court finds that the appointment is not necessary for the protection of patients. This is a new obligation created by § 333 of the Code added by the Act in 2005. The rule recognizes this obligation and provides that any party in interest that believes that the appointment of a health care ombudsman is unnecessary in the case must file its objection to the appointment within the first twenty days of the case. That entity also must notify other interested parties that the objection has been filed. The court will then consider the objection and determine whether to order the United States trustee to make the appointment. In the absence of any timely objections, the court will enter an order directing the United States trustee to appoint the ombudsman. The rule also permits parties in interest to file motions either to appoint or terminate the appointment of these ombudsmen, and it sets forth the procedure for approving the appointment.

(p) **Rule 2015 (conforming)** is amended by inserting a new subdivision (d) to implement the 2005 enactment of § 1518 of the Code as a part of the Act. That section directs the foreign representative to make reports to the court, and the rule sets the time for the filing of those reports. Former subdivision (d) is renumbered as subdivision (e).

(q) **Rule 2015.1** is new. It is added to implement § 333(b) and (c) added to the Code in 2005 by the Act. The rule requires ten days notice of reports to be made by the health care ombudsman and sets out the entities to whom the notice must be given. The rule permits the notice to relate to a single report or to periodic reports to be given throughout the course of the case. That is, the notice may serve as notice of all reports to be given by the ombudsman at specified intervals during the case. Interested parties will then be able to review the written reports or attend the hearings at which oral reports might be given. The Rule also implements § 333(c)(1) added to the Code in 2005 by the Act. The statute requires court approval of the ombudsman's review of the patient records with the imposition of appropriate restrictions to protect the confidentiality of the records. The rule requires the ombudsman to notify the United States trustee, the patient, and any family member or contact person whose name and address have been given to the trustee or the debtor that the ombudsman is seeking access to otherwise confidential patient records. This provides an opportunity for the patient and United States trustee to appear and be heard on the matter and should assist the court in reaching its decision both as to access to the records and appropriate restrictions on that access to ensure continued confidentiality. A notice given under the rule is expressly made subject to applicable nonbankruptcy laws governing patient privacy.

(r) **Rule 2015.2 (conforming)** is new. It is added to implement § 704(a)(12) which was added to the Code in 2005 by the Act. That section authorizes the trustee to relocate patients when a health care business debtor's facility is being closed. The statute permits the trustee to take this action without the need for any order from the court, but the notice required by this rule will enable patients who contend that the trustee's actions violate § 704(a)(12) to have those issues resolved. A notice given under the rule is expressly made subject to applicable nonbankruptcy laws governing patient privacy.

(s) **Rule 2015.3** is new. It implements § 419 of the 2005 Act by requiring the filing of periodic reports of the value and profitability of any entity in which the debtor has a substantial or controlling interest. Reports are to be made on the appropriate Official Form. While § 419 of the 2005 Act places the obligation to report upon the "debtor," the rule extends the obligation to include cases in which a trustee has been appointed. The rule also establishes procedures for the determination of the applicability of the rule to specific debtors. Under the rule, the court can order that the reports not be filed in appropriate circumstances, such as when the information that would be included in these reports is already available to interested parties.

(t) **Rule 3002 (conforming and otherwise)** is amended to conform to changes in the Code made by the Act. Under § 502(b)(9), governmental units asserting claims based on tax returns filed under § 1308 during a chapter 13 case have a different time period for filing proofs of those claims. Paragraph (c)(1) is amended to conform to §502(b)(9).

The rule is also amended to implement § 1514(d) which was added to the Bankruptcy Code by the Act. Subdivision (c)(6) gives the court discretion to extend the time for filing a proof of claim for a creditor who received notice of the time to file the claim at a foreign address, if the court finds that the notice was not sufficient, under the particular circumstances, to give the foreign creditor a reasonable time to file a proof of claim.

(u) **Rule 3003 (technical)** is amended to implement § 1514(d), which was added to the Code by the Act in 2005, by making the new Rule 3002(c)(6) applicable in chapter 9 and chapter 11 cases.

(v) **Rule 3016** is amended to recognize that, in 2005, the Act added §1125(f)(1) to the Code to provide that the plan proponent in a small business case need not file a disclosure statement if the plan itself includes adequate information and the court finds that a separate disclosure statement is unnecessary. If the plan is intended to provide adequate information in a small business case, it may be conditionally approved as a disclosure statement under Rule 3017.1

and is subject to all other rules applicable to disclosure statements in small business cases.

(w) **Rule 3017.1 (technical)** is amended to implement the Act's amendment to the Bankruptcy Code that permits the court in a small business chapter 11 case to conditionally approve a plan intended to provide adequate information. The plan is then treated as a disclosure statement under this rule.

(x) **Rule 3019 (conforming)** is amended because the Act added to the Bankruptcy Code a provision for the modification of plans filed by individual debtors in chapter 11 cases. The rule is amended to establish the procedure for filing and objecting to a proposed modification of a confirmed plan.

(y) **Rule 4002** is amended to implement the provisions of the Act that expand the obligation of debtors to provide additional evidence of personal identity, current income, and recent Federal income tax returns or tax transcripts. Amendments to the rule had been published for comment in August 2004, and this amendment carries forward from that proposed amendment the debtor's obligation to provide evidence of financial accounts existing at the time of the commencement of the case.

(z) **Rule 4003 (conforming)** is amended to reflect the Act's addition of § 522(q) to the Bankruptcy Code. Section 522(q) imposes a $125,000 limit on a state homestead exemption if the debtor has been convicted of a felony or owes a debt arising from certain causes of action. Other revised provisions of the Bankruptcy Code, such as § 727(a)(12) and § 1328(h), suggest that the court may consider issues relating to § 522 late in the case, and thus the 30-day period for objections would not be appropriate for this provision. Thus, a new subdivision (b)(2) is added to provide a separate time limit for this provision.

(aa) **Rule 4004 (conforming)** is amended to implement several provisions added to the Bankruptcy Code by the Act. The amendments address the postponement of the court's entry of a discharge pending the debtor's completion of a financial management program as well as the need to postpone the discharge to consider whether the debtor has committed a felony or owes a debt arising from certain causes of action within a particular time frame.

(bb) **Rule 4006 (conforming)** is amended to reflect the Act's revision of the Bankruptcy Code that requires individual debtors to complete a course in personal financial management as a condition to the entry of a discharge. If

the debtor fails to complete the course, no discharge will be entered, but the case may be closed. The amended rule provides notice to parties in interest, including the debtor, that no discharge was entered.

(cc) **Rule 4007 (conforming)** is amended because the Act expands the exceptions to discharge upon completion of a chapter 13 plan. Subdivision (c) extends to chapter 13 the same time limits applicable to other chapters of the Code with respect to the two exceptions to discharge that have been added to § 1328(a) and that are within § 523(c). Subdivision (d) is amended to establish a deadline for filing a complaint in a chapter 13 case only for § 523(a)(6), rather than for all of the categories of claims under § 523(c).

(dd) **Rule 4008 (conforming)** is amended to reflect the Act's addition of §§ 524(k)(6)(A) and 524(m) to the Bankruptcy Code. The provisions require that a debtor file a signed statement in support of a reaffirmation, and authorize a court to review the agreements if, based on the assertions on the statement, the agreement is presumed to be an undue hardship. The rule revision requires that an accompanying statement show the total income and expense figures from schedules I and J and an explanation of any discrepancies. This will allow the court to evaluate the reaffirmation for undue hardship as § 524(m) requires.

(ee) **Rule 5001** is amended to permit bankruptcy judges to hold hearings outside of the district in which the case is pending to the extent that the circumstances lead to the authorization of the court to take such action under the 2005 amendment to 28 U.S.C. § 152(c).

(ff) **Rule 5003 (technical)** is amended to implement the addition of § 505(b) (1) to the Code by the Act in 2005. That section allows taxing authorities to designate addresses to use for the service of a request under that subsection.

(gg) **Rule 5008** is new. The 2005 revisions to § 342 of the Bankruptcy Code require that clerks give written notice to all creditors not later than 10 days after the date of the filing of the petition that a presumption of abuse has arisen under § 707(b). A statement filed by the debtor will be the source of the clerk's information about the presumption of abuse. This rule enables the clerk to meet its obligation to send the notice within the statutory time period set forth in § 342. In the event that the court receives the debtor's statement after the clerk has sent the first notice, and the debtor's statement indicates a presumption of abuse, this rule requires that the clerk send a second notice.

(hh) **Rule 5012 (conforming)** is withdrawn. The Advisory Committee concluded that the proposed rule should be studied further prior to its adoption. The matter has been referred back to the Subcommittee on Technology and Cross Border Insolvency.

(ii) **Rule 6004 (conforming)** is amended to implement sections 332 and 363(b)(1)(B), which the Act added to the Code in 2005. Those sections require the appointment of a consumer privacy ombudsman in certain circumstances when a debtor proposes to sell personally identifiable information.

(jj) **Rule 6011** is new. It is added to implement § 351(1) which was added to the Code in 2005 by the Act. That provision requires the trustee to notify patients that their patient records will be destroyed if they remain unclaimed for one year after the publication of a notice in an appropriate newspaper. The statute also requires that individualized notice be sent to each patient and every family member and other contact person to whom the debtor is providing information about the patient's health. Subdivisions (a) and (b) establish minimum requirements for notices to patients, their family members, and contact persons to ensure that sufficient information is provided to these persons regarding the trustee's intent to dispose of patient records. Subdivision (c) directs the trustee to maintain proof of compliance with § 351(1)(B), but it prohibits filing the proof of compliance unless the court orders the trustee to file it under seal because the proof of compliance may contain patient names that should or must remain confidential. Subdivision (d) requires the trustee to file a report with the court regarding the destruction of patient records. This certification is intended to ensure that the trustee properly completed the destruction process. Again, notices under this rule are expressly made subject to applicable nonbankruptcy laws governing patient privacy.

(kk) **Rule 8001** is amended to implement the direct appeal provisions that the Act added in 2005. The Act amended 28 U.S.C. § 158 to authorize appeals directly to the courts of appeals upon certification either by the bankruptcy or district court or the bankruptcy appellate panel. Certification is also available to the parties either on request to the court, or if all of the parties agree. The rule also provides that review by the court of appeals, which is at its discretion, requires that a party file a timely notice of appeal.

(*ll*) **Rule 8003** is amended to implement the direct appeal provisions that the Act added in 2005. It provides that a certification by the lower court or the allowance of leave to appeal by the court of appeals is deemed to satisfy the

requirement for leave to appeal even if no motion for leave to appeal has been filed.

(mm) **Rule 9006 (technical)** is amended to recognize that extensions of time for filing schedules and a statement of financial affairs by small business debtors cannot be extended beyond the time set in § 1116(3) of the Code as added by the Act in 2005. This amendment operates in tandem with the amendment to Rule 1007(c) to recognize this restriction on expanding the time to file these documents in small business cases. The rule also is amended to limit the enlargement and reduction of the time to file a reaffirmation agreement.

(nn) **Rule 9009 (technical)** is amended to provide that a plan proponent in a small business chapter 11 case need not use an Official Form of a plan of reorganization and disclosure statement. Absent the amendment, the Official Form would have to be used, and the 2005 Act anticipates the use of both an Official Form and a form that is adopted by local courts.

3. *Text of Proposed Amendments to Rules 1005, 1006, 1007, 1009, 1010, 1011, 1015, 1017, 1019, 1020, 2002, 2003, 2007.1, 2015, 3002, 3003, 3016, 3017.1, 3019, 4002, 4003, 4004, 4006, 4007, 4008, 5001, 5003, 6004, 8001, 8003, 9006, and 9009, and new Rules 1021, 2007.2, 2015.1, 2015.2, 2015.3, 5008, and 6011.*

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE*

RULE 1005. Caption of Petition

1 The caption of a petition commencing a case under the Code shall
2 contain the name of the court, the title of the case, and the docket
3 number. The title of the case shall include the following information
4 about the debtor: name, employer identification number, last four
5 digits of the social-security number or individual debtor's taxpayer-
6 identification number, any other federal ~~tax~~ taxpayer-identification
7 number, and all names used within ~~six~~ eight years before filing the
8 petition. If the petition is not filed by the debtor, it shall include all
9 names used by the debtor which are known to the petitioners.

COMMITTEE NOTE

The rule is amended to require the disclosure of all names used by the debtor in the past eight years. Section 727(a)(8) was amended in 2005 to extend the time between chapter 7 discharges from six to eight years, and the rule is amended to implement that change. The rule also is amended to require the disclosure of the last four digits of an individual debtor's taxpayer-identification

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*New material is underlined; matter to be omitted is lined through.

number. This truncation of the number applies only to individual debtors. This is consistent with the requirements of Rule 9037.

Comments on Proposed Amendments to Rule 1005:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1006. Filing Fee

1 (a) GENERAL REQUIREMENT. Every petition shall be
2 accompanied by the filing fee except as provided in subdivisions (b)
3 and (c) of this rule. For the purpose of this rule, "filing fee" means
4 the filing fee prescribed by 28 U.S.C. § 1930(a)(1)-(a)(5) and any
5 other fee prescribed by the Judicial Conference of the United States
6 under 28 U.S.C. § 1930(b) that is payable to the clerk upon the
7 commencement of a case under the Code.
8 (b) PAYMENT OF FILING FEE IN INSTALLMENTS.
9 (1) *Application ~~for Permission~~ to Pay Filing Fee in*
10 *Installments.* A voluntary petition by an individual shall be accepted
11 for filing if accompanied by the debtor's signed application, prepared
12 as prescribed by the appropriate Official Form, stating that the debtor
13 is unable to pay the filing fee except in installments. ~~The application~~
14 ~~shall state the proposed terms of the installment payments and that the~~

15 ~~applicant has neither paid any money nor transferred any property to~~

16 ~~an attorney for services in connection with the case.~~

17 * * * * *

18 (3) *Postponement of Attorney's Fees.* ~~The filing fee~~ All

19 installments of the filing fee must be paid in full before the debtor or

20 chapter 13 trustee may make further payments ~~pay an~~ to an attorney

21 or any other person who renders services to the debtor in connection

22 with the case.

23 (c) WAIVER OF FILING FEE. A voluntary chapter 7 petition

24 filed by an individual shall be accepted for filing if accompanied by

25 the debtor's application requesting a waiver under 28 U.S.C. §

26 1930(f), prepared as prescribed by the appropriate Official Form.

COMMITTEE NOTE

Subdivision (a) is amended to include a reference to new subdivision (c), which deals with fee waivers under 28 U.S.C. § 1930(f), which was added in 2005.

Subdivision (b)(1) is amended to delete the sentence requiring a disclosure that the debtor has not paid an attorney or other person in connection with the case. Inability to pay the filing fee in installments is one of the requirements for a fee waiver under the 2005 revisions to 28 U.S.C. § 1930(f). If the attorney payment prohibition were retained, payment of an attorney's fee would render many debtors ineligible for installment payments and thus enhance their eligibility for the fee waiver. The deletion of this prohibition from the rule, which was not statutorily required, ensures that debtors who have the financial ability to pay the fee in installments will do so rather than request a waiver.

Subdivision (b)(3) is amended in conformance with the changes to subdivision (b)(1) to reflect the 2005 amendments. The change is meant to clarify that subdivision (b)(3) refers to payments made after the debtor has filed the bankruptcy case and after the debtor has received permission to pay the fee in installments. Otherwise, the subdivision may conflict with the intent and effect of the amendments to subdivision (b)(1).

Comments on Proposed Amendments to Rule 1006:

1. **Comment 06-BK-001** was submitted by Hon. Geraldine Munn, (Bankr. C.D. Cal.). Judge Munn objected to allowing the payment of fees to petition preparers in cases where the debtor seeks a waiver of the filing fee.

Changes Made After Publication:

No changes were made after publication.

RULE 1007. Lists, Schedules, Statements, and Other Documents; Time Limits

1 (a) CORPORATE OWNERSHIP STATEMENT, LIST OF
2 CREDITORS AND EQUITY SECURITY HOLDERS, AND
3 OTHER LISTS.
4 * * * * *
5 (4) *Chapter 15 Case.* In addition to the documents required under §
6 1515 of the Code, a foreign representative filing a petition for
7 recognition under chapter 15 shall file with the petition: (A) a
8 corporate ownership statement containing the information described
9 in Rule 7007.1, and (B) unless the court orders otherwise, a list
10 containing the names and addresses of all persons or bodies

11 authorized to administer foreign proceedings of the debtor, all parties
12 to litigation pending in the United States in which the debtor is a
13 party at the time of the filing of the petition, and all entities against
14 whom provisional relief is being sought under § 1519 of the Code.
15 ~~(4)~~ (5) *Extension of Time.* Any extension of time for the filing of
16 lists required by this subdivision may be granted only on motion for
17 cause shown and on notice to the United States trustee and to any
18 trustee, committee elected under § 705 or appointed under § 1102 of
19 the Code, or other party as the court may direct.
20 (b) SCHEDULES~~, AND~~ STATEMENTS, AND OTHER
21 DOCUMENTS REQUIRED.
22 (1) Except in a chapter 9 municipality case, the debtor, unless
23 the court orders otherwise, shall file the following schedules,
24 statements, and other documents, prepared as prescribed by the
25 appropriate Official Forms, if any:
26 (A) schedules of assets and liabilities~~,~~ ;
27 (B) a schedule of current income and expenditures~~,~~;
28 (C) a schedule of executory contracts and unexpired
29 leases~~, and~~;
30 (D) a statement of financial affairs~~, prepared as prescribed~~
31 ~~by the appropriate Official Forms~~;

32 (E) copies of all payment advices or other evidence of
33 payment, if any, received by the debtor from an employer within 60
34 days before the filing of the petition, with redaction of all but the last
35 four digits of the debtor's social-security number or individual
36 taxpayer-identification number; and
37 (F) a record of any interest that the debtor has in an
38 account or program of the type specified in § 521(c) of the Code.
39 (2) An individual debtor in a chapter 7 case shall file a
40 statement of intention as required by § 521(a) ~~521(2)~~ of the Code,
41 prepared as prescribed by the appropriate Official Form. A copy of
42 the statement of intention shall be served on the trustee and the
43 creditors named in the statement on or before the filing of the
44 statement.
45 (3) Unless the United States trustee has determined that the
46 credit counseling requirement of § 109(h) does not apply in the
47 district, an individual debtor must file a statement of compliance with
48 the credit counseling requirement, prepared as prescribed by the
49 appropriate Official Form which must include one of the following:
50 (A) an attached certificate and debt repayment plan, if any,
51 required by § 521(b);

52 (B) a statement that the debtor has received the credit
53 counseling briefing required by § 109(h)(1) but does not have the
54 certificate required by § 521(b);
55 (C) a certification under § 109(h)(3); or
56 (D) a request for a determination by the court under §
57 109(h)(4).
58 (4) Unless § 707(b)(2)(D) applies, an individual debtor in a
59 chapter 7 case shall file a statement of current monthly income
60 prepared as prescribed by the appropriate Official Form, and, if the
61 current monthly income exceeds the median family income for the
62 applicable state and household size, the information, including
63 calculations, required by § 707(b), prepared as prescribed by the
64 appropriate Official Form.
65 (5) An individual debtor in a chapter 11 case shall file a
66 statement of current monthly income, prepared as prescribed by the
67 appropriate Official Form.
68 (6) A debtor in a chapter 13 case shall file a statement of
69 current monthly income, prepared as prescribed by the appropriate
70 Official Form, and, if the current monthly income exceeds the median
71 family income for the applicable state and household size, a
72 calculation of disposable income made in accordance with §
73 1325(b)(3), prepared as prescribed by the appropriate Official Form.

74 (7) An individual debtor in a chapter 7 or chapter 13 case
75 shall file a statement of completion of a course concerning personal
76 financial management, prepared as prescribed by the appropriate
77 Official Form. An individual debtor shall file the statement in a
78 chapter 11 case in which § 1141(d)(3) applies.
79 (8) If an individual debtor in a chapter 11, 12, or 13 case has
80 claimed an exemption under § 522(b)(3)(A) in property of the kind
81 described in § 522(p)(1) with a value in excess of the amount set out
82 in § 522(q)(1), the debtor shall file a statement as to whether there is
83 any proceeding pending in which the debtor may be found guilty of
84 a felony of a kind described in § 522(q)(1)(A) or found liable for a
85 debt of the kind described in § 522(q)(1)(B).
86 (c) TIME LIMITS. In a voluntary case, the schedules, ~~and~~
87 statements, and other documents required by subdivision (b)(1), (4),
88 (5), and (6) ~~other than the statement of intention~~ shall be filed with
89 the petition~~;~~ or within 15 days thereafter, except as otherwise
90 provided in subdivisions (d), (e), (f), and (h) of this rule. In an
91 involuntary case, the list in subdivision (a)(2), and the schedules, ~~and~~
92 statements, and other documents required by subdivision (b)(1) ~~other~~
93 ~~than the statement of intention~~ shall be filed by the debtor within 15
94 days of the entry of the order for relief. In a voluntary case, the

95 documents required by paragraphs (A), (C), and (D) of subdivision
96 (b)(3) shall be filed with the petition. Unless the court orders
97 otherwise, a debtor who has filed a statement under subdivision
98 (b)(3)(B), shall file the documents required by subdivision (b)(3)(A)
99 within 15 days of the order for relief. In a chapter 7 case, the debtor
100 shall file the statement required by subdivision (b)(7) within 45 days
101 after the first date set for the meeting of creditors under § 341 of the
102 Code, and in a chapter 11 or 13 case no later than the date when the
103 last payment was made by the debtor as required by the plan or the
104 filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b)
105 of the Code. The court may, at any time and in its discretion, enlarge
106 the time to file the statement required by subdivision (b)(7). The
107 debtor shall file the statement required by subdivision (b)(8) no
108 earlier than the date of the last payment made under the plan or the
109 date of the filing of a motion for a discharge under §§ 1141(d)(5)(B),
110 1228(b), or 1328(b) of the Code. Lists, schedules, ~~and~~ statements,
111 and other documents filed prior to the conversion of a case to another
112 chapter shall be deemed filed in the converted case unless the court
113 directs otherwise. Except as provided in § 1116(3), any extension of
114 time ~~for the filing of the~~ to file schedules, ~~and~~ statements, and other
115 documents required under this rule may be granted only on motion for
116 cause shown and on notice to the United States trustee, any

117 committee elected under § 705 or appointed under § 1102 of the

118 Code, trustee, examiner, or other party as the court may direct.

119 Notice of an extension shall be given to the United States trustee and

120 to any committee, trustee, or other party as the court may direct.

121 * * * * *

COMMITTEE NOTE

The title of this rule is expanded to refer to "documents" in conformity with the 2005 amendments to § 521 and related provisions of the Bankruptcy Code that include a wider range of documentary requirements.

Subdivision (a) is amended to require that any foreign representative filing a petition for recognition to commence a case under chapter 15, which was added to the Code in 2005, file a list of entities with whom the debtor is engaged in litigation in the United States. The foreign representative filing the petition for recognition must also list any entities against whom provisional relief is being sought as well as all administrators in foreign proceedings of the debtor. This should ensure that entities most interested in the case, or their representatives, will receive notice of the petition under Rule 2002(q).

Subdivision (a)(4) is amended to require the foreign representative who files a petition for recognition under chapter 15 to file the documents described in § 1515 of the Code as well as a corporate ownership statement. The subdivision is also amended to identify the foreign representative in language that more closely follows the text of the Code.

Subdivision (b)(1) addresses schedules, statements, and other documents that the debtor must file unless the court orders otherwise and other than in a case under chapter 9. This subdivision is amended to include documentary requirements added by the 2005 amendments to § 521 that apply to the same group of debtors and have the same time limits as the existing requirements of (b)(1).

Consistent with the E-Government Act of 2002, Pub. L. No. 107-347, the payment advices should be redacted before they are filed.

Subdivision (b)(2) is amended to conform to the renumbering of the subsections of § 521.

Subdivisions (b)(3) through (b)(7) are new and implement the 2005 amendments to the Code. Subdivision (b)(3) provides for the filing of a document relating to the credit counseling requirement provided by the 2005 amendments to § 109 in the context of an Official Form that warns the debtor of the consequences of failing to comply with the credit counseling requirement.

Subdivision (b)(4) addresses the filing of information about current monthly income, as defined in § 101, for certain chapter 7 debtors and, if required, additional calculations of expenses required by the 2005 amendments to § 707(b).

Subdivision (b)(5) addresses the filing of information about current monthly income, as defined in § 101, for individual chapter 11 debtors. The 2005 amendments to § 1129(a)(15) condition plan confirmation for individual debtors on the commitment of disposable income, as defined in § 1325(b)(2), which is based on current monthly income.

Subdivision (b)(6) addresses the filing of information about current monthly income, as defined in § 101, for chapter 13 debtors and, if required, additional calculations of expenses. These changes are necessary because the 2005 amendments to § 1325 require that the determination of disposable income begin with current monthly income.

Subdivision (b)(7) reflects the 2005 amendments to §§ 727 and 1328 of the Code that condition the receipt of a discharge on the completion of a personal financial management course, with certain exceptions. Certain individual chapter 11 debtors may also be required to complete a personal financial management course under § 727(a)(11) as incorporated by § 1141(d)(3)(C). To evidence compliance with that requirement, the subdivision requires the debtor to file the appropriate Official Form certifying that the debtor has completed the personal financial management course.

Subdivision (b)(8) is amended to require an individual debtor in a case under chapter 11, 12, and 13 to file a statement that there are no reasonable grounds to believe that the restrictions on a homestead exemption as set out in § 522(q) of the Code are applicable. Sections 1141(d)(5)(C), 1228(f), and 1328(h) each provide that the court shall not enter a discharge order unless it finds that there is no reasonable cause to believe that § 522(q) applies. Requiring the debtor to submit a statement to that effect in cases under chapters 11, 12, and 13 in which an exemption is claimed in excess of the amount allowed under § 522(q)(1) provides the court with a basis to conclude, in the absence of any contrary information, that § 522(q) does not apply. Creditors receive notice under Rule 2002(f)(11) of the time to request postponement of the entry of the discharge to permit an opportunity to challenge the debtor's assertions in the Rule 1007(b)(8) statement in appropriate cases.

Subdivision (c) is amended to include time limits for the filing requirements added to subdivision (b) due to the 2005 amendments to the Code, and to make conforming amendments. Separate time limits are provided for the documentation of credit counseling and for the statement of the completion of the financial management course. While most documents relating to credit counseling must be filed with the voluntary petition, the credit counseling certificate and debt repayment plan can be filed within 15 days of the filing of a voluntary petition if the debtor files a statement under subdivision (b)(3)(B) with the petition. Sections 727(a)(11), 1141(d)(3), and 1328(g) of the Code require individual debtors to complete a personal financial management course prior to the entry of a discharge. The amendment allows the court to enlarge the deadline for the debtor to file the statement of completion. Because no party is harmed by the enlargement, no specific restriction is placed on the court's discretion to enlarge the deadline, even after its expiration.

Subdivision (c) of the rule is also amended to recognize the limitation on the extension of time to file schedules and statements when the debtor is a small business debtor. Section 1116(3), added to the Code in 2005, establishes a specific standard for courts to apply in the event that the debtor in possession or the trustee seeks an extension for filing these forms for a period beyond 30 days after the order for relief.

<u>Comments on Proposed Amendments to Rule 1007:</u>

1. **Comment 06-BK-010** was submitted by Mr. Jack Horsley. He suggested that the rule require debtors to provide a detailed description of each listed expenditure.

2. **Comment 06-BK-011** was submitted by Hon. Marvin Isgur (Bankr. S.D. Tex). Judge Isgur proposed a rewriting of Rule 1007 that would be broken into subdivisions based on the chapters to which the requirements would apply. He also suggested that subdivision (b) restate the obligation that the debtor file a matrix list of creditors even though that requirement is already set out in subdivision (a)(1).

3. **Comment 06-BK-014** was submitted by Hon. Marvin Isgur (Bankr. S.D. Tex) and Hon. Wesley W. Steen (Bankr. S.D. Tex). Judges Isgur and Steen suggested that the rule be amended to protect an individual debtor who believes that he or she is not a debtor whose debts are primarily consumer debts in the event that a court later determines that their debts are primarily consumer debts. Since the case may be dismissed if such a finding is made later in the case, they suggested that the rules and forms be amended to address this possible scenario.

3. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It recommended that another rule be promulgated that governs the process under which the court would determined whether a debtor's certification of exigent circumstances that justify the postponement of the obligation to obtain prepetition credit counseling is satisfactory.

4. **Comment 06-BK-020** was submitted by the National Association of Consumer Bankruptcy Attorneys. It recommended by proposed Rule 1007(b)(1)(F) be amended to provide that the list of an educational account described in § 521(c) of the Code constitute a "record" of that account.

5. **Comment 06-BK-057** was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. Ms. Gay recommended that the form for the debtor's statement of completion of a personal financial management course be revised to better distinguish it from any form relating to the debtor's prepetition credit counseling course.

Changes Made After Publication:

Subdivision (b)(4) was amended to provide that all individual debtors rather than just those whose debts are primarily consumer debts must file the statement of current monthly income. Subdivisions (b)(7) and (c) were amended to make the obligation to file a statement of the completion of a personal financial management course applicable to certain individual chapter 11 debtors as well as to individual debtors in chapters 7 and 13. Subdivision (c) is also amended to provide the court with broad discretion to enlarge the time to file the statement of completion of a personal financial management course. The Committee Note was amended to explain these changes.

RULE 1009. Amendments of Voluntary Petitions, Lists, Schedules and Statements

1 * * * * *

2 (b) STATEMENT OF INTENTION. The statement of intention

3 may be amended by the debtor at any time before the expiration of the

4 period provided in § 521(a) ~~521(2)(B)~~ of the Code. The debtor shall

5 give notice of the amendment to the trustee and to any entity affected

6 thereby.

7 * * * * *

COMMITTEE NOTE

Subdivision (b) is amended to conform to the 2005 amendments to § 521 of the Code.

Comments on Proposed Amendments to Rule 1009:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1010. Service of Involuntary Petition and Summons; Petition ~~Commencing Ancillary Case~~ For Recognition of a Foreign Nonmain Proceeding

1 (a) SERVICE OF INVOLUNTARY PETITION AND
2 SUMMONS; SERVICE OF PETITION FOR RECOGNITION OF
3 FOREIGN NONMAIN PROCEEDING. On the filing of an
4 involuntary petition or a petition ~~commencing a case ancillary to~~ for
5 recognition of a foreign nonmain proceeding, the clerk shall forthwith
6 issue a summons for service. When an involuntary petition is filed,
7 service shall be made on the debtor. When a petition ~~commencing an~~
8 ~~ancillary case~~ for recognition of a foreign nonmain proceeding is
9 filed, service shall be made on the ~~parties against whom relief is~~
10 ~~sought pursuant to § 304(b)~~ debtor, any entity against whom
11 provisional relief is sought under § 1519 of the Code, and on any
12 other ~~parties~~ party as the court may direct. The summons shall be
13 served with a copy of the petition in the manner provided for service
14 of a summons and complaint by Rule 7004(a) or (b). If service
15 cannot be so made, the court may order that the summons and petition
16 be served by mailing copies to the party's last known address, and by
17 at least one publication in a manner and form directed by the court.
18 The summons and petition may be served on the party anywhere.

19 Rule 7004(e) and Rule 4(*l*) F.R.Civ.P. apply when service is made or

20 attempted under this rule.

21 (b) CORPORATE OWNERSHIP STATEMENT. Each petitioner

22 that is a corporation shall file with the involuntary petition a corporate

23 ownership statement containing the information described in Rule

24 7007.1.

COMMITTEE NOTE

This rule is amended to implement the 2005 amendments to the Code, which repealed § 304 and replaced it with chapter 15 governing ancillary and other cross-border cases. Under chapter 15, a foreign representative commences a case by filing a petition for recognition of a pending foreign nonmain proceeding. The amendment requires service of the summons and petition on the debtor and any entity against whom the representative is seeking provisional relief. Until the court enters a recognition order under § 1517, no stay is in effect unless the court enters some form of provisional relief under § 1519. Thus, only those entities against whom specific provisional relief is sought need to be served. The court may, however, direct that service be made on additional entities as appropriate.

This rule does not apply to a petition for recognition of a foreign main proceeding.

The rule is also amended by renumbering the prior rule as subdivision (a) and adding a new subdivision (b) requiring any corporate creditor that files or joins an involuntary petition to file a corporate ownership statement.

Comments on Proposed Amendments to Rule 1010:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1011. Responsive Pleading or Motion in Involuntary and ~~Ancillary~~ Cross-Border Cases

1 (a) WHO MAY CONTEST PETITION. The debtor named in an
2 involuntary petition, or a party in interest to a petition ~~commencing~~
3 ~~a case ancillary to a~~ for recognition of a foreign proceeding, may
4 contest the petition. In the case of a petition against a partnership
5 under Rule 1004, a nonpetitioning general partner, or a person who
6 is alleged to be a general partner but denies the allegation, may
7 contest the petition.

8 * * * * *

9 (f) CORPORATE OWNERSHIP STATEMENT. If the entity
10 responding to the involuntary petition or the petition for recognition
11 of a foreign proceeding is a corporation, the entity shall file with its
12 first appearance, pleading, motion, response, or other request
13 addressed to the court a corporate ownership statement containing the
14 information described in Rule 7007.1.

COMMITTEE NOTE

The rule is amended to reflect the 2005 amendments to the Code, which repealed § 304 and added chapter 15. Section 304 covered cases ancillary to foreign proceedings, while chapter 15 governs ancillary and other cross-border cases and introduces the concept of a petition for recognition of a foreign proceeding.

The rule is also amended in tandem with the amendment to Rule 1010 to require the parties responding to an involuntary petition and a petition for recognition of a foreign proceeding to file corporate ownership statements to assist the court in determining whether recusal is necessary.

Comments on Proposed Amendments to Rule 1011:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1015. Consolidation or Joint Administration of Cases Pending in Same Court

1 * * * * *

2 (b) CASES INVOLVING TWO OR MORE RELATED
3 DEBTORS. If a joint petition or two or more petitions are pending
4 in the same court by or against (1) a husband and wife, or (2) a
5 partnership and one or more of its general partners, or (3) two or more
6 general partners, or (4) a debtor and an affiliate, the court may order
7 the joint administration of the estates. Prior to entering an order the
8 court shall give consideration to protecting creditors of different
9 estates against potential conflicts of interest. An order directing joint
10 administration of individual cases of a husband and wife shall, if one
11 spouse has elected the exemptions under § 522(b) ~~(1)~~ (2) of the Code
12 and the other has elected the exemptions under § 522 (b)~~(2)~~ (3), fix

13 a reasonable time within which either may amend the election so that

14 both shall have elected the same exemptions. The order shall notify

15 the debtors that unless they elect the same exemptions within the time

16 fixed by the court, they will be deemed to have elected the

17 exemptions provided by § 522(b)~~(1)~~ (2).

18 * * * * *

COMMITTEE NOTE

The rule is amended to conform to the change in the numbering of § 522(b) of the Code that was made as a part of the 2005 amendments. Former subsections (b)(1) and (b)(2) of § 522 were renumbered as subsections (b)(2) and (b)(3), respectively. The rule is amended to make to the parallel change.

Comments on Proposed Amendments to Rule 1015:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1017. Dismissal or Conversion of Case; Suspension

1 * * * * *

2 (e) DISMISSAL OF AN INDIVIDUAL DEBTOR'S CHAPTER

3 7 CASE, OR CONVERSION TO A CASE UNDER CHAPTER 11

4 or 13, FOR ~~SUBSTANTIAL~~ ABUSE. The court may dismiss or,

5 with the debtor's consent, convert an individual debtor's case for

6 ~~substantial~~ abuse under § 707(b) only on motion ~~by the United States~~

7 ~~trustee or on the court's own motion~~ and after a hearing on notice to

8 the debtor, the trustee, the United States trustee, and any other ~~entities~~

9 entity as the court directs.

10 (1) Except as otherwise provided in § 704(b)(2), a ~~A~~ motion

11 to dismiss a case for ~~substantial~~ abuse under § 707(b) or (c) may be

12 filed ~~by the United States trustee~~ only within 60 days after the first

13 date set for the meeting of creditors under § 341(a), unless, on request

14 filed ~~by the United States trustee~~ before the time has expired, the

15 court for cause extends the time for filing the motion to dismiss. The

16 ~~United States trustee~~ party filing the motion shall set forth in the

17 motion all matters to be considered ~~submitted to the court for its~~

18 ~~consideration~~ at the hearing. In addition, a motion to dismiss under

19 § 707(b)(1) and (3) shall state with particularity the circumstances

20 alleged to constitute abuse.

21 * * * * *

COMMITTEE NOTE

Subdivision (e) is amended to implement the 2005 amendments to § 707 of the Code. These statutory amendments permit conversion of a chapter 7 case to a case under chapter 11 or 13, change the basis for dismissal or conversion from "substantial abuse" to "abuse," authorize parties other than the United States trustee to bring motions under § 707(b) under certain circumstances, and add § 707(c) to create an explicit ground for dismissal based on the request of a victim of a crime of violence or drug trafficking. The conforming amendments to subdivision (e) preserve the time limits already in place for § 707(b) motions, except to the extent that

§ 704(b)(2) sets the deadline for the United States trustee to act. In contrast to the grounds for a motion to dismiss under § 707(b)(2), which are quite specific, the grounds under § 707(b)(1) and (3) are very general. Therefore, to enable the debtor to respond, subdivision (e) requires that motions to dismiss under § 707(b)(1) and (3) state with particularity the circumstances alleged to constitute abuse.

Comments on Proposed Amendments to Rule 1017:

1. **Comment 06-BK-051** was submitted by The Financial Services Roundtable. It opposed the requirement in subdivision (e)(1) that motions under § 707(b)(1) and (3) state with particularity the rounds for the motion.

2. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It opposed the requirement in subdivision (e)(1) that motions under § 707 (b)(1) and (3) state with particularity the rounds for the motion.

Changes Made After Publication:

No changes were made after publication.

RULE 1019. Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case

1 * * * * *

2 (2) New Filing Periods. A new time period for filing

3 ~~claims,~~ a motion under § 707(b) or (c), a claim, a complaint objecting

4 to discharge, or a complaint to obtain a determination of

5 dischargeability of any debt shall commence under ~~pursuant to~~ Rules

6 1017, 3002, 4004, or 4007, ~~provided that~~ but a new time period shall

7 not commence if a chapter 7 case had been converted to a chapter 11,

8 12, or 13 case and thereafter reconverted to a chapter 7 case and the

9 time for filing ~~claims,~~ a motion under § 707(b) or (c), a claim, a

10 complaint objecting to discharge, or a complaint to obtain a

11 determination of the dischargeability of any debt, or any extension

12 thereof, expired in the original chapter 7 case.

13 * * * * *

COMMITTEE NOTE

Subdivision (2) is amended to include a new filing period for motions under § 707(b) and (c) of the Code when a case is converted to chapter 7. The establishment of a deadline for filing such motions is not intended to express a position as to whether such motions are permitted under the Code.

Comments on Proposed Amendments to Rule 1019:

1. **Comment 06-BK-013** was submitted by Ms. Susan Thruston, Clerk of the Bankruptcy Court for the District of Rhode Island. Ms. Thurston suggested that the rule be amended to clarify whether it applies in cases that were initiated under chapters other than chapter 7 of the Code.

Changes Made After Publication:

The Committee Note was amended by adding the second sentence to the Note stating explicitly that the rule was not intended to take a position on whether motions to dismiss a case under § 707(b) and (c) are proper in a case that is converted from another chapter.

RULE 1020. ~~Election to be Considered a Small Business in a Chapter 11 Reorganization Case~~ Small Business Chapter 11 Reorganization Case

1 ~~In a chapter 11 reorganization case, a debtor that is a small~~
2 ~~business may elect to be considered a small business by filing a~~
3 ~~written statement of election not later than 60 days after the date of~~
4 ~~the order for relief.~~
5 (a) SMALL BUSINESS DEBTOR DESIGNATION. In a
6 voluntary chapter 11 case, the debtor shall state in the petition
7 whether the debtor is a small business debtor. In an involuntary
8 chapter 11 case, the debtor shall file within 15 days after entry of the
9 order for relief a statement as to whether the debtor is a small
10 business debtor. Except as provided in subdivision (c), the status of
11 the case as a small business case shall be in accordance with the
12 debtor's statement under this subdivision, unless and until the court
13 enters an order finding that the debtor's statement is incorrect.
14 (b) OBJECTING TO DESIGNATION. Except as provided in
15 subdivision (c), the United States trustee or a party in interest may file
16 an objection to the debtor's statement under subdivision (a) no later
17 than 30 days after the conclusion of the meeting of creditors held
18 under § 341(a) of the Code, or within 30 days after any amendment
19 to the statement, whichever is later.
20 (c) APPOINTMENT OF COMMITTEE OF UNSECURED
21 CREDITORS. If a committee of unsecured creditors has been
22 appointed under § 1102(a)(1), the case shall proceed as a small

23 business case only if, and from the time when, the court enters an
24 order determining that the committee has not been sufficiently active
25 and representative to provide effective oversight of the debtor and
26 that the debtor satisfies all the other requirements for being a small
27 business. A request for a determination under this subdivision may
28 be filed by the United States trustee or a party in interest only within
29 a reasonable time after the failure of the committee to be sufficiently
30 active and representative. The debtor may file a request for a
31 determination at any time as to whether the committee has been
32 sufficiently active and representative.
33 (d) PROCEDURE FOR OBJECTION OR DETERMINATION.
34 Any objection or request for a determination under this rule shall be
35 governed by Rule 9014 and served on: the debtor; the debtor's
36 attorney; the United States trustee; the trustee; any committee
37 appointed under § 1102 or its authorized agent, or, if no committee
38 of unsecured creditors has been appointed under § 1102, on the
39 creditors included on the list filed under Rule 1007(d); and on any
40 other entity as the court directs.

COMMITTEE NOTE

Under the Code, as amended in 2005, there are no longer any provisions permitting or requiring a small business debtor to elect to be treated as a small business. Therefore, the election provisions in the rule are eliminated.

The 2005 amendments to the Code include several provisions relating to small business cases under chapter 11. Section 101 includes definitions of "small business debtor" and "small business case." The purpose of the new language in this rule is to provide a procedure for informing the parties, the United States trustee, and the court of whether the debtor is a small business debtor, and to provide procedures for resolving disputes regarding the proper characterization of the debtor. Because it is important to resolve such disputes early in the case, a time limit for objecting to the debtor's self-designation is imposed. Rule 9006(b)(1), which governs enlargement of time, is applicable to the time limits set forth in this rule.

An important factor in determining whether the debtor is a small business debtor is whether the United States trustee has appointed a committee of unsecured creditors under § 1102, and whether such a committee is sufficiently active and representative. Subdivision (c), relating to the appointment and activity of a committee of unsecured creditors, is designed to be consistent with the Code's definition of "small business debtor."

Comments on Proposed Amendments to Rule 1020:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. The comment urged that the deadline for objecting to the debtor's designation of a small business case be extended from 30 to 60 days. The comment also recommended that a 90 day period be allowed for filing an objection based on the activity level of the creditors' committee rather than a "reasonable time" as set out in the proposed rule.

Changes Made After Publication:

No changes were made after publication.

RULE 1021. Health Care Business Case

1 (a) HEALTH CARE BUSINESS DESIGNATION. Unless the

2 court orders otherwise, if a petition in a case under chapter 7, chapter

3 9, or chapter 11 states that the debtor is a health care business, the
4 case shall proceed as a case in which the debtor is a health care
5 business.
6 (b) MOTION. The United States trustee or a party in interest
7 may file a motion to determine whether the debtor is a health care
8 business. The motion shall be transmitted to the United States trustee
9 and served on: the debtor; the trustee; any committee elected under §
10 705 or appointed under § 1102 of the Code or its authorized agent, or,
11 if the case is a chapter 9 municipality case or a chapter 11
12 reorganization case and no committee of unsecured creditors has been
13 appointed under § 1102, on the creditors included on the list filed
14 under Rule 1007(d); and any other entity as the court directs. The
15 motion shall be governed by Rule 9014.

COMMITTEE NOTE

Section 101(27A) of the Code, added by the 2005 amendments, defines a health care business. This rule provides procedures for designating the debtor as a health care business. The debtor in a voluntary case, or petitioning creditors in an involuntary case, make that designation by checking the appropriate box on the petition. The rule also provides procedures for resolving disputes regarding the status of the debtor as a health care business.

Comments on Proposed Rule 1021:

1. **Comment 06-BK-010** was submitted by Mr. Jack Horsley. Mr. Horsley indicated that the proposal is "especially desirable."

2. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It recommended that notice be given to the parties set out in subdivision (b) of the rule of the court's action in determining whether the debtor is or is not a health care business.

Changes Made After Publication:

No changes were made after publication.

RULE 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee

1 (a) TWENTY-DAY NOTICES TO PARTIES IN INTEREST.
2 Except as provided in subdivisions (h), (i), ~~and (*l*)~~ (*l*), (p), and (q) of
3 this rule, the clerk, or some other person as the court may direct, shall
4 give the debtor, the trustee, all creditors and indenture trustees at least
5 20 days' notice by mail of:
6 * * * * *
7 (b) TWENTY-FIVE-DAY NOTICES TO PARTIES IN
8 INTEREST. Except as provided in subdivision (*l*) of this rule, the
9 clerk, or some other person as the court may direct, shall give the
10 debtor, the trustee, all creditors and indenture trustees not less than 25
11 days notice by mail of the time fixed (1) for filing objections and the
12 hearing to consider approval of a disclosure statement or, under §
13 1125(f), to make a final determination whether the plan provides
14 adequate information so that a separate disclosure statement is not

15 necessary; and (2) ~~the time fixed~~ for filing objections and the hearing
16 to consider confirmation of a chapter 9, chapter 11, or chapter 13
17 plan.

18 (c) CONTENT OF NOTICE.

19 (1) *Proposed Use, Sale, or Lease of Property.* Subject to
20 Rule 6004, the notice of a proposed use, sale, or lease of property
21 required by subdivision (a)(2) of this rule shall include the time and
22 place of any public sale, the terms and conditions of any private sale
23 and the time fixed for filing objections. The notice of a proposed use,
24 sale, or lease of property, including real estate, is sufficient if it
25 generally describes the property. The notice of a proposed sale or
26 lease of personally identifiable information under § 363(b)(1) of the
27 Code shall state whether the sale is consistent with any policy
28 prohibiting the transfer of the information.

29 * * * * *

30 (f) OTHER NOTICES. Except as provided in subdivision (*l*) of
31 this rule, the clerk, or some other person as the court may direct, shall
32 give the debtor, all creditors, and indenture trustees notice by mail of:

33 (1) the order for relief;

34 (2) the dismissal or the conversion of the case to another
35 chapter, or the suspension of proceedings under § 305;

36 (3) the time allowed for filing claims pursuant to Rule 3002;

37 (4) the time fixed for filing a complaint objecting to the

38 debtor's discharge pursuant to § 727 of the Code as provided in Rule

39 4004;

40 (5) the time fixed for filing a complaint to determine the

41 dischargeability of a debt pursuant to § 523 of the Code as provided

42 in Rule 4007;

43 (6) the waiver, denial, or revocation of a discharge as provided

44 in Rule 4006;

45 (7) entry of an order confirming a chapter 9, 11, or 12 plan;

46 ~~and~~

47 (8) a summary of the trustee's final report in a chapter 7 case

48 if the net proceeds realized exceed $1,500; ~~and~~

49 (9) a notice under Rule 5008 regarding the

50 presumption of abuse;

51 (10) a statement under § 704(b)(1) as to whether the

52 debtor's case would be presumed to be an abuse under § 707(b); and

53 (11) the time to request a delay in the entry of the

54 discharge under §§ 1141(d)(5)(C), 1228(f), and 1328(h). Notice of

55 the time fixed for accepting or rejecting a plan pursuant to Rule

56 3017(c) shall be given in accordance with Rule 3017(d).

57 * * * * *

58 (g) ADDRESSING NOTICES.

59 * * * * *

60 (2) Except as provided in § 342(f) of the Code, if ~~If~~ a creditor
61 or indenture trustee has not filed a request designating a mailing
62 address under Rule 2002(g)(1) or Rule 5003(e), the notices shall be
63 mailed to the address shown on the list of creditors or schedule of
64 liabilities, whichever is filed later. If an equity security holder has not
65 filed a request designating a mailing address under Rule 2002(g)(1)
66 or Rule 5003(e), the notices shall be mailed to the address shown on
67 the list of equity security holders.

68 * * * * *

69 (5) A creditor may treat a notice as not having been brought
70 to the creditor's attention under § 342(g)(1) only if, prior to issuance
71 of the notice, the creditor has filed a statement that designates the
72 name and address of the person or organizational subdivision of the
73 creditor responsible for receiving notices under the Code, and that
74 describes the procedures established by the creditor to cause such
75 notices to be delivered to the designated person or subdivision.

76 * * * * *

77 (k) Unless the case is a chapter 9 municipality case or unless the
78 United States trustee requests otherwise, the clerk, or some other

79 person as the court may direct, shall transmit to the United States
80 trustee notice of the matters described in subdivisions (a)(2), (a)(3),
81 (a)(4), (a)(8), (b), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), ~~and~~ (f)(8), and (q)
82 of this rule and notice of hearings on all applications for
83 compensation or reimbursement of expenses. Notices to the United
84 States trustee shall be transmitted within the time prescribed in
85 subdivision (a) or (b) of this rule. The United States trustee shall also
86 receive notice of any other matter if such notice is requested by the
87 United States trustee or ordered by the court. Nothing in these rules
88 requires the clerk or any other person to transmit to the United States
89 trustee any notice, schedule, report, application or other document in
90 a case under the Securities Investor Protection Act, 15 U.S.C. § 78aaa
91 et. seq.
92 * * * * *
93 (p) NOTICE TO A FOREIGN CREDITOR.
94 (1) If, at the request of the United States trustee or a party in
95 interest, or on its own initiative, the court finds that a notice mailed
96 within the time prescribed by these rules would not be sufficient to
97 give a creditor with a foreign address to which notices under these
98 rules are mailed reasonable notice under the circumstances, the court
99 may order that the notice be supplemented with notice by other means
100 or that the time prescribed for the notice by mail be enlarged.

101 (2) Unless the court for cause orders otherwise, a creditor
102 with a foreign address to which notices under this rule are mailed
103 shall be given at least 30 days' notice of the time fixed for filing a
104 proof of claim under Rule 3002(c) or Rule 3003(c).
105 (3) Unless the court for cause orders otherwise, the mailing
106 address of a foreign creditor shall be determined under Rule 2002(g).
107
108 (q) NOTICE OF PETITION FOR RECOGNITION OF
109 FOREIGN PROCEEDING AND OF COURT'S INTENTION TO
110 COMMUNICATE WITH FOREIGN COURTS AND FOREIGN
111 REPRESENTATIVES.
112 (1) *Notice of Petition for Recognition.* The clerk, or some
113 other person as the court may direct, shall forthwith give the debtor,
114 all persons or bodies authorized to administer foreign proceedings of
115 the debtor, all entities against whom provisional relief is being sought
116 under § 1519 of the Code, all parties to litigation pending in the
117 United States in which the debtor is a party at the time of the filing of
118 the petition, and such other entities as the court may direct, at least 20
119 days' notice by mail of the hearing on the petition for recognition of
120 a foreign proceeding. The notice shall state whether the petition

121 seeks recognition as a foreign main proceeding or foreign nonmain

122 proceeding.

123 (2) *Notice of Court's Intention to Communicate with Foreign*

124 *Courts and Foreign Representatives.* The clerk, or some other person

125 as the court may direct, shall give the debtor, all persons or bodies

126 authorized to administer foreign proceedings of the debtor, all entities

127 against whom provisional relief is being sought under § 1519 of the

128 Code, all parties to litigation pending in the United States in which

129 the debtor is a party at the time of the filing of the petition, and such

130 other entities as the court may direct, notice by mail of the court's

131 intention to communicate with a foreign court or foreign

representative.

COMMITTEE NOTE

Subdivision (b) is amended to provide for 25 days' notice of the time for the court to make a final determination whether the plan in a small business case can serve as a disclosure statement. Conditional approval of a disclosure statement in a small business case is governed by Rule 3017.1 and does not require 25 days' notice. The court may consider this matter in a hearing combined with the confirmation hearing in a small business case.

Because of the requirements of Rule 6004(g), subdivision (c)(1) is amended to require that a trustee leasing or selling personally identifiable information under § 363(b)(1)(A) or (B) of the Code, as amended in 2005, include in the notice of the lease or sale transaction a statement as to whether the lease or sale is consistent with a policy prohibiting the transfer of the information.

Section 1514(d) of the Code, added by the 2005 amendments, requires that such additional time as is reasonable under the

circumstances be given to creditors with foreign addresses with respect to notices and the filing of a proof of claim. Thus, subdivision (p)(1) is added to this rule to give the court flexibility to direct that notice by other means shall supplement notice by mail, or to enlarge the notice period, for creditors with foreign addresses. If cause exists, such as likely delays in the delivery of mailed notices in particular locations, the court may order that notice also be given by email, facsimile, or private courier. Alternatively, the court may enlarge the notice period for a creditor with a foreign address. It is expected that in most situations involving foreign creditors, fairness will not require any additional notice or extension of the notice period. This rule recognizes that the court has discretion to establish procedures to determine, on its own initiative, whether relief under subdivision (p) is appropriate, but that the court is not required to establish such procedures and may decide to act only on request of a party in interest.

Subdivisions (f)(9) and (10) are new. They reflect the 2005 amendments to §§ 342(d) and 704(b) of the Code. Section 342(d) requires the clerk to give notice to creditors shortly after the commencement of the case as to whether a presumption of abuse exists. Subdivision (f)(9) adds this notice to the list of notices that the clerk must give. Subdivision (f)(10) implements the amendment to § 704(b) which requires the court to provide a copy to all creditors of a statement by the United States trustee or bankruptcy administrator as to whether the debtor's case would be presumed to be an abuse under § 707(b) not later than five days after receiving it.

Subdivision (f)(11) is also added to provide notice to creditors of the debtor's filing of a statement in a chapter 11, 12, or 13 case that there is no reasonable cause to believe that § 522(q) applies in the case. This allows a creditor who disputes that assertion to request a delay of the entry of the discharge in the case.

Subdivision (g)(2) of the rule is amended because the 2005 amendments to § 342(f) of the Code permit creditors in chapter 7 and 13 individual debtor cases to file a notice with any bankruptcy court of the address to which the creditor wishes all notices to be sent. The amendment to Rule 2002(g)(2) therefore only limits application of the subdivision when a creditor files a notice under § 342(f).

New subdivision (g)(5) implements § 342(g)(1) which was added to the Code in 2005. Section 342(g)(1) allows a creditor to treat a notice as not having been brought to the creditor's attention, and so potentially ineffective, until it is received by a person or organizational subdivision that the creditor has designated to receive notices under the Bankruptcy Code. Under that section, the creditor must have established reasonable procedures for such notices to be delivered to the designated person or subdivision. The rule provides that, in order to challenge a notice under § 342(g)(1), a creditor must have filed the name and address of the designated notice recipient, as well as a description of the procedures for directing notices to that recipient, prior to the time that the challenged notice was issued. The filing required by the rule may be made as part of a creditor's filing under § 342(f), which allows a creditor to file a notice of the address to be used by all bankruptcy courts or by particular bankruptcy courts to provide notice to the creditor in cases under chapters 7 and 13. Filing the name and address of the designated notice recipient and the procedures for directing notices to that recipient will reduce uncertainty as to the proper party for receiving notice and limit factual disputes as to whether a notice recipient has been designated and as to the nature of procedures adopted to direct notices to the recipient.

Subdivision (k) is amended to add notices given under subdivision (q) to the list of notices which must be served on the United States trustee.

Subdivision (p)(2) is added to the rule to grant creditors with a foreign address to which notices are mailed at least 30 days' notice of the time within which to file proofs of claims if notice is mailed to the foreign address, unless the court orders otherwise. If cause exists, such as likely delays in the delivery of notices in particular locations, the court may extend the notice period for creditors with foreign addresses. The court may also shorten the additional notice time if circumstances so warrant. For example, if the court in a chapter 11 case determines that supplementing the notice to a foreign creditor with notice by electronic means, such as email or facsimile, would give the creditor reasonable notice, the court may order that the creditor be given only 20 days' notice in accordance with Rule 2002(a)(7).

Subdivision (p)(3) is added to provide that the court may, for cause, override a creditor's designation of a foreign address under Rule 2002(g). For example, if a party in interest believes that a

creditor has wrongfully designated a foreign address to obtain additional time when it has a significant presence in the United States, the party can ask the court to order that notices to that creditor be sent to an address other than the one designated by the foreign creditor.

Subdivision (q) is added to require that notice of the hearing on the petition for recognition of a foreign proceeding be given to the debtor, all administrators in foreign proceedings of the debtor, entities against whom provisional relief is sought, and entities with whom the debtor is engaged in litigation at the time of the commencement of the case. There is no need at this stage of the proceedings to provide notice to all creditors. If the foreign representative should take action to commence a case under another chapter of the Code, the rules governing those proceedings will operate to provide that notice is given to all creditors.

The rule also requires notice of the court's intention to communicate with a foreign court or foreign representative.

Comments on Proposed Amendments to Rule 2002:

1. **Comment 06-BK-015** was submitted by Department of the Treasury. It recommended that subdivision (g) be amended to recognize that governmental units may designate addresses under Rule 5003(e) and that the designation must be followed under Rule 2002.

Changes Made After Publication:

Subdivision (b)(2) was amended to provide that the designated address of a governmental unit under Rule 5003(e) establishes an exception to the rule that a creditor's address is to be taken from the debtor's schedules. The second and fourth paragraphs of the Committee Note were amended to explain that change.

RULE 2003. Meeting of Creditors or Equity Security Holders

1 (a) DATE AND PLACE. Except as otherwise provided in §

2 341(e) of the Code, in ~~In~~ a chapter 7 liquidation or a chapter 11

3 reorganization case, the United States trustee shall call a meeting of
4 creditors to be held no fewer than 20 and no more than 40 days after
5 the order for relief. In a chapter 12 family farmer debt adjustment
6 case, the United States trustee shall call a meeting of creditors to be
7 held no fewer than 20 and no more than 35 days after the order for
8 relief. In a chapter 13 individual's debt adjustment case, the United
9 States trustee shall call a meeting of creditors to be held no fewer than
10 20 and no more than 50 days after the order for relief. If there is an
11 appeal from or a motion to vacate the order for relief, or if there is a
12 motion to dismiss the case, the United States trustee may set a later
13 date for the meeting. The meeting may be held at a regular place for
14 holding court or at any other place designated by the United States
15 trustee within the district convenient for the parties in interest. If the
16 United States trustee designates a place for the meeting which is not
17 regularly staffed by the United States trustee or an assistant who may
18 preside at the meeting, the meeting may be held not more than 60
19 days after the order for relief.
20 * * * * *

COMMITTEE NOTE

If the debtor has solicited acceptances to a plan before commencement of the case, § 341(e), which was added to the Code by the 2005 amendments, authorizes the court, on request of a party in interest and after notice and a hearing, to order that a meeting of

creditors not be convened. The rule is amended to recognize that a meeting of creditors might not be held in those cases.

Comments on Proposed Amendments to Rule 2003:

1. **Comment 06-BK-010** was submitted by Mr. Jack Horsley. He suggested that a portion of the rule that was not being amended be changed to provide that a meeting of creditors could also be held in a judicial conference chamber.

2. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. They support the proposed amendments.

3. **Comment 06-BK-057** was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. She urged that the rule be amended to allow in involuntary cases additional time between the order for relief and the meeting of creditors.

Changes Made After Publication:

No changes were made after publication.

RULE 2007.1. Appointment of Trustee or Examiner in a Chapter 11 Reorganization Case

1 * * * * *

2 (b) ELECTION OF TRUSTEE.

3 * * * * *

4 (3) *Report of Election and Resolution of Disputes.*

5 (A) Report of Undisputed Election. If no dispute arises

6 out of the election ~~is not disputed~~, the United States trustee shall

7 promptly file a report ~~of~~ certifying the election, including the name
8 and address of the person elected and a statement that the election is
9 undisputed. The report shall be accompanied by a verified statement
10 of the person elected setting forth that person's connections with the
11 debtor, creditors, any other party in interest, their respective attorneys
12 and accountants, the United States trustee, or any person employed in
13 the office of the United States trustee. ~~The United States trustee shall~~
14 ~~file with the report an application for approval of the appointment in~~
15 ~~accordance with subdivision (c) of this rule. The report constitutes~~
16 ~~appointment of the elected person to serve as trustee, subject to court~~
17 ~~approval, as of the date of entry of the order approving the~~
18 ~~appointment.~~
19 (B) Dispute Arising Out of an ~~Disputed~~ Election. If a
20 dispute arises out of an ~~the~~ election ~~is disputed~~, the United States
21 trustee shall promptly file a report stating that the election is disputed,
22 informing the court of the nature of the dispute, and listing the name
23 and address of any candidate elected under any alternative presented
24 by the dispute. The report shall be accompanied by a verified
25 statement by each candidate elected under each alternative presented
26 by the dispute, setting forth the person's connections with the debtor,
27 creditors, any other party in interest, their respective attorneys and
28 accountants, the United States trustee, ~~and~~ or any person employed in

29 the office of the United States trustee. Not later than the date on
30 which the report of the disputed election is filed, the United States
31 trustee shall mail a copy of the report and each verified statement to
32 any party in interest that has made a request to convene a meeting
33 under § 1104(b) or to receive a copy of the report, and to any
34 committee appointed under § 1102 of the Code. ~~Unless a motion for~~
35 ~~the resolution of the dispute is filed not later than 10 days after the~~
36 ~~United States trustee files the report, any person appointed by the~~
37 ~~United States trustee under § 1104(d) and approved in accordance~~
38 ~~with subdivision (c) of this rule shall serve as trustee. If a motion for~~
39 ~~the resolution of the dispute is timely filed, and the court determines~~
40 ~~the result of the election and approves the person elected, the report~~
41 ~~will constitute appointment of the elected person as of the date of~~
42 ~~entry of the order approving the appointment.~~
43 (c) APPROVAL OF APPOINTMENT. An order approving the
44 appointment of a trustee ~~elected under § 1104(b) or appointed under~~
45 ~~§ 1104(d),~~ or ~~the appointment of~~ an examiner under §1104(d) of the
46 Code, shall be made on application of the United States trustee. The
47 application shall state the name of the person appointed and, to the
48 best of the applicant's knowledge, all the person's connections with
49 the debtor, creditors, any other parties in interest, their respective

50 attorneys and accountants, the United States trustee, ~~and~~ or persons

51 employed in the office of the United States trustee. ~~Unless the person~~

52 ~~has been elected under § 1104(b), the~~ The application shall state the

53 names of the parties in interest with whom the United States trustee

54 consulted regarding the appointment. The application shall be

55 accompanied by a verified statement of the person appointed setting

56 forth the person's connections with the debtor, creditors, any other

57 party in interest, their respective attorneys and accountants, the

58 United States trustee, ~~and~~ or any person employed in the office of the

United States trustee.

COMMITTEE NOTE

Under § 1104(b)(2) of the Code, as amended in 2005, if an eligible, disinterested person is elected to serve as trustee in a chapter 11 case, the United States trustee is directed to file a report certifying the election. The person elected does not have to be appointed to the position. Rather, the filing of the report certifying the election itself constitutes the appointment. The section further provides that in the event of a dispute in the election of a trustee, the court must resolve the matter. The rule is amended to be consistent with § 1104(b)(2).

When the United States trustee files a report certifying the election of a trustee, the person elected must provide a verified statement, similar to the statement required of professional persons under Rule 2014, disclosing connections with parties in interest and certain other persons connected with the case. Although court approval of the person elected is not required, the disclosure of the person's connections will enable parties in interest to determine whether the person is disinterested.

Comments on Proposed Amendments to Rule 2007.1:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. They support the proposed amendments.

Changes Made After Publication:

No changes were made after publication.

RULE 2007.2. Appointment of Patient Care Ombudsman in a Health Care Business Case

1 (a) ORDER TO APPOINT PATIENT CARE OMBUDSMAN.
2 In a chapter 7, chapter 9, or chapter 11 case in which the debtor is a
3 health care business, the court shall order the appointment of a patient
4 care ombudsman under § 333 of the Code, unless the court, on
5 motion of the United States trustee or a party in interest filed no later
6 than 20 days after the commencement of the case or within another
7 time fixed by the court, finds that the appointment of a patient care
8 ombudsman is not necessary under the specific circumstances of the
9 case for the protection of patients.
10 (b) MOTION FOR ORDER TO APPOINT OMBUDSMAN. If
11 the court has found that the appointment of an ombudsman is not
12 necessary, or has terminated the appointment, the court, on motion of
13 the United States trustee or a party in interest, may order the

14 appointment at a later time if it finds that the appointment has become
15 necessary to protect patients.
16 (c) NOTICE OF APPOINTMENT. If a patient care ombudsman
17 is appointed under § 333, the United States trustee shall promptly file
18 a notice of the appointment, including the name and address of the
19 person appointed. Unless the person appointed is a State Long-Term
20 Care Ombudsman, the notice shall be accompanied by a verified
21 statement of the person appointed setting forth the person's
22 connections with the debtor, creditors, patients, any other party in
23 interest, their respective attorneys and accountants, the United States
24 trustee, and any person employed in the office of the United States
25 trustee.
26 (d) TERMINATION OF APPOINTMENT. On motion of the
27 United States trustee or a party in interest, the court may terminate the
28 appointment of a patient care ombudsman if the court finds that the
29 appointment is not necessary to protect patients.
30 (e) MOTION. A motion under this rule shall be governed by
31 Rule 9014. The motion shall be transmitted to the United States
32 trustee and served on: the debtor; the trustee; any committee elected
33 under § 705 or appointed under § 1102 of the Code or its authorized
34 agent, or, if the case is a chapter 9 municipality case or a chapter 11
35 reorganization case and no committee of unsecured creditors has been

36 appointed under § 1102, on the creditors included on the list filed

37 under Rule 1007(d); and such other entities as the court may direct.

COMMITTEE NOTE

Section 333 of the Code, added by the 2005 amendments, requires the court to order the appointment of a health care ombudsman within the first 30 days of a health care business case, unless the court finds that the appointment is not necessary for the protection of patients. The rule recognizes this requirement and provides a procedure by which a party may obtain a court order finding that the appointment of a patient care ombudsman is unnecessary. In the absence of a timely motion under subdivision (a) of this rule, the court will enter an order directing the United States trustee to appoint the ombudsman.

Subdivision (b) recognizes that, despite a previous order finding that a patient care ombudsman is not necessary, circumstances of the case may change or newly discovered evidence may demonstrate the necessity of an ombudsman to protect the interests of patients. In that event, a party may move the court for an order directing the appointment of an ombudsman.

When the appointment of a patient care ombudsman is ordered, the United States trustee is required to appoint a disinterested person to serve in that capacity. Court approval of the appointment is not required, but subdivision (c) requires the person appointed, if not a State Long-Term Care Ombudsman, to file a verified statement similar to the statement filed by professional persons under Rule 2014 so that parties in interest will have information relevant to disinterestedness. If a party believes that the person appointed is not disinterested, it may file a motion asking the court to find that the person is not eligible to serve.

Subdivision (d) permits parties in interest to move for the termination of the appointment of a patient care ombudsman. If the movant can show that there no longer is any need for the ombudsman, the court may order the termination of the appointment.

Comments on Proposed Rule 2007.2:

1. **Comment 06-BK-011** was submitted by Hon. Marvin Isgur (Bankr. S.D. Tex). Judge Isgur recommended that the rule be amended to require the debtor to file a motion within 3 days of the commencement of the case to seek a determination of whether a patient care ombudsman should be appointed.

Changes Made After Publication:

No changes were made after publication.

RULE 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status

1 (a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee or debtor
2 in possession shall:
3 (1) in a chapter 7 liquidation case and, if the court directs, in a
4 chapter 11 reorganization case file and transmit to the United States
5 trustee a complete inventory of the property of the debtor within 30
6 days after qualifying as a trustee or debtor in possession, unless such
7 an inventory has already been filed;
8 (2) keep a record of receipts and the disposition of money and
9 property received;
10 (3) file the reports and summaries required by § 704(8) of the
11 Code which shall include a statement, if payments are made to
12 employees, of the amounts of deductions for all taxes required to be
13 withheld or paid for and in behalf of employees and the place where
14 these amounts are deposited;

15 (4) as soon as possible after the commencement of the case, give
16 notice of the case to every entity known to be holding money or
17 property subject to withdrawal or order of the debtor, including every
18 bank, savings or building and loan association, public utility
19 company, and landlord with whom the debtor has a deposit, and to
20 every insurance company which has issued a policy having a cash
21 surrender value payable to the debtor, except that a notice need not be
22 given to any entity who has knowledge or has previously been
23 notified of the case;
24 (5) in a chapter 11 reorganization case, on or before the last day
25 of the month after each calendar quarter during which there is a duty
26 to pay fees under 28 U.S.C. § 1930(a)(6), file and transmit to the
27 United States trustee a statement of any disbursements made during
28 that quarter and of any fees payable under 28 U.S.C. § 1930 (a)(6) for
29 that quarter; <u>and</u>
30 <u>(6) in a chapter 11 small business case, unless the court, for cause,</u>
31 <u>sets another reporting interval, file and transmit to the United States</u>
32 <u>trustee for each calendar month after the order for relief, on the</u>
33 <u>appropriate Official Form, the report required by § 308. If the order</u>
34 <u>for relief is within the first 15 days of a calendar month, a report shall</u>
35 <u>be filed for the portion of the month that follows the order for relief.</u>

36 If the order for relief is after the 15th day of a calendar month, the
37 period for the remainder of the month shall be included in the report
38 for the next calendar month. Each report shall be filed no later than
39 20 days after the last day of the calendar month following the month
40 covered by the report. The obligation to file reports under this
41 subparagraph terminates on the effective date of the plan, or
42 conversion or dismissal of the case.

43 * * * * *

44 (d) FOREIGN REPRESENTATIVE. In a case in which the court
45 has granted recognition of a foreign proceeding under chapter 15, the
46 foreign representative shall file any notice required under § 1518 of
47 the Code within 15 days after the date when the representative
48 becomes aware of the subsequent information.

49 ~~(d)~~ (e) TRANSMISSION OF REPORTS. In a chapter 11 case the
50 court may direct that copies or summaries of annual reports and
51 copies or summaries of other reports shall be mailed to the creditors,
52 equity security holders, and indenture trustees. The court may also
53 direct the publication of summaries of any such reports. A copy of
54 every report or summary mailed or published pursuant to this
55 subdivision shall be transmitted to the United States trustee.

COMMITTEE NOTE

Subparagraph (a)(6) implements § 308 of the Code, added by the 2005 amendments. That section requires small business chapter 11 debtors to file periodic financial and operating reports, and the rule sets the time for filing those reports and requires the use of an Official Form for the report. The obligation to file reports under this rule does not relieve the trustee or debtor of any other obligations to provide information or documents to the United States trustee.

The rule also is amended to fix the time for the filing of notices under § 1519, added to the Code in 2005. Former subdivision (d) is renumbered as subdivision (e).

Other changes are stylistic.

Comments on Proposed Amendments to Rule 2015:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 2015.1. Patient Care Ombudsman

1 (a) REPORTS. A patient care ombudsman, at least 10 days
2 before making a report under § 333(b)(2) of the Code, shall give
3 notice that the report will be made to the court, unless the court orders
4 otherwise. The notice shall be transmitted to the United States
5 trustee, posted conspicuously at the health care facility that is the
6 subject of the report, and served on: the debtor; the trustee; all
7 patients; and any committee elected under § 705 or appointed under
8 § 1102 of the Code or its authorized agent, or, if the case is a chapter

9 9 municipality case or a chapter 11 reorganization case and no
10 committee of unsecured creditors has been appointed under § 1102,
11 on the creditors included on the list filed under Rule 1007(d); and
12 such other entities as the court may direct. The notice shall state the
13 date and time when the report will be made, the manner in which the
14 report will be made, and, if the report is in writing, the name, address,
15 telephone number, email address, and website, if any, of the person
16 from whom a copy of the report may be obtained at the debtor's
17 expense.
18 (b) AUTHORIZATION TO REVIEW CONFIDENTIAL
19 PATIENT RECORDS. A motion by a patient care ombudsman under
20 § 333(c) to review confidential patient records shall be governed by
21 Rule 9014, served on the patient and any family member or other
22 contact person whose name and address has been given to the trustee
23 or the debtor for the purpose of providing information regarding the
24 patient's health care, and transmitted to the United States trustee
25 subject to applicable nonbankruptcy law relating to patient privacy.
26 Unless the court orders otherwise, a hearing on the motion may not
27 be commenced earlier than 15 days after service of the motion.

COMMITTEE NOTE

This rule is new and implements § 333 of the Code, added by the 2005 amendments. Subdivision (a) is designed to give parties in interest, including patients or their representatives, sufficient notice

so that they will be able to review written reports or attend hearings at which reports are made. The rule permits a notice to relate to a single report or to periodic reports to be given during the case. For example, the ombudsman may give notice that reports will be made at specified intervals or dates during the case.

Subdivision (a) of the rule also requires that the notice be posted conspicuously at the health care facility in a place where it will be seen by patients and their families or others visiting the patients. This may require posting in common areas and patient rooms within the facility. Because health care facilities and the patients they serve can vary greatly, the locations of the posted notice should be tailored to the specific facility that is the subject of the report.

Subdivision (b) requires the ombudsman to notify the patient and the United States trustee that the ombudsman is seeking access to confidential patient records so that they will be able to appear and be heard on the matter. This procedure should assist the court in reaching its decision both as to access to the records and appropriate restrictions on that access to ensure continued confidentiality. Notices given under this rule are subject to the provisions of applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).

Comments on Proposed Rule 2015.1:

1. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It recommended that the rule be revised to allow the court to order that patients not be notified of the ombudsman's reports in appropriate circumstances.

Changes Made After Publication:

Two stylistic changes were made to the rule. The reference to the court's authority to order otherwise was moved from the beginning to the end of the first sentence of subdivision (a). On line 19, the word "patient" was substituted for "health" to be consistent with the Code.

RULE 2015.2. Transfer of Patient in Health Care Business Case

1 Unless the court orders otherwise, if the debtor is a health care
2 business, the trustee may not transfer a patient to another health care
3 business under § 704(a)(12) of the Code unless the trustee gives at
4 least 10 days' notice of the transfer to the patient care ombudsman, if
5 any, the patient, and any family member or other contact person
6 whose name and address has been given to the trustee or the debtor
7 for the purpose of providing information regarding the patient's
8 health care. The notice is subject to applicable nonbankruptcy law
9 relating to patient privacy.

COMMITTEE NOTE

This rule is new. Section 704(a)(12), added to the Code by the 2005 amendments, authorizes the trustee to relocate patients when a health care business debtor's facility is in the process of being closed. The Code permits the trustee to take this action without the need for any court order, but the notice required by this rule will enable a patient care ombudsman appointed under § 333, or a patient who contends that the trustee's actions violate § 704(a)(12), to have those issues resolved before the patient is transferred.

This rule also permits the court to enter an order dispensing with or altering the notice requirement in proper circumstances. For example, a facility could be closed immediately, or very quickly, such that 10 days' notice would not be possible in some instances. In that event, the court may shorten the time required for notice.

Notices given under this rule are subject to the provisions of applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).

Comments on Proposed Rule 2015.2:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 2015.3 Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest.

1 (a) REPORTING REQUIREMENT. In a chapter 11 case, the
2 trustee or debtor in possession shall file periodic financial reports of
3 the value, operations, and profitability of each entity that is not a
4 publicly traded corporation or a debtor in a case under title 11, and in
5 which the estate holds a substantial or controlling interest. The
6 reports shall be prepared as prescribed by the appropriate Official
7 Form, and shall be based upon the most recent information
8 reasonably available to the trustee or debtor in possession.
9 (b) TIME FOR FILING; SERVICE. The first report required
10 by this rule shall be filed no later than five days before the first date
11 set for the meeting of creditors under § 341 of the Code. Subsequent
12 reports shall be filed no less frequently than every six months
13 thereafter, until the effective date of a plan or the case is dismissed or
14 converted. Copies of the report shall be served on the United States

15 trustee, any committee appointed under § 1102 of the Code, and any
16 other party in interest that has filed a request therefor.
17 (c) PRESUMPTION OF SUBSTANTIAL OR
18 CONTROLLING INTEREST; JUDICIAL DETERMINATION. For
19 purposes of this rule, an entity of which the estate controls or owns at
20 least a 20 percent interest, shall be presumed to be an entity in which
21 the estate has a substantial or controlling interest. An entity in which
22 the estate controls or owns less than a 20 percent interest shall be
23 presumed not to be an entity in which the estate has a substantial or
24 controlling interest. Upon motion, the entity, any holder of an interest
25 therein, the United States trustee, or any other party in interest may
26 seek to rebut either presumption, and the court shall, after notice and
27 a hearing, determine whether the estate's interest in the entity is
28 substantial or controlling.
29 (d) MODIFICATION OF REPORTING REQUIREMENT.
30 The court may, after notice and a hearing, vary the reporting
31 requirement established by subdivision (a) of this rule for cause,
32 including that the trustee or debtor in possession is not able, after a
33 good faith effort, to comply with those reporting requirements, or that
34 the information required by subdivision (a) is publicly available.
35 (e) NOTICE AND PROTECTIVE ORDERS. No later than
36 14 days before filing the first report required by this rule, the trustee

37 or debtor in possession shall send notice to the entity in which the
38 estate has a substantial or controlling interest, and to all holders –
39 known to the trustee or debtor in possession – of an interest in that
40 entity, that the trustee or debtor in possession expects to file and serve
41 financial information relating to the entity in accordance with this
42 rule. The entity in which the estate has a substantial or controlling
43 interest, or a person holding an interest in that entity, may request
44 protection of the information under § 107 of the Code.
45 (f) EFFECT OF REQUEST. Unless the court orders
46 otherwise, the pendency of a request under subdivisions (c),(d), or (e)
47 of this rule shall not alter or stay the requirements of subdivision (a).

COMMITTEE NOTE

This rule implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Reports are to be made on the appropriate Official Form. While § 419 of BAPCPA places the obligation to report upon the "debtor," this rule extends the obligation to include cases in which a trustee has been appointed. The court can order that the reports not be filed in appropriate circumstances, such as when the information that would be included in these reports is already available to interested parties.

Comments on Proposed Rule 2015.3

1. **Comment 06-BK-050** was submitted by the American Institute of Certified Public Accountants. It recommended that the rule be revised so that the presumption of a substantial or controlling interest be set at a 50% ownership rather than a 20% ownership stake.

2. **Comment 06-BK-052** was submitted by the State Bar of California's Committee on Federal Courts. It asserted that the time required for notice of the submission of the first periodic report of operations was too long and debtors may not be able to comply with the requirement if the § 341 meeting is held quickly.

3. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It supports the proposal.

Changes After Publication:

In subdivision (e), the 20 day period was changed to 14 days. This better reconciles the timing of the notice and the scheduling of the § 341 meeting of creditors, and it is also consistent with the upcoming time computation amendments.

RULE 3002. Filing Proof of Claim or Interest

1 * * * * *

2 (c) TIME FOR FILING. In a chapter 7 liquidation, chapter
3 12 family farmer's debt adjustment, or chapter 13 individual's debt
4 adjustment case, a proof of claim is timely filed if it is filed not later
5 than 90 days after the first date set for the meeting of creditors called
6 under § 341(a) of the Code, except as follows:

7 (1) A proof of claim filed by a governmental unit, other than
8 for a claim resulting from a tax return filed under § 1308, is timely
9 filed if it is filed not later than 180 days after the date of the order for
10 relief. ~~On motion of a governmental unit before the expiration of~~
11 ~~such period and for cause shown, the court may extend the time for~~

12 ~~the filing of a claim by the governmental unit.~~ A proof of claim filed
13 by a governmental unit for a claim resulting from a tax return filed
14 under § 1308 is timely filed if it is filed no later than 180 days after
15 the date of the order for relief or 60 days after the date of the filing of
16 the tax return. The court may, for cause, enlarge the time for a
17 governmental unit to file a proof of claim only upon motion of the
18 governmental unit made before expiration of the period for filing a
19 timely proof of claim.
20 * * * * *
21 (5) If notice of insufficient assets to pay a dividend was given
22 to creditors ~~pursuant to~~ under Rule 2002(e), and subsequently the
23 trustee notifies the court that payment of a dividend appears possible,
24 the clerk shall ~~notify~~ give at least 90 days' notice by mail to ~~the~~
25 creditors of that fact and ~~that they may file~~ of the date by which
26 proofs of claim ~~within 90 days after the mailing of the notice~~ must be
27 filed.
28 (6) If notice of the time to file a proof of claim has been
29 mailed to a creditor at a foreign address, on motion filed by the
30 creditor before or after the expiration of the time, the court may
31 extend the time by not more than 60 days if the court finds that the

32 notice was insufficient under the circumstances to give the creditor a

33 reasonable time to file a proof of claim.

COMMITTEE NOTE

Subdivision (c)(1) is amended to reflect the addition of § 1308 to the Bankruptcy Code in 2005. This provision requires that chapter 13 debtors file tax returns during the pendency of the case, and imposes bankruptcy-related consequences if debtors fail to do so. Subdivision (c)(1) provides additional time for governmental units to file a proof of claim for tax obligations with respect to tax returns filed during the pendency of a chapter 13 case. The amendment also allows the governmental unit to move for additional time to file a proof of claim prior to expiration of the applicable filing period.

Subdivision (c)(5) of the rule is amended to set a new period for providing notice to creditors that they may file a proof of claim in a case in which they were previously informed that there was no need to file a claim. Under Rule 2002(e), if it appears that there will be no distribution to creditors, the creditors are notified of this fact and are informed that if assets are later discovered and a distribution is likely that a new notice will be given to the creditors. This second notice is prescribed by Rule 3002(c)(5). The rule is amended to direct the clerk to give at least 90 days' notice of the time within which creditors may file a proof of claim. Setting the deadline in this manner allows the notices being sent to creditors to be more accurate regarding the deadline than was possible under the prior rule. The rule previously began the 90 day notice period from the time of the mailing of the notice, a date that could vary and generally would not even be known to the creditor. Under the amended rule, the notice will identify a specific bar date for filing proofs of claim thereby being more helpful to the creditors.

Subdivision (c)(6) is added to give the court discretion to extend the time for filing a proof of claim for a creditor who received notice of the time to file the claim at a foreign address, if the court finds that the notice was not sufficient, under the particular circumstances, to give the foreign creditor a reasonable time to file a proof of claim. This amendment is designed to comply with § 1514(d), added to the Code by the 2005 amendments, and requires that the rules and orders of the court provide such additional time as is reasonable under the

circumstances for foreign creditors to file claims in cases under all chapters of the Code.

Other changes are stylistic.

Comments on Proposed Amendments to Rule 3002:

1. **Comment 06-BK-015** was submitted by Department of the Treasury. It recommended that the rule be revised to permit a governmental unit to seek an enlargement of the time to file a proof of claim to the same extent as other entities.

2. **Comment 06-BK-052** was submitted by the State Bar of California's Committee on Federal Courts. The Bar Committee asserted that the provisions allowing a creditor with a foreign address to seek additional time to file a claim are insufficient.

Changes Made After Publication:

Subdivision (c)(1) was amended to allow governmental units to move for an enlargement of the time to file a proof of claim. The Committee Note was amended to describe this addition to the rule.

Rule 3003. Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases

1 * * * * *

2 (c) FILING PROOF OF CLAIM.

3 (1) *Who May File.* Any creditor or indenture trustee may file

4 a proof of claim within the time prescribed by subdivision (c)(3) of

5 this rule.

6 (2) *Who Must File.* Any creditor or equity security holder

7 whose claim or interest is not scheduled or scheduled as disputed,

8 contingent, or unliquidated shall file a proof of claim or interest
9 within the time prescribed by subdivision (c)(3) of this rule; any
10 creditor who fails to do so shall not be treated as a creditor with
11 respect to such claim for the purposes of voting and distribution.

12 (3) *Time for Filing.* The court shall fix and for cause shown
13 may extend the time within which proofs of claim or interest may be
14 filed. Notwithstanding the expiration of such time, a proof of claim
15 may be filed to the extent and under the conditions stated in Rule
16 3002(c)(2), (c)(3), ~~and~~ (c)(4), and (c)(6).

17 (4) *Effect of Filing Claim or Interest.* A proof of claim or
18 interest executed and filed in accordance with this subdivision shall
19 supersede any scheduling of that claim or interest pursuant to §
20 521(a)(1) of the Code.

21 (5) *Filing by Indenture Trustee.* An indenture trustee may
22 file a claim on behalf of all known or unknown holders of securities
23 issued pursuant to the trust instrument under which it is trustee.

24 * * * * *

COMMITTEE NOTE

Subdivision (c)(3) is amended to implement § 1514(d) of the Code, which was added by the 2005 amendments. It makes the new Rule 3002(c)(6) applicable in chapter 9 and chapter 11 cases. This change was necessary so that creditors with foreign addresses be provided such additional time as is reasonable under the circumstances to file proofs of claims.

Comments on Proposed Amendments to Rule 3003:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 3016. Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case

1 * * * * *

2 (b) DISCLOSURE STATEMENT. In a chapter 9 or 11 case, a
3 disclosure statement under § 1125 of the Code or evidence showing
4 compliance with § 1126(b) ~~of the Code~~ shall be filed with the plan or
5 within a time fixed by the court, unless the plan is intended to provide
6 adequate information under § 1125(f)(1). If the plan is intended to
7 provide adequate information under § 1125(f)(1), it shall be so
8 designated and Rule 3017.1 shall apply as if the plan is a disclosure
9 statement.

10 * * * * *

11 (d) STANDARD FORM SMALL BUSINESS DISCLOSURE
12 STATEMENT AND PLAN. In a small business case, the court may
13 approve a disclosure statement and may confirm a plan that conform
14 substantially to the appropriate Official Forms or other standard
15 forms approved by the court.

COMMITTEE NOTE

Subdivision (b) is amended to recognize that, in 2005, § 1125(f)(1) was added to the Code to provide that the plan proponent in a small business case need not file a disclosure statement if the plan itself includes adequate information and the court finds that a separate disclosure statement is unnecessary. If the plan is intended to provide adequate information in a small business case, it may be conditionally approved as a disclosure statement under Rule 3017.1 and is subject to all other rules applicable to disclosure statements in small business cases.

Subdivision (d) is added to the rule to implement § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 which requires the promulgation of Official Forms for plans and disclosure statements in small business cases. Section 1125(f)(2) of the Code provides that the court may approve a disclosure statement submitted on the appropriate Official Form or on a standard form approved by the court. The rule takes no position on whether a court may require a local standard form disclosure statement or plan of reorganization in lieu of the Official Forms.

Other amendments are stylistic.

Comments on Proposed Amendments to Rule 3016:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It supports the proposal.

Changes Made After Publication:

No changes were made after publication.

RULE 3017.1. Court Consideration of Disclosure Statement in a Small Business Case

1 (a) CONDITIONAL APPROVAL OF DISCLOSURE

2 STATEMENT. ~~If the debtor is~~ In a small business case ~~and has made~~

3 ~~a timely election to be considered a small business in a chapter 11~~

4 ~~case~~, the court may, on application of the plan proponent or on its

5 own initiative, conditionally approve a disclosure statement filed in

6 accordance with Rule 3016~~(b)~~. On or before conditional approval of

7 the disclosure statement, the court shall:

8 (1) fix a time within which the holders of claims and interests

9 may accept or reject the plan;

10 (2) fix a time for filing objections to the disclosure statement;

11 (3) fix a date for the hearing on final approval of the

12 disclosure statement to be held if a timely objection is filed; and

13 (4) fix a date for the hearing on confirmation.

14 * * * * *

COMMITTEE NOTE

Section 101 of the Code, as amended in 2005, defines a "small business case" and "small business debtor,"and eliminates any need to elect that status. Therefore, the reference in the rule to an election is deleted.

As provided in the amendment to Rule 3016(b), a plan intended to provide adequate information in a small business case under § 1125(f)(1) may be conditionally approved and is otherwise treated as a disclosure statement under this rule.

Comments on Proposed Amendments to Rule 3017.1:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It urged that the rule provide that the times fixed by the court under subdivision

(a)(1)- (4) be reasonable and protect the substantive and procedural rights of creditors and interest holders.

Changes Made After Publication:

No changes were made after publication.

RULE 3019. Modification of Accepted Plan ~~Before Confirmation~~ in a Chapter 9 Municipality or Chapter 11 Reorganization Case

1 (a) MODIFICATION OF PLAN BEFORE
2 CONFIRMATION. In a chapter 9 or chapter 11 case, after a plan has
3 been accepted and before its confirmation, the proponent may file a
4 modification of the plan. If the court finds after hearing on notice to
5 the trustee, any committee appointed under the Code, and any other
6 entity designated by the court that the proposed modification does not
7 adversely change the treatment of the claim of any creditor or the
8 interest of any equity security holder who has not accepted in writing
9 the modification, it shall be deemed accepted by all creditors and
10 equity security holders who have previously accepted the plan.
11 (b) MODIFICATION OF PLAN AFTER CONFIRMATION
12 IN INDIVIDUAL DEBTOR CASE. If the debtor is an individual, a
13 request to modify the plan under § 1127(e) of the Code is governed
14 by Rule 9014. The request shall identify the proponent and shall be
15 filed together with the proposed modification. The clerk, or some
16 other person as the court may direct, shall give the debtor, the trustee,

17 and all creditors not less than 20 days' notice by mail of the time
18 fixed to file objections and, if an objection is filed, the hearing to
19 consider the proposed modification, unless the court orders otherwise
20 with respect to creditors who are not affected by the proposed
21 modification. A copy of the notice shall be transmitted to the United
22 States trustee, together with a copy of the proposed modification.
23 Any objection to the proposed modification shall be filed and served
24 on the debtor, the proponent of the modification, the trustee, and any
25 other entity designated by the court, and shall be transmitted to the
26 United States trustee.

COMMITTEE NOTE

The 2005 amendments to § 1127 of the Code provide for modification of a confirmed plan in an individual debtor chapter 11 case. Therefore, the rule is amended to establish the procedure for filing and objecting to a proposed modification of a confirmed plan.

Comments on Proposed Amendments to Rule 3019:

No comments were received on this rule.

Changes Made After Publication:

The last sentence of the published rule provided that an objection to modification of a plan is governed by Rule 9014. The sentence is deleted and the reference to Rule 9014 is moved to the first sentence of subdivision (b) of the rule. The Committee Note was revised to make the reference to the 2005 amendments to the Bankruptcy Code consistent with their identification in other Committee Notes.

RULE 4002. Duties of Debtor

1 (a) IN GENERAL. In addition to performing other duties
2 prescribed by the Code and rules, the debtor shall:
3 (1) attend and submit to an examination at the times ordered
4 by the court;
5 (2) attend the hearing on a complaint objecting to discharge
6 and testify, if called as a witness;
7 (3) inform the trustee immediately in writing as to the
8 location of real property in which the debtor has an interest and the
9 name and address of every person holding money or property subject
10 to the debtor's withdrawal or order if a schedule of property has not
11 yet been filed pursuant to Rule 1007;
12 (4) cooperate with the trustee in the preparation of an
13 inventory, the examination of proofs of claim, and the administration
14 of the estate; and
15 (5) file a statement of any change of the debtor's address.
16 (b) INDIVIDUAL DEBTOR'S DUTY TO PROVIDE
17 DOCUMENTATION.
18 (1) *Personal Identification.* Every individual debtor shall
19 bring to the meeting of creditors under § 341:

20 (A) a picture identification issued by a governmental unit,
21 or other personal identifying information that establishes the debtor's
22 identity; and
23 (B) evidence of social-security number(s), or a written
24 statement that such documentation does not exist.
25 (2) *Financial Information.* Every individual debtor shall
26 bring to the meeting of creditors under § 341, and make available to
27 the trustee, the following documents or copies of them, or provide a
28 written statement that the documentation does not exist or is not in
29 the debtor's possession:
30 (A) evidence of current income such as the most recent
31 payment advice;
32 (B) unless the trustee or the United States trustee instructs
33 otherwise, statements for each of the debtor's depository and
34 investment accounts, including checking, savings, and money market
35 accounts, mutual funds and brokerage accounts for the time period
36 that includes the date of the filing of the petition; and
37 (C) documentation of monthly expenses claimed by the
38 debtor if required by § 707(b)(2)(A) or (B).
39 (3) *Tax Return.* At least 7 days before the first date set for the
40 meeting of creditors under § 341, the debtor shall provide to the

41 trustee a copy of the debtor's federal income tax return for the most
42 recent tax year ending immediately before the commencement of the
43 case and for which a return was filed, including any attachments, or
44 a transcript of the tax return, or provide a written statement that the
45 documentation does not exist.

46 (4) *Tax Returns Provided to Creditors.* If a creditor, at least
47 15 days before the first date set for the meeting of creditors under §
48 341, requests a copy of the debtor's tax return that is to be provided
49 to the trustee under subdivision (b)(3), the debtor, at least 7 days
50 before the first date set for the meeting of creditors under § 341, shall
51 provide to the requesting creditor a copy of the return, including any
52 attachments, or a transcript of the tax return, or provide a written
53 statement that the documentation does not exist.

54 (5) *Confidentiality of Tax Information.* The debtor's
55 obligation to provide tax returns under Rule 4002(b)(3) and (b)(4) is
56 subject to procedures for safeguarding the confidentiality of tax
57 information established by the Director of the Administrative Office
58 of the United States Courts.

COMMITTEE NOTE

This rule is amended to implement § 521(a) (1)(B)(iv) and (e)(2), added to the Code by the 2005 amendments. These Code amendments expressly require the debtor to file with the court, or provide to the trustee, specific documents. The amendments to the rule implement these obligations and establish a time frame for

creditors to make requests for a copy of the debtor's Federal income tax return. The rule also requires the debtor to provide documentation in support of claimed expenses under § 707(b)(2)(A) and (B).

Subdivision (b) of the rule is also amended to require the debtor to cooperate with the trustee by providing materials and documents necessary to assist the trustee in the performance of the trustee's duties. Nothing in the rule, however, is intended to limit or restrict the debtor's duties under § 521, or to limit the access of the Attorney General to any information provided by the debtor in the case. Subdivision (b)(2) does not require that the debtor create documents or obtain documents from third parties; rather, the debtor's obligation is to bring to the meeting of creditors under § 341 the documents which the debtor possesses. Under subdivision (b)(2)(B), the trustee or the United States trustee can instruct debtors that they need not provide the documents described in that subdivision. Under subdivisions (b)(3) and (b)(4), the debtor must obtain and provide copies of tax returns or tax transcripts to the appropriate person, unless no such documents exist. Any written statement that the debtor provides indicating either that documents do not exist or are not in the debtor's possession must be verified or contain an unsworn declaration as required under Rule 1008.

Because the amendment implements the debtor's duty to cooperate with the trustee, the materials provided to the trustee would not be made available to any other party in interest at the § 341 meeting of creditors other than the Attorney General. Some of the documents may contain otherwise private information that should not be disseminated. For example, pay stubs and financial account statements might include the social-security numbers of the debtor and the debtor's spouse and dependents, as well as the names of the debtor's children. The debtor should redact all but the last four digits of all social-security numbers and the names of any minors when they appear in these documents. This type of information would not usually be needed by creditors and others who may be attending the meeting. If a creditor perceives a need to review specific documents or other evidence, the creditor may proceed under Rule 2004.

Tax information produced under this rule is subject to procedures for safeguarding confidentiality established by the Director of the Administrative Office of the United States Courts.

Comments on Proposed Amendments to Rule 4002:

1. **Comment 06-BK-010** was submitted by Mr. Jack Horsley. Mr. Horsley suggests that subdivision (b)(2)(A) be amended to include a definition of "payment advices" to add clarity to the rule.

2. **Comment 06-BK-015** was submitted by the Department of the Treasury. It urged that the Committee Note be amended to clarify that the debtor's obligation to provide certain tax returns or transcripts is governed by a different standard than the standard for supplying other financial information.

3. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. The comment urged that the debtor be required to provide the most recent payment advice unless the debtor could not reasonably obtain it, rather than if the debtor does not possess the document. The comment also suggests that subdivision (b)(4) be amended to require creditors to give eight days' notice rather than 15 days' notice of their request to obtain the debtor's tax returns or tax transcripts.

Changes Made After Publication:

The second paragraph of the Committee Note was amended to clarify that the debtor's duty to provide copies of tax returns or tax transcripts are governed by a different standard than the debtor's duty to provide other financial information.

RULE 4003. Exemptions

* * * * *

1 (b) OBJECTING TO A CLAIM OF EXEMPTIONS.

2 (1) Except as provided in paragraphs (2) and (3), a ~~A~~ party in

3 interest may file an objection to the list of property claimed as exempt

4 ~~only~~ within 30 days after the meeting of creditors held under § 341(a)

5 is concluded or within 30 days after any amendment to the list or
6 supplemental schedules is filed, whichever is later. The court may,
7 for cause, extend the time for filing objections if, before the time to
8 object expires, a party in interest files a request for an extension.
9 (2) The trustee may file an objection to a claim of exemption
10 at any time prior to one year after the closing of the case if the debtor
11 fraudulently asserted the claim of exemption. The trustee shall
12 deliver or mail the objection to the debtor and the debtor's attorney,
13 and to any person filing the list of exempt property and that person's
14 attorney.
15 (3) An objection to a claim of exemption based on § 522(q) shall
16 be filed before the closing of the case. If an exemption is first
17 claimed after a case is reopened, an objection shall be filed before the
18 reopened case is closed.
19 (4) ~~Copies~~ A copy of ~~the~~ any objection ~~objections~~ shall be
20 delivered or mailed to the trustee, the debtor and the debtor's
21 attorney, and the person filing the list~~;~~ and that person's attorney ~~for~~
22 ~~that person~~.
23 * * * * *
24 (d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT
25 PROPERTY. A proceeding by the debtor to avoid a lien or other

26 transfer of property exempt under § 522(f) of the Code shall be by

27 motion in accordance with Rule 9014. Notwithstanding the

28 provisions of subdivision (b), a creditor may object to a motion filed

29 under § 522(f) by challenging the validity of the exemption asserted

30 to be impaired by the lien.

COMMITTEE NOTE

Subdivision (b) is rewritten to include four paragraphs.

Subdivision (b)(2) is added to the rule to permit the trustee to object to an exemption at any time up to one year after the closing of the case if the debtor fraudulently claimed the exemption. Extending the deadline for trustees to object to an exemption when the exemption claim has been fraudulently made will permit the court to review and, in proper circumstances, deny improperly claimed exemptions, thereby protecting the legitimate interests of creditors and the bankruptcy estate. However, similar to the deadline set in §727(e) of the Code for revoking a discharge which was fraudulently obtained, an objection to an exemption that was fraudulently claimed must be filed within one year after the closing of the case. Subdivision (b)(2) extends the objection deadline only for trustees.

Subdivision (b)(3) is added to the rule to reflect the addition of subsection (q) to § 522 of the Code by the 2005 Act. Section 522(q) imposes a $136,875 limit on a state homestead exemption if the debtor has been convicted of a felony or owes a debt arising from certain causes of action. Other revised provisions of the Code, such as § 727(a)(12) and § 1328(h), suggest that the court may consider issues relating to § 522(q) late in the case, and the 30-day period for objections would not be appropriate for this provision.

Subdivision (d) is amended to clarify that a creditor with a lien on property that the debtor is attempting to avoid on the grounds that the lien impairs an exemption may raise in defense to the lien avoidance action any objection to the debtor's claimed exemption. The right to object is limited to an objection to the exemption of the property subject to the lien and for purposes of the lien avoidance action only.

The creditor may not object to other exemption claims made by the debtor. Those objections, if any, are governed by Rule 4003(b).

1 Other changes are stylistic.

Comments on Proposed Amendments to Rule 4003:

1. **Comment 06-BK-006** was submitted by Mr. Gregory Kamen. He suggested that the rule should be amended to make clear that the limit on the filing of an objection to an exemption applies to the former trustee in a matter in which the bankruptcy case is reopened and no new trustee is appointed.

2. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It objected to the proposed extension of time from 30 days to 60 days in which to file an objection to a claimed exemption under subdivision (a) of the rule. It also suggested that subdivision (b) be amended to ensure that the debtor and the debtor's attorney receive copies of any objection to an exemption.

3. **Comment 06-BK-020** was submitted by the National Association of Consumer Bankruptcy Attorneys. It objected to the proposed extension of time from 30 days to 60 days in which to file an objection to a claimed exemption under subdivision (a) of the rule. It also suggested that subdivision (b) be amended to ensure that the debtor and the debtor's attorney receive copies of any objection to an exemption.

4. **Comment 06-BK-052** was submitted by the State Bar of California's Committee on Federal Courts. The Committee asserted that the right to challenge an exemption fraudulently claimed under § 522(q) should extend for one year consistent with objections to other fraudulently claimed exemptions.

Changes Made After Publication:

The deadline for filing objections to exemptions under subdivision (b)(1) was returned to 30 days after the conclusion of the § 341 meeting of creditors rather than the 60 day period proposed in the published rule. The second paragraph of the Committee Note which discussed this change was therefore deleted. Subdivisions

(b)(2) and (b)(3) were amended to add the debtor and the debtor's attorney to the list of persons to whom objections to exemptions must be delivered.

RULE 4004. Grant or Denial of Discharge

1 * * * * *

2 (c) GRANT OF DISCHARGE.

3 (1) In a chapter 7 case, on expiration of the time fixed for
4 filing a complaint objecting to discharge and the time fixed for filing
5 a motion to dismiss the case under Rule 1017(e), the court shall
6 forthwith grant the discharge unless:

7 (A) the debtor is not an individual~~,~~ ;

8 (B) a complaint objecting to the discharge has been filed~~,~~ ;

9 (C) the debtor has filed a waiver under § 707(a)(10)~~,~~ ;

10 (D) a motion to dismiss the case under § 707 is pending~~,~~ ;

11 (E) a motion to extend the time for filing a complaint
12 objecting to the discharge is pending~~,~~ ;

13 (F) a motion to extend the time for filing a motion to
14 dismiss the case under Rule 1017(e) is pending~~, or~~ ;

15 (G) the debtor has not paid in full the filing fee prescribed
16 by 28 U.S.C. § 1930(a) and any other fee prescribed by the Judicial
17 Conference of the United States under 28 U.S.C. § 1930(b) that is

18 payable to the clerk upon the commencement of a case under the
19 Code, unless the court has waived the fees under 28 U.S.C. § 1930(f);
20 (H) the debtor has not filed with the court a statement of
21 completion of a course concerning personal financial management as
22 required by Rule 1007(b)(7);
23 (I) a motion to delay or postpone discharge under
24 § 727(a)(12) is pending;
25 (J) a motion to enlarge the time to file a reaffirmation
26 agreement under Rule 4008(a) is pending;
27 (K) a presumption has arisen under § 524(m) that a
28 reaffirmation agreement is an undue hardship; or
29 (L) a motion is pending to delay discharge, because the
30 debtor has not filed with the court all tax documents required to be
31 filed under § 521(f).
32 * * * * *
33 (3) If the debtor is required to file a statement under Rule
34 1007(b)(8), the court shall not grant a discharge earlier than 30 days
35 after the statement is filed.
36 * * * * *

COMMITTEE NOTE

Subdivision (c)(1)(G) is amended to reflect the fee waiver provision in 28 U.S.C. § 1930, added by the 2005 amendments.

Subdivision (c)(1)(H) is new. It reflects the 2005 addition to the Code of §§ 727(a)(11) and 1328(g), which require that individual debtors complete a course in personal financial management as a condition to the entry of a discharge. Including this requirement in the rule helps prevent the inadvertent entry of a discharge when the debtor has not complied with this requirement. If a debtor fails to file the required statement regarding a personal financial management course, the clerk will close the bankruptcy case without the entry of a discharge.

Subdivision (c)(1)(I) is new. It reflects the 2005 addition to the Code of § 727(a)(12). This provision is linked to § 522(q). Section 522(q) limits the availability of the homestead exemption for individuals who have been convicted of a felony or who owe a debt arising from certain causes of action within a particular time frame. The existence of reasonable cause to believe that § 522(q) may be applicable to the debtor constitutes grounds for withholding the discharge.

Subdivision (c)(1)(J) is new. It accommodates the deadline for filing a reaffirmation agreement established by Rule 4008(a).

Subdivision (c)(1)(K) is new. It reflects the 2005 revisions to § 524 of the Code that alter the requirements for approval of reaffirmation agreements. Section 524(m) sets forth circumstances under which a reaffirmation agreement is presumed to be an undue hardship. This triggers an obligation to review the presumption and may require notice and a hearing. Subdivision (c)(1)(J) has been added to prevent the discharge from being entered until the court approves or disapproves the reaffirmation agreement in accordance with § 524(m).

Subdivision (c)(1)(L) is new. It implements § 1228(a) of Public Law Number 109-8, an uncodified provision of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which prohibits entry of a discharge unless required tax documents have been provided to the court.

Subdivision (c)(3) is new. It postpones the entry of the discharge of an individual debtor in a case under chapter 11, 12, or 13 if there is a question as to the applicability of § 522(q) of the Code. The postponement provides an opportunity for a creditor to file a motion to limit the debtor's exemption under that provision.

Other changes are stylistic.

Comments on Proposed Amendments to Rule 4004:

1. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It recommends that subdivision (c) be amended to allow the reopening of a case to permit the debtor to file a statement of the completion of a personal financial management course without paying an additional filing fee. It also recommends that the rule be amended to permit the withholding of a discharge if motions are pending under either § 727(a)(11) or § 1328(g) of the Code.

2. **Comment 06-BK-020** was submitted by the National Association of Consumer Bankruptcy Attorneys. It recommends that the rule be revised to require the court to notify the debtor that he or she has not filed the required statement of completion of a personal financial management course.

3. **Comment 06-BK-057** was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. She recommends that the debtor be required under subdivision (c)(1)(H) to file a certificate rather than a statement of completion of the personal financial management course.

Changes Made After Publication:

No changes were made after publication.

RULE 4006. Notice of No Discharge

1 If an order is entered: denying a discharge; ~~or~~ revoking a
2 discharge; ~~or if~~ approving a waiver of discharge; ~~is filed~~ or, in the
3 case of an individual debtor, closing the case without the entry of a
4 discharge, the clerk ~~, after the order becomes final or the waiver is~~

5 ~~filed~~ shall promptly ~~give notice thereof to~~ notify all ~~creditors~~ parties

6 in interest in the manner provided ~~in~~ by Rule 2002.

COMMITTEE NOTE

This amendment was necessary because the 2005 amendments to the Code require that individual debtors in a chapter 7 or 13 case complete a course in personal financial management as a condition to the entry of a discharge. If the debtor fails to complete the course, the case may be closed and no discharge will be entered. Reopening the case is governed by § 350 and Rule 5010. The rule is amended to provide notice to parties in interest, including the debtor, that no discharge was entered.

Comments on Proposed Amendments to Rule 4006:

1. **Comment 06-BK-051** was submitted by the Financial Services Roundtable. It proposed that the rule be amended to require debtors to file a certificate of completion of a personal financial management course.

Changes Made After Publication:

No changes were made after publication.

RULE 4007. Determination of Dischargeability of a Debt

1 * * * * *

2 (c) TIME FOR FILING COMPLAINT UNDER § 523(c) IN A

3 CHAPTER 7 LIQUIDATION, CHAPTER 11 REORGANIZATION,

4 ~~OR~~ CHAPTER 12 FAMILY FARMER'S DEBT ADJUSTMENT

5 CASE, OR CHAPTER 13 INDIVIDUAL'S DEBT ADJUSTMENT

6 CASE; NOTICE OF TIME FIXED. Except as otherwise provided in

7 subdivision (d), a ~~A~~ complaint to determine the dischargeability of a

8 debt under § 523(c) shall be filed no later than 60 days after the first
9 date set for the meeting of creditors under § 341(a). The court shall
10 give all creditors no less than 30 days' notice of the time so fixed in
11 the manner provided in Rule 2002. On motion of a party in interest,
12 after hearing on notice, the court may for cause extend the time fixed
13 under this subdivision. The motion shall be filed before the time has
14 expired.

15 (d) TIME FOR FILING COMPLAINT UNDER § ~~523(c)~~
16 523(a)(6) IN CHAPTER 13 INDIVIDUAL'S DEBT ADJUSTMENT
17 CASE; NOTICE OF TIME FIXED. On motion by a debtor for a
18 discharge under § 1328(b), the court shall enter an order fixing the
19 time to file a complaint to determine the dischargeability of any debt
20 under § ~~523(c)~~ 523(a)(6) and shall give no less than 30 days' notice
21 of the time fixed to all creditors in the manner provided in Rule 2002.
22 On motion of any party in interest after hearing on notice the court
23 may for cause extend the time fixed under this subdivision. The
24 motion shall be filed before the time has expired.

25 * * * * *

COMMITTEE NOTE

Subdivision (c) is amended because of the 2005 amendments to § 1328(a) of the Code. This revision expands the exceptions to discharge upon completion of a chapter 13 plan. Subdivision (c) extends to chapter 13 the same time limits applicable to other

chapters of the Code with respect to the two exceptions to discharge that have been added to § 1328(a) and that are within § 523(c).

The amendment to subdivision (d) reflects the 2005 amendments to § 1328(a) that expands the exceptions to discharge upon completion of a chapter 13 plan, including two out of three of the provisions that fall within § 523(c). However, the 2005 revisions to § 1328(a) do not include a reference to § 523(a)(6), which is the third provision to which § 523(c) refers. Thus, subdivision (d) is now limited to that provision.

Comments on Proposed Amendments to Rule 4007:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 4008. ~~Discharge and Reaffirmation Hearing~~ Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement

1 (a) FILING OF REAFFIRMATION AGREEMENT. A
2 reaffirmation agreement shall be filed no later than 60 days after the
3 first date set for the meeting of creditors under § 341(a) of the Code.
4 The court may, at any time and in its discretion, enlarge the time to
5 file a reaffirmation agreement. ~~Not more than 30 days following the~~
6 ~~entry of an order granting or denying a discharge, or confirming a~~
7 ~~plan in a chapter 11 reorganization case concerning an individual~~
8 ~~debtor and on not less than 10 days notice to the debtor and the~~
9 ~~trustee, the court may hold a hearing as provided in § 524(d) of the~~

10 ~~Code. A motion by the debtor for approval of a reaffirmation~~

11 ~~agreement shall be filed before or at the hearing.~~

12 (b) STATEMENT IN SUPPORT OF REAFFIRMATION

13 AGREEMENT. The debtor's statement required under

14 § 524(k)(6)(A) of the Code shall be accompanied by a statement of

15 the total income and expenses stated on schedules I and J. If there

16 is a difference between the total income and expenses stated on those

17 schedules and the statement required under § 524(k)(6)(A), the

18 statement required by this subdivision shall include an explanation of

19 the difference.

COMMITTEE NOTE

This rule is amended to establish a deadline for filing reaffirmation agreements. The Code sets out a number of prerequisites to the enforceability of reaffirmation agreements. Among those requirements, § 524(k)(6)(A) provides that each reaffirmation agreement must be accompanied by a statement indicating the debtor's ability to make the payments called for by the agreement. In the event that this statement reflects an insufficient income to allow payment of the reaffirmed debt, § 524(m) provides that a presumption of undue hardship arises, allowing the court to disapprove the reaffirmation agreement, but only after a hearing conducted prior to the entry of discharge. Rule 4004(c)(1)(K) accommodates this provision by delaying the entry of discharge where a presumption of undue hardship arises. However, in order for that rule to be effective, the reaffirmation agreement itself must be filed before the entry of discharge. Under Rule 4004(c)(1) discharge is to be entered promptly after the expiration of the time for filing a complaint objecting to discharge, which, under Rule 4004(a), is 60 days after the first date set for the meeting of creditors under § 341(a). Accordingly, that date is set as the deadline for filing a reaffirmation agreement.

Any party may file the agreement with the court. Thus, whichever party has a greater incentive to enforce the agreement usually will file it. In the event that the parties are unable to file a reaffirmation agreement in a timely fashion, the rule grants the court broad discretion to permit a late filing. A corresponding change to Rule 4004(c)(1)(J) accommodates such an extension by providing for a delay in the entry of discharge during the pendency of a motion to extend the time for filing a reaffirmation agreement.

Rule 4008 is also amended by deleting provisions regarding the timing of any reaffirmation and discharge hearing. As noted above, § 524(m) itself requires that hearings on undue hardship be conducted prior to the entry of discharge. In other respects, including hearings to approve reaffirmation agreements of unrepresented debtors under § 524(c)(6), the rule leaves discretion to the court to set the hearing at a time appropriate for the particular circumstances presented in the case and consistent with the scheduling needs of the parties.

Comments on Proposed Amendments to Rule 4008:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It did not object to the rule, but it suggested that reaffirmation agreements be made official forms to ensure that the agreements meet the applicable statutory requirements.

Changes Made After Publication:

The only change was stylistic. The phrase "of the Code" was added to subdivision (b).

RULE 5001. Courts and Clerks' Offices

1 * * * * *

2 (b) TRIALS AND HEARINGS; ORDERS IN CHAMBERS. All

3 trials and hearings shall be conducted in open court and so far as

4 convenient in a regular court room. Except as otherwise provided in

5 28 U.S.C. § 152(c), all ~~All~~ other acts or proceedings may be done or
6 conducted by a judge in chambers and at any place either within or
7 without the district; but no hearing, other than one ex parte, shall be
8 conducted outside the district without the consent of all parties
9 affected thereby.

COMMITTEE NOTE

The rule is amended to permit bankruptcy judges to hold hearings outside of the district in which the case is pending to the extent that the circumstances lead to the authorization of the court to take such action under the 2005 amendment to 28 U.S.C. § 152(c). Under that provision, bankruptcy judges may hold court outside of their districts in emergency situations and when the business of the court otherwise so requires. This amendment to the rule is intended to implement the legislation.

Comments on Proposed Amendments to Rule 5001:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

RULE 5003. Records Kept By the Clerk

1 * * * * *

2 (e) REGISTER OF MAILING ADDRESSES OF FEDERAL AND
3 STATE GOVERNMENTAL UNITS AND CERTAIN TAXING
4 AUTHORITIES. The United States or the state or territory in which

5 the court is located may file a statement designating its mailing
6 address. The United States, state, territory, or local governmental unit
7 responsible for the collection of taxes within the district in which the
8 case is pending may also file a statement designating an address for
9 service of requests under § 505(b) of the Code, and the designation
10 shall describe where further information concerning additional
11 requirements for filing such requests may be found. The clerk shall
12 keep, in the form and manner as the Director of the Administrative
13 Office of the United States Courts may prescribe, a register that
14 includes ~~these~~ the mailing addresses designated under the first
15 sentence of this subdivision, and a separate register of the addresses
16 designated for the service of requests under § 505(b) of the Code. ~~but~~
17 ~~the~~ The clerk is not required to include in ~~the register~~ any single
18 register more than one mailing address for each department, agency,
19 or instrumentality of the United States or the state or territory. If
20 more than one address for a department, agency, or instrumentality is
21 included in the register, the clerk shall also include information that
22 would enable a user of the register to determine the circumstances
23 when each address is applicable, and mailing notice to only one
24 applicable address is sufficient to provide effective notice. The clerk
25 shall update the register annually, effective January 2 of each year.
26 The mailing address in the register is conclusively presumed to be a

27 proper address for the governmental unit, but the failure to use that

28 mailing address does not invalidate any notice that is otherwise

29 effective under applicable law.

30 * * * * *

COMMITTEE NOTE

The rule is amended to implement § 505(b)(1) of the Code added by the 2005 amendments, which allows a taxing authority to designate an address to use for the service of requests under that subsection. Under the amendment, the clerk is directed to maintain a separate register for mailing addresses of governmental units solely for the service of requests under § 505(b). This register is in addition to the register of addresses of governmental units already maintained by the clerk. The clerk is required to keep only one address for a governmental unit in each register.

Comments on Proposed Amendments to Rule 5003:

1. **Comment 06-BK-015** was submitted by the Department of the Treasury. It recommended that the rule be amended to make clear that the mailing address register for matters under § 505 of the Code and the register established under Rule 5003(e) are separate.

Changes Made After Publication:

Subdivision (e) was amended to clarify that the clerk must maintain a separate mailing address register that contains the addresses to which notices pertaining to actions under § 505 of the Code are to be sent.

RULE 5008. Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors

1 If a presumption of abuse has arisen under § 707(b) in a chapter
2 7 case of an individual with primarily consumer debts, the clerk shall
3 within 10 days after the date of the filing of the petition notify
4 creditors of the presumption of abuse in accordance with Rule 2002.
5 If the debtor has not filed a statement indicating whether a
6 presumption of abuse has arisen, the clerk shall within 10 days after
7 the date of the filing of the petition notify creditors that the debtor has
8 not filed the statement and that further notice will be given if a later
9 filed statement indicates that a presumption of abuse has arisen. If a
10 debtor later files a statement indicating that a presumption of abuse
11 has arisen, the clerk shall notify creditors of the presumption of abuse
12 as promptly as practicable.

COMMITTEE NOTE

This rule is new. The 2005 amendments to § 342 of the Code require that clerks give written notice to all creditors not later than 10 days after the date of the filing of the petition that a presumption of abuse has arisen under § 707(b). A statement filed by the debtor will be the source of the clerk's information about the presumption of abuse. This rule enables the clerk to meet its obligation to send the notice within the statutory time period set forth in § 342. In the event that the court receives the debtor's statement after the clerk has sent the first notice, and the debtor's statement indicates a presumption of abuse, the rule requires that the clerk send a second notice.

Comments on Proposed Rule 5008:

1. **Comment 06-BK-052** was submitted by the State Bar of California's Committee on Federal Courts. The Committee suggested that the obligation to send a notice of presumption of abuse be placed on the debtor rather than on the clerk.

Changes Made After Publication:

No changes were made after publication.

RULE 6004. Use, Sale, or Lease of Property

1 * * * * *

2 (g) SALE OF PERSONALLY IDENTIFIABLE INFORMATION.

3 (1) *Motion.* A motion for authority to sell or lease personally

4 identifiable information under § 363(b)(1)(B) shall include a request

5 for an order directing the United States trustee to appoint a consumer

6 privacy ombudsman under § 332. Rule 9014 governs the motion

7 which shall be served on: any committee elected under § 705 or

8 appointed under § 1102 of the Code, or if the case is a chapter 11

9 reorganization case and no committee of unsecured creditors has been

10 appointed under § 1102, on the creditors included on the list of

11 creditors filed under Rule 1007(d); and on such other entities as the

12 court may direct. The motion shall be transmitted to the United

13 States trustee.

14 (2) *Appointment*. If a consumer privacy ombudsman is
15 appointed under § 332, no later than 5 days before the hearing on the
16 motion under § 363(b)(1)(B), the United States trustee shall file a
17 notice of the appointment, including the name and address of the
18 person appointed. The United States trustee's notice shall be
19 accompanied by a verified statement of the person appointed setting
20 forth the person's connections with the debtor, creditors, any other
21 party in interest, their respective attorneys and accountants, the
22 United States trustee, or any person employed in the office of the
23 United States trustee.

24 ~~(g)~~ (h) STAY OF ORDER AUTHORIZING USE, SALE, OR
25 LEASE OF PROPERTY. An order authorizing the use, sale, or lease
26 of property other than cash collateral is stayed until the expiration of
27 10 days after entry of the order, unless the court orders otherwise.

COMMITTEE NOTE

The rule is amended by inserting a new subdivision (g) to implement §§ 332 and 363(b)(1)(B) of the Code, added by the 2005 amendments. This rule governs the proposed transfer of personally identifiable information in a manner inconsistent with any policy covering the transfer of the information. Rule 2002(c)(1) requires the seller to state in the notice of the sale or lease whether the transfer is consistent with and policy governing the transfer of the information.

Under § 332 of the Code, the consumer privacy ombudsman must be appointed at least five days prior to the hearing on a sale or lease of personally identifiable information. In an appropriate case, the consumer privacy ombudsman may seek a continuance of the hearing

on the proposed sale to perform the tasks required of the ombudsman by § 332 of the Code.

Former subdivision (g) is redesignated as subdivision (h).

Comments on Proposed Amendments to Rule 6004:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. They support the proposed amendments.

Changes Made After Publication:

The Committee Note was amended to highlight the connection between this rule and Rule 2002 with regard to the obligation to provide notice of proposed transactions. It was also amended to recognize the ability of the consumer privacy ombudsman to seek a continuance of a hearing on the proposed sale of personally identifiable information.

RULE 6011. Disposal of Patient Records in Health Care Business Case

1 (a) NOTICE BY PUBLICATION UNDER § 351(1)(A). A
2 notice regarding the claiming or disposing of patient records under §
3 351(1)(A) shall not identify any patient by name or other identifying
4 information, but shall:
5 (1) identify with particularity the health care facility whose
6 patient records the trustee proposes to destroy;

7 (2) state the name, address, telephone number, email address,
8 and website, if any, of a person from whom information about the
9 patient records may be obtained;
10 (3) state how to claim the patient records; and
11 (4) state the date by which patient records must be claimed,
12 and that if they are not so claimed the records will be destroyed.
13 (b) NOTICE BY MAIL UNDER § 351(1)(B). Subject to
14 applicable nonbankruptcy law relating to patient privacy, a notice
15 regarding the claiming or disposing of patient records under § 351(1)
16 (B) shall, in addition to including the information in subdivision (a),
17 direct that a patient's family member or other representative who
18 receives the notice inform the patient of the notice. Any notice under
19 this subdivision shall be mailed to the patient and any family member
20 or other contact person whose name and address has been given to the
21 trustee or the debtor for the purpose of providing information
22 regarding the patient's health care, to the Attorney General of the
23 State where the health care facility is located, and to any insurance
24 company known to have provided health care insurance to the patient.
25 (c) PROOF OF COMPLIANCE WITH NOTICE
26 REQUIREMENT. Unless the court orders the trustee to file proof of
27 compliance with § 351(1)(B) under seal, the trustee shall not file, but
28 shall maintain, the proof of compliance for a reasonable time.

29 (d) REPORT OF DESTRUCTION OF RECORDS. The trustee

30 shall file, no later than 30 days after the destruction of patient records

31 under § 351(3), a report certifying that the unclaimed records have

32 been destroyed and explaining the method used to effect the

33 destruction. The report shall not identify any patient by name or other

34 identifying information.

COMMITTEE NOTE

This rule is new. It implements § 351(1), which was added to the Code by the 2005 amendments. That provision requires the trustee to notify patients that their patient records will be destroyed if they remain unclaimed for one year after the publication of a notice in an appropriate newspaper. The Code provision also requires that individualized notice be sent to each patient and to the patient's family member or other contact person.

The variety of health care businesses and the range of current and former patients present the need for flexibility in the creation and publication of the notices that will be given. Nevertheless, there are some matters that must be included in any notice being given to patients, their family members, and contact persons to ensure that sufficient information is provided to these persons regarding the trustee's intent to dispose of patient records. Subdivision (a) of this rule lists the minimum requirements for notices given under § 351(1)(A), and subdivision (b) governs the form of notices under § 351(1)(B). Notices given under this rule are subject to provisions under applicable federal and state law that relate to the protection of patients' privacy, such as the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA).

Subdivision (c) directs the trustee to maintain proof of compliance with § 351(1)(B), but because the proof of compliance may contain patient names that should or must remain confidential,

it prohibits filing the proof of compliance unless the court orders the trustee to file it under seal.

Subdivision (d) requires the trustee to file a report with the court regarding the destruction of patient records. This certification is intended to ensure that the trustee properly completed the destruction process. However, because the report will be filed with the court and ordinarily will be available to the public under § 107, the names, addresses, and other identifying information of patients are not to be included in the report to protect patient privacy.

Comments on Proposed Rule 6011:

1. **Comment 06-BK-018** was submitted by the National Bankruptcy Conference. It suggested that the rule not "direct" family members to inform the patient, but that they be "requested" to do so. The comment also suggested that the statute requires only that notice be given to the debtor or a family member rather than to the debtor and a family member as set out in the rule. Finally, the Conference suggested that subdivision (c) specifically provide that the trustee must maintain the records for one year rather than for a "reasonable time."

2. **Comment 06-BK-052** was submitted by the State Bar of California's Committee on Federal Courts. It suggested that the text of the rule include a statement that the cost of notice should not be a factor in determining whether notice is sent.

Changes Made After Publication:

Subdivision (b)(2) was amended to add the Attorney General of the State where a health care facility is located to the list of entities entitled to notice of the disposal of patient records.

RULE 8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals

1 * * * * *

2 (e) ELECTION TO HAVE APPEAL HEARD BY DISTRICT
3 COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL;
4 WITHDRAWAL OF ELECTION.
5 (1) *Separate Writing for Election.* An election to have an
6 appeal heard by the district court under 28 U.S.C. § 158(c)(1) may be
7 made only by a statement of election contained in a separate writing
8 filed within the time prescribed by 28 U.S.C. § 158(c)(1).
9 (2) *Withdrawal of Election.* A request to withdraw the
10 election may be filed only by written stipulation of all the parties to
11 the appeal or their attorneys of record. Upon such a stipulation, the
12 district court may either transfer the appeal to the bankruptcy
13 appellate panel or retain the appeal in the district court.
14 (f) CERTIFICATION FOR DIRECT APPEAL TO COURT OF
15 APPEALS.
16 (1) *Timely Appeal Required.* A certification of a judgment,
17 order, or decree of a bankruptcy court to a court of appeals under 28
18 U.S.C. § 158(d)(2) shall not be effective until a timely appeal has
19 been taken in the manner required by subdivisions (a) or (b) of this
20 rule and the notice of appeal has become effective under Rule 8002.
21 (2) *Court Where Certification Made and Filed.* A
22 certification that a circumstance specified in 28 U.S.C. §

23 158(d)(2)(A)(i)-(iii) exists shall be filed in the court in which a matter
24 is pending for purposes of 28 U.S.C. § 158(d)(2) and this rule. A
25 matter is pending in a bankruptcy court until the docketing, in
26 accordance with Rule 8007(b), of an appeal taken under 28 U.S.C. §
27 158(a)(1) or (2), or the grant of leave to appeal under 28 U.S.C. §
28 158(a)(3). A matter is pending in a district court or bankruptcy
29 appellate panel after the docketing, in accordance with Rule 8007(b),
30 of an appeal taken under 28 U.S.C. § 158(a)(1) or (2), or the grant of
31 leave to appeal under 28 U.S.C. § 158(a)(3).
32 (A) Certification by Court on Request or Court's Own
33 Initiative.
34 (i) Before Docketing or Grant of Leave to Appeal.
35 Only a bankruptcy court may make a certification on request or on its
36 own initiative while the matter is pending in the bankruptcy court.
37 (ii) After Docketing or Grant of Leave to Appeal.
38 Only the district court or bankruptcy appellate panel involved may
39 make a certification on request of the parties or on its own initiative
40 while the matter is pending in the district court or bankruptcy
41 appellate panel.
42 (B) Certification by All Appellants and Appellees Acting
43 Jointly. A certification by all the appellants and appellees, if any,
44 acting jointly may be made by filing the appropriate Official Form

45 with the clerk of the court in which the matter is pending. The
46 certification may be accompanied by a short statement of the basis for
47 the certification, which may include the information listed in
48 subdivision (f)(3)(C) of this rule.
49 (3) *Request for Certification; Filing; Service; Contents.*
50 (A) A request for certification shall be filed, within the
51 time specified by 28 U.S.C. § 158(d)(2), with the clerk of the court in
52 which the matter is pending.
53 (B) Notice of the filing of a request for certification shall
54 be served in the manner required for service of a notice of appeal
55 under Rule 8004.
56 (C) A request for certification shall include the following:
57 (i) the facts necessary to understand the question
58 presented;
59 (ii) the question itself;
60 (iii) the relief sought;
61 (iv) the reasons why the appeal should be allowed and
62 is authorized by statute or rule, including why a circumstance
63 specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii) exists; and
64 (v) an attached copy of the judgment, order, or decree
65 complained of and any related opinion or memorandum.

66 (D) A party may file a response to a request for
67 certification or a cross request within 10 days after the notice of the
68 request is served, or another time fixed by the court.
69 (E) Rule 9014 does not govern a request, cross request, or
70 any response. The matter shall be submitted without oral argument
71 unless the court otherwise directs.
72 (F) A certification of an appeal under 28 U.S.C. §
73 158(d)(2) shall be made in a separate document served on the parties.
74 (4) *Certification on Court's Own Initiative.*
75 (A) A certification of an appeal on the court's own
76 initiative under 28 U.S.C. § 158(d)(2) shall be made in a separate
77 document served on the parties in the manner required for service of
78 a notice of appeal under Rule 8004. The certification shall be
79 accompanied by an opinion or memorandum that contains the
80 information required by subdivision (f)(3)(C)(i)-(iv) of this rule.
81 (B) A party may file a supplementary short statement of
82 the basis for certification within 10 days after the certification.
83 (5) *Duties of Parties After Certification.* A petition for
84 permission to appeal in accordance with F. R. App. P. 5 shall be filed
85 no later than 30 days after a certification has become effective as
86 provided in subdivision (f)(1).

COMMITTEE NOTE

Subdivision (e) is amended by redesignating the subdivision as (e)(1) and adding new subdivision (e)(2). Subdivision (e)(2) explicitly recognizes the district court's authority to transfer an appeal to the bankruptcy appellate panel on two conditions: first, all of the parties to the appeal must have agreed to request the withdrawal of the election to have the district court hear the appeal; and, second, the district court must decide whether to grant the request for withdrawal. The district court has discretion either to keep the case or transfer it to the bankruptcy appellate panel, which will prevent strategic behavior by parties and avoid the wasting of judicial resources.

Subdivision (f) is added to the rule to implement the 2005 amendments to 28 U.S.C. § 158(d). That section authorizes appeals directly to the court of appeals, with that court's consent, upon certification that a ground for the appeal exists under § 158(d)(2)(A)(i)-(iii). Certification can be made by the court on its own initiative under subdivision (f)(4), or in response to a request of a party or a majority of the appellants and appellees (if any) under subdivision (f)(3). Certification also can be made by all of the appellants and appellees under subdivision (f)(2)(B). Under subdivision (f)(1), certification is effective only when a timely appeal is commenced under subdivision (a) or (b), and a notice of appeal has been timely filed under Rule 8002. These actions will provide sufficient notice of the appeal to the circuit clerk, so the rule dispenses with the uncodified temporary procedural requirements set out in § 1233 (b)(4) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8.

The rule adopts a bright-line test for identifying the court in which a matter is pending. Under subdivision (f)(2), the bright-line chosen is the "docketing" under Rule 8007(b) of an appeal of an interlocutory order or decree under 28 U.S.C. § 158(a)(2) or a final judgment, order or decree under 28 U.S.C. § 158(a)(1), or the granting of leave to appeal any other interlocutory judgment, order or decree under 28 U.S.C. § 158(a)(3), whichever is earlier.

To ensure that parties are aware of a certification, the rule requires either that it be made on the Official Form (if being made by all of the parties to the appeal) or on a separate document (whether the certification is made on the court's own initiative or in response to a request by a party). This is particularly important because the rule adopts the bankruptcy practice established by Rule 8001(a) and (b) of requiring a notice of appeal in every instance, including interlocutory orders, of appeals from bankruptcy court orders, judgments, and decrees. Because this requirement is satisfied by filing the notice of appeal that takes the appeal to the district court or bankruptcy appellate panel in the first instance, the rule does not require a separate notice of appeal if a certification occurs after a district court or bankruptcy appellate panel decision.

A certification under subdivision (f)(1) does not place the appeal in the circuit court. Rather, the court of appeals must first authorize the direct appeal. Subdivision (f)(5) therefore provides that any party intending to pursue the appeal in the court of appeals must seek that permission under Rule 5 of the Federal Rules of Appellate Procedure. Subdivision (f)(5) requires that the petition for permission to appeal be filed within 30 days after an effective certification.

Comments on Proposed Amendments to Rule 8001:

1. **Comment 06-BK-057** was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. She noted that the local practice governing the docketing of appeals may cause confusion as to the date of the "docketing of the appeal" as provided in Rule 8001(f)(2).

Changes Made After Publication:

The second paragraph of the Committee Note was amended to identify more specifically the different ways in which the certification of a direct appeal to the court of appeals.

Rule 8003. Leave to Appeal

1 * * * * *

2 (d) REQUIREMENT OF LEAVE TO APPEAL. If leave to

3 appeal is required by 28 U.S.C. § 158(a) and has not earlier been

4 granted, the authorization of a direct appeal by a court of appeals

5 under 28 U.S.C. § 158(d)(2) shall be deemed to satisfy the

6 requirement for leave to appeal.

COMMITTEE NOTE

The rule is amended to add subdivision (d) to solve the jurisdictional problem that could otherwise ensue when a district court or bankruptcy appellate panel has not granted leave to appeal under 28 U.S.C. § 158(a)(3). If the court of appeals accepts the appeal, the requirement of leave to appeal is deemed satisfied. However, if the court of appeals does not authorize a direct appeal, the question of whether to grant leave to appeal remains a matter to be resolved by the district court or the bankruptcy appellate panel.

Comments on Proposed Amendments to Rule 8003:

1. **Comment 06-BK-016** was submitted by Hon. Colleen A. Brown (Bankr. D. Vt.). Judge Brown recommended changes to parts of the rule that were not among the proposed amendments.

Changes Made After Publication:

No changes were made after publication.

RULE 9006. Time

1 * * * * *

2 (b) ENLARGEMENT.

3 (1) *In General.* Except as provided in paragraphs (2) and (3)
4 of this subdivision, when an act is required or allowed to be done at
5 or within a specified period by these rules or by a notice given
6 thereunder or by order of court, the court for cause shown may at any
7 time in its discretion (1) with or without motion or notice order the
8 period enlarged if the request therefor is made before the expiration
9 of the period originally prescribed or as extended by a previous order
10 or (2) on motion made after the expiration of the specified period
11 permit the act to be done where the failure to act was the result of
12 excusable neglect.
13 (2) *Enlargement Not Permitted.* The court may not enlarge
14 the time for taking action under Rules 1007(d), 2003(a) and (d), 7052,
15 9023, and 9024.
16 (3) *Enlargement ~~Limited~~ Governed By Other Rules.* The
17 court may enlarge the time for taking action under Rules 1006(b)(2),
18 1017(e), 3002(c), 4003(b), 4004(a), 4007(c), 4008(a), 8002 and
19 9033, only to the extent and under the conditions stated in those rules.
20 In addition, the court may enlarge the time to file the statement
21 required under Rule 1007(b)(7), and to file schedules and statements
22 in a small business case under § 1116(3) of the Code, only to the
23 extent and under the conditions stated in Rule 1007(c).
24 (c) REDUCTION.

25 * * * * *

26 (2) *Reduction Not Permitted.* The court may not reduce the

27 time for taking action under ~~pursuant to~~ Rules 2002(a)(7), 2003(a),

28 3002(c), 3014, 3015, 4001(b)(2), (c)(2), 4003(a), 4004(a), 4007(c),

29 4008(a), 8002, and 9033(b). In addition, the court may not reduce the

30 time under Rule 1007(c) to file the statement required by Rule

31 1007(b)(7).

32 * * * * *

COMMITTEE NOTE

Subdivision (b)(3) is amended to implement § 1116(3) of the Code, as amended by the 2005 amendments, which places specific limits on the extension of time for filing schedules and statements of financial affairs in a small business case.

Subdivisions (b)(3) and (c)(2) are amended to provide that enlargement or reduction of the time to file the statement of completion of a personal financial management course required by Rule 1007(b)(7) are governed by Rule 1007(c). Likewise, the amendments to subdivisions (b)(3) and (c)(2) recognize that the enlargement of time to file a reaffirmation agreement is governed by Rule 4008(a), and that reduction of the time provided under that rule is not permitted.

Other amendments are stylistic.

Comments on Proposed Amendments to Rule 9006:

1. **Comment 06-BK-055** was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. They support the proposed amendments.

Changes Made After Publication:

Subdivision (b)(3) was amended to provide that Rule 9006 does not govern the enlargement of time to file a reaffirmation agreement, the statement required under Rule 1007(b)(7), or the time to file schedules and statements of financial affairs in small business cases. The title of subdivision (b)(3) was also amended to more accurately describe the operation of the provision. Subdivision (c)(2) was amended to recognize that the court may not reduce the time under Rule 1007(c) to file the statement required by Rule 1007(b)(7).

RULE 9009. Forms

1 Except as otherwise provided in Rule 3016(d), the ~~The~~ Official
2 Forms prescribed by the Judicial Conference of the United States
3 shall be observed and used with alterations as may be appropriate.
4 Forms may be combined, and their contents rearranged to permit
5 economies in their use. The Director of the Administrative Office of
6 the United States Courts may issue additional forms for use under the
7 Code. The forms shall be construed as consistent with these Rules
8 and the Code.

COMMITTEE NOTE

The rule is amended to provide that a plan proponent in a small business chapter 11 case need not use an Official Form of a plan of reorganization and disclosure statement. The use of those forms is optional, and under Rule 3016(d) the proponent may submit a plan and disclosure statement in those cases that does not conform to the Official Forms.

Comments on Proposed Amendments to Rule 9009:

No comments were received on this rule.

Changes Made After Publication:

No changes were made after publication.

8B

B. Proposed Technical Amendments to Bankruptcy Rules 7012, 7022, 7023.1, and 9024 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference:

The Advisory Committee recommends that the Standing Committee approve the following technical amendments to the Bankruptcy Rules without publication and submit them to the Judicial Conference.

1. *Synopsis of Proposed Technical Amendments.*

(a) **Rule 7012** is amended to conform to the changes made by the Civil Rules Restyling Project.

(b) **Rule 7022** is amended to conform to the changes made by the Civil Rules Restyling Project.

(c) **Rule 7023.1** is amended to conform to the changes made by the Civil Rules Restyling Project.

(d) **Rule 9024** is amended to conform to the changes made by the Civil Rules Restyling Project.

2. *Text of Proposed Technical Amendments to Bankruptcy Rules 7012, 7022, 7023.1, and 9024.*

RULE 7012. Defenses and Objections--When and How Presented--By Pleading or Motion--Motion for Judgment on the Pleadings

1 * * * * *

2 (b) Applicability of Rule 12(b)-~~(h)~~ (i) F.R.Civ.P.

3 Rule 12(b)-~~(h)~~ (i) F.R.Civ.P. applies in adversary proceedings. A

4 responsive pleading shall admit or deny an allegation that the

5 proceeding is core or non- core. If the response is that the

6 proceeding is non-core, it shall include a statement that the party

7 does or does not consent to entry of final orders or judgment by the

8 bankruptcy judge. In non-core proceedings final orders and

9 judgments shall not be entered on the bankruptcy judge's order

10 except with the express consent of the parties.

COMMITTEE NOTE

The rule is amended to conform to the changes made to the Federal Rules of Civil Procedure through the restyling of those rules effective on December 1, 2007.

RULE 7022. Interpleader

1 Rule 22 (1) (a) F.R.Civ.P. applies in adversary proceedings.

COMMITTEE NOTE

The rule is amended to conform to the changes made to the Federal Rules of Civil Procedure through the restyling of those rules effective on December 1, 2007.

RULE 7023.1. Derivative ~~Proceedings by Shareholders~~ Actions

1 Rule 23.1 F.R.Civ.P. applies in adversary proceedings.

COMMITTEE NOTE

The rule is amended to conform to the changes made to the Federal Rules of Civil Procedure through the restyling of those rules effective on December 1, 2007.

RULE 9024. Relief from Judgment or Order

1 Rule 60 F.R.Civ.P. applies in cases under the Code except

2 that (1) a motion to reopen a case under the Code or for the

3 reconsideration of an order allowing or disallowing a claim against

4 the estate entered without a contest is not subject to the one year

5 limitation prescribed in Rule 60 ~~(b)~~ (c), (2) a complaint to revoke a

6 discharge in a chapter 7 liquidation case may be filed only within

7 the time allowed by § 727(e) of the Code, and (3) a complaint to

8 revoke an order confirming a plan may be filed only within the

9 time allowed by § 1144, § 1230, or § 1330.

COMMITTEE NOTE

The rule is amended to conform to the changes made to the Federal Rules of Civil Procedure through the restyling of those rules effective on December 1, 2007.

8C

C. Preliminary Draft of Proposed Amendments to Bankruptcy Rules 4008, 7052, 9006, and 9021, and Preliminary Draft of Proposed New Rules 1017.1 and 7058

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to the Bankruptcy Rules for publication for comment.

1. Synopsis of Proposed New Rules and Amendments.

(a) **Rule 1017.1** is new. It establishes a procedure for the consideration of a certification by a debtor that exigent circumstances warrant the postponement of the debtor's obligation to obtain prepetition credit counseling.

(b) **Rule 4008** is amended to require the entity filing a reaffirmation agreement to file with the agreement a cover sheet on the appropriate Official Form. The cover sheet will include the information necessary for the court to determine whether there is a presumption that the agreement presents an undue hardship for the debtor.

(c) **Rule 7052** is amended to clarify that entry of judgment in an adversary proceeding means the entry of a judgment or order under the Bankruptcy Rules rather than under the Federal Rules of Civil Procedure.

(d) **Rule 7058** is new, and it makes Rule 58 of the Federal Rules of Civil Procedure applicable in adversary proceedings. It is added in connection with the amendment to Rule 9021.

(a) **Rule 9006 (Time Computation Template Rule)** replaces subdivision (a) with the template being adopted throughout the Federal Rules for computing time. There are minor differences in the Committee Note that include changes specific to bankruptcy law and practice. The amendment is offered in conjunction with proposed amendments to the deadlines set out in 40 rules. Those amendments include changes only in the time periods. They are set out separately in this report to distinguish them from proposed changes in the computation of time in this rule.

(e) **Rule 9021** is amended in connection with the addition of Rule 7058. Since that rule governs in adversary proceedings, Rule 9021 no longer needs to make Rule 58 of the Federal Rules of Civil Procedure applicable in those actions. This amendment and the addition of Rule 7058 results in the explicit adoption of the separate document requirement for judgments in adversary proceedings, while the effectiveness of an order or judgment

in other actions within the case is determined under Rule 5003 which does not include the separate document requirement.

2. *Text of Proposed Amendments to Rules 4008, 7052, 9006, and 9021, and Proposed New Rules 1017.1 and 7058.*

RULE 1017.1. Exemption from Prepetition Credit Counseling Requirement

1 A certification filed by an individual debtor under
2 § 109(h)(3) of the Code shall be deemed satisfactory to the court
3 unless the court, on its own motion or on motion of a party in
4 interest filed no later than 14 days after the filing of the
5 certification and served on the debtor and the United States trustee,
6 enters an order finding that the certification is not satisfactory. The
7 order shall be entered no later than 21 days after the filing of the
8 certification and shall specify why the certification is not
9 satisfactory.

COMMITTEE NOTE

This rule is new. It provides that a debtor's certification under § 109(h)(3) of the Code concerning exemption from the prepetition credit counseling requirement will be deemed satisfactory (thus permitting the debtor to obtain the counseling within 30 days after filing the petition) unless the court enters an order finding the certification is not satisfactory within 21 days after the certification is filed. The deadline for court action allows the debtor time to complete the counseling, or request a further extension pursuant to § 109(h)(3)(B), within the 30-day exemption period. The rule also requires that any motion for an order rejecting the certification must be made within 14 days after the certification is filed in order to provide the court sufficient time to act within the 21-day period.

RULE 4008. Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement[1]

1 (a) FILING OF REAFFIRMATION AGREEMENT. A
2 reaffirmation agreement shall be filed no later than 60 days after
3 the first date set for the meeting of creditors under § 341(a) of the
4 Code. The reaffirmation agreement shall be accompanied by a
5 cover sheet, prepared as prescribed by the appropriate Official
6 Form. The court may, at any time and in its discretion, enlarge the
7 time to file a reaffirmation agreement.
8 * * * * *

COMMITTEE NOTE

Subdivision (a) of the rule is amended to require that the entity filing the reaffirmation agreement with the court also include Official Form 27, the Reaffirmation Agreement Cover Sheet. The form includes information necessary for the court to determine whether proposed reaffirmation agreement is presumed to be an undue hardship for the debtor under § 524(m) of the Code.

RULE 7052. Findings by the Court

1 Rule 52 F. R. Civ. P. applies in adversary proceedings. In
2 these proceedings, the reference in Rule 52 F. R. Civ. P. to the
3 entry of judgment under Rule 58 F. R. Civ. P. shall be read as a
reference to the entry of a judgment or order under Rule 5003(a).

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[1] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

COMMITTEE NOTE

The rule is amended to clarify that the reference in Rule 52 F. R. Civ. P. to Rule 58 F. R. Civ. P. and its provisions is construed as a reference to the entry of a judgment or order under Rule 5003(a).

RULE 7058. Entry of Judgment

1 Rule 58 F. R. Civ. P. applies in adversary proceedings. In
2 these proceedings, the reference in Rule 58 F. R. Civ. P. to the civil
3 docket shall be read as a reference to the docket maintained by the
4 clerk under Rule 5003(a).

COMMITTEE NOTE

This rule makes Rule 58 F. R. Civ. P. applicable in adversary proceedings and is added in connection with the amendments to Rule 9021.

RULE 9006. Computing and Extending Time

1 ~~(a) Computation.~~
2 ~~1. In computing any period of time prescribed or allowed by~~
3 ~~these rules or by the Federal Rules of Civil Procedure made~~
4 ~~applicable by these rules, by the local rules, by order of~~
5 ~~court, or by any applicable statute, the day of the act, event,~~
6 ~~or default from which the designated period of time begins~~
7 ~~to run shall not be included. The last day of the period so~~
8 ~~computed shall be included, unless it is a Saturday, a~~

9 ~~Sunday, or a legal holiday, or, when the act to be done is~~

10 ~~the filing of a paper in court, a day on which weather or~~

11 ~~other conditions have made the clerk's office inaccessible,~~

12 ~~in which event the period runs until the end of the next day~~

13 ~~which is not one of the aforementioned days. When the~~

14 ~~period of time prescribed or allowed is less than 8 days,~~

15 ~~intermediate Saturdays, Sundays, and legal holidays shall~~

16 ~~be excluded in the computation. As used in this rule and in~~

17 ~~Rule 5001(c), "legal holiday" includes New Year's Day,~~

18 ~~Birthday of Martin Luther King, Jr., Washington's Birthday,~~

19 ~~Memorial Day, Independence Day, Labor Day, Columbus~~

20 ~~Day, Veterans Day, Thanksgiving Day, Christmas Day, and~~

21 ~~any other day appointed as a holiday by the President or the~~

22 ~~Congress of the United States, or by the state in which the~~

23 ~~court is held.~~

24 (a) Computing Time. The following rules apply in computing

25 any time period specified in these rules, in the Federal

26 Rules of Civil Procedure, in any local rule or court order, or

27 in any statute that does not specify a method of computing

28 time.

29 (1) *Period Stated in Days or a Longer Unit.* When the

30 period is stated in days or a longer unit of time:

31 (A) exclude the day of the event that triggers the
32 period;
33 (B) count every day, including intermediate
34 Saturdays, Sundays, and legal holidays; and
35 (C) include the last day of the period, but if the
36 last day is a Saturday, Sunday, or legal
37 holiday, the period continues to run until the
38 end of the next day that is not a Saturday,
39 Sunday, or legal holiday.
40 (2) *Period Stated in Hours.* When the period is stated
41 in hours:
42 (A) begin counting immediately on the
43 occurrence of the event that triggers the
44 period;
45 (B) count every hour, including hours during
46 intermediate Saturdays, Sundays, and legal
47 holidays; and
48 (C) if the period would end on a Saturday,
49 Sunday, or legal holiday, then continue the
50 period until the same time on the next day
51 that is not a Saturday, Sunday, or legal
52 holiday.

53 (3) *Inaccessibility of Clerk's Office.* Unless the court
54 orders otherwise, if the clerk's office is inaccessible:
55 (A) on the last day for filing under Rule
56 9006(a)(1), then the time for filing is
57 extended to the first accessible day that is
58 not a Saturday, Sunday, or legal holiday; or
59 (B) during the last hour for filing under Rule
60 9006(a)(2), then the time for filing is
61 extended to the same time on the first
62 accessible day that is not a Saturday,
63 Sunday, or legal holiday.
64 (4) *"Last Day" Defined.* Unless a different time is set
65 by a statute, local rule, or order in the case, the last
66 day ends:
67 (A) for electronic filing, at midnight in the
68 court's time zone; and
69 (B) for filing by other means, when the clerk's
70 office is scheduled to close.
71 (5) *"Next Day" Defined.* The "next day" is determined
72 by continuing to count forward when the period is
73 measured after an event and backward when
74 measured before an event.

75 (6) *"Legal Holiday" Defined.* "Legal holiday" means:

76 (A) the day set aside by statute for observing

77 New Year's Day, Martin Luther King Jr.'s

78 Birthday, Washington's Birthday, Memorial

79 Day, Independence Day, Labor Day,

80 Columbus Day, Veterans' Day,

81 Thanksgiving Day, or Christmas Day; and

82 (B) any other day declared a holiday by the

83 President, Congress, or the state where the

84 district court is located. The word 'state,' as

85 used in this Rule, includes the District of

86 Columbia and any commonwealth, territory,

87 or possession of the United States.

88 * * * * *

COMMITTEE NOTE

Subdivision (a). Subdivision (a) has been amended to simplify and clarify the provisions that describe how deadlines are computed. Subdivision (a) governs the computation of any time period found in a Federal Rule of Bankruptcy Procedure, a Federal Rule of Civil Procedure, a statute, a local rule, or a court order. In accordance with Bankruptcy Rule 9029(a), a local rule may not direct that a deadline be computed in a manner inconsistent with subdivision (a).

The time-computation provisions of subdivision (a) apply only when a time period must be computed. They do not apply when a fixed time to act is set. The amendments thus carry

forward the approach taken in *Violette v. P.A. Days, Inc.*, 427 F.3d 1015, 1016 (6th Cir. 2005) (holding that Civil Rule 6(a) "does not apply to situations where the court has established a specific calendar day as a deadline"), and reject the contrary holding of *In re American Healthcare Management, Inc.*, 900 F.2d 827, 832 (5th Cir. 1990) (holding that Bankruptcy Rule 9006(a) governs treatment of date-certain deadline set by court order). If, for example, the date for filing is "no later than November 1, 2007," subdivision (a) does not govern. But if a filing is required to be made "within 10 days" or "within 72 hours," subdivision (a) describes how that deadline is computed.

Subdivision (a) does not apply when computing a time period set by a statute if the statute specifies a method of computing time. *See, e.g.*, 11 U.S.C. § 527(a)(2) (debt relief agencies must provide a written notice to an assisted person "not later than 3 business days" after providing bankruptcy assistance services).

Subdivision (a)(1). New subdivision (a)(1) addresses the computation of time periods that are stated in days. It also applies to time periods that are stated in weeks, months, or years. See, e.g., Federal Rule of Civil Procedure 60(b) made applicable to under Rule 9024. Subdivision (a)(1)(B)'s directive to "count every day" is relevant only if the period is stated in days (not weeks, months or years).

Under former Rule 9006(a), a period of eight days or more was computed differently than a period of less than eight days. Intermediate Saturdays, Sundays, and legal holidays were included in computing the longer periods, but excluded in computing the shorter periods. Former Rule 9006(a) thus made computing deadlines unnecessarily complicated and led to counterintuitive results.

Under new subdivision (a)(1), all deadlines stated in days (no matter the length) are computed in the same way. The day of the event that triggers the deadline is not counted. All other days — including intermediate Saturdays, Sundays, and legal holidays — are counted, with only one exception: If the period ends on a Saturday, Sunday, or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday. An illustration is provided below in the discussion of subdivision

(a)(5). Subdivision (a)(3) addresses filing deadlines that expire on a day when the clerk's office is inaccessible.

Where subdivision (a) formerly referred to the "act, event, or default" that triggers the deadline, new subdivision (a) refers simply to the "event" that triggers the deadline; this change in terminology is adopted for brevity and simplicity, and is not intended to change meaning.

Periods previously expressed as less than eight days will be shortened as a practical matter by the decision to count intermediate Saturdays, Sundays, and legal holidays in computing all periods. Many of those periods have been lengthened to compensate for the change. See, e.g., Rules 2008 (trustee's duty to notify court of acceptance of the appointment within five days is extended to seven days); 6004(b) (time for filing and service of objection to proposed use, sale or lease of property extended from five days prior to the hearing to seven days prior to the hearing); and 9006(d) (time for giving notice of a hearing extended from five days prior to the hearing to days).

Most of the 10-day periods were adjusted to meet the change in computation method by setting 14 days as the new period. See, e.g., Rules 1007(h) (10 day period to file supplemental schedule for property debtor becomes entitled to acquire after the commencement of the case is extended to 14 days); 3020(e) (10 day stay of order confirming a chapter 11 plan extended to 14 days); 8002(a)(10 day period in which to file notice of appeal extended to 14 days). A 14-day period also has the advantage that the final day falls on the same day of the week as the event that triggered the period — the 14th day after a Monday, for example, is a Monday. This advantage of using week-long periods led to adopting seven-day periods to replace some of the periods set at less than 10 days, 21-day periods to replace 20-day periods, and 28-day periods to replace 25-day periods. Thirty-day and longer periods, however, were generally retained without change.

Subdivision (a)(2). New subdivision (a)(2) addresses the computation of time periods that are stated in hours. No such deadline currently appears in the Federal Rules of Procedure. But some statutes contain deadlines stated in hours, as do some court orders issued in expedited proceedings.

Under subdivision (a)(2), a deadline stated in hours starts to run immediately on the occurrence of the event that triggers the deadline. The deadline generally ends when the time expires. If, however, the time period expires at a specific time (say, 2:17 p.m.) on a Saturday, Sunday, or legal holiday, then the deadline is extended to the same time (2:17 p.m.) on the next day that is not a Saturday, Sunday, or legal holiday. Periods stated in hours are not to be "rounded up" to the next whole hour. Subdivision (a)(3) addresses situations when the clerk's office is inaccessible during the last hour before a filing deadline expires.

Subdivision (a)(2)(B) directs that every hour be counted. Thus, for example, a 72-hour period that commences at 10:23 a.m. on Friday, November 2, 2007, will run until 9:23 a.m. on Monday, November 5; the discrepancy in start and end times in this example results from the intervening shift from daylight saving time to standard time.

Subdivision (a)(3). When determining the last day of a filing period stated in days or a longer unit of time, a day on which the clerk's office is not accessible because of the weather or another reason is treated like a Saturday, Sunday, or legal holiday. When determining the end of a filing period stated in hours, if the clerk's office is inaccessible during the last hour of the filing period computed under subdivision (a)(2) then the period is extended to the same time on the next day that is not a weekend, holiday or day when the clerk's office is inaccessible.

Subdivision (a)(3)'s extensions apply "[u]nless the court orders otherwise." In some circumstances, the court might not wish a period of inaccessibility to trigger a full 24-hour extension; in those instances, the court can specify a briefer extension.

The text of the rule no longer refers to "weather or other conditions" as the reason for the inaccessibility of the clerk's office. The reference to "weather" was deleted from the text to underscore that inaccessibility can occur for reasons unrelated to weather, such as an outage of the electronic filing system. Weather can still be a reason for inaccessibility of the clerk's office. The rule does not attempt to define inaccessibility. Rather, the concept will continue to develop through caselaw, *see, e.g.*, William G. Phelps, *When Is Office of Clerk of Court Inaccessible Due to*

Weather or Other Conditions for Purpose of Computing Time Period for Filing Papers under Rule 6(a) of Federal Rules of Bankruptcy Procedure, 135 A.L.R. Fed. 259 (1996) (collecting cases). In addition, many local provisions address inaccessibility for purposes of electronic filing, *see, e.g.*, D. Kan. Rule 5.4.11 ("A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.").

Subdivision (a)(4). New subdivision (a)(4) defines the end of the last day of a period for purposes of subdivision (a)(1). Subdivision (a)(4) does not apply in computing periods stated in hours under subdivision (a)(2), and does not apply if a different time is set by a statute, local rule, or order in the case. A local rule may provide, for example, that papers filed in a drop box after the normal hours of the clerk's office are filed as of the day that is date-stamped on the papers by a device in the drop box.

28 U.S.C. § 452 provides that "[a]ll courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders." A corresponding provision exists in Rule5001(a). Some courts have held that these provisions permit an after-hours filing by handing the papers to an appropriate official. *See, e.g.*, *Casalduc v. Diaz*, 117 F.2d 915, 917 (1st Cir. 1941). Subdivision (a)(4) does not address the effect of the statute on the question of after-hours filing; instead, the rule is designed to deal with filings in the ordinary course without regard to Section 452.

Subdivision (a)(5). New subdivision (a)(5) defines the "next" day for purposes of subdivisions (a)(1)(C) and (a)(2)(C). The Federal Rules of Bankruptcy Procedure contain both forward-looking time periods and backward-looking time periods. A forward-looking time period requires something to be done within a period of time *after* an event. See, e.g., Rules 1007(c) (the schedules and statements, other than the statement of intention, shall be filed by the debtor within 14 days after entry of the order for relief."); 1019(b)(ii) ("the trustee, not later than 30 days after conversion of the case, shall file and transmit to the United States trustee a final report and account"); and 7012(a) ("If a complaint is duly served, the defendant shall serve an answer within 30 days after the issuance of the summons, except when a different time is prescribed by the court.").

A backward-looking time period requires something to be done within a period of time *before* an event. *See, e.g.*, Rules 6004(b) ("an objection to a proposed use, sale, or lease of property shall be filed and served not less than five days before the date set for the proposed action"); 9006(d) ("A written motion, other than one which may be heard ex parte, and notice of any hearing shall be served not later than five days before the time specified for such hearing". In determining what is the "next" day for purposes of subdivisions (a)(1)(C) and (a)(2)(C), one should continue counting in the same direction — that is, forward when computing a forward-looking period and backward when computing a backward-looking period. If, for example, a filing is due within 10 days *after* an event, and the tenth day falls on Saturday, September 1, 2007, then the filing is due on Tuesday, September 4, 2007 (Monday, September 3, is Labor Day). But if a filing is due 10 days *before* an event, and the tenth day falls on Saturday, September 1, then the filing is due on Friday, August 31.

Subdivision (a)(6). New subdivision (a)(6) defines "legal holiday" for purposes of the Federal Rules of Bankruptcy Procedure, including the time-computation provisions of subdivision (a).

RULE 9021. Entry of Judgment

1 ~~Except as otherwise provided herein, Rule 58 F. R. Civ. P.~~

2 ~~applies in cases under the Code. Every judgment entered in an~~

3 ~~adversary proceeding or contested matter shall be set forth on a~~

4 ~~separate document.~~ A judgment <u>or order</u> is effective when entered

5 ~~as provided in~~ <u>under</u> Rule 5003. ~~The reference in Rule 58 F. R.~~

6 ~~Civ. P. to Rule 79(a) F. R. Civ. P. shall be read as a reference to~~

7 ~~Rule 5003 of these rules.~~

COMMITTEE NOTE

The rule is amended in connection with the amendment that adds Rule 7058. The entry of judgment in adversary proceedings is

governed by Rule 7058, and the entry of a judgment or order in all other proceedings is governed by this rule.

8D

D. Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, 9033

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to the Bankruptcy Rules for publication for comment.

1. *Synopsis of Proposed Amendments.*

The Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure are each being amended to adopt a new method for computing time under the rules. Bankruptcy Rule 9006(a) as set out above implements that change. The rule no longer excludes intermediate Saturdays, Sundays, or holidays. Of course, if a period ends on a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

In addition to the amendments to Rule 9006(a) establishing the new method for computing time, each set of federal rules is being amended to make the deadlines under the rules multiples of seven days for any period less than 30 days. Each bankruptcy rule that is being amended solely to change the deadline to a multiple of seven days is set out below. The various deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

The changes in the rules set out in this portion of the document, other than the amendments to Rule 9006(a), are limited to changes in the deadlines as set out above.

2. *Text of Proposed Amendments to Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, 9033*

PROPOSED AMENDMENTS SET OUT SEPARATELY

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE*

Rule 1007. Lists, Schedules and Statements; Time Limits[1]

1 (a) LIST OF CREDITORS AND EQUITY SECURITY
2 HOLDERS, AND CORPORATE OWNERSHIP
3 STATEMENT.
4 * * * * *
5 (2) *Involuntary Case.* In an involuntary case, the
6 debtor shall file within ~~15~~ 14 days after entry of the order for
7 relief, a list containing the name and address of each entity
8 included or to be included on Schedules D, E, F, G, and H as
9 prescribed by the Official Forms.
10 (3) *Equity Security Holders.* In a chapter 11
11 reorganization case, unless the court orders otherwise, the
12 debtor shall file within ~~15~~ 14 days after entry of the order for

---

*New material is underlined; matter to be omitted is lined through.

[1] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

13 relief a list of the debtor's equity security holders of each
14 class showing the number and kind of interests registered in
15 the name of each holder, and the last known address or place
16 of business of each holder.

17 * * * * *

18 (c) TIME LIMITS. In a voluntary case, the schedules
19 statements, and other documents required by subdivision
20 (b)(1), (4), (5), and (6) shall be filed with the petition or
21 within ~~15~~ 14 days thereafter, except as otherwise provided in
22 subdivisions (d), (e), (f), and (h) of this rule. In an
23 involuntary case, the list in subdivision (a)(2), and the
24 schedules, statements, and other documents required by
25 subdivision (b)(1) shall be filed by the debtor within ~~15~~ 14
26 days of the entry of the order for relief. In a voluntary case,
27 the documents required by paragraphs (A), (C), and (D) of
28 subdivision (b)(3) shall be filed with the petition. Unless the
29 court orders otherwise, a debtor who has filed a statement

30 under subdivision (b)(3)(B), shall file the documents required
31 by subdivision (b)(3)(A) within ~~15~~ 14 days of the order for
32 relief. In a chapter 7 case, the debtor shall file the statement
33 required by subdivision (b)(7) within 45 days after the first
34 date set for the meeting of creditors under § 341 of the Code,
35 and in a chapter 11 or 13 case no later than the date when the
36 last payment was made by the debtor as required by the plan
37 or the filing of a motion for a discharge under § 1141(d)(5)(B)
38 or § 1328(b) of the Code. The court may, at any time and in
39 its discretion, enlarge the time to file the statement required
40 by subdivision (b)(7). The debtor shall file the statement
41 required by subdivision (b)(8) no earlier than the date of the
42 last payment made under the plan or the date of the filing of
43 a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or
44 1328(b) of the Code. Lists, schedules, statements, and other
45 documents filed prior to the conversion of a case to another
46 chapter shall be deemed filed in the converted case unless the

47 court directs otherwise. Except as provided in § 1116(3), any
48 extension of time to file schedules, statements, and other
49 documents required under this rule may be granted only on
50 motion for cause shown and on notice to the United States
51 trustee, any committee elected under § 705 or appointed under
52 § 1102 of the Code, trustee, examiner, or other party as the
53 court may direct. Notice of an extension shall be given to the
54 United States trustee and to any committee, trustee, or other
55 party as the court may direct.

56 * * * * *

57 (f) STATEMENT OF SOCIAL SECURITY NUMBER.
58 An individual debtor shall submit a verified statement that
59 sets out the debtor's social security number, or states that the
60 debtor does not have a social security number. In a voluntary
61 case, the debtor shall submit the statement with the petition.
62 In an involuntary case, the debtor shall submit the statement
63 within ~~15~~ 14 days after the entry of the order for relief.

64 * * * * *

65 (h) INTERESTS ACQUIRED OR ARISING AFTER
66 PETITION. If, as provided by § 541(a)(5) of the Code, the
67 debtor acquires or becomes entitled to acquire any interest in
68 property, the debtor shall within ~~10~~ 14 days after the
69 information comes to the debtor's knowledge or within such
70 further time the court may allow, file a supplemental schedule
71 in the chapter 7 liquidation case, chapter 11 reorganization
72 case, chapter 12 family farmer's debt adjustment case, or
73 chapter 13 individual debt adjustment case. If any of the
74 property required to be reported under this subdivision is
75 claimed by the debtor as exempt, the debtor shall claim the
76 exemptions in the supplemental schedule. The duty to file a
77 supplemental schedule in accordance with this subdivision
78 continues notwithstanding the closing of the case, except that
79 the schedule need not be filed in a chapter 11, chapter 12, or
80 chapter 13 case with respect to property acquired after entry

81 of the order confirming a chapter 11 plan or discharging the

82 debtor in a chapter 12 or chapter 13 case.

83 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 1011. Responsive Pleading or Motion in Involuntary and Cross-Border Cases[2]

* * * * *

[2] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

1 (b) DEFENSES AND OBJECTIONS; WHEN
2 PRESENTED. Defenses and objections to the petition shall
3 be presented in the manner prescribed by Rule 12 F.R.Civ.P.
4 and shall be filed and served within ~~20~~ 21 days after service
5 of the summons, except that if service is made by publication
6 on a party or partner not residing or found within the state in
7 which the court sits, the court shall prescribe the time for
8 filing and serving the response.
9 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 1019. Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case

1 * * * * *

2 (5) *Filing Final Report and Schedule of Postpetition*

3 *Debts.*

4 (A) Conversion of Chapter 11 or Chapter 12 Case.

5 Unless the court directs otherwise, if a chapter 11 or chapter

6 12 case is converted to chapter 7, the debtor in possession or,

7 if the debtor is not a debtor in possession, the trustee serving

8 at the time of conversion, shall:

9 (i) not later than ~~15~~ 14 days after conversion

10 of the case, file a schedule of unpaid debts incurred after the

11 filing of the petition and before conversion of the case,

12 including the name and address of each holder of a claim; and

13 (ii) not later than 30 days after conversion of
14 the case, file and transmit to the United States trustee a final
15 report and account;
16 (B) Conversion of Chapter 13 Case. Unless the
17 court directs otherwise, if a chapter 13 case is converted to
18 chapter 7,
19 (i) the debtor, not later than ~~15~~ 14 days after
20 conversion of the case, shall file a schedule of unpaid debts
21 incurred after the filing of the petition and before conversion
22 of the case, including the name and address of each holder of
23 a claim; and
24 (ii) the trustee, not later than 30 days after
25 conversion of the case, shall file and transmit to the United
26 States trustee a final report and account;
27 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 1020. Small Business Chapter 11 Reorganization Case[3]

1 (a) SMALL BUSINESS DEBTOR DESIGNATION. In
2 a voluntary chapter 11 case, the debtor shall state in the
3 petition whether the debtor is a small business debtor. In an
4 involuntary chapter 11 case, the debtor shall file within ~~15~~ 14
5 days after entry of the order for relief a statement as to

[3] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

6 whether the debtor is a small business debtor. Except as
7 provided in subdivision (c), the status of the case as a small
8 business case shall be in accordance with the debtor's
9 statement under this subdivision, unless and until the court
10 enters an order finding that the debtor's statement is incorrect.
11 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other

Cross-Border Cases, United States, and United States Trustee[4]

1 (a) TWENTY-ONE-DAY NOTICES TO PARTIES IN
2 INTEREST. Except as provided in subdivisions (h), (i), (*l*),
3 (p), and (q) of this rule, the clerk, or some other person as the
4 court may direct, shall give the debtor, the trustee, all
5 creditors and indenture trustees at least ~~20~~ 21 days' notice by
6 mail of:

7 * * * * *

8 (b) TWENTY-~~FIVE~~-EIGHT-DAY NOTICES TO
9 PARTIES IN INTEREST. Except as provided in subdivision
10 (*l*) of this rule, the clerk, or some other person as the court
11 may direct, shall give the debtor, the trustee, all creditors and
12 indenture trustees not less than ~~25~~ 28 days notice by mail of
13 the time fixed (1) for filing objections and the hearing to

[4] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

14 consider approval of a disclosure statement or, under §
15 1125(f), to make a final determination whether the plan
16 provides adequate information so that a separate disclosure
17 statement is not necessary; and (2) for filing objections and
18 the hearing to consider confirmation of a chapter 9, chapter
19 11, or chapter 13 plan.

20 * * * * *

21 (o) NOTICE OF ORDER FOR RELIEF IN CONSUMER
22 CASE. In a voluntary case commenced by an individual
23 debtor whose debts are primarily consumer debts, the clerk or
24 some other person as the court may direct shall give the
25 trustee and all creditors notice by mail of the order for relief
26 within ~~20~~ 21 days from the date thereof.

27 (q) NOTICE OF PETITION FOR RECOGNITION OF
28 FOREIGN PROCEEDING AND OF COURT'S INTENTION
29 TO COMMUNICATE WITH FOREIGN COURTS AND
30 FOREIGN REPRESENTATIVES.

31 (1) *Notice of Petition for Recognition.* The clerk, or
32 some other person as the court may direct, shall forthwith
33 give the debtor, all persons or bodies authorized to administer
34 foreign proceedings of the debtor, all entities against whom
35 provisional relief is being sought under § 1519 of the Code,
36 all parties to litigation pending in the United States in which
37 the debtor is a party at the time of the filing of the petition,
38 and such other entities as the court may direct, at least ~~20~~ 21
39 days' notice by mail of the hearing on the petition for
40 recognition of a foreign proceeding. The notice shall state
41 whether the petition seeks recognition as a foreign main
42 proceeding or foreign nonmain proceeding.

* * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2003. Meeting of Creditors or Equity Security Holders[5]

1 (a) DATE AND PLACE. Except as otherwise provided
2 in § 341(e) of the Code, in a chapter 7 liquidation or a chapter
3 11 reorganization case, the United States trustee shall call a
4 meeting of creditors to be held no fewer than ~~20~~ 21 and no
5 more than 40 days after the order for relief. In a chapter 12
6 family farmer debt adjustment case, the United States trustee
7 shall call a meeting of creditors to be held no fewer than ~~20~~
8 21 and no more than 35 days after the order for relief. In a
9 chapter 13 individual's debt adjustment case, the United

[5] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

10 States trustee shall call a meeting of creditors to be held no
11 fewer than ~~20~~ 21 and no more than 50 days after the order for
12 relief. If there is an appeal from or a motion to vacate the
13 order for relief, or if there is a motion to dismiss the case, the
14 United States trustee may set a later date for the meeting. The
15 meeting may be held at a regular place for holding court or at
16 any other place designated by the United States trustee within
17 the district convenient for the parties in interest. If the United
18 States trustee designates a place for the meeting which is not
19 regularly staffed by the United States trustee or an assistant
20 who may preside at the meeting, the meeting may be held not
21 more than 60 days after the order for relief.
22 * * * * *
23 (d) REPORT OF ELECTION AND RESOLUTION OF
24 DISPUTES IN A CHAPTER 7 CASE.
25 * * * * *

26 (2) *Disputed Election.* If the election is disputed, the
27 United States trustee shall promptly file a report stating that
28 the election is disputed, informing the court of the nature of
29 the dispute, and listing the name and address of any candidate
30 elected under any alternative presented by the dispute. No
31 later than the date on which the report is filed, the United
32 States trustee shall mail a copy of the report to any party in
33 interest that has made a request to receive a copy of the report.
34 Pending disposition by the court of a disputed election for
35 trustee, the interim trustee shall continue in office. Unless a
36 motion for the resolution of the dispute is filed no later than
37 ~~10~~ 14 days after the United States trustee files a report of a
38 disputed election for trustee, the interim trustee shall serve as
39 a trustee in the case.
40 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2006. Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases

1 * * * * *

2 (c) AUTHORIZED SOLICITATION.

3 (1) A proxy may be solicited only by (A) a creditor

4 owning an allowable unsecured claim against the estate on the

5 date of the filing of the petition; (B) a committee elected

6 pursuant to § 705 of the Code; (C) a committee of creditors

7 selected by a majority in number and amount of claims of

8 creditors (i) whose claims are not contingent or unliquidated,

9 (ii) who are not disqualified from voting under § 702(a) of the
10 Code and (iii) who were present or represented at a meeting
11 of which all creditors having claims of over $500 or the 100
12 creditors having the largest claims had at least ~~five~~ seven days
13 notice in writing and of which meeting written minutes were
14 kept and are available reporting the names of the creditors
15 present or represented and voting and the amounts of their
16 claims; or (D) a bona fide trade or credit association, but such
17 association may solicit only creditors who were its members
18 or subscribers in good standing and had allowable unsecured
19 claims on the date of the filing of the petition.
20 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods

- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2007. Review of Appointment of Creditors' Committee Organized Before Commencement of the Case

1 * * * * *

2 (b) SELECTION OF MEMBERS OF COMMITTEE.
3 The court may find that a committee organized by unsecured
4 creditors before the commencement of a chapter 9 or chapter
5 11 case was fairly chosen if:
6 (1) it was selected by a majority in number and
7 amount of claims of unsecured creditors who may vote under
8 § 702(a) of the Code and were present in person or
9 represented at a meeting of which all creditors having
10 unsecured claims of over $1,000 or the 100 unsecured
11 creditors having the largest claims had at least ~~five~~ seven days
12 notice in writing, and of which meeting written minutes

13 reporting the names of the creditors present or represented

14 and voting and the amounts of their claims were kept and are

15 available for inspection;

16 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
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- 25 day periods become 28 day periods

Rule 2007.2. Appointment of Patient Care Ombudsman in a Health Care Business Case[6]

[6] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

1 (a) ORDER TO APPOINT PATIENT CARE
2 OMBUDSMAN. In a chapter 7, chapter 9, or chapter 11 case
3 in which the debtor is a health care business, the court shall
4 order the appointment of a patient care ombudsman under
5 § 333 of the Code, unless the court, on motion of the United
6 States trustee or a party in interest filed no later than ~~20~~ 21
7 days after the commencement of the case or within another
8 time fixed by the court, finds that the appointment of a patient
9 care ombudsman is not necessary under the specific
10 circumstances of the case for the protection of patients.
11 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods

- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2008. Notice to Trustee of Selection

1 The United States trustee shall immediately notify the
2 person selected as trustee how to qualify and, if applicable,
3 the amount of the trustee's bond. A trustee that has filed a
4 blanket bond pursuant to Rule 2010 and has been selected as
5 trustee in a chapter 7, chapter 12, or chapter 13 case that does
6 not notify the court and the United States trustee in writing of
7 rejection of the office within ~~five~~ seven days after receipt of
8 notice of selection shall be deemed to have accepted the
9 office. Any other person selected as trustee shall notify the
10 court and the United States trustee in writing of acceptance of
11 the office within ~~five~~ seven days after receipt of notice of
12 selection or shall be deemed to have rejected the office.
13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status[7]

1 (a) TRUSTEE OR DEBTOR IN POSSESSION. A
2 trustee or debtor in possession shall:
3 * * * * *
4 (6) in a chapter 11 small business case, unless the
5 court, for cause, sets another reporting interval, file and

[7] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

6 transmit to the United States trustee for each calendar month
7 after the order for relief, on the appropriate Official Form, the
8 report required by § 308. If the order for relief is within the
9 first 15 days of a calendar month, a report shall be filed for
10 the portion of the month that follows the order for relief. If
11 the order for relief is after the 15th day of a calendar month,
12 the period for the remainder of the month shall be included in
13 the report for the next calendar month. Each report shall be
14 filed no later than ~~20~~ 21 days after the last day of the calendar
15 month following the month covered by the report. The
16 obligation to file reports under this subparagraph terminates
17 on the effective date of the plan, or conversion or dismissal of
18 the case.

19 * * * * *

20 (d) FOREIGN REPRESENTATIVE. In a case in which
21 the court has granted recognition of a foreign proceeding
22 under chapter 15, the foreign representative shall file any

23 notice required under § 1518 of the Code within ~~15~~ 14 days

24 after the date when the representative becomes aware of the

25 subsequent information.

26 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 2015.1. Patient Care Ombudsman[8]

1 (a) REPORTS. Unless the court orders otherwise, a

2 patient care ombudsman, at least ~~10~~ 14 days before making a

[8] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

3 report under § 333(b)(2) of the Code, shall give notice that the
4 report will be made to the court. The notice shall be
5 transmitted to the United States trustee, posted conspicuously
6 at the health care facility that is the subject of the report, and
7 served on: the debtor; the trustee; all patients; and any
8 committee elected under § 705 or appointed under § 1102 of
9 the Code or its authorized agent, or, if the case is a chapter 9
10 municipality case or a chapter 11 reorganization case and no
11 committee of unsecured creditors has been appointed under
12 § 1102, on the creditors included on the list filed under Rule
13 1007(d); and such other entities as the court may direct. The
14 notice shall state the date and time when the report will be
15 made, the manner in which the report will be made, and, if the
16 report is in writing, the name, address, telephone number,
17 email address, and website, if any, of the person from whom
18 a copy of the report may be obtained at the debtor's expense.

19 (b) AUTHORIZATION TO REVIEW CONFIDENTIAL
20 PATIENT RECORDS. A motion by a health care
21 ombudsman under § 333(c) to review confidential patient
22 records shall be governed by Rule 9014, served on the patient
23 and any family member or other contact person whose name
24 and address has been given to the trustee or the debtor for the
25 purpose of providing information regarding the patient's
26 health care, and transmitted to the United States trustee
27 subject to applicable nonbankruptcy law relating to patient
28 privacy. Unless the court orders otherwise, a hearing on the
29 motion may not be commenced earlier than ~~15~~ 14 days after
30 service of the motion.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 2015.2. Transfer of Patient in Health Care Business Case[9]

1 Unless the court orders otherwise, if the debtor is a health
2 care business, the trustee may not transfer a patient to another
3 health care business under § 704(a)(12) of the Code unless the
4 trustee gives at least ~~10~~ 14 days' notice of the transfer to the
5 patient care ombudsman, if any, the patient, and any family
6 member or other contact person whose name and address has
7 been given to the trustee or the debtor for the purpose of
8 providing information regarding the patient's health care.

[9] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

9 The notice is subject to applicable nonbankruptcy law relating

10 to patient privacy.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 2015.3. Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest[10]

1 * * * * *

2 (b) TIME FOR FILING; SERVICE. The first report

3 required by this rule shall be filed no later than ~~five~~ seven

[10] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

4 days before the first date set for the meeting of creditors under
5 § 341 of the Code. Subsequent reports shall be filed no less
6 frequently than every six months thereafter, until the effective
7 date of a plan or the case is dismissed or converted. Copies
8 of the report shall be served on the United States trustee, any
9 committee appointed under § 1102 of the Code, and any other
10 party in interest that has filed a request therefor.

11 * * * * *

12 (e) NOTICE AND PROTECTIVE ORDERS. No later
13 than ~~20~~ 21 days before filing the first report required by this
14 rule, the trustee or debtor in possession shall send notice to
15 the entity in which the estate has a substantial or controlling
16 interest, and to all holders— known to the trustee or debtor in
17 possession—of an interest in that entity, that the trustee or
18 debtor in possession expects to file and serve financial
19 information relating to the entity in accordance with this rule.
20 The entity in which the estate has a substantial or controlling

21 interest, or a person holding an interest in that entity, may

22 request protection of the information under § 107 of the Code.

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 2016. Compensation for Services Rendered and Reimbursement of Expenses

1 * * * * *

2 (b) DISCLOSURE OF COMPENSATION PAID OR

3 PROMISED TO ATTORNEY FOR DEBTOR. Every

4 attorney for a debtor, whether or not the attorney applies for

5 compensation, shall file and transmit to the United States

6 trustee within ~~15~~ 14 days after the order for relief, or at
7 another time as the court may direct, the statement required by
8 § 329 of the Code including whether the attorney has shared
9 or agreed to share the compensation with any other entity.
10 The statement shall include the particulars of any such sharing
11 or agreement to share by the attorney, but the details of any
12 agreement for the sharing of the compensation with a member
13 or regular associate of the attorney's law firm shall not be
14 required. A supplemental statement shall be filed and
15 transmitted to the United States trustee within ~~15~~ 14 days
16 after any payment or agreement not previously disclosed.
17 (c) DISCLOSURE OF COMPENSATION PAID OR
18 PROMISED TO BANKRUPTCY PETITION PREPARER.
19 Every bankruptcy petition preparer for a debtor shall file a
20 declaration under penalty of perjury and transmit the
21 declaration to the United States trustee within ~~10~~ 14 days after
22 the date of the filing of the petition, or at another time as the

23 court may direct, as required by § 110(h)(1). The declaration
24 must disclose any fee, and the source of any fee, received
25 from or on behalf of the debtor within 12 months of the filing
26 of the case and all unpaid fees charged to the debtor. The
27 declaration must describe the services performed and
28 documents prepared or caused to be prepared by the
29 bankruptcy petition preparer. A supplemental statement shall
30 be filed within ~~10~~ 14 days after any payment or agreement not
31 previously disclosed.

32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 3001. Proof of Claim

1 * * * * *

2 (e) TRANSFERRED CLAIM.

3 * * * * *

4 (2) *Transfer of Claim Other than for Security after*
5 *Proof Filed.* If a claim other than one based on a publicly
6 traded note, bond, or debenture has been transferred other
7 than for security after the proof of claim has been filed,
8 evidence of the transfer shall be filed by the transferee. The
9 clerk shall immediately notify the alleged transferor by mail
10 of the filing of the evidence of transfer and that objection
11 thereto, if any, must be filed within ~~20~~ 21 days of the mailing
12 of the notice or within any additional time allowed by the
13 court. If the alleged transferor files a timely objection and the
14 court finds, after notice and a hearing, that the claim has been
15 transferred other than for security, it shall enter an order
16 substituting the transferee for the transferor. If a timely

17 objection is not filed by the alleged transferor, the transferee
18 shall be substituted for the transferor.
19 * * * * *
20 (4) *Transfer of Claim for Security after Proof Filed.*
21 If a claim other than one based on a publicly traded note,
22 bond, or debenture has been transferred for security after the
23 proof of claim has been filed, evidence of the terms of the
24 transfer shall be filed by the transferee. The clerk shall
25 immediately notify the alleged transferor by mail of the filing
26 of the evidence of transfer and that objection thereto, if any,
27 must be filed within ~~20~~ 21 days of the mailing of the notice or
28 within any additional time allowed by the court. If a timely
29 objection is filed by the alleged transferor, the court, after
30 notice and a hearing, shall determine whether the claim has
31 been transferred for security. If the transferor or transferee
32 does not file an agreement regarding its relative rights
33 respecting voting of the claim, payment of dividends thereon,

34 or participation in the administration of the estate, on motion
35 by a party in interest and after notice and a hearing, the court
36 shall enter such orders respecting these matters as may be
37 appropriate.

38 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 3015. Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case

1 * * * * *

2 (b) CHAPTER 13 PLAN. The debtor may file a chapter
3 13 plan with the petition. If a plan is not filed with the
4 petition, it shall be filed within ~~15~~ 14 days thereafter, and
5 such time may not be further extended except for cause shown
6 and on notice as the court may direct. If a case is converted
7 to chapter 13, a plan shall be filed within ~~15~~ 14 days
8 thereafter, and such time may not be further extended except
9 for cause shown and on notice as the court may direct.

10 * * * * *

11 (g) MODIFICATION OF PLAN AFTER
12 CONFIRMATION. A request to modify a plan pursuant to
13 § 1229 or § 1329 of the Code shall identify the proponent and
14 shall be filed together with the proposed modification. The
15 clerk, or some other person as the court may direct, shall give
16 the debtor, the trustee, and all creditors not less than ~~20~~ 21
17 days notice by mail of the time fixed for filing objections and,
18 if an objection is filed, the hearing to consider the proposed

19 modification, unless the court orders otherwise with respect
20 to creditors who are not affected by the proposed
21 modification. A copy of the notice shall be transmitted to the
22 United States trustee. A copy of the proposed modification,
23 or a summary thereof, shall be included with the notice. If
24 required by the court, the proponent shall furnish a sufficient
25 number of copies of the proposed modification, or a summary
26 thereof, to enable the clerk to include a copy with each notice.
27 Any objection to the proposed modification shall be filed and
28 served on the debtor, the trustee, and any other entity
29 designated by the court, and shall be transmitted to the United
30 States trustee. An objection to a proposed modification is
31 governed by Rule 9014.
32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to

substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 3017. Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case

1 (a) HEARING ON DISCLOSURE STATEMENT AND
2 OBJECTIONS. Except as provided in Rule 3017.1, after a
3 disclosure statement is filed in accordance with Rule 3016(b),
4 the court shall hold a hearing on at least ~~25~~ 28 days' notice to
5 the debtor, creditors, equity security holders and other parties
6 in interest as provided in Rule 2002 to consider the disclosure
7 statement and any objections or modifications thereto. The
8 plan and the disclosure statement shall be mailed with the
9 notice of the hearing only to the debtor, any trustee or
10 committee appointed under the Code, the Securities and

11 Exchange Commission, and any party in interest who requests
12 in writing a copy of the statement or plan. Objections to the
13 disclosure statement shall be filed and served on the debtor,
14 the trustee, any committee appointed under the Code, and any
15 other entity designated by the court, at any time before the
16 disclosure statement is approved or by an earlier date as the
17 court may fix. In a chapter 11 reorganization case, every
18 notice, plan, disclosure statement, and objection required to
19 be served or mailed pursuant to this subdivision shall be
20 transmitted to the United States trustee within the time
21 provided in this subdivision.

22 * * * * *

23 (f) NOTICE AND TRANSMISSION OF DOCUMENTS
24 TO ENTITIES SUBJECT TO AN INJUNCTION UNDER A
25 PLAN. If a plan provides for an injunction against conduct
26 not otherwise enjoined under the Code and an entity that
27 would be subject to the injunction is not a creditor or equity

28 security holder, at the hearing held under Rule 3017(a), the
29 court shall consider procedures for providing the entity with:
30 (1) at least ~~25~~ 28 days' notice of the time fixed for
31 filing objections and the hearing on confirmation of the plan
32 containing the information described in Rule 2002(c)(3); and
33 (2) to the extent feasible, a copy of the plan and
34 disclosure statement.
35 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 3019. Modification of Accepted Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case[11]

* * * * *

1 (b) MODIFICATION OF PLAN AFTER
2 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If the
3 debtor is an individual, a request to modify the plan under
4 § 1127(e) of the Code is governed by Rule 9014. The request
5 shall identify the proponent and shall be filed together with
6 the proposed modification. The clerk, or some other person
7 as the court may direct, shall give the debtor, the trustee, and
8 all creditors not less than ~~20~~ 21 days' notice by mail of the
9 time fixed to file objections and, if an objection is filed, the
10 hearing to consider the proposed modification, unless the
11 court orders otherwise with respect to creditors who are not
12 affected by the proposed modification. A copy of the notice

[11] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

13 shall be transmitted to the United States trustee, together with
14 a copy of the proposed modification. Any objection to the
15 proposed modification shall be filed and served on the debtor,
16 the proponent of the modification, the trustee, and any other
17 entity designated by the court, and shall be transmitted to the
18 United States trustee.

19 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 3020. Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case

1 * * * * *

2 (e) STAY OF CONFIRMATION ORDER. An order

3 confirming a plan is stayed until the expiration of ~~10~~ 14 days

4 after the entry of the order unless the court orders otherwise.

5 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 4001. Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

1 (a) RELIEF FROM STAY; PROHIBITING OR

2 CONDITIONING THE USE, SALE, OR LEASE OF

3 PROPERTY.

4 * * * * *

5 (3) *Stay of Order.* An order granting a motion for
6 relief from an automatic stay made in accordance with Rule
7 4001(a)(1) is stayed until the expiration of ~~10~~ 14 days after
8 the entry of the order, unless the court orders otherwise.

9 (b) USE OF CASH COLLATERAL.

10 * * * * *

11 (2) *Hearing.* The court may commence a final
12 hearing on a motion for authorization to use cash collateral no
13 earlier than ~~15~~ 14 days after service of the motion. If the
14 motion so requests, the court may conduct a preliminary
15 hearing before such ~~15~~ 14 day period expires, but the court
16 may authorize the use of only that amount of cash collateral
17 as is necessary to avoid immediate and irreparable harm to the
18 estate pending a final hearing.

19 * * * * *

20 (c) OBTAINING CREDIT.

21 * * * * *

22 (2) *Hearing.* The court may commence a final
23 hearing on a motion for authority to obtain credit no earlier
24 than ~~15~~ 14 days after service of the motion. If the motion so
25 requests, the court may conduct a hearing before such ~~15~~ 14
26 day period expires, but the court may authorize the obtaining
27 of credit only to the extent necessary to avoid immediate and
28 irreparable harm to the estate pending a final hearing.

29 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 4002. Duties of Debtor[12]

1 * * * * *

2 (b) INDIVIDUAL DEBTOR'S DUTY TO PROVIDE

3 DOCUMENTATION.

4 * * * * *

5 (4) *Tax Returns Provided to Creditors*. If a creditor,

6 at least ~~15~~ 14 days before the first date set for the meeting of

7 creditors under § 341, requests a copy of the debtor's tax

8 return that is to be provided to the trustee under subdivision

9 (b)(3), the debtor, at least 7 days before the first date set for

10 the meeting of creditors under § 341, shall provide to the

11 requesting creditor a copy of the return, including any

12 attachments, or a transcript of the tax return, or provide a

13 written statement that the documentation does not exist.

---

[12] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

14 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 4004. Grant or Denial of Discharge

1 (a) TIME FOR FILING COMPLAINT OBJECTING TO
2 DISCHARGE; NOTICE OF TIME FIXED. In a chapter 7
3 liquidation case a complaint objecting to the debtor's
4 discharge under § 727(a) of the Code shall be filed not later
5 than 60 days following the first date set for the meeting of
6 creditors under § 341(a). In a chapter 11 reorganization case,
7 the complaint shall be filed not later than the first date set for

8 the hearing on confirmation. At least ~~25~~ 28 days notice of the

9 time so fixed shall be given to the United States trustee and

10 all creditors as provided in Rule 2002(f) and (k) and to the

11 trustee and the trustee's attorney.

12 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 6003. Interim and Final Relief Immediately Following the Commencement of the Case—Applications for Employment; Motions for Use, Sale, or Lease of Property; and Motions for Assumption or Assignment of Executory Contracts[13]

---

[13] Incorporates amendments that are due to take effect on December 1, 2007, unless Congress Acts otherwise.

1 Except to the extent that relief is necessary to avoid
2 immediate and irreparable harm, the court shall not, within ~~20~~
3 21 days after the filing of the petition, grant relief regarding
4 the following:
5 (a) an application under Rule 2014;
6 (b) a motion to use, sell, lease, or otherwise incur an
7 obligation regarding property of the estate, including a motion
8 to pay all or part of a claim that arose before the filing of the
9 petition, but not a motion under Rule 4001; and
10 (c) a motion to assume or assign an executory contract or
11 unexpired lease in accordance with § 365.
12 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 6004. Use, Sale, or Lease of Property[14]

1 * * * * *

2 (b) OBJECTION TO PROPOSAL. Except as provided
3 in subdivisions (c) and (d) of this rule, an objection to a
4 proposed use, sale, or lease of property shall be filed and
5 served not less than ~~five~~ seven days before the date set for the
6 proposed action or within the time fixed by the court. An
7 objection to the proposed use, sale, or lease of property is
8 governed by Rule 9014.

9 * * * * *

[14] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

10 (d) SALE OF PROPERTY UNDER $2,500.
11 Notwithstanding subdivision (a) of this rule, when all of the
12 nonexempt property of the estate has an aggregate gross value
13 less than $2,500, it shall be sufficient to give a general notice
14 of intent to sell such property other than in the ordinary course
15 of business to all creditors, indenture trustees, committees
16 appointed or elected pursuant to the Code, the United States
17 trustee and other persons as the court may direct. An
18 objection to any such sale may be filed and served by a party
19 in interest within ~~15~~ 14 days of the mailing of the notice, or
20 within the time fixed by the court. An objection is governed
21 by Rule 9014.
22 * * * * *
23 (g) SALE OF PERSONALLY IDENTIFIABLE
24 INFORMATION.
25 * * * * *

26 (2) *Appointment.* If a consumer privacy ombudsman
27 is appointed under § 332, no later than ~~5~~ seven days before
28 the hearing on the motion under § 363(b)(1)(B), the United
29 States trustee shall file a notice of the appointment, including
30 the name and address of the person appointed. The United
31 States trustee's notice shall be accompanied by a verified
32 statement of the person appointed setting forth the person's
33 connections with the debtor, creditors, any other party in
34 interest, their respective attorneys and accountants, the United
35 States trustee, or any person employed in the office of the
36 United States trustee.

37 (h) STAY OF ORDER AUTHORIZING USE, SALE,
38 OR LEASE OF PROPERTY. An order authorizing the use,
39 sale, or lease of property other than cash collateral is stayed
40 until the expiration of ~~10~~ 14 days after entry of the order,
41 unless the court orders otherwise.

42 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

Rule 6006. Assumption, Rejection and Assignment of Executory Contracts and Unexpired Leases

1 * * * * *

2 (d) STAY OF ORDER AUTHORIZING ASSIGNMENT.

3 An order authorizing the trustee to assign an executory

4 contract or unexpired lease under Sec. 365(f) is stayed until

5 the expiration of ~~10~~ 14 days after the entry of the order, unless

6 the court orders otherwise.

7 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 6007. Abandonment or Disposition of Property

1 (a) NOTICE OF PROPOSED ABANDONMENT OR
2 DISPOSITION; OBJECTIONS; HEARING. Unless
3 otherwise directed by the court, the trustee or debtor in
4 possession shall give notice of a proposed abandonment or
5 disposition of property to the United States trustee, all
6 creditors, indenture trustees, and committees elected pursuant
7 to § 705 or appointed pursuant to § 1102 of the Code. A party
8 in interest may file and serve an objection within ~~15~~ 14 days

9 of the mailing of the notice, or within the time fixed by the

10 court. If a timely objection is made, the court shall set a

11 hearing on notice to the United States trustee and to other

12 entities as the court may direct.

13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 7004. Process; Service of Summons, Complaint

1 * * * * *

2 (e) SUMMONS: TIME LIMIT FOR SERVICE. If

3 service is made pursuant to Rule 4(e)-(j) F.R.Civ.P. it shall be

4 made by delivery of the summons and complaint within ~~10~~ 14
5 days following issuance of the summons. If service is made
6 by any authorized form of mail, the summons and complaint
7 shall be deposited in the mail within ~~10~~ 14 days following
8 issuance of the summons. If a summons is not timely
9 delivered or mailed, another summons shall be issued and
10 served.

11 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 7012. Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings

1 (a) WHEN PRESENTED. If a complaint is duly served,
2 the defendant shall serve an answer within 30 days after the
3 issuance of the summons, except when a different time is
4 prescribed by the court. The court shall prescribe the time for
5 service of the answer when service of a complaint is made by
6 publication or upon a party in a foreign country. A party
7 served with a pleading stating a cross-claim shall serve an
8 answer thereto within ~~20~~ 21 days after service. The plaintiff
9 shall serve a reply to a counterclaim in the answer within ~~20~~
10 21 days after service of the answer or, if a reply is ordered by
11 the court, within ~~20~~ 21 days after service of the order, unless
12 the order otherwise directs. The United States or an officer or
13 agency thereof shall serve an answer to a complaint within 35
14 days after the issuance of the summons, and shall serve an
15 answer to a cross-claim, or a reply to a counterclaim, within

16 35 days after service upon the United States attorney of the
17 pleading in which the claim is asserted. The service of a
18 motion permitted under this rule alters these periods of time
19 as follows, unless a different time is fixed by order of the
20 court: (1) if the court denies the motion or postpones its
21 disposition until the trial on the merits, the responsive
22 pleading shall be served within ~~10~~ 14 days after notice of the
23 court's action; (2) if the court grants a motion for a more
24 definite statement, the responsive pleading shall be served
25 within ~~10~~ 14 days after the service of a more definite
26 statement.
27 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals[15]

1 * * * * *

2 (f) CERTIFICATION FOR DIRECT APPEAL TO

3 COURT OF APPEALS.

4 * * * * *

5 (3) *Request for Certification; Filing; Service;*

6 *Contents.*

7 * * * * *

8 (D) A party may file a response to a request for

9 certification or a cross request within ~~10~~ 14 days after the

[15] Incorporates amendments approved by the Committee on Rules of Practice and Procedure that are due to take effect on December 1, 2008, if the Judicial Conference and Supreme Court approve and if Congress takes no action otherwise.

10 notice of the request is served, or another time fixed by the

11 court.

12 * * * * *

13 (4) *Certification on Court's Own Initiative.*

14 * * * * *

15 (B) A party may file a supplementary short

16 statement of the basis for certification within ~~10~~ 14 days after

17 the certification.

18 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8002. Time for Filing Notice of Appeal

1 (a) ~~TEN~~14-DAY PERIOD. The notice of appeal shall be
2 filed with the clerk within ~~10~~ 14 days of the date of the entry
3 of the judgment, order, or decree appealed from. If a timely
4 notice of appeal is filed by a party, any other party may file a
5 notice of appeal within ~~10~~ 14 days of the date on which the
6 first notice of appeal was filed, or within the time otherwise
7 prescribed by this rule, whichever period last expires. A
8 notice of appeal filed after the announcement of a decision or
9 order but before entry of the judgment, order, or decree shall
10 be treated as filed after such entry and on the day thereof. If
11 a notice of appeal is mistakenly filed with the district court or
12 the bankruptcy appellate panel, the clerk of the district court
13 or the clerk of the bankruptcy appellate panel shall note
14 thereon the date on which it was received and transmit it to
15 the clerk and it shall be deemed filed with the clerk on the
16 date so noted.

17 (b) EFFECT OF MOTION ON TIME FOR APPEAL. If
18 any party makes a timely motion of a type specified
19 immediately below, the time for appeal for all parties runs
20 from the entry of the order disposing of the last such motion
21 outstanding. This provision applies to a timely motion:
22 * * * * *
23 (4) for relief under Rule 9024 if the motion is filed no
24 later than ~~10~~ 14 days after the entry of judgment. A notice of
25 appeal filed after announcement or entry of the judgment,
26 order, or decree but before disposition of any of the above
27 motions is ineffective to appeal from the judgment, order, or
28 decree, or part thereof, specified in the notice of appeal, until
29 the entry of the order disposing of the last such motion
30 outstanding. Appellate review of an order disposing of any of
31 the above motions requires the party, in compliance with Rule
32 8001, to amend a previously filed notice of appeal. A party
33 intending to challenge an alteration or amendment of the

34 judgment, order, or decree shall file a notice, or an amended
35 notice, of appeal within the time prescribed by this Rule 8002
36 measured from the entry of the order disposing of the last
37 such motion outstanding. No additional fees will be required
38 for filing an amended notice.

39 (c) EXTENSION OF TIME FOR APPEAL.

40 * * * * *

41 (2) A request to extend the time for filing a notice of
42 appeal must be made by written motion filed before the time
43 for filing a notice of appeal has expired, except that such a
44 motion filed not later than ~~20~~ 21 days after the expiration of
45 the time for filing a notice of appeal may be granted upon a
46 showing of excusable neglect. An extension of time for filing
47 a notice of appeal may not exceed ~~20~~ 21 days from the
48 expiration of the time for filing a notice of appeal otherwise
49 prescribed by this rule or ~~10~~ 14 days from the date of entry of
50 the order granting the motion, whichever is later.

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 8003. Leave to Appeal

1 (a) CONTENT OF MOTION; ANSWER. A motion for
2 leave to appeal under 28 U.S.C. § 158(a) shall contain: (1) a
3 statement of the facts necessary to an understanding of the
4 questions to be presented by the appeal; (2) a statement of
5 those questions and of the relief sought; (3) a statement of the
6 reasons why an appeal should be granted; and (4) a copy of
7 the judgment, order, or decree complained of and of any
8 opinion or memorandum relating thereto. Within ~~10~~ 14 days

9 after service of the motion, an adverse party may file with the
10 clerk an answer in opposition.
11 * * * * *
12 (c) APPEAL IMPROPERLY TAKEN REGARDED AS
13 A MOTION FOR LEAVE TO APPEAL. If a required
14 motion for leave to appeal is not filed, but a notice of appeal
15 is timely filed, the district court or bankruptcy appellate panel
16 may grant leave to appeal or direct that a motion for leave to
17 appeal be filed. The district court or the bankruptcy appellate
18 panel may also deny leave to appeal but in so doing shall
19 consider the notice of appeal as a motion for leave to appeal.
20 Unless an order directing that a motion for leave to appeal be
21 filed provides otherwise, the motion shall be filed within ~~10~~
22 14 days of entry of the order.
23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 8006. Record and Issues on Appeal

1 Within ~~10~~ 14 days after filing the notice of appeal as
2 provided by Rule 8001(a), entry of an order granting leave to
3 appeal, or entry of an order disposing of the last timely
4 motion outstanding of a type specified in Rule 8002(b),
5 whichever is later, the appellant shall file with the clerk and
6 serve on the appellee a designation of the items to be included
7 in the record on appeal and a statement of the issues to be
8 presented. Within ~~10~~ 14 days after the service of the

9 appellant's statement the appellee may file and serve on the
10 appellant a designation of additional items to be included in
11 the record on appeal and, if the appellee has filed a cross
12 appeal, the appellee as cross appellant shall file and serve a
13 statement of the issues to be presented on the cross appeal and
14 a designation of additional items to be included in the record.
15 A cross appellee may, within ~~10~~ 14 days of service of the
16 cross appellant's statement, file and serve on the cross
17 appellant a designation of additional items to be included in
18 the record. The record on appeal shall include the items so
19 designated by the parties, the notice of appeal, the judgment,
20 order, or decree appealed from, and any opinion, findings of
21 fact, and conclusions of law of the court. Any party filing a
22 designation of the items to be included in the record shall
23 provide to the clerk a copy of the items designated or, if the
24 party fails to provide the copy, the clerk shall prepare the copy
25 at the party's expense. If the record designated by any party

26 includes a transcript of any proceeding or a part thereof, the
27 party shall, immediately after filing the designation, deliver to
28 the reporter and file with the clerk a written request for the
29 transcript and make satisfactory arrangements for payment of
30 its cost. All parties shall take any other action necessary to
31 enable the clerk to assemble and transmit the record.
32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8009. Briefs and Appendix; Filing and Service

1 (a) BRIEFS. Unless the district court or the bankruptcy
2 appellate panel by local rule or by order excuses the filing of
3 briefs or specifies different time limits:
4 (1) The appellant shall serve and file a brief within ~~15~~
5 14 days after entry of the appeal on the docket pursuant to
6 Rule 8007.
7 (2) The appellee shall serve and file a brief within ~~15~~
8 14 days after service of the brief of appellant. If the appellee
9 has filed a cross appeal, the brief of the appellee shall contain
10 the issues and argument pertinent to the cross appeal,
11 denominated as such, and the response to the brief of the
12 appellant.
13 (3) The appellant may serve and file a reply brief
14 within ~~10~~ 14 days after service of the brief of the appellee,
15 and if the appellee has cross-appealed, the appellee may file
16 and serve a reply brief to the response of the appellant to the

17 issues presented in the cross appeal within ~~10~~ 14 days after
18 service of the reply brief of the appellant. No further briefs
19 may be filed except with leave of the district court or the
20 bankruptcy appellate panel.

21 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8015. Motion for Rehearing

1 Unless the district court or the bankruptcy appellate panel
2 by local rule or by court order otherwise provides, a motion
3 for rehearing may be filed within ~~10~~ 14 days after entry of the

4 judgment of the district court or the bankruptcy appellate
5 panel. If a timely motion for rehearing is filed, the time for
6 appeal to the court of appeals for all parties shall run from the
7 entry of the order denying rehearing or the entry of a
8 subsequent judgment.

9 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 8017. Stay of Judgment of District Court or Bankruptcy Appellate Panel

1 (a) AUTOMATIC STAY OF JUDGMENT ON
2 APPEAL. Judgments of the district court or the bankruptcy

3 appellate panel are stayed until the expiration of ~~10~~ 14 days

4 after entry, unless otherwise ordered by the district court or

5 the bankruptcy appellate panel.

6 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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- 25 day periods become 28 day periods

Rule 9006. Time

1 * * * * *

2 (d) FOR MOTIONS—AFFIDAVITS. A written motion,

3 other than one which may be heard ex parte, and notice of any

4 hearing shall be served not later than ~~five~~ seven days before

5 the time specified for such hearing, unless a different period
6 is fixed by these rules or by order of the court. Such an order
7 may for cause shown be made on ex parte application. When
8 a motion is supported by affidavit, the affidavit shall be
9 served with the motion; and, except as otherwise provided in
10 Rule 9023, opposing affidavits may be served not later than
11 one day before the hearing, unless the court permits them to
12 be served at some other time.
13 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 9027. Removal

1 * * * * *

2 (e) PROCEDURE AFTER REMOVAL.

3 * * * * *

4 (3) Any party who has filed a pleading in connection
5 with the removed claim or cause of action, other than the
6 party filing the notice of removal, shall file a statement
7 admitting or denying any allegation in the notice of removal
8 that upon removal of the claim or cause of action the
9 proceeding is core or non-core. If the statement alleges that
10 the proceeding is non-core, it shall state that the party does or
11 does not consent to entry of final orders or judgment by the
12 bankruptcy judge. A statement required by this paragraph
13 shall be signed pursuant to Rule 9011 and shall be filed not
14 later than ~~10~~ 14 days after the filing of the notice of removal.
15 Any party who files a statement pursuant to this paragraph

16 shall mail a copy to every other party to the removed claim or
17 cause of action.
18 * * * * *
19 (g) APPLICABILITY OF PART VII. The rules of Part
20 VII apply to a claim or cause of action removed to a district
21 court from a federal or state court and govern procedure after
22 removal. Repleading is not necessary unless the court so
23 orders. In a removed action in which the defendant has not
24 answered, the defendant shall answer or present the other
25 defenses or objections available under the rules of Part VII
26 within ~~20~~ 21 days following the receipt through service or
27 otherwise of a copy of the initial pleading setting forth the
28 claim for relief on which the action or proceeding is based, or
29 within ~~20~~ 21 days following the service of summons on such
30 initial pleading, or within ~~five~~ seven days following the filing
31 of the notice of removal, whichever period is longest.
32 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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Rule 9033. Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings

1 * * * * *

2 (b) OBJECTIONS: TIME FOR FILING. Within ~~10~~ 14

3 days after being served with a copy of the proposed findings

4 of fact and conclusions of law a party may serve and file with

5 the clerk written objections which identify the specific

6 proposed findings or conclusions objected to and state the

7 grounds for such objection. A party may respond to another

8 party's objections within ~~10~~ 14 days after being served with

9 a copy thereof. A party objecting to the bankruptcy judge's
10 proposed findings or conclusions shall arrange promptly for
11 the transcription of the record, or such portions of it as all
12 parties may agree upon or the bankruptcy judge deems
13 sufficient, unless the district judge otherwise directs.

14 (c) EXTENSION OF TIME. The bankruptcy judge may
15 for cause extend the time for filing objections by any party for
16 a period not to exceed ~~20~~ 21 days from the expiration of the
17 time otherwise prescribed by this rule. A request to extend
18 the time for filing objections must be made before the time for
19 filing objections has expired, except that a request made no
20 more than ~~20~~ 21 days after the expiration of the time for filing
21 objections may be granted upon a showing of excusable
22 neglect.

23 * * * * *

COMMITTEE NOTE

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadline in the rule is amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

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E. Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19, 21, 22A, 22B, 22C, 23, and 24, new Official Forms 25A, 25B, 25C, and 26, and Exhibit D to Official Form 1 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee recommends that the Standing Committee approve Official Forms 1, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19, 21, 22A, 22B, 22C, 23, and 24 as set forth below for submission to the Judicial Conference with a request that they be made effective December 1, 2007.

The Advisory Committee recommends that the Standing Committee approve new Official Forms 25A, 25B, 25C, and 26 as set forth below for submission to the Judicial Conference with a request that they be made effective December 1, 2008.

The Advisory Committee recommends that the Standing Committee approve the amendment to Exhibit D to Official Form 1 as set forth below for submission to the Judicial Conference with the request that it be made effective December 1, 2009.

1. Synopsis of Proposed Amendments and New Forms.

Proposed amendments to 18 Official Forms, recommended for adoption in December 2007, four new Official Forms recommended for adoption in December 2008, and an Exhibit to an Official Form recommended for adoption in December 2009, are summarized below. The summaries describe the historical changes that were approved in 2005 and 2006 to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, if applicable to the form, and then describe the comments received and the changes recommended by the Advisory Committee. The forms, including annotations of any changes, and committee notes follow the summary.

(a) Official Form 1, Voluntary Petition --

As a result of the 2005 Act, the voluntary petition was amended to include identifying check boxes for newly established categories of debtors, and a new Exhibit D that requires the debtor to provide a more specific response regarding compliance with prepetition credit counseling obligation and the consequences of failing to meet those requirements. The form was also amended to require the disclosure of all names used by the debtor in the past eight years rather than the past six years.

Comments on Amendments to Official Form 1

Comment 06-BK-051 submitted by the Financial Services Roundtable asserts that the forms should be amended to provide that the debtor's attorney's signature constitutes a representation that the attorney has conducted a reasonable investigation to determine that

the underlying facts are true.

Comment 06-BK-055 was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It urges that the forms requiring the signature of the debtor's attorney include the statements required by § 707(b)(4)(C) and (D).

Comments to Exhibit D to Form 1 are discussed separately below.

Changes Made After Publication:

The form was amended to include a statement below the signature of the debtor's attorney indicating that the signature constitutes a certification that the attorney has no knowledge that the information is incorrect. This implements § 707(b)(4)(D) of the Code. The form was also amended to change the word "Statement" to "Certification" at the bottom of page 2 of the form for debtors who are tenants under residential leases, and to provide such debtors with a checkbox to indicate service of the certification upon the landlord, if appropriate. The asset and liability ranges at the bottom of page 1 were revised to accommodate the collection of statistics on the workload of the courts. A reference to Form 19B in the Non-Attorney Bankruptcy Petition Preparer box was changed to Form 19.

Proposed changes to Exhibit D to Form 1 are discussed separately below.

(b) Official Form 3A, Application to Pay Filing Fee in Installments –

The form was amended to direct the debtor to state that no additional payments will be made to an attorney or any other person in connection with the case until all installment payments of the filing fee have been made.

Comments on Amendments to Official Form 3A:

No comments were received on this form.

Changes Made After Publication:

No changes were made after publication.

(c) Official Form 3B, Application for Waiver of Chapter 7 Filing Fee –

The form was adopted as a new form to implement the provision in the 2005 Amendments that authorizes the waiver of filing fees.

Comments on Official Form 3B:

No comments were received on this form.

Changes Made After Publication:

No changes were made after publication.

(d) Official Form 4, List of Creditors Holding 20 Largest Unsecured Claims –

The form was amended to direct that the name and address of a minor child not be disclosed on the list of the 20 largest unsecured creditors in a case.

Comments on Amendments to Official Form 4:

Comment 05-BR-008 was submitted by Mr. Thomas Yerbich who suggested that the direction concerning minor children would be clearer if it included an example. This comment also applies to Official Forms 6 and 7.

Changes Made After Publication:

The form was amended to include an example in the instruction that references to minors should not include their full name and address.

(e) Official Form 5, Involuntary Petition –

The form was amended to require the disclosure of all names known to be used by the debtor in the past eight years rather than the past six years. Check boxes to identify the debtor as a health care business or clearing bank were also added. The portion of the form labeled "Information Regarding Debtor" was amended to facilitate the collection of statistical information about the debtor.

Comments on Amendments to Official Form 5:

Comment 06-BK-012 was submitted by Ms. Robin Hunt. She suggested that the reference in the form to § 304(g) should be a reference to § 303(g).

Comment 06-BK-057 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. She noted that on page two of the form the word "by" should be inserted between the words "debtor" and "or" in the box concerning transfers of claims.

Changes Made After Publication:

The word "by" was inserted between the words "debtor" and "or" in the box concerning

transfers of claims.

(f) Official Form 6, Schedules –

The schedules were amended to direct that the name and address of a minor child not be disclosed. They were also amended to facilitate the collection of statistical information to enable the Director of the Administrative Courts to fulfill a data-reporting obligation created by the 2005 Amendments.

Comments on Amendments to Official Form 6:

Comment 05-BR-008 was submitted by Mr. Thomas Yerbich who suggested that the direction concerning minor children would be clearer if it included an example. This comment also applies to Official Forms 4 and 7.

Comment 06-BK-015 submitted by the Department of the Treasury suggested that Schedule B of Official Form 6 be amended to include a statement reminding debtors to list property even if the property is excluded from the bankruptcy estate under a provision of the Code.

Comment 06-BK-009 was submitted by Hon. Keith M. Lundin (Bankr. M.D. Tenn.). Judge Lundin suggested that Schedules I and J of Form 6 be revised to operate in tandem with the means test forms. He also suggested that if that suggestion is not adopted, that these schedules should include a statement that the calculations set out on those forms (the debtor's income and expenses) may differ from the income and expense amounts included on the means test forms.

Changes Made After Publication:

Schedules B, and D through H were amended to include an example in the instruction that references to minors should not include their full name and address. Schedules I and J are also amended to include a statement advising debtors that the income and expense amounts on those schedules may differ from the income and expense amounts set out on the means test forms. The instructions for carrying information from Schedules E and F to the Statistical Summary of Certain Liabilities and Related Data were revised to clarify that all individual debtors with primarily consumer debts should enter the information. The Declaration was revised to clarify the reference to page totals.

(g) Official Form 7, Statement of Financial Affairs –

The form was amended to provide that the name of a minor should not be disclosed. The form was also amended to include an explicit cross reference to Bankruptcy Rule 1007(m) which contains directions about the identification of persons authorized to receive notices on behalf of a

minor child. The form also includes amendments to obtain information from the debtor about part-time employment income, transfers that may be subject to recovery as preferences and fraudulent conveyances, and changes to reflect extensions of reach back periods included in the 2005 amendments to the Code.

Comments on Amendments to Official Form 7:

Comment 05-BR-008 was submitted by Mr. Thomas Yerbich who suggested that the direction concerning minor children would be clearer if it included an example. This comment also applies to Official Forms 4 and 6.

Changes Made After Publication:

The form was amended to include an example in the instruction that references to minors should not include their full name and address.

(h) Official Form 9, Notice of Meeting of Creditors –

Official Form 9A-I are the forms used to give notice of the commencement of the case and the deadlines for a variety of actions by creditors in the case. The forms differ slightly according to the nature of the debtor (individual, joint debtor, corporation) and the chapter under which the case is proceeding. All versions of the form were revised to implement § 1514 added to the Code in 2005 by advising creditors with a foreign address that a different deadline for filing claims may apply to them, and including a statement advising them to consult with an attorney. Other guiding statements were added to the explanation portion of the form to alert debtors and others of the impact on the automatic stay of serial filings and the changes in the availability and timing of the discharge in the chapter 11 cases of individuals.

Comments on Amendments to Official Form 9:

Comment 06-BK-018 was submitted by the National Bankruptcy Conference. It suggested that references in Forms 9E and 9F to "foreign creditors" be changed to "creditors with a foreign address."

Comment 06-BK-057 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. She noted that Form 9I does not include a box setting out the deadline for filing a complaint to determine the dischargeability of a debt.

Changes Made After Publication:

The references to a "foreign creditor" in all versions of Form 9 were changed to a "creditor with a foreign address."

(i) Official Form 10, Proof of Claim –

The form was amended to reflect the changes in the priority scheme made by the 2005 amendments to the Code. It was also amended to provide more accurate addresses for the transmittal of payments and notices, as well as to indicate that a particular proof of claim has been replaced. The Instructions and Definitions portions of the form were updated to conform to the new definitions and requirements adopted by the 2005 Amendments. In addition, the form and its instructions as published were reformatted based on the experiences of creditors and trustees using it and a definition of "redacted" was added in conformity with Rule 9037.

Comments on Amendments to Official Form 10:

Comment 06-BK-016 was submitted by Hon. Colleen A. Brown (Bankr. D. Vt.). Judge Brown suggested that the proof of claim form be revised to inform entities submitting claims that they must redact certain information such as social security numbers, a minor's name, and the like.

Changes Made After Publication:

The language in the Instructions and Definitions portions of the form were reformatted and an erroneous instruction limiting the length of attachments was removed.

(j) Official Form 16A, Caption (Full) –

The form was amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. It was also amended to direct the use of only the last four digits of an individual debtor's tax-identification number.

Comments on Amendments to Official Form 16A:

Comment 06-BK-057 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. Ms. Gay noted that the close parenthesis to form the caption should be deleted.

Changes Made After Publication:

No changes were made after publication.

(k) Official Form 18, Discharge of Debtor –

The form was amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. It was also amended to direct the use of only the last four digits of an individual debtor's tax-identification number. The explanation portion of the Form

were amended to reflect the changes to the Code governing the nondischargeability of certain obligations.

Comments on Amendments to Official Form 18:

No comments were received on this form.

Changes Made After Publication:

No changes were made after publication.

(l) Official Forms 19A, Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer, and 19B, Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer –

In 2005, Official Form 19 was designated as Form 19A and the "certification" made by the non-attorney bankruptcy petition preparer was renamed a "declaration." The form was also amended to include material mandated by the 2005 Act. Official Form 19B, new in 2005, was created to satisfy the notice a non-attorney bankruptcy petition preparer must give under the 2005 Act.

Comments on Official Forms 19A and 19B:

No formal comments were received, but the Advisory Committee determined on the basis of an informal inquiry that the information in the two forms could be consolidated into a single form.

Changes Made After Publication:

Forms 19A and 19B were consolidated into a single form designated as Official Form 19.

(m) Official Form 21, Statement of Social Security Number or Individual Taxpayer Identification Number –

The form was amended to direct debtors who do not have a social-security number to furnish a taxpayer-identification number on the form.

Comments on Amendments to Official Form 21:

No comments were received on this form.

Changes Made After Publication:

No changes were made after publication.

(n) Official Form 22A, Chapter 7 Statement of Current Monthly and Means-Test Calculation, 22B, Chapter 11 Statement of Current Monthly Income, and 22C, Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income –

Official Form 22A, 22B, and 22C, commonly known as the means-test forms were created in 2005 for use by individual debtors in voluntary cases under chapters 7, 11, and 13, respectively. The forms are extensive, and generally require the debtor provide the information necessary to calculate the debtor's current monthly income. The chapter 7 version of the form was designed primarily to determine whether the debtor's filing was presumptively abusive under § 707(b) of the Code. In chapters 11 and 13, the forms' determination of current monthly income becomes a starting point for calculating disposable income under the plan. Several stylistic changes making the forms more consistent with statutory language were approved in 2006, and the revised versions were published in August 2006.

Comments on Official Forms 22A, 22B, and 22C:

There were 37 comments on these forms from a wide range of commentators. Twenty-nine of the comments **(Comments 06-BK-021 to 048, and Comment 06-BK-058)** literally state that they support **Comment 06-BK-009** submitted by Bankruptcy Judge Keith M. Lundin. Several add very brief additional statements, usually voicing specific support for a particular part of Judge Lundin's analysis. For example, **Comment 06-BK-048** submitted by Henry Hildebrand, III, Esq., specifically urges that Judge Lunidn's suggestions about revising Lines 3 and 4 of Form 22C be adopted. Mr. Hildebrand also notes that subsequent legislation regarding charitable contributions rendered one of Judge Lundin's suggestions no longer appropriate. In **Comment 06-BK-041**, on the other hand, Wendell Sherk, Esq., opposed Judge Lundin's recommendations for amending Lines 3 and 4 on the form. Mr. Sherk otherwise supported the proposals.

Judge Lundin's comment is 35 pages long and addresses the forms on a line by line basis. A similarly lengthy comment (20 pages) was submitted by Mr. Eric Froisland (**Comment 06-BK-019**). Substantial comments on the means test forms were also submitted by Mr. Thomas Yerbich (**Comments 06-BK-003 and 005**), Bankruptcy Judge Wesley Steen (**Comment 06-BK-014**), the National Bankruptcy Conference (**Comment 06-BK-018**), the Financial Services Roundtable (**Comment 06-BK-051**), the law firm of Beckett and Lee (**Comment 06-BK-053**), and by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others (**Comment 06-BK-055**). The Advisory Committee's Subcommittee on Consumer Issues considered each of these comments at length and made a series of recommendations to the Advisory Committee.

The report of the Subcommittee and its recommendations regarding the comments is set forth in the attachments to Part III of this Report. It provides a detailed description of each of the comments and the Subcommittee's recommendations.

Changes Made After Publication:

There were a number of changes to the means-test forms. The changes largely amend the language of the form to follow either exactly or more closely the language of §§ 110(10A), 707(b), and 1325 of the Code, the primary operative provisions of the means test. A checkbox has been added to Form 22A for individual debtors who contend that their debts are not primarily consumer debts. The result is that all individual debtors filing under chapter 7 will have to submit Form 22A. However, a debtor who asserts that his or her debts are not primarily consumer debts, need only check the appropriate box and sign and file the form. If the court later determines the debtor's debts are primarily consumer debts, the debtor will have to complete the rest of the form. To the extent that other changes were made in the means-test forms, they are intended to implement fundamental determinations made by the Advisory Committee such as that the means test provisions do not permit double counting of expenses in determining a debtor's disposable income. A detailed description of the Advisory Committee's recommendations is contained at pages 8-16 of the draft minutes of its March 2007 meeting. The minutes are set forth in the attachments to Part III of this Report.

(o) Official Form 23, Debtor's Certification of Completion of Instructional Course Concerning Financial Management –

The form was approved as a new form in 2005. It was created to be used as the debtor's certification of the completion of an instructional course in personal financial management as required by §§ 727 and 1328 of the Code.

Comments on Official Form 23:

Comment 06-BK-004 was submitted by Mr. Mark Diamond, Operations Manager for the Bankruptcy Court for the Southern District of New York. He suggested that the form be amended to list separately each of the bases for the waiver of the requirement that the debtor complete a personal financial management course.

Comment 06-BK-051 was submitted by the Financial Services Roundtable. It asserts that the debtor should be required to file a certificate from the personal financial management course provider demonstrating that the debtor has completed the course rather than simply submit a statement that he or she has completed the course.

Comment 06-BK-057 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. Ms. Gay suggested that the form be revised to require the debtor to file a certificate from the course provider

demonstrating that the debtor has completed the course rather than a statement by the debtor to that effect as called for by the form. She also suggested that the form note that this is a "postpetition" course to better distinguish it from the debtor's prepetition credit counseling obligation.

Changes Made After Publication:

The word "Postpetition" is inserted into the title to clarify that the form refers to the course taken by the debtor after the commencement of the case. The directions to the form are revised to note that the form must be completed by individual debtors in chapter 11 cases in which § 1141(d)(3) applies.

(p) Official Form 24, Certification to Court of Appeals by All Parties –

The form was approved as a new form in 2005. It is the form of a certification to the court of appeals by all parties in a case. It implements the 2005 amendments to 28 U.S.C. § 158(d) (2) which permit direct appeal to the courts of appeals.

Comments on Official Form 24:

Comment 06-BK-007 was submitted by Mr. Henry Sommer. Mr. Sommer noted that the form contained two signature lines for appellants, but no signature line for appellees.

Changes Made After Publication:

The form was amended to include a signature line for the appellee and the attorney for the appellee.

(q) Official Form 25A, Form Plan of Reorganization –

The form is new. It is a form plan of reorganization for use in small business chapter 11 cases, thereby implementing § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Comments on Official Form 25A:

Comment 06-BK-049 was submitted by the Commercial Law League of America ("CLLA"). The CLLA suggested that the small business plan of reorganization be amended by adding a section that would address the preservation of avoidance actions. The comment also suggested adding sections that would describe the plan proponent's actions to implement the plan as well as the payments or other actions that would be taken to assume executory contracts and unexpired leases.

Comment 06-BK-055 was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. The comment endorsed the form stating that the form will be useful to both debtors and creditors in small business cases.

Changes Made After Publication:

The Form was amended to add a new article that requires the plan proponent to state the means by which the plan will be implemented. Several stylistic changes were also made to the Form.

(r) Official Form 25B, Form Disclosure Statement –

Official Form 25B is new. It is a form disclosure statement for use in small business chapter 11 cases, thereby implementing § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It is intended for use in conjunction with the form plan of reorganization, Official Form 25A.

Comments on Official Form 25B:

Comment 06-BK-049 was submitted by the Commercial Law League of America ("CLLA"). Form 25B is the disclosure statement that accompanies the small business plan of reorganization, Official Form 25A. Thus, the comments about the plan are applicable as well to the disclosure statement. Any changes made to the plan would have to be made to the disclosure statement.

Changes Made After Publication:

No changes were made to the form. The disclosure statement already included a section to describe the implementation of the plan, so the addition of that section to Official Form 25A does not require a change to Official Form 25B.

(s) Official Form 25C, Small Business Monthly Operation Report –

Official Form 25C is new. It is a form for small business chapter 11 debtors to provide periodic reports on the operations and profitability of the debtor during the case as required by § 308 of the Code. It implements §§ 434 and 435 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Comments on Official Form 25C:

Comment 06-BK-050 was submitted by the American Institute of Certified Public Accountants. The comment recommended that the disclosures required by the form be

expanded in a number of ways. It suggested that more detailed descriptions of the tax consequences of transactions be included, as well as that significantly more information about the aging of accounts receivable and the methods of determining the value of assets be set out. It also urged that more detail be provided on accrued and unpaid expenses.

Comment 06-BK-055 was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. The comment endorsed the form stating that the form will be useful to both debtors and creditors in small business cases

Changes Made After Publication:

Two new questions were inserted into the form. The first asks whether anyone had made any investments in the debtor during the prior month, and the second asks the debtor to set out the change in the debtor's cash position from the beginning to the end of the month. Other questions were renumbered to accommodate the addition of the two new questions.

(t) Official Form 26, Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Estate of [Name of Debtor] Holds a Substantial Controlling Interest –

Official Form 26 is new. It is a report that discloses the profitability of entities in which the bankruptcy estate holds a substantial or controlling interest. It is the form that proposed Rule 2015.3 requires the debtor or trustee to file.

Comments on Official Form 26:

Comment 06-BK-050 was submitted by the American Institute of Certified Public Accountants. The comment suggested that the debtor be required to provide considerable additional detail to assist in determining whether it holds a substantial or controlling interest in another entity. The comment also urged that the form require the debtor to include significantly more information about the basis for the values set out for the property listed on the form.

Comment 06-BK-055 was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. It endorsed the use of the form for entities in which the debtor holds a 20% or greater interest.

Changes Made After Publication:

No changes were made after publication.

(u) Exhibit D to Official Form 1 –

Comments on Exhibit D to Official Form 1:

Comment 06-BK-011 was submitted by Hon. Marvin Isgur (Bankr. S.D. Tex). Judge Isgur asserts that the warnings to debtors who file a case without first obtaining credit counseling may be incorrect or insufficient. He urges that the form be more generic in its directions to debtors as to the impact of a petition being filed without the debtor first having completed credit counseling.

Comment 06-BK-055 was submitted by financial industry representatives including the American Bankers Association, the American Financial Services Association, and others. This comment suggested that the exhibit state that debtors must truthfully respond as to whether they received credit counseling in the 180 days before the commencement of the case. It also suggested that the exhibit inform debtors that their case may be dismissed if they fail to obtain the counseling within 15 days after the commencement of the case.

Comment 06-BK-057 was submitted by Ms. Margaret Grammar Gay, Chief Deputy Clerk of the Bankruptcy Court for the District of New Mexico. Ms. Gay suggested that the form should not require the debtor to state the alleged exigent circumstances that are claimed to justify a postponement of the obligation to obtain credit counseling.

Changes Made After Publication:

Exhibit D was changed to provide that the debtor need not file a motion to obtain an order postponing the debtor's obligation to obtain credit counseling. The Advisory Committee also recommends the publication of a proposed new rule governing the consideration of the certification by the debtor that grounds exist for the postponement of the obligation.

2. *Text of Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19, 21, 22A, 22B, 22C, 23, and 24, new Official Forms 25A, 25B, 25C, and 26, and Exhibit D to Official Form 1*

FORMS SEPARATELY ATTACHED

Official Form 1 (12/07)

United States Bankruptcy Court _____DISTRICT OF _____	**Voluntary Petition**
Name of Debtor (if individual, enter Last, First, Middle):	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):	Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): ZIP CODE	Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business:	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP CODE	Mailing Address of Joint Debtor (if different from street address): ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE	

Type of Debtor
(Form of Organization)
(Check **one** box.)

- ☐ Individual (includes Joint Debtors)
  See Exhibit D on page 2 of this form.
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business
(Check **one** box.)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other

Tax-Exempt Entity
(Check box, if applicable.)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check **one** box.)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts
(Check one box.)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ Debts are primarily business debts.

Filing Fee (Check one box.)

- ☐ Full Filing Fee attached.
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:
- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,190,000.

Check all applicable boxes:
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

☐ 1-49	☐ 50-99	☐ 100-199	☐ 200-999	☐ 1,000-5,000	☐ 5,001-10,000	☐ 10,001-25,000	☐ 25,001-50,000	☐ 50,001-100,000	☐ Over 100,000

Estimated Assets

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

Estimated Liabilities

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

Voluntary Petition *(This page must be completed and filed in every case.)*	Name of Debtor(s):	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)		
Location Where Filed:	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)		
Name of Debtor:	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).

X _____

Signature of Attorney for Debtor(s) (Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☐ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box.)

☐ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes.)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

_____

(Name of landlord that obtained judgment)

_____

(Address of landlord)

☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition
(This page must be completed and filed in every case.)

Name of Debtor(s):

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

_____
Telephone Number (if not represented by attorney)

_____
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
(Signature of Foreign Representative)

_____
(Printed Name of Foreign Representative)

_____
Date

Signature of Attorney*

X _____
Signature of Attorney for Debtor(s)

_____
Printed Name of Attorney for Debtor(s)

_____
Firm Name

_____
Address

_____

_____

_____
Telephone Number

_____
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

_____
Printed Name of Authorized Individual

_____
Title of Authorized Individual

_____
Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

_____
Printed Name and title, if any, of Bankruptcy Petition Preparer

_____
Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

_____
Address

_____

X _____

_____
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Official Form 1 (12/07)

United States Bankruptcy Court _____ DISTRICT OF _____	**Voluntary Petition**
Name of Debtor (if individual, enter Last, First, Middle):	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):	Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): ZIP CODE	Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business:	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP CODE	Mailing Address of Joint Debtor (if different from street address): ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE	

Type of Debtor
(Form of Organization)
(Check **one** box.)

- ☐ Individual (includes Joint Debtors)
  See Exhibit D on page 2 of this form.
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business
(Check **one** box.)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other

Tax-Exempt Entity
(Check box, if applicable.)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check **one** box.)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts
(Check one box.)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ Debts are primarily business debts.

Filing Fee (Check one box.)

- ☐ Full Filing Fee attached.
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:
- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,190,000.

Check all applicable boxes:
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

☐ 1-49	☐ 50-99	☐ 100-199	☐ 200-999	☐ 1,000-5,000	☐ 5,001-10,000	☐ 10,001-25,000	☐ 25,001-50,000	☐ 50,001-100,000	☐ Over 100,000

Estimated Assets

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

Estimated Liabilities

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

Voluntary Petition *(This page must be completed and filed in every case.)*	Name of Debtor(s):	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)		
Location Where Filed:	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)		
Name of Debtor:	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).

X _____

Signature of Attorney for Debtor(s) (Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☐ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box.)

☐ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes.)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

_____

(Name of landlord that obtained judgment)

_____

(Address of landlord)

☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition
(This page must be completed and filed in every case.)

Name of Debtor(s):

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

_____
Telephone Number (if not represented by attorney)

_____
Date

Signature of Attorney*

X _____
Signature of Attorney for Debtor(s)

_____
Printed Name of Attorney for Debtor(s)

_____
Firm Name

_____
Address

_____

_____

_____
Telephone Number

_____
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

_____
Printed Name of Authorized Individual

_____
Title of Authorized Individual

_____
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
(Signature of Foreign Representative)

_____
(Printed Name of Foreign Representative)

_____
Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

_____
Printed Name and title, if any, of Bankruptcy Petition Preparer

_____
Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

_____
Address

_____

X _____

_____
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

COMMITTEE NOTE

The form is amended to implement amendments to the Bankruptcy Code contained in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005)("BAPCPA"). The period for which the debtor must provide all names used and information about any prior bankruptcy cases is now eight years to match the required time between the granting of discharges to the same debtor in § 727(a)(8) of the Code as amended in 2005. In conformity with Rule 9037, the debtor is directed to provide only the last four digits of any individual's tax identification number.

The box indicating the debtor's selection of a chapter under which to file the case is amended to delete "Sec. 304 - Case ancillary to foreign proceeding" and replace it with "Chapter 15 Petition for Recognition of a Foreign Main Proceeding" and "Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding" reflecting the 2005 repeal of § 304 and enactment of chapter 15 of the Code. A statement of venue to be used in a chapter 15 case also is added on page 2 of the form.

The section labeled "Type of Debtor" is amended to include, below the checkbox for "Individual or Joint," a direction to "See Exhibit D on page 2 of this form." This addition alerts individual debtors that Exhibit D on page 2 of the form applies to them. Exhibit D, more fully described below, addresses the prepetition credit counseling requirements added to the Code by BAPCPA. The subtitle, "Form of Organization," is added, and this section also is revised to make clear that a limited liability corporation ("LLC") or limited liability partnership ("LLP") should identify itself as a "corporation."

The form also is amended in several ways to assist the courts in evaluating their workload and fulfilling the statistical reporting requirements of 28 U.S.C. § 159, enacted as part of BAPCPA. Accordingly, a new section of the form labeled "Nature of Business," is added that contains both existing checkboxes that identify certain types of debtors for which the Bankruptcy Code provides special treatment, such as stockbrokers and railroads, and a new checkbox for a "health care business" for which the 2005 amendments to the Code include specific requirements. This section of the form also contains a checkbox for single asset real estate debtors, so they can be identified at the time of filing. All other businesses will mark the checkbox labeled "Other." Another new section titled

"Tax-Exempt Entity" contains a checkbox to be used by qualified organizations. The Judicial Conference of the United States and the Administrative Office of the United States Courts will use this information in preparing statistical reports and analyses for Congress.

A checkbox also is added for an individual debtor to indicate that the debtor is applying for a waiver of the filing fee, to implement the 2005 enactment of 28 U.S.C. § 1930(f) authorizing the bankruptcy court to waive the filing fee in certain circumstances. The description directs the debtor to the Official Form for the application that must be filed for the court's consideration.

The section labeled "Nature of Debts" is amended to state the statutory definition of a "consumer debt" and to modify both the consumer and business categories by adding the word "primarily" to both choices to make it clearer to individual debtors that "business" may be the appropriate choice if personal debts have been incurred to finance a business venture.

Although the 2005 Act eliminated from the Code any option to elect to be treated as a "small business" in a chapter 11 case, new provisions for "small business" debtors added by BAPCPA make it desirable to identify eligible debtors at the outset of the case. Accordingly, the section of the form labeled "Chapter 11 Small Business" is revised and renamed "Chapter 11 Debtors" for this purpose. Chapter 11 debtors that meet the definition of "small business debtor" in § 101 of the Code are directed to identify themselves in this section of the form. Chapter 11 debtors whose aggregate noncontingent debts owed to non-insiders or affiliates are less than $2,190,000 are directed to identify themselves in this section. A third part of this section attempts to identify chapter 11 cases that are filed as pre-packaged cases, using criteria taken from § 1126(b) of the Code. Identifying "pre-packs" at filing will assist judges and court staff to manage these cases appropriately.

The statistical information concerning the number of creditors and estimated assets and liabilities is revised to provide more detail.

BAPCPA also added a new § 109(h) to the Code. To implement this provision, a section labeled "Exhibit D" is inserted on page 2 of the form, and a separate Exhibit D is added. These additions will enable individual debtors to certify that they have received budget and credit counseling prior to filing, as required by § 109(h), or request a temporary waiver of, or exemption from, the requirement, if they meet the statutory requirements for such relief. Exhibit D includes directions to attach required documentation or, if the debtor requests a temporary waiver or an exemption, a motion for a determination by the court. Exhibit D also states the requirement that all individual debtors must obtain a briefing from an approved credit counseling agency before filing a bankruptcy case, unless one of the very limited exceptions applies, and further states the

consequences that may be faced by any debtor who fails to comply.

Space is provided on page 2 for a debtor who is a tenant of residential real property to certify whether the debtor's landlord has a judgment against the debtor for possession of the premises, whether under applicable nonbankruptcy law the debtor would be permitted to cure the monetary default, and whether the debtor has made the appropriate deposit with the court. This addition to the form implements § 362(l) which was added to the Code in 2005. And a box is provided that allows the debtor to certify that s/he has served the landlord with the certification as required by § 362(l)(1).

The signature sections and the declaration under penalty of perjury by an individual debtor concerning the notice received about bankruptcy relief, the declaration under penalty of perjury by a bankruptcy petition preparer, and the attorney signature box are amended to include new material mandated by the 2005 Act. The attorney signature box is also amended to remind the attorney that in a case in which § 707(b)(4)(D) applies, that the signature constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect. A signature section is also provided for a representative of a foreign proceeding.

Official Form 3A (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

1. In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to $_____ in installments.

2. I am unable to pay the filing fee except in installments.

3. Until the filing fee is paid in full, I will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

4. I propose the following terms for the payment of the Filing Fee.*

   $ _____ Check one ☐ With the filing of the petition, or
   ☐ On or before _____

   $ _____ on or before _____

   $ _____ on or before _____

   $ _____ on or before _____

* The number of installments proposed shall not exceed four (4), and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

5. I understand that if I fail to pay any installment when due, my bankruptcy case may be dismissed and I may not receive a discharge of my debts.

_____
Signature of Attorney Date

_____
Name of Attorney

_____
Signature of Debtor Date
(In a joint case, both spouses must sign.)

_____
Signature of Joint Debtor (if any) Date

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section; and (4) I will not accept any additional money or other property from the debtor before the filing fee is paid in full.

_____ _____
Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer Social Security No. (Required by 11 U.S.C. § 110.)
If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.

_____

_____
Address

x_____ _____
Signature of Bankruptcy Petition Preparer Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.
A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS

☐ IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

☐ IT IS ORDERED that the debtor(s) shall pay the filing fee according to the following terms:

$ _____ Check one ☐ With the filing of the petition, or
☐ On or before _____

$ _____ on or before _____

$ _____ on or before _____

$ _____ on or before _____

☐ IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

BY THE COURT

Date: _____

_____
United States Bankruptcy Judge

COMMITTEE NOTE

The form is amended to direct the debtor to state that, until the filing fee is paid in full, the debtor will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with the case. The declaration and certification by a non-attorney bankruptcy petition preparer in the form are amended to include material mandated by § 110 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). The certification by a non-attorney bankruptcy petition preparer is re-named a declaration and also is revised to include material mandated by § 110 of the Code as amended in 2005. The order is amended to provide space for the court to set forth a payment schedule other than the one proposed by the debtor.

APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS

The court fee for filing a case under chapter 7 of the Bankruptcy Code is $299.

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. A form, which is available from the bankruptcy clerk's office, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your petition, generally completing payment of the fee over the course of four to six months.

If you cannot afford to pay the fee either in full at the time of filing or in installments, you may request a waiver of the filing fee by completing this application and filing it with the Clerk of Court. A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. You may obtain information about the poverty guidelines at www.uscourts.gov or in the bankruptcy clerk's office.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

United States Bankruptcy Court
_____ District of _____

In re: _____ Case No. _____
Debtor(s) (if known)

APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS

Part A. Family Size and Income

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I (Current Income of Individual Debtors(s)), how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.) _____

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I. Attach a completed copy of Schedule I, if it is available.

   Total Combined Monthly Income (Line 16 of Schedule I): $_____

3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter $0.

   $_____

4. Add the "Total Combined Monthly Income" reported in Question 2 to your dependents' monthly net income from Question 3.

   $_____

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes ___ No ___

   If yes, explain.

Part B. Monthly Expenses

6. EITHER (a) attach a completed copy of Schedule J (Schedule of Monthly Expenses), and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.

   $ _____

7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes ___ No ___
   If yes, explain.

Part C. Real and Personal Property

EITHER (1) attach completed copies of Schedule A (Real Property) and Schedule B (Personal Property), OR (2) if you have not yet completed those schedules, answer the following questions.

8. State the amount of cash you have on hand. $ _____

9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution.

Bank or Other Financial Institution:	Type of Account such as savings, checking, CD:	Amount:
_____	_____	$ _____
_____	_____	$ _____

10. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: $ _____ Amount owed on mortgages and liens: $ _____
Other real estate	Address: _____ _____	Value: $ _____ Amount owed on mortgages and liens: $ _____
Motor vehicle	Model/Year: _____ _____	Value: $ _____ Amount owed: $ _____
Motor vehicle	Model/Year: _____ _____	Value: $ _____ Amount owed: $ _____
Other	Description_____ _____	Value: $ _____ Amount owed: $ _____

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

Name of Person, Business, or Organization that Owes You Money	Amount Owed
_____	$ _____
_____	$ _____

Part D. Additional Information.

12. Have you paid an **attorney** any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? $ _____

13. Have you promised to pay or do you anticipate paying an **attorney** in connection with your bankruptcy case? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? $ _____

14. Have you paid **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? $ _____

15. Have you promised to pay or do you anticipate paying **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? $ _____

16. Has anyone paid an attorney or other person or service in connection with this case, on your behalf? Yes ___ No ___

If yes, explain.

17. Have you previously filed for bankruptcy relief during the past eight years? Yes ___ No ___

Case Number (if known)	Year filed	Location of filing	Did you obtain a discharge? (if known)
_____	_____	_____	Yes ____ No ____ Don't know ____
_____	_____	_____	Yes ____ No ____ Don't know ____

18. Please provide any other information that helps to explain why you are unable to pay the filing fee in installments.

19. I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct.

Executed on: _____ _____
Date Signature of Debtor

_____ _____
Date Signature of Codebtor

DECLARATION AND SIGNATURE OF BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section.

_____ _____
Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer Social Security No. (Required by 11 U.S.C. §110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.

_____

_____
Address

x_____ _____
Signature of Bankruptcy Petition Preparer Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.
A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

United States Bankruptcy Court
_____ District of _____

In re: _____ Case No. _____
Debtor(s)

ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

Upon consideration of the debtor's "Application for Waiver of the Chapter 7 Filing Fee," the court orders that the application be:

[ ] GRANTED.

This order is subject to being vacated at a later time if developments in the administration of the bankruptcy case demonstrate that the waiver was unwarranted.

[ ] DENIED.

The debtor shall pay the chapter 7 filing fee according to the following terms:

$ _____ on or before _____

$ _____ on or before _____

$ _____ on or before _____

$ _____ on or before _____

Until the filing fee is paid in full, the debtor shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

IF THE DEBTOR FAILS TO TIMELY PAY THE FILING FEE IN FULL OR TO TIMELY MAKE INSTALLMENT PAYMENTS, THE COURT MAY DISMISS THE DEBTOR'S CASE.

[ ] SCHEDULED FOR HEARING.

A hearing to consider the debtor's "Application for Waiver of the Chapter 7 Filing Fee" shall be held on _____ at _____ am/pm at _____.
(address of courthouse)

IF THE DEBTOR FAILS TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY DEEM SUCH FAILURE TO BE THE DEBTOR'S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

BY THE COURT:

DATE: _____

_____
United States Bankruptcy Judge

COMMITTEE NOTE

This form is new. 28 U.S.C. § 1930(f), enacted as part of the Bankruptcy Abuse and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), provides that "under procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved and is unable to pay that fee in installments." To implement this provision, Fed. R. Bankr. P.1006 adds a new subdivision (c). Official Form 3B is the form referenced in that subdivision, and is to be used by individual chapter 7 debtors when applying for a waiver of the filing fee. A corresponding standard order also is included.

Official Form 4 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

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, 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. If a minor child is one of the creditors holding the 20 largest unsecured claims, ~~indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~

state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	*Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted*	*Nature of claim (trade debt, bank loan, government contract, etc.)*	*un*	

Date: _____

_____

Debtor

[Declaration as in Form 2]

Official Form 4 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

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, 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. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	*Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted*	*Nature of claim (trade debt, bank loan, government contract, etc.)*	*Indicate if claim is contingent, unliquidated, disputed or subject to setoff*	*Amount of claim [if secured also state value of security]*

Date: _____

_____
Debtor

[Declaration as in Form 2]

COMMITTEE NOTE

The form is amended to direct that the name of any minor child not be disclosed. The amendment implements § 112 of the Code, which was added by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). In addition, the form is amended to add to the reference to Rule 1007(m) a direction to include for noticing purposes the name, address, and legal relationship to the child of "a person described" in that rule. Rule 1007(m) requires the person named to be someone on whom process would be served in an adversary proceeding against the child.

Name of Debtor_____

Case No._____

TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.
x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.
x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.

PETITIONING CREDITORS

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims

_____continuation sheets attached

Official Form 5 (12/07)

United States Bankruptcy Court _____District of_____	INVOLUNTARY PETITION

IN RE (Name of Debtor – If Individual: Last, First, Middle)	ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)
Last four digits of Soc. Sec. or other Individual's Tax I.D. No./Complete EIN (If more than one, state all.):	
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS ZIP CODE	MAILING ADDRESS OF DEBTOR (If different from street address) ZIP CODE

LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)

CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED

☐ Chapter 7 ☐ Chapter 11

INFORMATION REGARDING DEBTOR (Check applicable boxes)

Nature of Debts (Check **one** box.)	**Type of Debtor** (Form of Organization)	**Nature of Business** (Check **one** box.)
Petitioners believe: ☐ Debts are primarily consumer debts ☐ Debts are primarily business debts	☐ Individual (Includes Joint Debtor) ☐ Corporation (Includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____	☐ Health Care Business ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank ☐ Other

VENUE	**FILING FEE** (Check one box)
☐ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. ☐ A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.	☐ Full Filing Fee attached ☐ Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. *[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]*

PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)

Name of Debtor	Case Number	Date
Relationship	District	Judge

ALLEGATIONS **(Check applicable boxes)**	COURT USE ONLY
1. ☐ Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. ☐ The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3.a. ☐ The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. ☐ Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.	

Name of Debtor_____

Case No._____

TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.
x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.
x_____ Signature of Petitioner or Representative (State title)	x_____ Signature of Attorney Date
Name of Petitioner Date Signed	Name of Attorney Firm (If any)
Name & Mailing Address of Individual Signing in Representative Capacity _____ _____	Address Telephone No.

PETITIONING CREDITORS

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims

_____continuation sheets attached

COMMITTEE NOTE

The form has been amended to delete statistical information about the debtor that no longer is required, and to substitute checkboxes similar to those on the voluntary petition form. The form also is amended to add "as to liability or amount" to the language concerning debts that are the subject of a bona fide dispute, in conformity with § 303 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). The petitioning creditors must now provide, to the extent known to them, all other names used by the debtor during the 8 years, rather than 6 years, before the filing of the petition. In conformity with Rule 9037, the petitioning creditors are directed to provide only the last four digits of any individual's tax identification number. A new checkbox is provided for the petitioning creditors to identify the debtor that is a "health care business" as defined in § 101 of the Code, thereby alerting the court and the United States trustee of the necessity under § 333 of the Code to appoint an ombudsman to represent the interests of the patients of the health care business. These amendments also implement the 2005 amendments to the Code. A new checkbox also is provided for a "clearing bank," which may become a debtor upon the filing of a petition at the direction of the Board of Governors of the Federal Reserve System; this addition conforms to an amendment to § 109(b)(2) of the Code, which was enacted in 2000.

Official Form 6B (12/07)

In re _____, **Case No.** _____
Debtor **(If known)**

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." ~~In providing the information requested in this schedule, do not include the name or address of a minor child. Simply state "a minor child." See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the child of a person described in Fed. R. Bankr. P. 1007(m).~~

If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY			VALUE OF INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.					
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.					
3. Security deposits with public utilities, telephone companies, landlords, and others.					
4. Household goods and furnishings, including audio, video, and computer equipment.					
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.					
6. Wearing apparel.					
7. Furs and jewelry.					
8. Firearms and sports, photographic, and other hobby equipment.					
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.					
10. Annuities. Itemize and name each issuer.					
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521©.)					

Official Form 6, Schedule D (12/07)

In re _____, **Case No.** _____
Debtor **(If known)**

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. ~~If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m)~~. If all secured creditors will not fit on this page, use the continuation sheet provided.

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 the 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.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

If a minor child is the creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (*See Instructions Above.*)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
_____ continuation sheets attached			Subtotal ► (Total of this page)				$	$
			Total ► (Use only on last page)				$ (Report also on Summary of Schedules.)	$ (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

Official Form 6E (12/07)

In re _____, Case No._____
Debtor (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, mailing address, including zip code, and last four digits of the 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. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, ~~indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~

state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

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 the 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 la the column labeled "Unliquidated." If the claim is disputed, place an "X" in the col than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on E in the box labeled "Total" on the last sheet of the completed schedule. ~~Report thi~~

Report the total of amounts entitled to priority listed on each sheet in the box la entitled to priority listed on this Schedule E in the box labeled "Totals" on the last s primarily consumer debts who file a case under chapter 7 or 13 report this total also Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts ~~who file a case under chapter 7~~ report this total also on the Statistical Summary of Certain Liabilities and Related Data.

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

remove reference to C7

TYPES OF PRIORITY CLAIMS (Check the appropriate b t category are listed on the attached sheets.)

☐ **Domestic Support Obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

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)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $10,000* per person earned 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).

☐ **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)(5).

Official Form 6F (12/07)

In re _____, **Case No.** _____
Debtor **(if known)**

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, ~~indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~ Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

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 the 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 all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts ~~filing a case under chapter 7~~, report this total also on the Statistical Summary of Certain Liabilities and Related Data..

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

state the child's initials and the name and address of the child's parent or guardian, such as "A. B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007 (m).

remove reference to C7

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See above)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
						Subtotal➤	$
						Total➤	$

_____continuation sheets attached

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

Official Form 6G (12/07)

In re _____ , Case No._____
Debtor (if known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts~~, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~

☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.

, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Official Form 6H (12/07)

In re _____, Case No. _____
Debtor (if known)

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by the debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, ~~indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
	state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S. C. §112 and Fed. R. Bankr. P. 1007(m).

Official Form 6I (12/07)

In re _____, Case No. _____
Debtor (if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):

Employment:	DEBTOR	SPOUSE
Occupation		
Name of Employer		
How long employed		
Address of Employer		

The average monthly income calculated on this form may differ from the current monthly income calculated on From 22A, 22B, or 22C.

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	$_____	$_____
2. Estimate monthly overtime	$_____	$_____
3. SUBTOTAL	$_____	$_____
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$_____	$_____
b. Insurance	$_____	$_____
c. Union dues	$_____	$_____
d. Other (Specify): _____	$_____	$_____
5. SUBTOTAL OF PAYROLL DEDUCTIONS	$_____	$_____
6. TOTAL NET MONTHLY TAKE HOME PAY	$_____	$_____
7. Regular income from operation of business or profession or farm (Attach detailed statement)	$_____	$_____
8. Income from real property	$_____	$_____
9. Interest and dividends	$_____	$_____
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	$_____	$_____
11. Social security or government assistance (Specify): _____	$_____	$_____
12. Pension or retirement income	$_____	$_____
13. Other monthly income (Specify): _____	$_____	$_____
14. SUBTOTAL OF LINES 7 THROUGH 13	$_____	$_____
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	$_____	$_____
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15~~; if there is only one debtor repeat total reported on line 15~~)	$ _____	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

_____

_____

parenthetical should state only: "Combine column totals from line 15"

Official Form 6J (12/07)

In re _____ , **Case No.** _____
Debtor **(if known)**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form22A or 22C.

1. Rent or home mortgage payment (include lot rented for mobile home) $ _____
   a. Are real estate taxes included? Yes _____ No _____
   b. Is property insurance included? Yes _____ No _____
2. Utilities: a. Electricity and heating fuel $ _____
   b. Water and sewer $ _____
   c. Telephone $ _____
   d. Other _____ $ _____
3. Home maintenance (repairs and upkeep) $ _____
4. Food $ _____
5. Clothing $ _____
6. Laundry and dry cleaning $ _____
7. Medical and dental expenses $ _____
8. Transportation (not including car payments) $ _____
9. Recreation, clubs and entertainment, newspapers, magazines, etc. $ _____
10. Charitable contributions $ _____
11. Insurance (not deducted from wages or included in home mortgage payments)
   a. Homeowner's or renter's $ _____
   b. Life $ _____
   c. Health $ _____
   d. Auto $ _____
   e. Other _____ $ _____
12. Taxes (not deducted from wages or included in home mortgage payments)
(Specify) _____ $ _____
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)
   a. Auto $ _____
   b. Other _____ $ _____
   c. Other _____ $ _____
14. Alimony, maintenance, and support paid to others $ _____
15. Payments for support of additional dependents not living at your home $ _____
16. Regular expenses from operation of business, profession, or farm (attach detailed statement) $ _____
17. Other _____ $ _____
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) $ _____
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:
_____
_____
_____
20. STATEMENT OF MONTHLY NET INCOME
   a. Average monthly income from Line 15 of Schedule I $ _____
   b. Average monthly expenses from Line 18 above $ _____
   c. Monthly net income (a. minus b.) $ _____

In re _____ , **Case No.** _____
Debtor **(if known)**

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ sheets ~~(total shown on summary page plus 2)~~, and that they are true and correct to the best of my knowledge, information, and belief.

Delete parenthetical

Date _____ Signature: _____
Debtor

Date _____ Signature: _____
(Joint Debtor, if any)

[If joint case, both spouses must sign.]

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

_____ _____
Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer — Social Security No. *(Required by 11 U.S.C. § 110.)*

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.

_____
_____
_____
Address

X _____ _____
Signature of Bankruptcy Petition Preparer — Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the _____ [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the _____ [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of ___ sheets (*Total shown on summary page plus 1*), and that they are true and correct to the best of my knowledge, information, and belief.

Date _____ Signature: _____

_____
[Print or type name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement or concealing property: Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

FORM 6. SCHEDULES

Summary of Schedules
Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159)

Schedule A - Real Property
Schedule B - Personal Property
Schedule C - Property Claimed as Exempt
Schedule D - Creditors Holding Secured Claims
Schedule E - Creditors Holding Unsecured Priority Claims
Schedule F - Creditors Holding Unsecured Nonpriority Claims
Schedule G - Executory Contracts and Unexpired Leases
Schedule H - Codebtors
Schedule I - Current Income of Individual Debtor(s)
Schedule J - Current Expenditures of Individual Debtors(s)

Unsworn Declaration Under Penalty of Perjury

GENERAL INSTRUCTIONS: The first page of the debtor's schedules and the first page of any amendments thereto must contain a caption as in Form 16B. Subsequent pages should be identified with the debtor's name and case number. If the schedules are filed with the petition, the case number should be left blank.

Schedules D, E, and F have been designed for the listing of each claim only once. Even when a claim is secured only in part or entitled to priority only in part, it still should be listed only once. A claim which is secured in whole or in part should be listed on Schedule D only, and a claim which is entitled to priority in whole or in part should be listed on Schedule E only. Do not list the same claim twice. If a creditor has more than one claim, such as claims arising from separate transactions, each claim should be scheduled separately.

Review the specific instructions for each schedule before completing the schedule.

Form 6 - Summary (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property			$		
B - Personal Property			$		
C - Property Claimed as Exempt					
D - Creditors Holding Secured Claims				$	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)				$	
F - Creditors Holding Unsecured Nonpriority Claims				$	
G - Executory Contracts and Unexpired Leases					
H - Codebtors					
I - Current Income of Individual Debtor(s)					$
J - Current Expenditures of Individual Debtors(s)					$
TOTAL			$	$	

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	**Amount**
Domestic Support Obligations (from Schedule E)	$
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	$
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	$
Student Loan Obligations (from Schedule F)	$
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	$
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	$
TOTAL	$

State the following:

Average Income (from Schedule I, Line 16)	$
Average Expenses (from Schedule J, Line 18)	$
Current Monthly Income (from Form 22A Line 12; **OR**, Form 22B Line 11; **OR**, Form 22C Line 20)	$

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		$
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	$	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		$
4. Total from Schedule F		$
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		$

Official Form 6A (12/07)

In re _____, Case No. _____
Debtor (If known)

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
		Total➤		

(Report also on Summary of Schedules.)

Official Form 6B (12/07)

In re _____, Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.				
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.				
3. Security deposits with public utilities, telephone companies, landlords, and others.				
4. Household goods and furnishings, including audio, video, and computer equipment.				
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.				
6. Wearing apparel.				
7. Furs and jewelry.				
8. Firearms and sports, photographic, and other hobby equipment.				
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.				
10. Annuities. Itemize and name each issuer.				
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)				

In re _____, Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.				
13. Stock and interests in incorporated and unincorporated businesses. Itemize.				
14. Interests in partnerships or joint ventures. Itemize.				
15. Government and corporate bonds and other negotiable and non-negotiable instruments.				
16. Accounts receivable.				
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.				
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.				
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A – Real Property.				
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.				
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.				

Official Form 6B - Cont. (12/07)

In re _____, Debtor

Case No. _____ (If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
22. Patents, copyrights, and other intellectual property. Give particulars.				
23. Licenses, franchises, and other general intangibles. Give particulars.				
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.				
25. Automobiles, trucks, trailers, and other vehicles and accessories.				
26. Boats, motors, and accessories.				
27. Aircraft and accessories.				
28. Office equipment, furnishings, and supplies.				
29. Machinery, fixtures, equipment, and supplies used in business.				
30. Inventory.				
31. Animals.				
32. Crops - growing or harvested. Give particulars.				
33. Farming equipment and implements.				
34. Farm supplies, chemicals, and feed.				
35. Other personal property of any kind not already listed. Itemize.				
		_____continuation sheets attached Total➤ (Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)		$

Official Form 6C (12/07)

In re _____, Case No. _____
Debtor (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)
☐ 11 U.S.C. § 522(b)(2)
☐ 11 U.S.C. § 522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds $136,875.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION

Official Form 6, Schedule D (12/07)

In re _____, **Case No.** _____
Debtor **(If known)**

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is the creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

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 the 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.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (*See Instructions Above.*)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
_____ continuation sheets attached			Subtotal ► (Total of this page)				$	$
			Total ► (Use only on last page)				$	$
							(Report also on Summary of Schedules.)	(If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

In re _____, Case No. _____
Debtor (if known)

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (*See Instructions Above.*)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
ACCOUNT NO.			VALUE $					
Sheet no.___of___continuation sheets attached to Schedule of Creditors Holding Secured Claims			Subtotal (s)▶ (Total(s) of this page)				$	$
			Total(s) ▶ (Use only on last page)				$ (Report also on Summary of Schedules.)	$ (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

Official Form 6E (12/07)

In re _____, Case No._____
Debtor (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, mailing address, including zip code, and last four digits of the 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. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

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 the 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 "Subtotals" 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. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts who file a case under chapter 7 or 13 report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ 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.)

☐ **Domestic Support Obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

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)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $10,950* per person earned 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).

☐ **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)(5).

In re _____, Case No._____
Debtor (if known)

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $5,400* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to $2,425* 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)(7).

☐ **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)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

☐ **Claims for Death or Personal Injury While Debtor Was Intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

____ continuation sheets attached

Official Form 6E - Cont. (12/07)

In re _____, Case No. _____
Debtor (if known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

Type of Priority for Claims Listed on This Sheet

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (*See instructions above.*)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
Account No.									
Account No.									
Account No.									
Account No.									
Sheet no. ___ of ___ continuation sheets attached to Schedule of Creditors Holding Priority Claims						Subtotals➤ (Totals of this page)	$	$	
						Total➤ (Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.)	$		
						Totals➤ (Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.)		$	$

Official Form 6F (12/07)

In re _____, Debtor

Case No. _____ (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

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 the 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 all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data..

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

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (*See instructions above.*)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
						Subtotal➤	$
_____continuation sheets attached						Total➤ (Use only on last page of the completed Schedule F.) (Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	$

Official Form 6F - Cont. (12/07)

In re _____, Case No. _____
Debtor (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							
ACCOUNT NO.							

Sheet no.___of___ continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal➤ $

Total➤ $
(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical Summary of Certain Liabilities and Related Data.)

Official Form 6G (12/07)

In re _____ , Case No._____
Debtor (if known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.

Official Form 6H (12/07)

In re _____ , Case No. _____
Debtor (if known)

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by the debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

Official Form 6I (12/07)

In re _____ , Case No. _____
Debtor (if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on From 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):

Employment:	DEBTOR	SPOUSE
Occupation		
Name of Employer		
How long employed		
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	$_____	$_____
2. Estimate monthly overtime	$_____	$_____
3. SUBTOTAL	$_____	$_____
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$_____	$_____
b. Insurance	$_____	$_____
c. Union dues	$_____	$_____
d. Other (Specify): _____	$_____	$_____
5. SUBTOTAL OF PAYROLL DEDUCTIONS	$_____	$_____
6. TOTAL NET MONTHLY TAKE HOME PAY	$_____	$_____
7. Regular income from operation of business or profession or farm (Attach detailed statement)	$_____	$_____
8. Income from real property	$_____	$_____
9. Interest and dividends	$_____	$_____
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	$_____	$_____
11. Social security or government assistance (Specify): _____	$_____	$_____
12. Pension or retirement income	$_____	$_____
13. Other monthly income (Specify): _____	$_____	$_____
14. SUBTOTAL OF LINES 7 THROUGH 13	$_____	$_____
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	$_____	$_____
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	$ _____	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

_____

_____

Official Form 6J (12/07)

In re _____ , Case No. _____
Debtor (if known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home) $ _____
   a. Are real estate taxes included? Yes _____ No _____
   b. Is property insurance included? Yes _____ No _____
2. Utilities: a. Electricity and heating fuel $ _____
   b. Water and sewer $ _____
   c. Telephone $ _____
   d. Other _____ $ _____
3. Home maintenance (repairs and upkeep) $ _____
4. Food $ _____
5. Clothing $ _____
6. Laundry and dry cleaning $ _____
7. Medical and dental expenses $ _____
8. Transportation (not including car payments) $ _____
9. Recreation, clubs and entertainment, newspapers, magazines, etc. $ _____
10. Charitable contributions $ _____
11. Insurance (not deducted from wages or included in home mortgage payments)
   a. Homeowner's or renter's $ _____
   b. Life $ _____
   c. Health $ _____
   d. Auto $ _____
   e. Other _____ $ _____
12. Taxes (not deducted from wages or included in home mortgage payments)
(Specify) _____ $ _____
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)
   a. Auto $ _____
   b. Other _____ $ _____
   c. Other _____ $ _____
14. Alimony, maintenance, and support paid to others $ _____
15. Payments for support of additional dependents not living at your home $ _____
16. Regular expenses from operation of business, profession, or farm (attach detailed statement) $ _____
17. Other _____ $ _____
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) $ _____
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:
_____
_____
_____
20. STATEMENT OF MONTHLY NET INCOME
   a. Average monthly income from Line 15 of Schedule I $ _____
   b. Average monthly expenses from Line 18 above $ _____
   c. Monthly net income (a. minus b.) $ _____

In re _____ , **Case No.** _____
Debtor **(if known)**

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date _____ Signature: _____
Debtor

Date _____ Signature: _____
(Joint Debtor, if any)

[If joint case, both spouses must sign.]

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

_____ _____
Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer — Social Security No. *(Required by 11 U.S.C. § 110.)*

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.

_____
_____
_____
Address

X _____ _____
Signature of Bankruptcy Petition Preparer — Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the _____ [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the _____ [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of ___ sheets (*Total shown on summary page plus 1*), and that they are true and correct to the best of my knowledge, information, and belief.

Date _____ Signature: _____

_____
[Print or type name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement or concealing property: Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

Official Form 7 (12/07)

UNITED STATES BANKRUPTCY COURT

_____ **DISTRICT OF** _____

In re: _____, Case No. _____
Debtor (if known)

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. ~~Do not include the name or address of a minor child in this statement. Indicate payments, transfers and the like to minor children by stating "a minor child." See 11 U.S.C. § 112. If "a minor child" is stated, include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).~~

To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that ar
must complete Questions 19 - 25. **If the answer to an applicable question is**
additional space is needed for the answer to any question, use and attach a sep
case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form
individual debtor is "in business" for the purpose of this form if the debtor is c
the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"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 owner of 5 percent or more of the voting or equity securities 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.

---

1. Income from employment or operation of business

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or 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 filing 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 SOURCE

Official Form 7 (12/07)

UNITED STATES BANKRUPTCY COURT

_____ **DISTRICT OF** _____

In re: _____, Case No. _____
Debtor (if known)

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. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," 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 six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"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 owner of 5 percent or more of the voting or equity securities 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.

---

1. Income from employment or operation of business

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or 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 filing 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 SOURCE

2. Income other than from employment or operation of business

None ☐ State the amount of income received by the debtor other than from employment, trade, profession, 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

Complete a. or b., as appropriate, and c.

None ☐ a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than $600. Indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (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.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING

None ☐ b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000. If the debtor is an individual, indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers 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.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING

None ☐

c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (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.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☐

a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION

None ☐

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY

5. Repossessions, foreclosures and returns

None ☐

List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY

6. Assignments and receiverships

None ☐ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment 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.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT

None ☐ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE Of PROPERTY

7. Gifts

None ☐ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions 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.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT

8. Losses

None ☐ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses 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.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS

9. Payments related to debt counseling or bankruptcy

None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYER IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY

10. Other transfers

None ☐ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers 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.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED

None ☐ b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY

11. Closed financial accounts

None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING

12. Safe deposit boxes

None ☐

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY

13. Setoffs

None ☐

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF

14. Property held for another person

None ☐

List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY

15. Prior address of debtor

None ☐

If debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY

16. Spouses and Former Spouses

None ☐ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

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17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.

None ☐ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW

None ☐ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW

None ☐ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION

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18 . Nature, location and name of business

None ☐ a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in

which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOC. SEC. OR OTHER INDIVIDUAL TAXPAYER I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES

None ☐ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

19. Books, records and financial statements

None ☐ a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED

None ☐ b. List all firms or individuals who within **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED

None ☐ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS

None ☐ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS	DATE ISSUED

20. Inventories

None ☐ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)

None ☐ b. List the name and address of the person having possession of the records of each of the inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS

21 . Current Partners, Officers, Directors and Shareholders

None ☐ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST

None ☐ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP

22 . Former partners, officers, directors and shareholders

None ☐ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL

None ☐ b. If the debtor is a corporation, list all officers or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION

23 . Withdrawals from a partnership or distributions by a corporation

None ☐ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY

24. Tax Consolidation Group.

None ☐ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)

25. Pension Funds.

None ☐ If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER (EIN)

* * * * * *

[If completed by an individual or individual and spouse]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date _____ Signature _____
of Debtor

Date _____ Signature _____
of Joint Debtor
(if any)

[If completed on behalf of a partnership or corporation]

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date _____ Signature _____

_____
Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

____ continuation sheets attached

Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

_____ _____
Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer Social Security No.(Required by 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.

_____

_____
Address

X _____ _____
Signature of Bankruptcy Petition Preparer Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 18 U.S.C. § 156.

Form 7

COMMITTEE NOTE

The form is amended in several ways to reflect changes in the Bankruptcy Code made by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109 - 8, 119 Stat. 23 (April 20, 2005). A new sentence in the introduction advises the debtor not to disclose the name and address of any minor child in conformity with § 112, which was added to the Code by the 2005 Act. In addition, the form is amended to add to the reference to Rule 1007(m) with respect to a minor child a direction to include for noticing purposes the name, address, and legal relationship to the child of "a person described" in that rule. Rule 1007(m) requires the person named to be someone on whom process would be served in an adversary proceeding against the child.

The definition of "in business" is amended in the introductory section and in Question 1 and Question 18 to clarify that various part-time activities can result in the debtor being "in business" for purposes of the form.

Question 1 is amended to specify that, in addition to the income from the debtor's primary employment, the debtor must include income from part-time activities either as an employee or from self-employment. The debtor now also will report the source of all income from employment or operation of a business, even if there is only one source, in order to assist the trustee in reviewing the pay stubs, etc., filed by the debtor in the case.

Question 3 is amended to accommodate amendments to § 547(c) of the Code enacted in 2005 which exempt from recovery by the trustee payments by a debtor for a domestic support obligation or as part of an alternative repayment schedule negotiated by an approved nonprofit budgeting and credit counseling agency. In addition, Question 3 now requires a debtor with primarily non-consumer debts to report only those transfers that aggregate more than $5,000 to any creditor in the 90-day period prior to the filing of the petition, as a result of the addition of § 547(c)(9) to the Code in 2005. In addition, the language of the question is revised for clarity.

In Question 10, the extension of the reach-back period for transfers from one year to two years reflects the 2005 amendment to § 548(a)(1) of the Code to permit a trustee to avoid a fraudulent transfer made by the debtor within two years before the date of the filing of the petition. Question 10 also is amended to implement new § 548(e) added to the Code in 2005 to require the debtor to disclose all transfers to any self-settled asset protection trust within the ten years before the filing of the petition.

Question 15 is amended to extend from two years to three years the prepetition time period for which the debtor must disclose the addresses of all premises occupied by the debtor. This information will assist the trustee, the United States trustee, and the court to ascertain whether any homestead exemption asserted by the debtor is properly claimed under § 522(b)(3)(A) as amended, and §§ 522(p) and (q) as added to the Code in 2005.

The form also is amended to extend from six years to eight years the period before the filing of the petition concerning which the debtor is required to disclose the name of the debtor's spouse or of any former spouse who resides or resided with the debtor in a community property state. In addition, the certification by a non-attorney bankruptcy petition preparer is renamed a "declaration" and is amended to include material mandated by 11 U.S.C. § 110 as amended by the 2005 Act.

Official Form 9E (Chapter 11 Individual or Joint Debtor Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____ (date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on
_____ (date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Change to:

"Creditor with a Foreign Address"

in all versions of Form 9.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:
Notice of deadline will be sent at a later time.

~~**Foreign Creditors**~~
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:

First date set for hearing on confirmation of plan
Notice of that date will be sent at a later time.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. ~~**Filing Deadline for a Foreign Creditor:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.~~
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141 (d). Unless the court orders otherwise, t until completion of all payments under the plan. A discharge means t from the debtor except as provided in the plan. If you believe that a d Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by office by the "Deadline to File a Complaint to Determine Dischargeab side. The bankruptcy clerk's office must receive the complaint and a you believe that the debtor is not entitled to receive a discharge ~~under~~ file a complaint with the required filing fee in the bankruptcy clerk's of the plan. You will be sent another notice
Exempt Property	y law to keep certain property as exempt. E ven if the debtor's case is converted to chapt may inspect that list at the bankruptcy clerk' ot authorized by law, you may file an object e the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Offic	this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed ay inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
~~Foreign Creditors~~	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Replace with:

"Filing Deadline for a Creditor with a Foreign Address: The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline."

ONLY in 9E and 9F

Change "foreign creditor" to:

"Creditor with a Foreign Address"

in ALL versions of Form 9.

Official Form 9F (Chapter 11 Corporation/Partnership Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number: Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names): Telephone number:	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Change "foreign creditor" to:

"Creditor with a Foreign Address"

in all versions of Form 9.

Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

Notice of deadline will be sent at a later time.

~~**Foreign Creditors**~~

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the cou impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Cons determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's included with this notice, you can obtain one at any bankruptc schedules that have been or will be filed at the bankruptcy cle and is *not* listed as disputed, contingent, or unliquidated, it wil unless you filed a Proof of Claim or you are sent further notic claim is scheduled, you are permitted to file a Proof of Claim. your claim is listed as disputed, contingent, or unliquidated, th might not be paid any money on your claim and may be unabl yet set a deadline to file a Proof of Claim. If a deadline is set, secured creditor retains rights in its collateral regardless of wh Filing a Proof of Claim submits the creditor to the jurisdiction consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. ~~**Filing Deadline for a Foreign Creditor:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.~~
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* (d). A discharge means that you may never try to collect the debt from the in the plan. If you believe that a debt owed to you is not dischargeable 141 (d) (6) (A), you must start a lawsuit by filing a complaint in t by the "Deadline to File a Complaint to Determine Dischargeabili on the front side. The bankruptcy clerk's office must receive the complaint by that deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
~~Foreign Creditors~~	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Replace with:

"Filing Deadline for a Creditor with a Foreign Address: The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline."

ONLY in 9E and 9F

Change to:

"Creditor with a Foreign Address"

in all versions of Form 9.

Official Form 9A (Chapter 7 Individual or Joint Debtor No Asset Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 7 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your Rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address):	
Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on the reverse side.

Depending on the documents filed with the petition, one of the following statements will appear.

The presumption of abuse does not arise.

Or

The presumption of abuse arises.

Or

Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File A Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
Telephone number:	Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. *You therefore should not file a proof of claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727 (a) *or* that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9B (Chapter 7 Corporation/Partnership No Asset Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 7 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your Rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the debtor(s) in the last 8 years (include trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address): Telephone number:	 Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File A Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
Telephone number:	Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. *You therefore should not file a proof of claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9C (Chapter 7 Individual or Joint Debtor Asset Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 7 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your Rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address):	
Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on the reverse side.

Depending on the documents filed with the petition, one of the following statements will appear.

The presumption of abuse does not arise.

Or

The presumption of abuse arises.

Or

Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727 (a) *or* that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Liquidation of the Debtor's Property and Payment of Creditors' Claims	The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9D (Chapter 7 Corporation/Partnership Asset Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 7 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your Rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address):	
Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadline to File a Proof of Claim

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

For all creditors (except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid, you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Liquidation of the Debtor's Property and Payment of Creditors' Claims	The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9E (Chapter 11 Individual or Joint Debtor Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____ (date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on
_____ (date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadlines:
Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:
Notice of deadline will be sent at a later time.

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:

First date set for hearing on confirmation of plan
Notice of that date will be sent at a later time.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141 (d). Unless the court orders otherwise, however, the discharge will not be effective until completion of all payments under the plan. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141 (d) (3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9E (ALT.) (Chapter 11 Individual or Joint Debtor Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to File a Complaint Objecting to Discharge of the Debtor:

First date set for hearing on confirmation of plan
Notice of that date will be sent at a later time.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the cou impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Cons determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side or you might not be paid any money on your claim and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141 (d). Unless the court orders otherwise, however, the discharge will not be effective until completion of all payments under the plan. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141 (d) (3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9F (Chapter 11 Corporation/Partnership Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number: Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names): Telephone number:	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

Notice of deadline will be sent at a later time.

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the cou impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Cons determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141 (d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141 (d) (6) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

UNITED STATES BANKRUPTCY COURT_____ **District of** _____

Notice of
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines

[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____(date) and was converted to a case under chapter 11 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names):	Attorney for Debtor(s) (name and address): Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

For all creditors (except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Creditors May Not Take Certain Actions:
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File Proof of Claim" listed on the front side, or you might not be paid any money on your claim and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. *See* Bankruptcy Code § 1141 (d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141 (d) (6) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9G (Chapter 12 Individual or Joint Debtor Family Farmer or Family Fisherman) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 12 Bankruptcy Case, Meeting of Creditors, & Deadlines

[The debtor(s) listed below filed a chapter 12 bankruptcy case on _____(date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____on _____ (date) and was converted to a case under chapter 12 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address):	
Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors(except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:
Thirty (30) days after the *conclusion* of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held:
Date:_____Time:_____Location:_____]
or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]
or [The debtor has not filed a plan as of this date. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

Filing of Chapter 12 Bankruptcy Case	A bankruptcy case under Chapter 12 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers and family fishermen to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9H (Chapter 12 Corporation/Partnership Family Farmer or Family Fisherman) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 12 Bankruptcy Case, Meeting of Creditors, & Deadlines

[The debtor [corporation] *or* [partnership] listed below filed a chapter 12 bankruptcy case on _____ (date).]
or [A bankruptcy case concerning the debtor [corporation] *or* [partnership] listed below was originally filed under chapter_____
on _____ (date) and was converted to a case under chapter 12 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address): Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors(except a governmental unit): For a governmental unit:

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Filing of Plan, Hearing on Confirmation of Plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held:
Date:_____Time:_____Location:_____]
or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]
or [The debtor has not filed a plan as of this date. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the cou impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Cons determine your rights in this case.

Address of the Bankruptcy Clerk's Office: **Telephone number:**	**For the Court:** Clerk of the Bankruptcy Court:
Hours Open:	Date:

Filing of Chapter 12 Bankruptcy Case	A bankruptcy case under Chapter 12 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers and family fishermen to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited in duration or not exist at all, although the debtor may have the right to request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

Official Form 9I (Chapter 13 Case) (12/07))

UNITED STATES BANKRUPTCY COURT_____ **District of**_____

Notice of
Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

[The debtor(s) listed below filed a chapter 13 bankruptcy case on _____ (date).]
or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter_____
on _____ (date) and was converted to a case under chapter 13 on_____(date).]

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social Security or Individual Taxpayer ID (ITIN) No(s)./Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Bankruptcy Trustee (name and address):
Attorney for Debtor(s) (name and address):	
Telephone number:	Telephone number:

Meeting of Creditors

Date: / / Time: ( ) A. M. ( ) P. M. Location:

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit):

For a governmental unit (except as otherwise provided in Fed . R. Bankr. P. 3002(c)(1)):

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held:
Date:_____Time:_____Location:_____]
or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]
or [The debtor has not filed a plan as of this date. You will be sent separate notice of the hearing on confirmation of the plan.]

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:	**For the Court:**
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to exceed or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a) (2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer To Other Side For Important Deadlines and Notices

COMMITTEE NOTE

The form is amended in a variety of ways to implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). All versions of the form are amended to advise creditors to consult an attorney concerning what rights they may have in the specific case. All versions of the form also are amended to provide to creditors with foreign addresses information about filing claims and to advise those creditors to consult a lawyer familiar with United States bankruptcy law regarding any questions they may have about their rights in a particular case. These amendments implement § 1514, which was added to the Code in 2005.

Forms 9A and 9C are amended to include a box in which the clerk can notify creditors in a chapter 7 case filed by an individual with primarily consumer debts if the presumption of abuse has arisen under § 707(b) of the Code as amended in 2005. Under § 342(d) of the Code, the clerk has a duty to notify creditors concerning the presumption within ten days of the filing of the petition. In cases in which the debtor does not file Official Form 22A with the petition, the forms provide for the clerk to state that insufficient information has been filed, and to inform creditors that if later-filed information indicates that the presumption arises, creditors will be sent another notice. Forms 9G and 9H are amended to add "family fishermen" to the notices used in chapter 12 cases, in conformity with the 2005 amendments to the Code extending the provisions of chapter 12 to family fishermen.

In cases involving serial filers (debtors who have filed more than one case within a specified period), the automatic stay provided by § 362(a) of the Code as amended in 2005 may not apply or may be limited in duration, unless the stay is extended or imposed by court order. The form contains a general statement alerting debtors to this possibility.

Section 1514, added to the Code in 2005, also requires that a secured creditor with a foreign address be advised whether the creditor is required to file a proof of claim, and Forms 9B, 9D, 9E, 9E (Alt.), 9F, 9F (Alt.), 9G, 9H, and 9I are amended to include general information addressing that question. Forms 9E, 9E (Alt.), 9F, and 9F (Alt.) also are amended to inform creditors that in a case in which the debtor has filed a plan for which it has solicited acceptances before filing the case, the court may, after notice and a hearing, order that the United States trustee not convene a meeting of creditors.

Forms 9E and 9E (Alt.) are amended to state that, unless the court orders otherwise, an individual chapter 11 debtor's discharge is not effective until completion of all payments under the plan, as provided in § 1141(d)(5) which was added to the Code in 2005. Forms 9F and 9F (Alt.) are amended to include a deadline to file a complaint to determine the dischargeability of a debt, in conformity with § 1141(d)(6), which also was added to the Code in 2005.

Form 9I is amended to include a deadline to file a complaint to determine the dischargeability of certain debts. This amendment implements a 2005 amendment to § 1328(a) of the Code.

In addition, all versions of the form are amended to provide to the public only the last four digits of any individual debtor's taxpayer identification number. This amendment implements Rule 9037.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:
Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:
Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. **Amount of Claim as of Date Case Filed:**
State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. **Basis for Claim:**
State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.

3. **Last Four Digits of Any Number by Which Creditor Identifies Debtor:**
State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:
Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. **Secured Claim:**
Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. **Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).**
If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. **Credits:**
An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. **Documents:**
Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:
The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

Deletion approved in March 2006 when proposed amendments to Rule 3001 were withdrawn.

DEFINITIONS

Debtor
A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor
A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

Claim
A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim
A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim
An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)
Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted
A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social security, individual's tax identification, or financial account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection
Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

~~Attach no more than 25 pages of relevant excerpts that support the claim, including any summary. FRBP 3001(c). Attach no more than 5 pages of relevant excerpts of evidence of perfection, including any summary. FRBP 3001(d).~~

INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim
Certain entities are in the business of purchasing claims for an amount less than the fact value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Official Form 10 (12/07)

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____	PROOF OF CLAIM
Name of Debtor:	Case Number:

NOTE: *This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.*

Name of Creditor (the person or other entity to whom the debtor owes money or property):

Name and address where notices should be sent:

Telephone number:

☐ Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number:_____
(*If known*)

Filed on:_____

Name and address where payment should be sent (if different from above):

Telephone number:

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: $_____

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2. Basis for Claim: _____
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: _____

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)
Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other
Describe:

Value of Property:$_____ **Annual Interest Rate**___**%**

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: $_____ **Basis for perfection:** _____

Amount of Secured Claim: $_____ **Amount Unsecured: $**_____

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (*See definition of "redacted" on reverse side.)*

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries, or commissions (up to $10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).

☐ Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).

☐ Up to $2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).

☐ Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).

☐ Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(__).

Amount entitled to priority:

$_____

**Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

Date:	**Signature:** The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:
Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:
Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. **Amount of Claim as of Date Case Filed:**
State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. **Basis for Claim:**
State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.

3. **Last Four Digits of Any Number by Which Creditor Identifies Debtor:**
State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:
Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. **Secured Claim:**
Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. **Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).**
If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. **Credits:**
An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:
The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

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A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

Claim
A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim
A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim
An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)
Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted
A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social security, individual's tax identification, or financial account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection
Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim
Certain entities are in the business of purchasing claims for an amount less than the fact value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

COMMITTEE NOTE

The form is amended to conform to changes in the priority afforded the claims of certain creditors in § 507(a) of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).

In addition, the form and its instructions are amended in several respects based on the experiences of creditors and trustees in using it and on the technological changes that have occurred in the courts' processing of claims. A definition of the word "redacted" has been added in conformity with Rule 9037.

The creditor now has a space in which to provide a separate payment address if different from the creditor's address for receiving notices in the case. The checkboxes for indicating that the creditor's address provided on the proof of claim is a new address, and that the creditor never received any notices from the court in the case have been deleted. The computer systems now used by the courts make it unnecessary for a creditor to "flag" a new address or call attention to the fact that the creditor is making its first appearance in the case. In place of the deleted items is a new checkbox to be used when a debtor or a trustee files a proof of claim for a creditor; it will alert the clerk to send the notice required by Rule 3004. The box for indicating whether the claim replaces a previously filed claim also has been deleted as no longer necessary in light of the 2005 amendments to Rules 3004 and 3005. The creditor simply will amend the claim filed by the other party.

Requests for the creditor to state the date on which the debt was incurred and the date on which any court judgment concerning the debt was obtained have been deleted, based on reports from trustees that they rely on the documents supporting the claim for this information. The checkboxes for stating the basis for the creditor's claim have been replaced with a blank in which the creditor is to provide this information. Examples of the most common categories, based on the former checkboxes, can be found in the instructions on the form. The request to state the account number by which the creditor identifies the debtor has been moved to paragraph 3 of the form and has been revised to request only the last four digits of the number, in conformity with Rule 9037. In addition, a new paragraph 3a gives the creditor a place to notify the trustee and the court of any change in the creditor's name, or that the claim has been transferred, or to provide any other information to clarify a difference between the proof of claim and the creditor's claim as scheduled by the debtor.

The adjective "total" is deleted from the sections of the form where the creditor states the amount of the claim and the creditor now simply reports the amount of the claim. If the claim is a general unsecured claim, no further details are stated on the form, although a creditor still must attach a copy of any writing on which the claim is based, as required by Rule 3001(c), and must attach a statement itemizing any interest or other charges (in addition to the principal) that are included in the claim. If the claim or any part of it is secured or entitled to priority under § 507(a) of the Code, the creditor is directed to provide details in the appropriate sections of the form. The creditor now states the amount to be afforded priority only once, in the section of the form designated for describing the specific priority being asserted. The introductory language in the section where the creditor describes any priority to which it is entitled has been revised for clarity. The word "collateral" has been replaced with the less colloquial and more accurate phrase "lien on property" throughout the form.

Information about obtaining acknowledgment from the court of the filing of the proof of claim is revised and moved to a new section on the reverse side called "Information." This new section also alerts a creditor to the possibility that it may be approached about selling its claim, advises that the court has no role in any such solicitations, and states that a creditor is under no obligation to accept any offer to purchase its claim. A new instruction is added about signing a proof of claim. This instruction includes citations to Rules 9011 and 5005(a)(2) concerning signature requirements in an electronic filing environment.

Finally, all of the definitions and instructions on the reverse side of the form are amended generally to reflect the deletions, additions, and other changes made on page 1. These include a reminder to the creditor to keep the court informed of any changes in its address. The instructions now appear at the top of the page, and the text is revised both to reflect the substantive changes to the form and to improve the clarity and style of this explanatory material.

Official Form 16A (12/07)

Form 16A. CAPTION (FULL)

United States Bankruptcy Court

_____ District Of _____

In re _____,	)	
[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]	)	
Debtor	)	Case No. _____
Address _____	)	
_____	)	Chapter _____
Last four digits of Social Security or Individual Taxpayer Identification (ITIN) No(s).,(if any): _____	)	
_____	)	
Employer's Tax Identification (EIN) No(s).(if any): _____	)	
_____	)	

[Designation of Character of Paper]

Form 16A

COMMITTEE NOTE

The form is amended to require that the title of the case include all names used by the debtor within the last eight years in conformity with § 727(a)(8) as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), extending from six years to eight years the period during which a debtor is barred from receiving successive discharges. In conformity with Rule 9037, the filer is directed to provide only the last four digits of any individual debtor's taxpayer identification number.

Official Form 18 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, *[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]* Debtor	)	Case No. _____
Address _____	)	
_____	)	Chapter 7
Last four digits of Social Security or other Individual Taxpayer Identification No(s)(if any).: _____	)	
_____	)	
Employer's Tax Identification No(s).(EIN) [if any]: _____	)	
_____	)	

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: _____

BY THE COURT

_____

United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts that are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;

b. Debts incurred to pay nondischargeable taxes;

c. Debts that are domestic support obligations;

d. Debts for most student loans;

e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;

f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;

g. Some debts which were not properly listed by the debtor;

h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;

i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and

j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

COMMITTEE NOTE

The form is amended to require that the title of the case include all names used by the debtor within the eight years prior to the filing of the petition in the case in conformity with § 727(a)(8) as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), extending from six years to eight years the period during which a debtor is barred from receiving successive discharges. The explanation part of the form is amended to include additional types of debts that are not discharged under § 523(a), as amended in 2005, and to revise certain terminology in conformity with provisions of the 2005 Act. In conformity with Rule 9037 and Official Form 16A, the caption also is amended to provide only the last four digits of any individual debtor's taxpayer identification number.

Official Form 19 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____
Debtor

Chapter _____

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (*See* 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared the accompanying document(s) listed below for compensation and have provided the debtor with a copy of the document(s) and the attached notice as required by 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Accompanying documents:
_____
_____
_____
_____
_____

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer:

_____

Social-Security No. of Bankruptcy Petition Preparer (Required by 11 U.S.C. § 110):

_____

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social-security number of the officer, principal, responsible person, or partner who signs this document.

_____

_____
Address

X_____ _____
Signature of Bankruptcy Petition Preparer Date

Names and social-security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Official Form 19 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____
Debtor

Chapter _____

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (*See* 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared the accompanying document(s) listed below for compensation and have provided the debtor with a copy of the document(s) and the attached notice as required by 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Accompanying documents:

_____

_____

_____

_____

_____

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer:

_____

Social-Security No. of Bankruptcy Petition Preparer (Required by 11 U.S.C. § 110):

_____

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social-security number of the officer, principal, responsible person, or partner who signs this document.

_____

_____
Address

X_____ _____
Signature of Bankruptcy Petition Preparer Date

Names and social-security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

NOTICE TO DEBTOR BY NON-ATTORNEY BANKRUPTCY PETITION PREPARER

[Must be filed with any document(s) prepared by a bankruptcy petition preparer.]

I am a bankruptcy petition preparer. I am not an attorney and may not practice law or give legal advice. Before preparing any document for filing as defined in § 110(a)(2) of the Bankruptcy Code or accepting any fees, I am required by law to provide you with this notice concerning bankruptcy petition preparers. Under the law, § 110 of the Bankruptcy Code (11 U.S.C. § 110), I am forbidden to offer you any legal advice, including advice about any of the following:

- whether to file a petition under the Bankruptcy Code (11 U.S.C. § 101 et seq.);
- whether commencing a case under chapter 7, 11, 12, or 13 is appropriate;
- whether your debts will be eliminated or discharged in a case under the Bankruptcy Code;
- whether you will be able to retain your home, car, or other property after commencing a case under the Bankruptcy Code;
- the tax consequences of a case brought under the Bankruptcy Code;
- the dischargeability of tax claims;
- whether you may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;
- how to characterize the nature of your interests in property or your debts; or
- bankruptcy procedures and rights.

[The notice may provide additional examples of legal advice that a bankruptcy petition preparer is not authorized to give.]

In addition, under 11 U.S.C. § 110(h), the Supreme Court or the Judicial Conference of the United States may promulgate rules or guidelines setting a maximum allowable fee chargeable by a bankruptcy petition preparer. As required by law, I have notified you of this maximum allowable fee, if any, before preparing any document for filing or accepting any fee from you.

_____	_____
Signature of Debtor Date	Joint Debtor (if any) Date

[In a joint case, both spouses must sign.]

COMMITTEE NOTE

This form is new. It is derived from form 19B and replaces forms 19A and 19B (which forms are abrogated). The form contains the notice a bankruptcy petition preparer is required to give to a debtor under § 110 of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), and the bankruptcy petition preparer's signed declaration (also required by § 110 of the Code) that the notice was given to the debtor.

The notice states, in language mandated in the 2005 Act, that the bankruptcy petition preparer is not an attorney and must not give legal advice. The notice also includes examples of advice a bankruptcy petition preparer may not give that are taken from § 110(e)(2) of the Code.

Although space is provided in the declaration to list multiple documents prepared for a single filing, a new form 19 must be completed and accompany subsequent filings. For example, one form 19 listing all forms prepared by the bankruptcy petition preparer would be filed with the debtor's petition package. Another form 19 would be required if the debtor files amended schedules later in the case that were prepared by the bankruptcy petition preparer.

The form must be signed by the debtor and the bankruptcy petition preparer where indicated, and must be filed with each document for filing prepared by the bankruptcy petition preparer.

Official Form 21 (12/07)

STATEMENT OF SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN)

[*Caption as in Form 16A.*]

STATEMENT OF SOCIAL SECURITY NUMBER(S)
(or other Individual Taxpayer Identification Number(s) (ITIN(s)))

1.Name of Debtor (Last, First, Middle):_____
(Check the appropriate box and, if applicable, provide the required information.)

☐ Debtor has a Social Security Number and it is: _ _ _-_ _-_ _ _ _
(If more than one, state all.)
☐ Debtor does not have a Social Security Number but has an Individual Taxpayer Identification Number (ITIN), and it is: _____.
(If more than one, state all.)
☐ Debtor does not have either a Social Security Number or an Individual Taxpayer Identification Number (ITIN).

2.Name of Joint Debtor (Last, First, Middle):_____
(Check the appropriate box and, if applicable, provide the required information.)

☐ Joint Debtor has a Social Security Number and it is: _ _ _-_ _-_ _ _ _
(If more than one, state all.)
☐ Joint Debtor does not have a Social Security Number but has an Individual Taxpayer Identification Number (ITIN) and it is: _____.
(If more than one, state all.)
☐ Joint Debtor does not have either a Social Security Number or an Individual Taxpayer Identification Number (ITIN).

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

**Joint debtors must provide information for both spouses.*
Penalty for making a false statement: Fine of up to $250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.

COMMITTEE NOTE

The form is amended to direct an individual debtor who does not have a Social Security number but has another government-issued individual taxpayer identification number to furnish that number to the court. In light of the new Rule 9037 which limits public disclosure to all but the last four digits of any individual taxpayer identification number, the amendment to this form will ensure that the court and creditors can properly identify a debtor who does not have a Social Security number.

Official Form 22A (Chapter 7) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:

☐ **The presumption arises.**
☐ **The presumption does not arise.**

(Check the box as directed in Parts I, III, and VI of this statement

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly. Joint debtors may complete one statement only

Part I. EXCLUSION FOR DISABLED VETERANS AND NON-CONSUMER DEBTORS

1A	If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement. ☐ **Veteran's Declaration.** By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. §901(1)).
1B	If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement. ☐ **Declaration of non-consumer debts.** By checking this box, I declare that my debts are not primarily consumer debts.

Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 3-11.** b. ☐ Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." **Complete only Column A ("Debtor's Income") for Lines 3-11.** c. ☐ Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.** d. ☐ Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A Debtor's Income**	**Column B Spouse's Income**
3	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
4	**Income from the operation of a business, profession or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. **Do not include any part of the business expenses entered on Line b as a deduction in Part V.**		

a.	Gross receipts	$
b.	Ordinary and necessary business expenses	$
c.	Business income	Subtract Line b from Line a

$	$

5	**Rent and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. **Do not include any part of the operating expenses entered on Line b as a deduction in Part V.** a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a	$	$
6	**Interest, dividends and royalties.**	$	$
7	**Pension and retirement income.**	$	$
8	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed.	$	$
9	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act Debtor $ _____ Spouse $ _____	$	$
10	**Income from all other sources.** Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance.** Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $ Total and enter on Line 10	$	$
11	**Subtotal of Current Monthly Income for § 707(b)(7).** Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).	$	$
12	**Total Current Monthly Income for § 707(b)(7).** If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.	$	

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	**Annualized Current Monthly Income for § 707(b)(7).** Multiply the amount from Line 12 by the number 12 and enter the result.	$
14	**Applicable median family income.** Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	$
15	**Application of Section 707(b)(7).** Check the applicable box and proceed as directed. ☐ **The amount on Line 13 is less than or equal to the amount on Line 14.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. ☐ **The amount on Line 13 is more than the amount on Line 14.** Complete the remaining parts of this statement.	

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	**Enter the amount from Line 12.**	$
17	**Marital adjustment.** If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero. a. $ b. $ c. $ Total and enter on Line 17.	$
18	**Current monthly income for § 707(b)(2).** Subtract Line 17 from Line 16 and enter the result.	$

Part V. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	**National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous.** Enter in Line 19 the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size and level of gross monthly income. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) In the space below, check the appropriate box to indicate how you determined your gross monthly income. Gross monthly income determined using: ☐ Line 12 ☐ Line 18 ☐ Schedule I ☐ Other (specify): _____	$
20A	**Local Standards: housing and utilities; non-mortgage expenses.** Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).	$
20B	**Local Standards: housing and utilities; mortgage/rent expense.** Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. **Do not enter an amount less than zero.** a. IRS Housing and Utilities Standards; mortgage/rental expense $ b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42 $ c. Net mortgage/rental expense Subtract Line b from Line a.	$
21	**Local Standards: housing and utilities; adjustment.** if you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below: _____ _____ _____	$

22	**Local Standards: transportation; vehicle operation/public transportation expense.** You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. ☐ 0 ☐ 1 ☐ 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
23	**Local Standards: transportation ownership/lease expense; Vehicle 1.** Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) ☐ 1 ☐ 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, First Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42 — $	
	c. Net ownership/lease expense for Vehicle 1 — Subtract Line b from Line a.	$
24	**Local Standards: transportation ownership/lease expense; Vehicle 2.** Complete this Line only if you checked the "2 or more" Box in Line 23. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, Second Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42 — $	
	c. Net ownership/lease expense for Vehicle 2 — Subtract Line b from Line a.	$
25	**Other Necessary Expenses: taxes.** Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**	
26	**Other Necessary Expenses: involuntary deductions for employment.** Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as voluntary 401(k) contributions.**	$
27	**Other Necessary Expenses: life insurance.** Enter total average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.**	$
28	**Other Necessary Expenses: court-ordered payments.** Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. **Do not include payments on past due obligations included in Line 44.**	$
29	**Other Necessary Expenses: education for employment or for a physically or mentally challenged child.** Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	$
30	**Other Necessary Expenses: childcare.** Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. **Do not include other educational payments.**	$

31	**Other Necessary Expenses: health care.** Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents and that is not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance or health savings accounts listed in Line 34.**	$
32	**Other Necessary Expenses: telecommunication services.** Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone service—such as cell phones, pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. **Do not include any amount previously deducted.**	$
33	**Total Expenses Allowed under IRS Standards.** Enter the total of Lines 19 through 32.	$

Subpart B: Additional Living Expense Deductions

Note: Do not include any expenses that you have listed in Lines 19-32

34	**Health Insurance, Disability Insurance, and Health Savings Account Expenses.** List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents. . a. Health Insurance $ b. Disability Insurance $ c. Health Savings Account $ Total and enter on Line 34 **If you do not actually expend this total amount**, state your actual total average monthly expenditures in the space below: $ _____	$
35	**Continued contributions to the care of household or family members.** Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	$
36	**Protection against family violence.** Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	$
37	**Home energy costs.** Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. **You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.**	$
38	**Education expenses for dependent children less than 18.** Enter the total average monthly expenses that you actually incur, not to exceed $137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. **You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.**	$
39	**Additional food and clothing expense.** Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) **You must demonstrate that the additional amount claimed is reasonable and necessary.**	$
40	**Continued charitable contributions.** Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	$
41	**Total Additional Expense Deductions under § 707(b).** Enter the total of Lines 34 through 40	$

Subpart C: Deductions for Debt Payment

42 **Future payments on secured claims.** For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 42.

	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
a.			$	☐ yes ☐ no
b.			$	☐ yes ☐ no
c.			$	☐ yes ☐ no
			Total: Add Lines a, b and c.	

$

43 **Other payments on secured claims.** If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.

	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount
a.			$
b.			$
c.			$
			Total: Add Lines a, b and c

$

44 **Payments on prepetition priority claims.** Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. **Do not include current obligations, such as those set out in Line 28.** $

45 **Chapter 13 administrative expenses.** If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.

a.	Projected average monthly Chapter 13 plan payment.	$
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b

$

46 **Total Deductions for Debt Payment.** Enter the total of Lines 42 through 45. $

Subpart D: Total Deductions from Income

47 **Total of all deductions allowed under § 707(b)(2).** Enter the total of Lines 33, 41, and 46. $

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	**Enter the amount from Line 18 (Current monthly income for § 707(b)(2))**	$
49	**Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))**	$
50	**Monthly disposable income under § 707(b)(2).** Subtract Line 49 from Line 48 and enter the result	$
51	**60-month disposable income under § 707(b)(2).** Multiply the amount in Line 50 by the number 60 and enter the result.	$

52 **Initial presumption determination.** Check the applicable box and proceed as directed.

☐ **The amount on Line 51 is less than $6,575** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI.

☐ **The amount set forth on Line 51 is more than $10,950**. Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI.

☐ **The amount on Line 51 is at least $6,575, but not more than $10,950.** Complete the remainder of Part VI (Lines 53 through 55).

53	**Enter the amount of your total non-priority unsecured debt**	$
54	**Threshold debt payment amount.** Multiply the amount in Line 53 by the number 0.25 and enter the result.	$

55 **Secondary presumption determination.** Check the applicable box and proceed as directed.

☐ **The amount on Line 51 is less than the amount on Line 54.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII.

☐ **The amount on Line 51 is equal to or greater than the amount on Line 54.** Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.

Part VII: ADDITIONAL EXPENSE CLAIMS

56 **Other Expenses.** List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

	Expense Description	Monthly Amount
a.		$
b.		$
c.		$
	Total: Add Lines a, b and c	$

Part VIII: VERIFICATION

57 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this is a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

Official Form 22B (Chapter 11) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

CHAPTER 11 STATEMENT OF CURRENT MONTHLY INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. CALCULATION OF CURRENT MONTHLY INCOME

1	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 2-10.** b. ☐ Married, not filing jointly. **Complete only Column A ("Debtor's Income") for Lines 2-10.** c. ☐ Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A** **Debtor's Income**	**Column B** **Spouse's Income**
2	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
3	**Net income from the operation of a business, profession, or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. a. Gross receipts $ b. Ordinary and necessary business expenses $ c. Business income Subtract Line b from Line a.	$	$
4	**Net rental and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a.	$	$
5	**Interest, dividends, and royalties.**	$	$
6	**Pension and retirement income.**	$	$
7	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse if Column B is completed.	$	$
8	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act — Debtor $ _____ Spouse $ _____	$	$

9	**Income from all other sources.** Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance. Do not include** any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $	$	$
10	**Subtotal of current monthly income.** Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).	$	$
11	**Total current monthly income.** If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.	$	

Part II: VERIFICATION

12 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

Official Form 22C (Chapter 13) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:
☐ **The applicable commitment period is 3 years.**
☐ **The applicable commitment period is 5 years.**
☐ **Disposable income is determined under § 1325(b)(3).**
☐ **Disposable income is not determined under § 1325(b)(3).**
(Check the boxes as directed in Lines 17 and 23 of this statement.)

CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME

1	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 2-10.** b. ☐ Married. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A** **Debtor's Income**	**Column B** **Spouse's Income**
2	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
3	**Income from the operation of a business, profession, or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. **Do not include any part of the business expenses entered on Line b as a deduction in Part IV.** a. Gross receipts $ b. Ordinary and necessary business expenses $ c. Business income Subtract Line b from Line a	$	$
4	**Rent and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. **Do not include any part of the operating expenses entered on Line b as a deduction in Part IV.** a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a	$	$
5	**Interest, dividends, and royalties.**	$	$
6	**Pension and retirement income.**	$	$
7	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse.	$	$
8	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act — Debtor $ _____ — Spouse $ _____	$	$

9	**Income from all other sources.** Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse, but include all other payments of alimony or separate maintenance. Do not include** any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $	$	$
10	**Subtotal.** Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).	$	$
11	**Total.** If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.	$	

Part II. CALCULATION OF § 1325(b)(4) COMMITMENT PERIOD

12	**Enter the amount from Line 11.**	$
13	**Marital adjustment.** If you are married, but are not filing jointly with your spouse, AND if you contend that calculation of the commitment period under § 1325(b)(4) does not require inclusion of the income of your spouse, enter on Line 13 the amount of the income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of you or your dependents and specify, in the lines below, the basis for excluding this income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. a. $ b. $ c. $ Total and enter on Line 13.	$
14	**Subtract Line 13 from Line 12 and enter the result.**	$
15	**Annualized current monthly income for § 1325(b)(4).** Multiply the amount from Line 14 by the number 12 and enter the result.	$
16	**Applicable median family income.** Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	$
17	**Application of § 1325(b)(4).** Check the applicable box and proceed as directed. ☐ **The amount on Line 15 is less than the amount on Line 16.** Check the box for "The applicable commitment period is 3 years" at the top of page 1 of this statement and continue with this statement. ☐ **The amount on Line 15 is not less than the amount on Line 16.** Check the box for "The applicable commitment period is 5 years" at the top of page 1 of this statement and continue with this statement.	

Part III. APPLICATION OF § 1325(b)(3) FOR DETERMINING DISPOSABLE INCOME

18	**Enter the amount from Line 11.**	$

19	**Marital adjustment.** If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. a. $ b. $ c. $ Total and enter on Line 19.	$
20	**Current monthly income for § 1325(b)(3).** Subtract Line 19 from Line 18 and enter the result.	
21	**Annualized current monthly income for § 1325(b)(3).** Multiply the amount from Line 20 by the number 12 and enter the result.	$
22	**Applicable median family income.** Enter the amount from Line 16.	$
23	**Application of § 1325(b)(3).** Check the applicable box and proceed as directed. ☐ **The amount on Line 21 is more than the amount on Line 22.** Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement. ☐ **The amount on Line 21 is not more than the amount on Line 22.** Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. **Do not complete Parts IV, V, or VI.**	

Part IV. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

24	**National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous.** Enter in Line 24 the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size and level of gross monthly income. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) In the space below, check the appropriate box to indicate how you determined your gross monthly income. Gross monthly income determined using: ☐ Line 11 ☐ Line 14 ☐ Schedule I ☐ Other (specify):	$
25A	**Local Standards: housing and utilities; non-mortgage expenses.** Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).	$
25B	**Local Standards: housing and utilities; mortgage/rent expense.** Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. **Do not enter an amount less than zero.** a. IRS Housing and Utilities Standards; mortgage/rent expense $ b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47 $ c. Net mortgage/rental expense Subtract Line b from Line a.	$
26	**Local Standards: housing and utilities; adjustment.** If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below: _____ _____ _____	$

27	**Local Standards: transportation; vehicle operation/public transportation expense.** You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. ☐ 0 ☐ 1 ☐ 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
28	**Local Standards: transportation ownership/lease expense; Vehicle 1.** Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) ☐ 1 ☐ 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, First Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47 — $	
	c. Net ownership/lease expense for Vehicle 1 — Subtract Line b from Line a.	$
29	**Local Standards: transportation ownership/lease expense; Vehicle 2.** Complete this Line only if you checked the "2 or more" Box in Line 28. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 47; subtract Line b from Line a and enter the result in Line 29. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, Second Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47 — $	
	c. Net ownership/lease expense for Vehicle 2 — Subtract Line b from Line a.	$
30	**Other Necessary Expenses: taxes.** Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**	$
31	**Other Necessary Expenses: involuntary deductions for employment.** Enter the total average monthly deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as voluntary 401(k) contributions.**	$
32	**Other Necessary Expenses: life insurance.** Enter total average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.**	$
33	**Other Necessary Expenses: court-ordered payments.** Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. **Do not include payments on past due obligations included in Line 49.**	$
34	**Other Necessary Expenses: education for employment or for a physically or mentally challenged child.** Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	$
35	**Other Necessary Expenses: childcare.** Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. **Do not include other educational payments.**	$

36	**Other Necessary Expenses: health care.** Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents and that is not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance or health savings accounts listed in Line 39.**	$
37	**Other Necessary Expenses: telecommunication services.** Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone service—such as cell phones, pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. **Do not include any amount previously deducted.**	$
38	**Total Expenses Allowed under IRS Standards.** Enter the total of Lines 24 through 37.	$

Subpart B: Additional Living Expense Deductions
Note: Do not include any expenses that you have listed in Lines 24-37

39	**Health Insurance, Disability Insurance, and Health Savings Account Expenses.** List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents. a. Health Insurance $ b. Disability Insurance $ c. Health Savings Account $ Total and enter on Line 39 **If you do not actually expend this total amount**, state your actual total average monthly expenditures in the space below: $ _____	$
40	**Continued contributions to the care of household or family members.** Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. **Do not include payments listed in Line 34.**	$
41	**Protection against family violence.** Enter the total average reasonably necessary monthly expenses that you actually incur to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	$
42	**Home energy costs.** Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. **You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.**	$
43	**Education expenses for dependent children under 18.** Enter the total average monthly expenses that you actually incur, not to exceed $137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. **You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.**	$
44	**Additional food and clothing expense.** Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) **You must demonstrate that the additional amount claimed is reasonable and necessary.**	$
45	**Charitable contributions.** Enter the amount reasonably necessary for you to expend each month on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). **Do not include any amount in excess of 15% of your gross monthly income.**	$
46	**Total Additional Expense Deductions under § 707(b).** Enter the total of Lines 39 through 45.	$

Subpart C: Deductions for Debt Payment

47 **Future payments on secured claims.** For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 47.

	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
a.			$	☐ yes ☐ no
b.			$	☐ yes ☐ no
c.			$	☐ yes ☐ no
			Total: Add Lines a, b, and c	

$

48 **Other payments on secured claims.** If any of debts listed in Line 47 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 47, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.

	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount
a.			$
b.			$
c.			$
			Total: Add Lines a, b, and c

$

49 **Payments on prepetition priority claims.** Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. **Do not include current obligations, such as those set out in Line 33.** $

50 **Chapter 13 administrative expenses.** Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.

a.	Projected average monthly Chapter 13 plan payment.	$
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b

$

51 **Total Deductions for Debt Payment.** Enter the total of Lines 47 through 50. $

Subpart D: Total Deductions from Income

52 **Total of all deductions from income.** Enter the total of Lines 38, 46, and 51. $

Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

53 **Total current monthly income.** Enter the amount from Line 20. $

54 **Support income.** Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child. $

55	**Qualified retirement deductions.** Enter the monthly total of (a) all amounts withheld by your employer from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19).	$
56	**Total of all deductions allowed under § 707(b)(2).** Enter the amount from Line 52.	$
57	**Deduction for special circumstances.** If there are special circumstances that justify additional expenses for which there is no reasonable alternative, describe the special circumstances and the resulting expenses in lines a-c below. If necessary, list additional entries on a separate page. Total the expenses and enter the total in Line 57. **You must provide your case trustee with documentation of these expenses and you must provide a detailed explanation of the special circumstances that make such expenses necessary and reasonable.**	

	Nature of special circumstances	Amount of expense
a.		$
b.		$
c.		$
		Total: Add Lines a, b, and c $

58	**Total adjustments to determine disposable income.** Add the amounts on Lines 54, 55, 56, and 57 and enter the result.	$
59	**Monthly Disposable Income Under § 1325(b)(2).** Subtract Line 58 from Line 53 and enter the result.	$

Part VI: ADDITIONAL EXPENSE CLAIMS

60 **Other Expenses.** List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

	Expense Description	Monthly Amount
a.		$
b.		$
c.		$
	Total: Add Lines a, b, and c	$

Part VII: VERIFICATION

61 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this is a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

Official Form 22A (Chapter 7) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:

☐ **The presumption arises.**
☐ **The presumption does not arise.**

(Check the box as directed in Parts I, III, and VI of this statement

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly. Joint debtors may complete one statement only

Part I. EXCLUSION FOR DISABLED VETERANS AND NON-CONSUMER DEBTORS

1A	If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement. ☐ **Veteran's Declaration.** By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. §901(1)).
1B	If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement. ☐ **Declaration of non-consumer debts.** By checking this box, I declare that my debts are not primarily consumer debts.

Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 3-11.** b. ☐ Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." **Complete only Column A ("Debtor's Income") for Lines 3-11.** c. ☐ Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. **Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.** d. ☐ Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A Debtor's Income**	**Column B Spouse's Income**
3	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
4	**Income from the operation of a business, profession or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. **Do not include any part of the business expenses entered on Line b as a deduction in Part V.**		

a.	Gross receipts	$
b.	Ordinary and necessary business expenses	$
c.	Business income	Subtract Line b from Line a

$	$

5	**Rent and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. **Do not include any part of the operating expenses entered on Line b as a deduction in Part V.** a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a	$	$
6	**Interest, dividends and royalties.**	$	$
7	**Pension and retirement income.**	$	$
8	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed.	$	$
9	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act | Debtor $ _____ | Spouse $ _____	$	$
10	**Income from all other sources.** Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance.** Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $ Total and enter on Line 10	$	$
11	**Subtotal of Current Monthly Income for § 707(b)(7).** Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).	$	$
12	**Total Current Monthly Income for § 707(b)(7).** If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.	$	

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	**Annualized Current Monthly Income for § 707(b)(7).** Multiply the amount from Line 12 by the number 12 and enter the result.	$
14	**Applicable median family income.** Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	$
15	**Application of Section 707(b)(7).** Check the applicable box and proceed as directed. ☐ **The amount on Line 13 is less than or equal to the amount on Line 14.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. ☐ **The amount on Line 13 is more than the amount on Line 14.** Complete the remaining parts of this statement.	

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	**Enter the amount from Line 12.**	$
17	**Marital adjustment.** If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero. a. $ b. $ c. $ Total and enter on Line 17.	$
18	**Current monthly income for § 707(b)(2).** Subtract Line 17 from Line 16 and enter the result.	$

Part V. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	**National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous.** Enter in Line 19 the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size and level of gross monthly income. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) In the space below, check the appropriate box to indicate how you determined your gross monthly income. Gross monthly income determined using: ☐ Line 12 ☐ Line 18 ☐ Schedule I ☐ Other (specify): _____	$
20A	**Local Standards: housing and utilities; non-mortgage expenses.** Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).	$
20B	**Local Standards: housing and utilities; mortgage/rent expense.** Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. **Do not enter an amount less than zero.** a. IRS Housing and Utilities Standards; mortgage/rental expense $ b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42 $ c. Net mortgage/rental expense Subtract Line b from Line a.	$
21	**Local Standards: housing and utilities; adjustment.** if you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below: _____ _____ _____	$

22	**Local Standards: transportation; vehicle operation/public transportation expense.** You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. ☐ 0 ☐ 1 ☐ 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
23	**Local Standards: transportation ownership/lease expense; Vehicle 1.** Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) ☐ 1 ☐ 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, First Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42 — $	
	c. Net ownership/lease expense for Vehicle 1 — Subtract Line b from Line a.	$
24	**Local Standards: transportation ownership/lease expense; Vehicle 2.** Complete this Line only if you checked the "2 or more" Box in Line 23. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. **Do not enter an amount less than zero.**	
	a. IRS Transportation Standards, Ownership Costs, Second Car — $	
	b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42 — $	
	c. Net ownership/lease expense for Vehicle 2 — Subtract Line b from Line a.	$
25	**Other Necessary Expenses: taxes.** Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**	
26	**Other Necessary Expenses: involuntary deductions for employment.** Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as voluntary 401(k) contributions.**	$
27	**Other Necessary Expenses: life insurance.** Enter total average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.**	$
28	**Other Necessary Expenses: court-ordered payments.** Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. **Do not include payments on past due obligations included in Line 44.**	$
29	**Other Necessary Expenses: education for employment or for a physically or mentally challenged child.** Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	$
30	**Other Necessary Expenses: childcare.** Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. **Do not include other educational payments.**	$

31	**Other Necessary Expenses: health care.** Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents and that is not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance or health savings accounts listed in Line 34.**	$
32	**Other Necessary Expenses: telecommunication services.** Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone service—such as cell phones, pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. **Do not include any amount previously deducted.**	$
33	**Total Expenses Allowed under IRS Standards.** Enter the total of Lines 19 through 32.	$

Subpart B: Additional Living Expense Deductions

Note: Do not include any expenses that you have listed in Lines 19-32

34	**Health Insurance, Disability Insurance, and Health Savings Account Expenses.** List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents. a. Health Insurance $ b. Disability Insurance $ c. Health Savings Account $ Total and enter on Line 34 **If you do not actually expend this total amount**, state your actual total average monthly expenditures in the space below: $ _____	$
35	**Continued contributions to the care of household or family members.** Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	$
36	**Protection against family violence.** Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	$
37	**Home energy costs.** Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. **You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.**	$
38	**Education expenses for dependent children less than 18.** Enter the total average monthly expenses that you actually incur, not to exceed $137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. **You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.**	$
39	**Additional food and clothing expense.** Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) **You must demonstrate that the additional amount claimed is reasonable and necessary.**	$
40	**Continued charitable contributions.** Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	$
41	**Total Additional Expense Deductions under § 707(b).** Enter the total of Lines 34 through 40	$

Subpart C: Deductions for Debt Payment

42 **Future payments on secured claims.** For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 42.

	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
a.			$	☐ yes ☐ no
b.			$	☐ yes ☐ no
c.			$	☐ yes ☐ no
			Total: Add Lines a, b and c.	

$

43 **Other payments on secured claims.** If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.

	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount
a.			$
b.			$
c.			$
			Total: Add Lines a, b and c

$

44 **Payments on prepetition priority claims.** Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. **Do not include current obligations, such as those set out in Line 28.** $

45 **Chapter 13 administrative expenses.** If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.

a.	Projected average monthly Chapter 13 plan payment.	$
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b

$

46 **Total Deductions for Debt Payment.** Enter the total of Lines 42 through 45. $

Subpart D: Total Deductions from Income

47 **Total of all deductions allowed under § 707(b)(2).** Enter the total of Lines 33, 41, and 46. $

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	**Enter the amount from Line 18 (Current monthly income for § 707(b)(2))**	$
49	**Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))**	$
50	**Monthly disposable income under § 707(b)(2).** Subtract Line 49 from Line 48 and enter the result	$
51	**60-month disposable income under § 707(b)(2).** Multiply the amount in Line 50 by the number 60 and enter the result.	$
52	**Initial presumption determination.** Check the applicable box and proceed as directed. ☐ **The amount on Line 51 is less than $6,575** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI. ☐ **The amount set forth on Line 51 is more than $10,950**. Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI. ☐ **The amount on Line 51 is at least $6,575, but not more than $10,950.** Complete the remainder of Part VI (Lines 53 through 55).	
53	**Enter the amount of your total non-priority unsecured debt**	$
54	**Threshold debt payment amount.** Multiply the amount in Line 53 by the number 0.25 and enter the result.	$
55	**Secondary presumption determination.** Check the applicable box and proceed as directed. ☐ **The amount on Line 51 is less than the amount on Line 54.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. ☐ **The amount on Line 51 is equal to or greater than the amount on Line 54.** Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.	

Part VII: ADDITIONAL EXPENSE CLAIMS

56 **Other Expenses.** List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

	Expense Description	Monthly Amount
a.		$
b.		$
c.		$
	Total: Add Lines a, b and c	$

Part VIII: VERIFICATION

57 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this is a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

Official Form 22B (Chapter 11) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

CHAPTER 11 STATEMENT OF CURRENT MONTHLY INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. CALCULATION OF CURRENT MONTHLY INCOME

1	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 2-10.** b. ☐ Married, not filing jointly. **Complete only Column A ("Debtor's Income") for Lines 2-10.** c. ☐ Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A Debtor's Income**	**Column B Spouse's Income**
2	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
3	**Net income from the operation of a business, profession, or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. a. Gross receipts $ b. Ordinary and necessary business expenses $ c. Business income Subtract Line b from Line a.	$	$
4	**Net rental and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a.	$	$
5	**Interest, dividends, and royalties.**	$	$
6	**Pension and retirement income.**	$	$
7	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse if Column B is completed.	$	$
8	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act — Debtor $ _____ — Spouse $ _____	$	$

9	**Income from all other sources**. Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance. Do not include** any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $	$	$
10	**Subtotal of current monthly income.** Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).	$	$
11	**Total current monthly income.** If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.	$	

Part II: VERIFICATION

12 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

Official Form 22C (Chapter 13) (12/07)

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:
☐ **The applicable commitment period is 3 years.**
☐ **The applicable commitment period is 5 years.**
☐ **Disposable income is determined under § 1325(b)(3).**
☐ **Disposable income is not determined under § 1325(b)(3).**
(Check the boxes as directed in Lines 17 and 23 of this statement.)

CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME

		Column A Debtor's Income	Column B Spouse's Income
1	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 2-10.** b. ☐ Married. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.		
2	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$	$
3	**Income from the operation of a business, profession, or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. **Do not include any part of the business expenses entered on Line b as a deduction in Part IV.** a. Gross receipts $ b. Ordinary and necessary business expenses $ c. Business income Subtract Line b from Line a	$	$
4	**Rent and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. **Do not include any part of the operating expenses entered on Line b as a deduction in Part IV.** a. Gross receipts $ b. Ordinary and necessary operating expenses $ c. Rent and other real property income Subtract Line b from Line a	$	$
5	**Interest, dividends, and royalties.**	$	$
6	**Pension and retirement income.**	$	$
7	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.** Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse.	$	$
8	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act — Debtor $ _____ — Spouse $ _____	$	$

9	**Income from all other sources.** Specify source and amount. If necessary, list additional sources on a separate page. Total and enter on Line 9. **Do not include alimony or separate maintenance payments paid by your spouse, but include all other payments of alimony or separate maintenance. Do not include** any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. a. $ b. $	$	$
10	**Subtotal.** Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).	$	$
11	**Total.** If Column B has been completed, add Line 10, Column A to Line 10, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 10, Column A.	$	

Part II. CALCULATION OF § 1325(b)(4) COMMITMENT PERIOD

12	**Enter the amount from Line 11.**	$
13	**Marital adjustment.** If you are married, but are not filing jointly with your spouse, AND if you contend that calculation of the commitment period under § 1325(b)(4) does not require inclusion of the income of your spouse, enter on Line 13 the amount of the income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of you or your dependents and specify, in the lines below, the basis for excluding this income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. a. $ b. $ c. $ Total and enter on Line 13.	$
14	**Subtract Line 13 from Line 12 and enter the result.**	$
15	**Annualized current monthly income for § 1325(b)(4).** Multiply the amount from Line 14 by the number 12 and enter the result.	$
16	**Applicable median family income.** Enter the median family income for applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	$
17	**Application of § 1325(b)(4).** Check the applicable box and proceed as directed. ☐ **The amount on Line 15 is less than the amount on Line 16.** Check the box for "The applicable commitment period is 3 years" at the top of page 1 of this statement and continue with this statement. ☐ **The amount on Line 15 is not less than the amount on Line 16.** Check the box for "The applicable commitment period is 5 years" at the top of page 1 of this statement and continue with this statement.	

Part III. APPLICATION OF § 1325(b)(3) FOR DETERMINING DISPOSABLE INCOME

18	**Enter the amount from Line 11.**	$

19	**Marital adjustment.** If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero. a. $ b. $ c. $ Total and enter on Line 19.	$
20	**Current monthly income for § 1325(b)(3).** Subtract Line 19 from Line 18 and enter the result.	
21	**Annualized current monthly income for § 1325(b)(3).** Multiply the amount from Line 20 by the number 12 and enter the result.	$
22	**Applicable median family income.** Enter the amount from Line 16.	$
23	**Application of § 1325(b)(3).** Check the applicable box and proceed as directed. ☐ **The amount on Line 21 is more than the amount on Line 22.** Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement. ☐ **The amount on Line 21 is not more than the amount on Line 22.** Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. **Do not complete Parts IV, V, or VI.**	

Part IV. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

24	**National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous.** Enter in Line 24 the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable household size and level of gross monthly income. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) In the space below, check the appropriate box to indicate how you determined your gross monthly income. Gross monthly income determined using: ☐ Line 11 ☐ Line 14 ☐ Schedule I ☐ Other (specify): _____	$
25A	**Local Standards: housing and utilities; non-mortgage expenses.** Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).	$
25B	**Local Standards: housing and utilities; mortgage/rent expense.** Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. **Do not enter an amount less than zero.** a. IRS Housing and Utilities Standards; mortgage/rent expense $ b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47 $ c. Net mortgage/rental expense Subtract Line b from Line a.	$
26	**Local Standards: housing and utilities; adjustment.** If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below: _____ _____ _____	$

27	**Local Standards: transportation; vehicle operation/public transportation expense.** You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. ☐ 0 ☐ 1 ☐ 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
28	**Local Standards: transportation ownership/lease expense; Vehicle 1.** Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) ☐ 1 ☐ 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. **Do not enter an amount less than zero.** a. IRS Transportation Standards, Ownership Costs, First Car — $ b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47 — $ c. Net ownership/lease expense for Vehicle 1 — Subtract Line b from Line a.	$
29	**Local Standards: transportation ownership/lease expense; Vehicle 2.** Complete this Line only if you checked the "2 or more" Box in Line 28. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 47; subtract Line b from Line a and enter the result in Line 29. **Do not enter an amount less than zero.** a. IRS Transportation Standards, Ownership Costs, Second Car — $ b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47 — $ c. Net ownership/lease expense for Vehicle 2 — Subtract Line b from Line a.	$
30	**Other Necessary Expenses: taxes.** Enter the total average monthly expense that you actually incur for all federal, state, and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**	$
31	**Other Necessary Expenses: involuntary deductions for employment.** Enter the total average monthly deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as voluntary 401(k) contributions.**	$
32	**Other Necessary Expenses: life insurance.** Enter total average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.**	$
33	**Other Necessary Expenses: court-ordered payments.** Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. **Do not include payments on past due obligations included in Line 49.**	$
34	**Other Necessary Expenses: education for employment or for a physically or mentally challenged child.** Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	$
35	**Other Necessary Expenses: childcare.** Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. **Do not include other educational payments.**	$

36	**Other Necessary Expenses: health care.** Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents and that is not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance or health savings accounts listed in Line 39.**	$
37	**Other Necessary Expenses: telecommunication services.** Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone service—such as cell phones, pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for your health and welfare or that of your dependents. **Do not include any amount previously deducted.**	$
38	**Total Expenses Allowed under IRS Standards.** Enter the total of Lines 24 through 37.	$

Subpart B: Additional Living Expense Deductions
Note: Do not include any expenses that you have listed in Lines 24-37

39	**Health Insurance, Disability Insurance, and Health Savings Account Expenses.** List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents. a. Health Insurance $ b. Disability Insurance $ c. Health Savings Account $ Total and enter on Line 39	$
	If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below: $ _____	
40	**Continued contributions to the care of household or family members.** Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. **Do not include payments listed in Line 34.**	$
41	**Protection against family violence.** Enter the total average reasonably necessary monthly expenses that you actually incur to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	$
42	**Home energy costs.** Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. **You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.**	$
43	**Education expenses for dependent children under 18.** Enter the total average monthly expenses that you actually incur, not to exceed $137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. **You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.**	$
44	**Additional food and clothing expense.** Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) **You must demonstrate that the additional amount claimed is reasonable and necessary**.	$
45	**Charitable contributions.** Enter the amount reasonably necessary for you to expend each month on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). **Do not include any amount in excess of 15% of your gross monthly income.**	$
46	**Total Additional Expense Deductions under § 707(b).** Enter the total of Lines 39 through 45.	$

Subpart C: Deductions for Debt Payment

47 **Future payments on secured claims.** For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 47.

	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?
a.			$	☐ yes ☐ no
b.			$	☐ yes ☐ no
c.			$	☐ yes ☐ no
			Total: Add Lines a, b, and c	

$

48 **Other payments on secured claims.** If any of debts listed in Line 47 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 47, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.

	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount
a.			$
b.			$
c.			$
			Total: Add Lines a, b, and c

$

49 **Payments on prepetition priority claims.** Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. **Do not include current obligations, such as those set out in Line 33.** $

50 **Chapter 13 administrative expenses.** Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.

a.	Projected average monthly Chapter 13 plan payment.	$
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b

$

51 **Total Deductions for Debt Payment.** Enter the total of Lines 47 through 50. $

Subpart D: Total Deductions from Income

52 **Total of all deductions from income.** Enter the total of Lines 38, 46, and 51. $

Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

53 **Total current monthly income.** Enter the amount from Line 20. $

54 **Support income.** Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child. $

55	**Qualified retirement deductions.** Enter the monthly total of (a) all amounts withheld by your employer from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19).	$
56	**Total of all deductions allowed under § 707(b)(2).** Enter the amount from Line 52.	$
57	**Deduction for special circumstances.** If there are special circumstances that justify additional expenses for which there is no reasonable alternative, describe the special circumstances and the resulting expenses in lines a-c below. If necessary, list additional entries on a separate page. Total the expenses and enter the total in Line 57. **You must provide your case trustee with documentation of these expenses and you must provide a detailed explanation of the special circumstances that make such expenses necessary and reasonable.**	$

	Nature of special circumstances	Amount of expense
a.		$
b.		$
c.		$
		Total: Add Lines a, b, and c

58	**Total adjustments to determine disposable income.** Add the amounts on Lines 54, 55, 56, and 57 and enter the result.	$
59	**Monthly Disposable Income Under § 1325(b)(2).** Subtract Line 58 from Line 53 and enter the result.	$

Part VI: ADDITIONAL EXPENSE CLAIMS

60 **Other Expenses.** List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

	Expense Description	Monthly Amount
a.		$
b.		$
c.		$
	Total: Add Lines a, b, and c	$

Part VII: VERIFICATION

61 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this is a joint case, both debtors must sign.)*

Date: _____ Signature: _____
(Debtor)

Date: _____ Signature: _____
(Joint Debtor, if any)

COMMITTEE NOTE

A. Overview

Among the changes introduced by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was a set of interlocking provisions defining "current monthly income" and establishing a means test to determine whether relief under Chapter 7 should be presumed abusive. Current monthly income ("CMI") is defined in § 101(10A) of the Code, and the means test is set out in § 707(b)(2). These provisions have a variety of applications. In Chapter 7, if the debtor's CMI exceeds a defined level the debtor is subject to the means test, and § 707(b)(2)(C) specifically requires debtors to file a statement of CMI and calculations to determine the applicability of the means test presumption. In Chapters 11 and 13, CMI provides the starting point for determining the disposable income that debtors may be required to pay to unsecured creditors. Moreover, Chapter 13 debtors with CMI above defined median income levels are required by § 1325(b)(3) to use the deductions from income prescribed by the means test in order to determine what part of their income is "disposable," and pursuant to § 1325(b)(4), the level of CMI determines the "applicable commitment period" over which projected disposable income must be paid to unsecured creditors.

To provide for the reporting and calculation of CMI and for the completion of the means test where required, three separate official forms have been created—one for Chapter 7, one for Chapter 11, and one for Chapter 13. This note first describes the calculation of CMI that is common to all three of the forms, next describes the means test deductions set out in the Chapter 7 and 13 forms, and finally addresses particular issues that are unique to each of the separate forms.

B. Calculation of CMI

Although Chapters 7, 11, and 13 use CMI for different purposes, the basic computation is the same in each. As defined in § 101(10A), CMI is the monthly average of certain income that the debtor (and in a joint case, the debtor's spouse) received in the six calendar months before the bankruptcy filing. The definition includes in this average (1) income from all sources, whether or not taxable, and (2) any amount paid by an entity other than the debtor (or the debtor's spouse in a joint case) on a regular basis for the household expenses of the debtor, the debtor's dependents, and (in a joint case) the debtor's spouse if not otherwise a dependent. At the same time, the definition excludes from the averaged income "benefits received under the Social Security Act" and certain payments to victims of terrorism, war crimes, and crimes against humanity.

Each of the three forms provides for reporting income items constituting CMI. The items are reported in a set of entry lines—Part II of the form for Chapter 7 and Part I of the forms for Chapter 11 and Chapter 13—that include separate columns for reporting income of the debtor and of the debtor's spouse. The first of these entry lines includes a set of instructions and check boxes indicating when the "debtor's spouse" column must be completed. The instructions also direct the required averaging of reported income.

The subsequent entry lines for income reporting specify several common types of income and are followed by a "catch-all" line for other income. The entry lines address (a) gross wages; (b) business income; (c) rental income; (d) interest, dividends, and royalties; (e) pension and retirement income; (f) regular payments of the household expenses of the debtor or the debtor's dependents; (g) unemployment compensation, and (h) all other forms of income (the "catch-all" line).

Gross wages (before taxes) are required to be entered. However, consistent with usage in the Internal Revenue Manual and the American Community Survey of the Census Bureau, business and rental income are defined as gross receipts less ordinary and necessary expenses.

Unemployment compensation is given special treatment. Because the federal government provides funding for state unemployment compensation under the Social Security Act, there may be a dispute about whether unemployment compensation is a "benefit received under the Social Security Act." The forms take no position on the merits of this argument, but give debtors the option of reporting unemployment compensation separately from the CMI calculation. This separate reporting allows parties in interest to determine the materiality of an exclusion of unemployment compensation and to challenge it.

Alimony and child support are also given special treatment. Child support is not generally considered "income" to the recipient. See 26 U.S.C. § 71(c). Thus, child support is only part of CMI if it is paid on a regular basis for the household expenses of the debtor or the debtor's dependents. On the other hand, alimony and other forms of spousal support are considered income to the recipient, and thus are within CMI regardless of the regularity and use of the payments. To address this distinction, the instruction in the entry line for regular payments of household expenses directs that the entry include regular child support payments used for household expenses of the debtor or the debtor's dependents, and the instruction for the "catch-all" line directs inclusion of all spousal support payments that are not otherwise reported as spousal income.

The forms provide for totaling the income reporting lines.

C. The means test: deductions from current monthly income

The means test operates by deducting from CMI defined allowances for living expenses and payment of secured and priority debt, leaving disposable income presumptively available to pay unsecured non-priority debt. These deductions from CMI are set out in the Code at § 707(b)(2)(A)(ii)-(iv). The forms for Chapter 7 and Chapter 13 have similar sections (Parts V and IV, respectively) for calculating these deductions. The calculations are divided into subparts reflecting three different kinds of allowed deductions.

1. Deductions under IRS standards

Subpart A deals with deductions from CMI, set out in § 707(b)(2)(A)(ii), for "the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides." The forms provide entry lines for each of the specified expense deductions under the IRS standards, and instructions on the entry lines identify the website of the U.S. Trustee Program, where the relevant IRS allowances can be found. As with all of the deductions in § 707(b)(2)(A)(ii), deductions under the IRS standards are subject to the proviso that they not include "any payments for debts."

National Standards. The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellany, depending on gross monthly income and household size: the higher the gross monthly income, and the larger the household size, the greater the deduction. Section 707(b)(2)(A)(ii) gives no indication of what "gross monthly income" should be used in determining the National Standard allowance. This income could be CMI, as calculated in previously in the forms, the monthly income reported on Schedule I, or some other measure. Recognizing this ambiguity, the forms require the debtor to specify what measure of gross monthly income was used, thus allowing a party to dispute the debtor's choice.

Local Standards. The IRS Local Standards provide one set of deductions for housing and utilities and another set for transportation expenses, with different amounts for different areas of the country, depending on the size of the debtor's household and the number of the debtor's vehicles. Each of the amounts specified in the Local Standards are treated by the IRS as a cap on actual expenses, but because § 707(b)(2)(A)(ii) provides for deductions in the "amounts specified under the . . . Local Standards," the forms treat these amounts as allowed deductions.

The Local Standards for housing and utilities, as published by the IRS for its internal purposes, present single amounts covering all housing expenses; however, for bankruptcy purposes, the IRS has provided the Executive Office for United States Trustees with information allowing a division of these amounts into a non-mortgage component and a mortgage/rent component. The non-mortgage component covers a variety of expenses involved in maintaining a residence, such as utilities, repairs and maintenance. The mortgage/rent component covers the cost of acquiring the residence. For homeowners with mortgages, the mortgage/rent component involves debt payment, since the cost of a mortgage is the basis for the allowance. Accordingly, the forms require debtors to deduct from the mortgage/rent component their average monthly mortgage payment, up to the full amount of the IRS mortgage/rent component, and instruct debtors that this average monthly payment is the one reported on the separate line of the forms for deductions of secured debt under § 707(b)(2)(a)(iii). The forms allow debtors to challenge the appropriateness of this method of computing the Local Standards allowance for housing and utilities and to claim any additional housing allowance to which they contend they are entitled, but the forms require specification of the basis for such a contention.

The IRS issues Local Standards for transportation in two components for its internal purposes as well as for bankruptcy: one component covers vehicle operation/public transportation expense and the other ownership/lease expense. The amount of the vehicle operation/public transportation allowance depends on the number of vehicles the debtor operates; debtors who do not operate vehicles are given a public transportation allowance. The instruction for this line item makes it clear that every debtor is thus entitled to some transportation expense allowance. No debt payment is involved in this allowance. The ownership/lease component, on the other hand, may involve debt payment. Accordingly, the forms require debtors to reduce the allowance for ownership/lease expense by the average monthly loan payment amount (principal and interest), up to the full amount of the IRS ownership/lease expense amount. This average payment is as reported on the separate line of the forms for deductions of secured debt under § 707(b)(2)(a)(iii). For purposes of the IRS ownership/lease allowance, the forms take no position on the question of whether the debtor must actually be making payments on a vehicle in order to claim the allowance.

Other Necessary Expenses. The IRS does not set out specific dollar allowances for "Other Necessary Expenses." Rather, it specifies a number of categories for such expenses, and describes the nature of the expenses that may be deducted in each of these categories. Section 707(b)(2)(a)(ii) allows a deduction for the debtor's actual expenses in these specified categories, subject to its requirement that payment of debt not be included. Several of the IRS categories deal with debt repayment and so are not included in the forms. Several other categories deal with expense items that are more expansively addressed by specific statutory allowances. Subpart A sets out the remaining categories of "Other Necessary Expenses" in individual entry lines. Instructions in these entry lines reflect limitations imposed by the IRS and the need to avoid inclusion of items deducted elsewhere on the forms.

Subpart A concludes with a subtotal of the deductions allowed under the IRS standards.

2. Additional statutory expense deductions

In addition to the expense deductions allowed under the IRS standards, the means test makes provision—in subclauses (I), (II), (IV), and (V) of § 707(b)(2)(A)(ii)—for six special expense deductions. Each of these additional expense items is set out on a separate entry line in Subpart B, introduced by an instruction that tracks the statutory language and provides that there should not be double counting of any expense already included in the IRS deductions.

One of these special expense deductions presents a problem of statutory construction. Section 707(b)(2)A)(ii)(I), after directing the calculation of the debtor's monthly expenses under the IRS standards, states, "Such expenses shall include reasonably necessary health insurance, disability insurance, and health saving account expenses . . . ." There is no express statutory limitation to expenses actually incurred by the debtor, and so the provision appears to allow a reasonable "monthly expense" deduction for health

and disability insurance or a health savings account even if the debtor does not make such payments, similar to the way in which the National Standards give an allowance for food, clothing and personal care expenses without regard to the debtor's actual expenditures. However, the statutory language might also be read as providing that the debtor's "Other Necessary Expenses" should include reasonable insurance and health savings account payments. Since "Other Necessary Expenses" are limited to actual expenditures, such a limitation could thus be implied here. The forms deal with this ambiguity by allowing the debtor to claim a deduction for reasonable insurance and health savings account expenses even if not made, but also require a statement of the amount actually expended in these categories, thus allowing a challenge by any party who believes that only actual expenditures are properly deductible.

Contributions to tax-exempt charities provide another statutory expense deduction. Section 707(b)(1) provides that in considering whether a Chapter 7 filing is an abuse, the court may not take into consideration "whether a debtor . . . continues to make [tax-exempt] charitable contributions." Section 1325(b)(2)(A)(ii) expressly allows a deduction from CMI for such contributions that are "reasonably necessary" (up to 15% of the debtor's gross income), and the Religious Liberty and Charitable Donation Clarification Act of 2005 added language to § 1325(b)(3) to provide the same deduction for above-median income debtors whose disposable income is determined using means test deductions. Accordingly, Subpart B of both the Chapter 7 and Chapter 13 forms includes an entry line for charitable contributions, employing the different statutory deductions allowed in each context.

The Subpart B concludes with a subtotal of the additional statutory expense deductions.

3. Deductions for payment of debt

Subpart C deals with the means test's deductions from CMI for payment of secured and priority debt, as well as a deduction for administrative fees that would be incurred if the debtor paid debts through a Chapter 13 plan.

In accord with § 707(b)(2)(A)(iii), the deduction for secured debt is divided into two entry lines—one for payments that are contractually due during the 60 months following the bankruptcy filing, the other for amounts needed to retain necessary collateral securing debts in default. In each situation, the instructions for the entry lines require dividing the total payment amount by 60, as the statute directs. The forms recognize another ambiguity in this connection: "payments contractually due" might either be understood as limited to payments of principal and interest (payable to secured creditor) or, in the context of a mortgage with an escrow, might be understood as including payments of property taxes and insurance (ultimately paid to taxing bodies and insurers, but initially payable to the mortgagee). The forms require the debtor to specify whether the amount deducted includes taxes and insurance, allowing a party in interest to inquire into the deduction and raise an objection.

Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also requiring division by 60. The instruction for this line makes clear that only past due priority debt—not anticipated debts—should be included. Thus, future support or tax obligations, and future fees that might be payable to a Chapter 13 debtor's attorney, are not included.

The defined deduction for the expenses of administering a Chapter 13 plan is allowed by § 707(b)(2)(A)(ii)(III) only for debtors eligible for Chapter 13. The forms treat this deduction in an entry line requiring the eligible debtor to state the amount of the prospective Chapter 13 plan payment and multiply that payment amount by the percentage fee established for the debtor's district by the Executive Office for United States Trustees. The forms refer debtors to the website of the U.S. Trustee Program to obtain this percentage fee.

The subpart concludes with a subtotal of debt payment deductions.

4. Total deductions

Finally, the forms direct that the subtotals from Subparts A, B, and C be added together to arrive at the total of allowed deductions from CMI under the means test.

5. Additional claimed deductions

The forms do not provide for means test deductions from CMI for expenses in categories that are not specifically identified as "Other Necessary Expenses" in the Internal Revenue Manual. However, debtors may wish to claim expenses that do not fall within the categories listed as "Other Necessary Expenses" in the forms. Part VII of the Chapter 7 form and Part VI of the Chapter 13 form provide for such expenses to be identified and totaled. Although expenses listed in these sections are not deducted from CMI for purposes of the means test calculation, the listing provides a basis for debtors to assert that these expenses should be deducted from CMI under § 707(b)(2)(A)(ii)(I), and that the results of the forms' calculation should therefore be modified.

D. The chapter-specific forms

1. Chapter 7

The Chapter 7 form has several unique aspects. The form includes, in the upper right corner of the first page, a check box directing the debtor to state whether or not the calculations required by the form result in a presumption of abuse. The debtor is not bound by this statement and may argue, in response to a motion brought under § 707(b)(1), that there should be no presumption despite the calculations required by the form. The check box is intended to give clerks of court a conspicuous indication of the cases for which they are required to provide notice of a presumption of abuse pursuant to § 342(d).

Part I implements the provision of § 707(b)(2)(D) that excludes certain disabled veterans from all means testing, making it unnecessary to compute the CMI of such veterans. Debtors who declare under penalty of perjury that they are disabled veterans within the statutory definition are directed to verify their declaration in Part VII, to check the "no presumption" box at the beginning of the form, and to disregard the remaining parts of the form.

Part I also provides an exclusion for debtors who do not have primarily consumer debts. These debtors are not subject to any of the provisions of § 707(b)—including the requirement of § 707(b)(2)(C) for filing a CMI statement— since § 707(b) applies, by its terms, only to "an individual debtor . . . whose debts are primarily consumer debts." However, a debtor may be found to have asserted non-consumer status incorrectly. Unless such a debtor has filed the CMI form within the 45 days after filing the case, the case could be subject to automatic dismissal under § 521(i). To avoid this possibility, debtors asserting principally non-consumer status may complete the appropriate portions of Part I, claim an exclusion from the balance of the form, and promptly file the form. If it is subsequently determined that the debtor does have primarily consumer debts, the form will have been filed within the deadline established by § 521(i), and can be amended to include the necessary CMI and means test information.

Part II computes CMI for purposes of the safe harbor of § 707(b)(7). Section 707(b)(7) prohibits a motion to dismiss based on the means test's presumption of abuse if the debtor's annualized CMI does not exceed a defined median state income. For this purpose, the statute directs that CMI of the debtor's spouse be combined with the debtor's CMI even if the debtor's spouse is not a joint debtor, unless the debtor declares under penalty of perjury that the spouses are legally separated or living separately other than for purposes of evading the means test. Accordingly, the calculation of CMI in Part II directs a computation of the CMI of the debtor's spouse not only in joint cases, but also in cases of married debtors who do not make the specified declaration, and the CMI of both spouses in these cases is combined for purposes of determining standing under § 707(b)(7).

Part III compares the debtor's CMI to the applicable state median income for purposes of § 707(b)(7). It then directs debtors whose income does not exceed the applicable median to verify the form, to check the "no presumption" box at the beginning of the form, and not to complete the remaining parts of the form. Debtors whose CMI does exceed the applicable state median are required to complete the remaining parts of the form.

Part IV adjusts the CMI of a married debtor, not filing jointly, whose spouse's CMI was combined with the debtor's in Part II. The means test itself does not charge a married debtor in a non-joint case with the income of the non-filing spouse, but only with payments regularly made by that spouse for the household expenses of the debtor or the debtor's dependents, as provided in the definition of CMI in § 101(10A). Accordingly, Part IV calls for the combined CMI of Part II to be reduced by the amount of the non-filing spouse's income that was not regularly paid for the household expenses of the

debtor or the debtor's dependents. The form requires that the alternative uses of the spouse's income be specified.

Part V of the form provides for a calculation of the means test's deductions from the debtor's CMI, as described above in § C.

Part VI provides for a determination of whether the debtor's CMI, less the allowed deductions, gives rise to a presumption of abuse under § 707(b)(2)(A). Depending on the outcome of this determination, the debtor is directed to check the appropriate box at the beginning of the form and to sign the verification in Part VIII. Part VII allows the debtor to claim additional deductions, as discussed above in § C.5.

2. Chapter 11

The Chapter 11 form is the simplest of the three, since the means-test deductions of § 707(b)(2) are not employed in determining the extent of an individual Chapter 11 debtor's disposable income. Section 1129(a)(15) requires payments of disposable income "as defined in section 1325(b)(2)," and that paragraph allows calculation of disposable income under judicially-determined standards, rather than pursuant to the means test deductions, specified for higher income Chapter 13 debtors by § 1325(b)(3). However, § 1325(b)(2) does require that CMI be used as the starting point in the judicial determination of disposable income, and so the Chapter 11 form requires this calculation (in Part I of the form), as described above, together with a verification (in Part II).

3. Chapter 13

Like the Chapter 7 form, the form for Chapter 13 debtors contains a number of special provisions. The upper right corner of the first page includes check boxes requiring the debtor to state whether, under the calculations required by the statement, the applicable commitment period under § 1325(b)(4) is three years or five years and whether § 1325(b)(3) requires the means-test deductions to be used in determining the debtor's disposable income. The check box is intended to inform standing trustees and other interested parties about these items, but does not prevent the debtor from arguing that the calculations required by the form do not accurately reflect the debtor's disposable income.

Part I is a report of income to be used for determining CMI. In the absence of full payment of allowed unsecured claims, § 1325(b)(4) imposes a five-year applicable commitment period—rather than a three-year period—if the debtor's annualized CMI is not less than a defined median state income. For this purpose, as under § 707(b)(7), § 1325(b)(4) requires that the CMI of the debtor's spouse be combined with the debtor's CMI, but, unlike § 707(b)(7), no exception is made for spouses who are legally separated or living separately. Accordingly, the report of income in Part I directs a combined reporting of the income of both spouses in all cases of married debtors.

Part II computes the applicable commitment period by annualizing the income calculated in Part I and comparing it to the applicable state median. The form allows debtors to contend that the income of a non-filing spouse should not be treated as CMI and permits debtors to claim a deduction for any income of a non-filing spouse to the extent that this income was not regularly paid for the household expenses of the debtor or the debtor's dependents (with the alternative uses specified). The debtor is directed to check the appropriate box at the beginning of the form, stating the applicable commitment period. The check box does not prevent a debtor from proposing an applicable commitment period of less than three or five years in conjunction with a plan that pays all allowed unsecured claims in full.

Part III compares the debtor's CMI to the applicable state median, allowing a determination of whether the means-test deductions must be used, pursuant to § 1325(b)(3), in calculating disposable income. For this purpose, since § 1325(b)(3) does not provide for including the income of the debtor's spouse, the form directs a deduction of the income of a non-filing spouse that was not contributed to the household expenses of the debtor or the debtor's dependents. Again, the debtor is directed to check the appropriate box at the beginning of the form, indicating whether the means test deductions are applicable. If so, the debtor is directed to complete the remainder of the form. If not, the debtor is directed to complete the verification in Part VII but not complete the other parts of the form.

Part IV provides for calculation of the means-test deductions provided in § 707(b)(2), described above in § C, as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

Part V provides for four adjustments required by special provisions affecting disposable income in Chapter 13. First, § 1325(b)(2) itself excludes from the CMI used in determining disposable income certain "child support payments, foster care payments, [and] disability payments for a dependent child." Because payments of this kind are included in the definition of CMI in § 101(10A), a line entry for deduction of these payments is provided. Second, a line entry is provided for deduction of contributions by the debtor to certain retirement plans, listed in § 541(b)(7)(B), since that provision states that such contributions "shall not constitute disposable income, as defined in section 1325(b)." Third, the same line entry also allows a deduction from disposable income for payments on loans from retirement accounts that are excepted from the automatic stay by § 362(b)(19), since § 1322(f) provides that for a "loan described in section 362(b)(19) . . . any amounts required to repay such loan shall not constitute 'disposable income' under section 1325." Finally, § 1325(b)(3) requires that deductions from income for above-median income debtors be determined not only in accordance with the means-test deductions, set out in subparagraph (A) of § 707(b)(2), but also in accordance with subparagraph (B), which sets out the grounds for rebutting a presumption of abuse based on a demonstration of additional expenses justified by special circumstances. Part V includes an entry line for such additional expenses, with a warning that the debtor will be required (as provided by § 707(b)(2)(B)) to document the expenses and provide a detailed explanation of the special circumstances that make them reasonable and necessary.

The Chapter 13 form does not provide a deduction from disposable income for the Chapter 13 debtor's anticipated attorney fees. No specific statutory allowance for such a deduction exists, and none appears necessary. Section 1325(b)(1)(B) requires that disposable income contributed to a Chapter 13 plan be used to pay "unsecured creditors." A debtor's attorney who has not taken a security interest in the debtor's property is an unsecured creditor who may be paid from disposable income.

Part VI allows the debtor to declare expenses not allowed under the form without deducting them from CMI, as described above in § C.5.

Official Form 23 (12/07)

United States Bankruptcy Court

_____ District Of _____

", *chapter 11 in which § 1141 (d)(3) applies,*"

In re _____, Case No. _____

Debtor

Chapter _____

DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7 or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

POSTPETITION

☐ I, _____, the debtor in the above-styled
(Printed Name of Debtor)
certify that on _____ (Date), I completed an instructional course in personal fina
provided by _____, an approved personal financial
(Name of Provider)
management provider.

Certificate No. :_____.

☐ I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)
certify that no personal financial management course is required because of *[Check the appropriate box.]*:

☐ Incapacity or disability, as defined in 11 U.S.C. § 109(h);

☐ Active military duty in a military combat zone; or

☐ Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor: _____

Date: _____

Instructions: Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

Filing Deadlines: In a chapter 7 case, file within 45 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

Official Form 23 (12/07)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

Debtor

Chapter _____

DEBTOR'S CERTIFICATION OF COMPLETION OF POSTPETITION INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

Every individual debtor in a chapter 7, chapter 11 in which § 1141(d)(3) applies, or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:

☐ I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)
certify that on _____ (Date), I completed an instructional course in personal financial management provided by _____, an approved personal financial
(Name of Provider)
management provider.

Certificate No. (if any):_____.

☐ I, _____, the debtor in the above-styled case, hereby
(Printed Name of Debtor)
certify that no personal financial management course is required because of *[Check the appropriate box.]*:

☐ Incapacity or disability, as defined in 11 U.S.C. § 109(h);
☐ Active military duty in a military combat zone; or
☐ Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor: _____

Date: _____

Instructions: Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

Filing Deadlines: In a chapter 7 case, file within 45 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 11 or 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

COMMITTEE NOTE

The form is new. Sections 727(a)(11), 1141(d)(3) and 1328(g)(1), which were added to the Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), require individual debtors to complete an instructional course concerning personal financial management as a condition for receiving a discharge. The completed form will signal the clerk that this condition has been satisfied. Each individual debtor, including both spouses in a joint case, must file a separate certification and provide the certificate number of the certificate of completion issued to the debtor by the approved personal financial management counselor. Instructions are included that state the deadlines for filing the certification in chapter 7, chapter 11 in which § 1141(d)(3) applies, and chapter 13 cases, and remind the debtor that the form is not to be used for filing a certification of prepetition credit counseling.

[The parties may include or attach the information specified in Rule 8001(f)(3)(C).]

Signed: *[If there are more than two signatories, all must sign and provide the information requested below. Attach additional signed sheets if needed.]*

_____	_____
Attorney for Appellant (or Appellant, if not represented by an attorney)	Attorney for ~~Appellant~~ (or ~~Appellant~~ if not represented by an attorney)
_____	_____
Printed Name of Signer	Printed Name of Signer
_____	_____
_____	_____
Address	Address
_____	_____
Telephone No.	Telephone No.
_____	_____
Date	Date

Replace "Appellant" with "Appellee"

Official Form 24 (12/07)

[Caption as described in Fed. R. Bankr. P. 7010 or 9004(b), as applicable.]

CERTIFICATION TO COURT OF APPEALS BY ALL PARTIES

A notice of appeal having been filed in the above-styled matter on _____*[Date]*, _____, _____, and _____, [*Names of all the appellants and all the appellees, if any]*, who are all the appellants [and all the appellees] hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter [_] is [_] is not required under 28 U.S.C. § 158(a).

[If from a final judgment, order, or decree] This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the _____ District of _____ entered on _____*[Date]*.

[If from an interlocutory order or decree] This certification arises in an appeal from an interlocutory order or decree, and the parties hereby request leave to appeal as required by 28 U.S.C. § 158(a).

[The certification shall contain one or more of the following statements, as is appropriate to the circumstances.]

The judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States, or involves a matter of public importance.

Or

The judgment, order, or decree involves a question of law requiring resolution of conflicting decisions.

Or

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken.

[The parties may include or attach the information specified in Rule 8001(f)(3)(C).]

Signed: *[If there are more than two signatories, all must sign and provide the information requested below. Attach additional signed sheets if needed.]*

_____	_____
Attorney for Appellant (or Appellant, if not represented by an attorney)	Attorney for Appellee (or Appellee if not represented by an attorney)
_____	_____
Printed Name of Signer	Printed Name of Signer
_____	_____
_____	_____
Address	Address
_____	_____
Telephone No.	Telephone No.
_____	_____
Date	Date

COMMITTEE NOTE

This form is new. Rule 8001, as amended in 2005, requires that any certification of an appeal, bankruptcy court judgment, order, or decree directly to the United States Court of Appeals by all the appellants and appellees (if any) acting jointly be filed on this form.

[Add other classes of secured creditors, if any. Note: Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8).]

2.03 Class 3. All unsecured claims allowed under § 502 of the Code.

[Add other classes of unsecured claims, if any.]

2.04 Class 4 . ~~Equity interests in the Debtor. [If the Debtor is an individual — "The interests of the individual Debtor in property of the estate."]~~

Equity Interests of the Debtor. [If the Debtor is an individual, change this heading to "The interests of the individual Debtor in property of the estate."]

ARTICLE III
TREATMENT OF ADMINISTRATIVE EXPENSE CLAI
U.S. TRUSTEES FEES, AND PRIORITY TAX CLAIM

3.01 Unclassified Claims. Under section §1123(a)(1), administrativ
["gap" period claims in an involuntary case allowed under § 502(f) of the Cod
claims are not in classes.

3.02 Administrative Expense Claims. Each holder of an administrative expense claim allowed under § 503 of the Code [, and a "gap" claim in an involuntary case allowed under § 502(f) of the Code,] will be paid in full on the effective date of this Plan (as defined in Article VII), in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor.

3.03 Priority Tax Claims. Each holder of a priority tax claim will be paid [specify terms of treatment consistent with § 1129(a)(9)(C) of the Code].

3.04 United States Trustee Fees. All fees required to be paid by 28 U.S.C. §1930(a)(6) (U.S. Trustee Fees) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code. Any U.S. Trustee Fees owed on or before the effective date of this Plan will be paid on the effective date.

ARTICLE IV
TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN

4.01 Claims and interests shall be treated as follows under this Plan:

ARTICLE VI
PROVISIONS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES

6.01 Assumed Executory Contracts and Unexpired Leases.

(a) The Debtor assumes the following executory contracts and/or unexpired leases effective upon the [Insert "effective date of this Plan as provided in Article VII," "the date of the entry of the order confirming this Plan," or other applicable date]:

[List assumed executory contracts and/or unexpired leases.]

(b) executory contracts and/or un e, or before the date of the order an," "the date of the entry of the o f a claim arising from the rej tion must be filed no later than s Plan.

Add new Article VII (and renumber all subsequent Articles and sections)

ARTICLE VII
Means for Implementation of the Plan
[Insert here provisions regarding how the plan will be implemented as required under s1123(a)(5) of the Code. For example, provisions may include those that set out how the plan will be funded, as well as who will be serving as directors, officers or voting trustees of the reorganized debtor.]

ARTICLE VII
GENERAL PROVISIONS

7.01 Definitions and Rules of Construction. The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions: [Insert additional definitions if necessary].

7.02 Effective Date of Plan. The effective date of this Plan is the eleventh business day following the date of the entry of the order of confirmation. But if a stay of the confirmation order is in effect on that date, the effective date will be the first business day after that date on which no stay of the confirmation order is in effect, provided that the confirmation order has not been vacated.

7.03 Severability. If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

7.04 Binding Effect. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

1122(b) of the Code. The last class comprises ~~the holders of equity interests in the debtor~~.

of equity security holders of the debtor

TREATMENT OF ADMINISTRATIVE EXPENSE CLAIMS, U.S. TRU
FEES, AND PRIORITY TAX CLAIMS

5. The treatment of certain claims, such as administrative expense claims allowed under § 503 of the Code, and priority tax claims, allowed under §507(a)(8) of the Code, is statutorily specified. These claims are not, therefore, placed into classes. Their treatment is described in the third Article.

TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN

6. The fourth article specifies the treatment accorded the various classes of claims and interests provided for under the plan.
7. Priority claimants other than those allowed under §§ 503 and 507(a)(8) must be classified and paid in full under the plan unless the claimant agrees otherwise.
8. Each secured creditor is generally placed in its own class, with a particular treatment specified for that class. Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8).
9. The plan should describe the treatment of the general unsecured claims. An administrative convenience class may be created pursuant to § 1122(b) of the Code, and other classes of unsecured claims may be created to the extent permitted by applicable law.
10. Finally, the plan should describe the treatment of equity ~~interests.~~

securities.

ALLOWANCE AND DISALLOWANCE OF CLAIMS

11. The fifth article addresses the treatment of disputed claims. A "disputed distribution will lowed. The hise a disputed

MEANS FOR IMPLEMENTATION OF THE PLAN

13. The seventh article describes how the plan will be implemented. It should indicate the source of any funds that will be used to pay claims and interests under the plan, and it should also list the persons who will be serving as the management of the debtor after the plan is confirmed.

[Renumber subsequent paragraphs]

IRED LEASES

12. The sixth article deals with executory contracts and unexpired leases. The plan proponent should list all executory contracts and unexpired leases that it has already assumed, or which it intends to assume under the plan. All other executory contracts will be deemed rejected.

GENERAL PROVISIONS

Official Form 25A (12/08)

United States Bankruptcy Court

_____ District of _____

In re_____, Case No. _____

Debtor

Small Business Case under Chapter 11

[NAME OF PROPONENT]'S PLAN OF REORGANIZATION, DATED [INSERT DATE]

ARTICLE I
SUMMARY

This Plan of Reorganization (the "Plan") under chapter 11 of the Bankruptcy Code (the "Code") proposes to pay creditors of [insert the name of the debtor] (the "Debtor") from [specify sources of payment, such as an infusion of capital, loan proceeds, sale of assets, cash flow from operations, or future income].

This Plan provides for _____ classes of secured claims; _____ classes of unsecured claims; and _____ classes of equity security holders. Unsecured creditors holding allowed claims will receive distributions, which the proponent of this Plan has valued at approximately __ cents on the dollar. This Plan also provides for the payment of administrative and priority claims [if payment is not in full on the effective date of this Plan with respect to any such claim (to the extent permitted by the Code or the claimant's agreement), identify such claim and briefly summarize the proposed treatment.]

All creditors and equity security holders should refer to Articles III through VI of this Plan for information regarding the precise treatment of their claim. A disclosure statement that provides more detailed information regarding this Plan and the rights of creditors and equity security holders has been circulated with this Plan. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)**

ARTICLE II
CLASSIFICATION OF CLAIMS AND INTERESTS

2.01 Class 1. All allowed claims entitled to priority under § 507 of the Code (except administrative expense claims under § 507(a)(2), ["gap" period claims in an involuntary case under § 507(a)(3),] and priority tax claims under § 507(a)(8)).

2.02 Class 2. The claim of _____ , to the extent allowed as a secured claim under § 506 of the Code.

[Add other classes of secured creditors, if any. Note: Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8).]

2.03 Class 3. All unsecured claims allowed under § 502 of the Code.

[Add other classes of unsecured claims, if any.]

2.04 Class 4 . Equity interests of the Debtor. [If the Debtor is an individual, change this heading to "The interests of the individual Debtor in property of the estate."]

ARTICLE III
TREATMENT OF ADMINISTRATIVE EXPENSE CLAIMS, U.S. TRUSTEES FEES, AND PRIORITY TAX CLAIMS

3.01 Unclassified Claims. Under section §1123(a)(1), administrative expense claims, ["gap" period claims in an involuntary case allowed under § 502(f) of the Code,] and priority tax claims are not in classes.

3.02 Administrative Expense Claims. Each holder of an administrative expense claim allowed under § 503 of the Code [, and a "gap" claim in an involuntary case allowed under § 502(f) of the Code,] will be paid in full on the effective date of this Plan (as defined in Article VII), in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor.

3.03 Priority Tax Claims. Each holder of a priority tax claim will be paid [specify terms of treatment consistent with § 1129(a)(9)(C) of the Code].

3.04 United States Trustee Fees. All fees required to be paid by 28 U.S.C. §1930(a)(6) (U.S. Trustee Fees) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code. Any U.S. Trustee Fees owed on or before the effective date of this Plan will be paid on the effective date.

ARTICLE IV
TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN

4.01 Claims and interests shall be treated as follows under this Plan:

Class	Impairment	Treatment
Class 1 - Priority Claims	[State whether impaired or unimpaired.]	[Insert treatment of priority claims in this Class, including the form, amount and timing of distribution, if any. For example: "Class 1 is unimpaired by this Plan, and each holder of a Class 1 Priority Claim will be paid in full, in cash, upon the later of the effective date of this Plan as defined in Article VII, or the date on which such claim is allowed by a final non-appealable order. Except: _____."]
Class 2 – Secured Claim of [Insert name of secured creditor.]	[State whether impaired or unimpaired.]	[Insert treatment of secured claim in this Class, including the form, amount and timing of distribution, if any.] [Add class[es] of secured claims if applicable]
Class 3 - General Unsecured Creditors	[State whether impaired or unimpaired.]	[Insert treatment of unsecured creditors in this Class, including the form, amount and timing of distribution, if any.] [Add administrative convenience class if applicable]
Class 4 - Equity Security Holders of the Debtor	[State whether impaired or unimpaired.]	[Insert treatment of equity security holders in this Class, including the form, amount and timing of distribution, if any.]

ARTICLE V
ALLOWANCE AND DISALLOWANCE OF CLAIMS

5.01 Disputed Claim. A disputed claim is a claim that has not been allowed or disallowed [by a final non-appealable order], and as to which either: (i) a proof of claim has been filed or deemed filed, and the Debtor or another party in interest has filed an objection; or (ii) no proof of claim has been filed, and the Debtor has scheduled such claim as disputed, contingent, or unliquidated.

5.02 Delay of Distribution on a Disputed Claim. No distribution will be made on account of a disputed claim unless such claim is allowed [by a final non-appealable order].

5.03 Settlement of Disputed Claims. The Debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Rule 9019 of the Federal Rules of Bankruptcy Procedure.

ARTICLE VI
PROVISIONS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES

6.01 Assumed Executory Contracts and Unexpired Leases.

(a) The Debtor assumes the following executory contracts and/or unexpired leases effective upon the [Insert "effective date of this Plan as provided in Article VII," "the date of the entry of the order confirming this Plan," or other applicable date]:

[List assumed executory contracts and/or unexpired leases.]

(b) The Debtor will be conclusively deemed to have rejected all executory contracts and/or unexpired leases not expressly assumed under section 6.01(a) above, or before the date of the order confirming this Plan, upon the [Insert "effective date of this Plan," "the date of the entry of the order confirming this Plan," or other applicable date]. A proof of a claim arising from the rejection of an executory contract or unexpired lease under this section must be filed no later than _____ (___) days after the date of the order confirming this Plan.

ARTICLE VII
MEANS FOR IMPLEMENTATION OF THE PLAN

[Insert here provisions regarding how the plan will be implemented as required under §1123(a)(5) of the Code. For example, provisions may include those that set out how the plan will be funded, as well as who will be serving as directors, officers or voting trustees of the reorganized debtor.]

ARTICLE VIII
GENERAL PROVISIONS

8.01 Definitions and Rules of Construction. The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions: [Insert additional definitions if necessary].

8.02 Effective Date of Plan. The effective date of this Plan is the eleventh business day following the date of the entry of the order of confirmation. But if a stay of the confirmation order is in effect on that date, the effective date will be the first business day after that date on which no stay of the confirmation order is in effect, provided that the confirmation order has not been vacated.

8.03 Severability. If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

8.04 Binding Effect. The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

8.05 Captions. The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

[8.06 Controlling Effect. Unless a rule of law or procedure is supplied by federal law (including the Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of _____ govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.]

[8.07 Corporate Governance. [If the Debtor is a corporation include provisions required by § 1123(a)(6) of the Code.]]

ARTICLE IX
DISCHARGE

[If the Debtor is not entitled to discharge under 11 U.S.C. § 1141(d)(3) change this heading to "**NO DISCHARGE OF DEBTOR.**"]

9.01. **[Option 1 – If Debtor is an individual and § 1141(d)(3) is not applicable]**
Discharge. Confirmation of this Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments under this Plan, or as otherwise provided in § 1141(d)(5) of the Code. The Debtor will not be discharged from any debt excepted from discharge under § 523 of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

[Option 2 -- If the Debtor is a partnership and section 1141(d)(3) of the Code is not applicable]
Discharge. On the confirmation date of this Plan, the debtor will be discharged from any debt that arose before confirmation of this Plan, subject to the occurrence of the effective date, to the extent specified in § 1141(d)(1)(A) of the Code. The Debtor will not be discharged from any debt imposed by this Plan.

[Option 3 -- If the Debtor is a corporation and § 1141(d)(3) is not applicable]

Discharge. On the confirmation date of this Plan, the debtor will be discharged from any debt that arose before confirmation of this Plan, subject to the occurrence of the effective date, to the extent specified in § 1141(d)(1)(A) of the Code, except that the Debtor will not be discharged of any debt: (i) imposed by this Plan; (ii) of a kind specified in § 1141(d)(6)(A) if a timely complaint was filed in accordance with Rule 4007(c) of the Federal Rules of Bankruptcy Procedure; or (iii) of a kind specified in § 1141(d)(6)(B).

[Option 4 – If § 1141(d)(3) is applicable]

No Discharge. In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

ARTICLE X
OTHER PROVISIONS

[Insert other provisions, as applicable.]

Respectfully submitted,

By: _____
The Plan Proponent

By: _____
Attorney for the Plan Proponent

Instructions for Small Business Plan of Reorganization Form

BACKGROUND AND GENERAL INSTRUCTIONS

1. This small business chapter 11 plan of reorganization form is promulgated pursuant to § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. This form is intended to be used in conjunction with the small business chapter 11 disclosure statement form (Official Form 25B). Because the type of debtor and the details of the proposed plan will vary from case to case, this form is intended to provide an illustrative format, rather than a specific prescription for the language or content of a plan in any particular case.
2. Some language in this form appears in brackets. The bracketed language sometimes instructs the plan's proponent to provide certain information and sometimes provides optional or alternative language that should be used when and where appropriate. Proponents should make the necessary insertions and/or delete inapplicable language.

SPECIFIC INSTRUCTIONS

SUMMARY

3. The first article should provide a summary of the debtor's proposed plan. It should describe the manner in which the plan will be consummated and the source of funds for payments to be made under the plan. These sources might include an infusion of capital, loan proceeds, sale of assets, cash flow from operations, or future income. The summary should also describe the treatment of the various classes of claimants under the plan.

CLASSIFICATION OF CLAIMS AND INTERESTS

4. The second article describes each class of claimants that will receive a distribution under the plan. The first class consists of claimants entitled to priority pursuant to § 507 of the Code other than those entitled to priority under § 507(a)(2), (3), or (8). The next class or group of classes consists of creditor(s) with allowed secured claims. Secured creditors are usually classified individually, with each secured creditor being placed in its own separate class. Classes of secured creditors should be added as necessary. Next, unsecured claimants, not entitled to priority, should be classified. The proponent may, to the extent allowed by law, create additional classes of unsecured claims, including an administrative convenience class pursuant to §

1122(b) of the Code. The last class comprises of equity security holders of the debtor.

TREATMENT OF ADMINISTRATIVE EXPENSE CLAIMS, U.S. TRUSTEES FEES, AND PRIORITY TAX CLAIMS

5. The treatment of certain claims, such as administrative expense claims, allowed under § 503 of the Code, and priority tax claims, allowed under §507(a)(8) of the Code, is statutorily specified. These claims are not, therefore, placed into classes. Their treatment is described in the third Article.

TREATMENT OF CLAIMS AND INTERESTS UNDER THE PLAN

6. The fourth article specifies the treatment accorded the various classes of claims and interests provided for under the plan.
7. Priority claimants other than those allowed under §§ 503 and 507(a)(8) must be classified and paid in full under the plan unless the claimant agrees otherwise.
8. Each secured creditor is generally placed in its own class, with a particular treatment specified for that class. Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8).
9. The plan should describe the treatment of the general unsecured claims. An administrative convenience class may be created pursuant to § 1122(b) of the Code, and other classes of unsecured claims may be created to the extent permitted by applicable law.
10. Finally, the plan should describe the treatment of equity securities.

ALLOWANCE AND DISALLOWANCE OF CLAIMS

11. The fifth article addresses the treatment of disputed claims. A "disputed claim" is a claim that has not been allowed or disallowed. No distribution will be made on account of a disputed claim unless such claim is allowed. The debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Rule 9019.

PROVISIONS FOR EXECUTORY CONTRACTS AND UNEXPIRED LEASES

12. The sixth article deals with executory contracts and unexpired leases. The plan proponent should list all executory contracts and unexpired leases that it has already assumed, or which it intends to assume under the plan. All other executory contracts will be deemed rejected.

13. The seventh article describes how the plan will be implemented. It should indicate the source of any funds that will be used to pay claims and interests

under the plan, and it should also list the persons who will be serving as the management of the debtor after the plan is confirmed.

GENERAL PROVISIONS

14. The eighth article provides certain general provisions. Definitions from the Code are incorporated by reference, and any other definitions required by the plan should be listed in section 7.01 of the plan. If a governing law clause is desired, it should be included here, and if the debtor is a corporation, provisions required by §1123(a)(6) of the Code should be included.

DISCHARGE

15. The ninth article describes the effect of discharge under the plan. When and whether the debtor is entitled to a discharge will depend, among other things, upon whether the debtor is an individual, partnership, or corporation, and whether the debtor is continuing in business after consummation of the plan. The proponent should choose the appropriate language from the options provided.

OTHER PROVISIONS

16. To the extent that other provisions, not provided in the plan, are desired, they should be placed in the tenth article.

COMMITTEE NOTE

This form is new. It implements § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005). This form for a small business chapter 11 plan of reorganization may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form is intended to be used in conjunction with the small business chapter 11 disclosure statement form (Official Form 25B).

Because the type of debtor and the details of the proposed plan of reorganization may vary, the form is intended to provide an illustrative format, rather than a specific prescription for the language or content of a plan in any particular case. The form includes instructions and examples of the types of information needed to complete it.

Official Form 25B (12/08)

United States Bankruptcy Court

_____ District of _____

In re_____, Case No. _____

Debtor

Small Business Case under Chapter 11

[NAME OF PLAN PROPONENT]'S DISCLOSURE STATEMENT, DATED [INSERT DATE]

Table of Contents

[Insert when text is finalized]

I. INTRODUCTION

This is the disclosure statement (the "Disclosure Statement") in the small business chapter 11 case of _____ (the "Debtor"). This Disclosure Statement contains information about the Debtor and describes the [insert name of plan] (the "Plan") filed by [the Debtor] on [insert date]. A full copy of the Plan is attached to this Disclosure Statement as Exhibit A. ***Your rights may be affected. You should read the Plan and this Disclosure Statement carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.***

The proposed distributions under the Plan are discussed at pages __-__ of this Disclosure Statement. [General unsecured creditors are classified in Class __, and will receive a distribution of ___ % of their allowed claims, to be distributed as follows _____.]

A. Purpose of This Document

This Disclosure Statement describes:

- The Debtor and significant events during the bankruptcy case,
- How the Plan proposes to treat claims or equity interests of the type you hold (*i.e.*, what you will receive on your claim or equity interest if the plan is confirmed),
- Who can vote on or object to the Plan,
- What factors the Bankruptcy Court (the "Court") will consider when deciding whether to confirm the Plan,
- Why [the Proponent] believes the Plan is feasible, and how the treatment of your claim or equity interest under the Plan compares to what you would receive on your claim or equity interest in liquidation, and
- The effect of confirmation of the Plan.

Be sure to read the Plan as well as the Disclosure Statement. This Disclosure Statement describes the Plan, but it is the Plan itself that will, if confirmed, establish your rights.

B. Deadlines for Voting and Objecting; Date of Plan Confirmation Hearing

The Court has not yet confirmed the Plan described in this Disclosure Statement. This section describes the procedures pursuant to which the Plan will or will not be confirmed.

1. *Time and Place of the Hearing to [Finally Approve This Disclosure Statement and] Confirm the Plan*

The hearing at which the Court will determine whether to [finally approve this Disclosure Statement and] confirm the Plan will take place on [insert date], at [insert time], in Courtroom ____, at the [Insert Courthouse Name, and Full Court Address, City, State, Zip Code].

2. *Deadline For Voting to Accept or Reject the Plan*

If you are entitled to vote to accept or reject the plan, vote on the enclosed ballot and return the ballot in the enclosed envelope to [insert address]. See section IV.A. below for a discussion of voting eligibility requirements.

Your ballot must be received by [insert date] or it will not be counted.

3. *Deadline For Objecting to the [Adequacy of Disclosure and] Confirmation of the Plan*

Objections to [this Disclosure Statement or to] the confirmation of the Plan must be filed with the Court and served upon [insert entities] by [insert date].

4. *Identity of Person to Contact for More Information*

If you want additional information about the Plan, you should contact [insert name and address of representative of plan proponent].

C. **Disclaimer**

The Court has [conditionally] approved this Disclosure Statement as containing adequate information to enable parties affected by the Plan to make an informed judgment about its terms. The Court has not yet determined whether the Plan meets the legal requirements for confirmation, and the fact that the Court has approved this Disclosure Statement does not constitute an endorsement of the Plan by the Court, or a recommendation that it be accepted. [The Court's approval of this Disclosure Statement is subject to final approval at the hearing on confirmation of the Plan. Objections to the adequacy of this Disclosure Statement may be filed until _____.]

II. BACKGROUND

A. Description and History of the Debtor's Business

The Debtor is a [corporation, partnership, etc.]. Since [insert year operations commenced], the Debtor has been in the business of _____. [Describe the Debtor's business].

B. **Insiders of the Debtor**

[Insert a detailed list of the names of Debtor's insiders as defined in §101(31) of the United States Bankruptcy Code (the "Code") and their relationship to the Debtor. For each insider, list all compensation paid by the Debtor or its affiliates to that person or entity during the two years prior to the commencement of the Debtor's bankruptcy case, as well as compensation paid during the pendency of this chapter 11 case.]

C. **Management of the Debtor Before and During the Bankruptcy**

During the two years prior to the date on which the bankruptcy petition was filed, the officers, directors, managers or other persons in control of the Debtor (collectively the "Managers") were [List the Managers of the Debtor prior to the petition date].

The Managers of the Debtor during the Debtor's chapter 11 case have been: [List Managers of the Debtor during the Debtor's chapter 11 case.]

After the effective date of the order confirming the Plan, the directors, officers, and voting trustees of the Debtor, any affiliate of the Debtor participating in a joint Plan with the Debtor, or successor of the Debtor under the Plan (collectively the "Post Confirmation Managers"), will be: [List Post Confirmation Managers of the Debtor.] The responsibilities and compensation of these Post Confirmation Managers are described in section __ of this Disclosure Statement.

D. **Events Leading to Chapter 11 Filing**

[Describe the events that led to the commencement of the Debtor's bankruptcy case.]

E. **Significant Events During the Bankruptcy Case**

[Describe significant events during the Debtor's bankruptcy case:

- Describe any asset sales outside the ordinary course of business, debtor in possession financing, or cash collateral orders.
- Identify the professionals approved by the court.
- Describe any adversary proceedings that have been filed or other significant litigation that has occurred (including contested claim disallowance proceedings), and any other significant legal or administrative proceedings that are pending or have been pending during the case in a forum other than the Court.
- Describe any steps taken to improve operations and profitability of the Debtor.
- Describe other events as appropriate.]

F. **Projected Recovery of Avoidable Transfers [Choose the option that applies]**

[Option 1 – If the Debtor does not intend to pursue avoidance actions]

The Debtor does not intend to pursue preference, fraudulent conveyance, or other avoidance actions.

[Option 2 – If the Debtor intends to pursue avoidance actions]

The Debtor estimates that up to $_____ may be realized from the recovery of fraudulent, preferential or other avoidable transfers. While the results of litigation cannot be predicted with certainty and it is possible that other causes of action may be identified, the following is a summary of the preference, fraudulent conveyance and other avoidance actions filed or expected to be filed in this case:

Transaction	Defendant	Amount Claimed

[Option 3 – If the Debtor does not yet know whether it intends to pursue avoidance actions]

The Debtor has not yet completed its investigation with regard to prepetition transactions. If you received a payment or other transfer within 90 days of the bankruptcy, or other transfer avoidable under the Code, the Debtor may seek to avoid such transfer.

G. **Claims Objections**

Except to the extent that a claim is already allowed pursuant to a final non-appealable order, the Debtor reserves the right to object to claims. Therefore, even if your claim is allowed for voting purposes, you may not be entitled to a distribution if an objection to your claim is later upheld. The procedures for resolving disputed claims are set forth in Article V of the Plan.

H. **Current and Historical Financial Conditions**

The identity and fair market value of the estate's assets are listed in Exhibit B. [Identify source and basis of valuation.]

The Debtor's most recent financial statements [if any] issued before bankruptcy, each of which was filed with the Court, are set forth in Exhibit C.

[The most recent post-petition operating report filed since the commencement of the Debtor's bankruptcy case are set forth in Exhibit D.] [A summary of the Debtor's periodic operating reports filed since the commencement of the Debtor's bankruptcy case is set forth in Exhibit D.]

III. SUMMARY OF THE PLAN OF REORGANIZATION AND TREATMENT OF CLAIMS AND EQUITY INTERESTS

A. What is the Purpose of the Plan of Reorganization?

As required by the Code, the Plan places claims and equity interests in various classes and describes the treatment each class will receive. The Plan also states whether each class of claims or equity interests is impaired or unimpaired. If the Plan is confirmed, your recovery will be limited to the amount provided by the Plan.

B. Unclassified Claims

Certain types of claims are automatically entitled to specific treatment under the Code. They are not considered impaired, and holders of such claims do not vote on the Plan. They may, however, object if, in their view, their treatment under the Plan does not comply with that required by the Code. As such, the Plan Proponent has *not* placed the following claims in any class:

1. *Administrative Expenses*

Administrative expenses are costs or expenses of administering the Debtor's chapter 11 case which are allowed under § 507(a)(2) of the Code. Administrative expenses also include the value of any goods sold to the Debtor in the ordinary course of business and received within 20 days before the date of the bankruptcy petition. The Code requires that all administrative expenses be paid on the effective date of the Plan, unless a particular claimant agrees to a different treatment.

The following chart lists the Debtor's estimated administrative expenses, and their proposed treatment under the Plan:

Type	Estimated Amount Owed	Proposed Treatment
Expenses Arising in the Ordinary Course of Business After the		Paid in full on the effective date of the Plan, or

Petition Date		according to terms of obligation if later
The Value of Goods Received in the Ordinary Course of Business Within 20 Days Before the Petition Date		Paid in full on the effective date of the Plan, or according to terms of obligation if later
Professional Fees, as approved by the Court.		Paid in full on the effective date of the Plan, or according to separate written agreement, or according to court order if such fees have not been approved by the Court on the effective date of the Plan
Clerk's Office Fees		Paid in full on the effective date of the Plan
Other administrative expenses		Paid in full on the effective date of the Plan or according to separate written agreement
Office of the U.S. Trustee Fees		Paid in full on the effective date of the Plan
TOTAL		

2. *Priority Tax Claims*

Priority tax claims are unsecured income, employment, and other taxes described by § 507(a)(8) of the Code. Unless the holder of such a § 507(a)(8) priority tax claim agrees otherwise, it must receive the present value of such claim, in regular installments paid over a period not exceeding 5 years from the order of relief.

The following chart lists the Debtor's estimated § 507(a)(8) priority tax claims and their proposed treatment under the Plan:

Description (name and type of tax)	Estimated Amount Owed	Date of Assessment	Treatment
			Pmt interval = [Monthly] payment = Begin date = End date = Interest Rate % = Total Payout Amount = $
			Pmt interval = [Monthly] payment = Begin date =

Description (name and type of tax)	Estimated Amount Owed	Date of Assessment	Treatment
			End date = Interest Rate % = Total Payout Amount = $

C. **Classes of Claims and Equity Interests**

The following are the classes set forth in the Plan, and the proposed treatment that they will receive under the Plan:

1. *Classes of Secured Claims*

Allowed Secured Claims are claims secured by property of the Debtor's bankruptcy estate (or that are subject to setoff) to the extent allowed as secured claims under § 506 of the Code. If the value of the collateral or setoffs securing the creditor's claim is less than the amount of the creditor's allowed claim, the deficiency will [be classified as a general unsecured claim].

The following chart lists all classes containing Debtor's secured prepetition claims and their proposed treatment under the Plan:

Class #	Description	Insider? (Yes or No)	Impairment	Treatment
	Secured claim of: Name = Collateral description = Allowed Secured Amount = $_____ Priority of lien = Principal owed = $_____ Pre-pet. arrearage = $_____ Total claim = $_____		[State whether impaired or unimpaired]	[Monthly] Pmt = Pmts Begin = Pmts End = [Balloon pmt] = Interest rate % = Treatment of Lien = [Additional payment required to cure defaults] =

	Secured claim of: Name = Collateral description = Allowed Secured Amount = $_____ Priority of lien = Principal owed = $_____ Pre-pet. arrearage = $_____ Total claim = $_____		[State whether impaired or unimpaired]	Monthly Pmt = Pmts Begin = Pmts End = [Balloon pmt] = Interest rate % = Treatment of Lien = [Additional payment required to cure defaults] =

2. *Classes of Priority Unsecured Claims*

Certain priority claims that are referred to in §§ 507(a)(1), (4), (5), (6), and (7) of the Code are required to be placed in classes. The Code requires that each holder of such a claim receive cash on the effective date of the Plan equal to the allowed amount of such claim. However, a class of holders of such claims may vote to accept different treatment.

The following chart lists all classes containing claims under §§ 507(a)(1), (4), (5), (6), and (a)(7) of the Code and their proposed treatment under the Plan:

Class #	Description	Impairment	Treatment
	Priority unsecured claim pursuant to Section [insert] Total amt of claims = $	[State whether impaired or unimpaired]	
	Priority unsecured claim pursuant to Section [insert] Total amt of claims = $	[State whether impaired or unimpaired]	

3. *Class[es] of General Unsecured Claims*

General unsecured claims are not secured by property of the estate and are not entitled to priority under § 507(a) of the Code. [Insert description of §1122(b) convenience class if applicable.]

The following chart identifies the Plan's proposed treatment of Class[es] __ through __, which contain general unsecured claims against the Debtor:

Class #	Description	Impairment	Treatment
	[1122(b) Convenience Class]	[State whether impaired or unimpaired]	[Insert proposed treatment, such as "Paid in full in cash on effective date of the Plan or when due under contract or applicable nonbankruptcy law"]
	General Unsecured Class	[State whether impaired or unimpaired]	Monthly Pmt = Pmts Begin = Pmts End = [Balloon pmt] = Interest rate % from [date] = Estimated percent of claim paid =

4. *Class[es] of Equity Interest Holders*

Equity interest holders are parties who hold an ownership interest (*i.e.*, equity interest) in the Debtor. In a corporation, entities holding preferred or common stock are equity interest holders. In a partnership, equity interest holders include both general and limited partners. In a limited liability company ("LLC"), the equity interest holders are the members. Finally, with respect to an individual who is a debtor, the Debtor is the equity interest holder.

The following chart sets forth the Plan's proposed treatment of the class[es] of equity interest holders: [There may be more than one class of equity interests in, for example, a partnership case, or a case where the prepetition debtor had issued multiple classes of stock.]

Class #	Description	Impairment	Treatment
	Equity interest holders	[State whether impaired or unimpaired]	

D. **Means of Implementing the Plan**

1. *Source of Payments*

Payments and distributions under the Plan will be funded by the following:

[Describe the source of funds for payments under the Plan.]

2. *Post-confirmation Management*

The Post-Confirmation Managers of the Debtor, and their compensation, shall be as follows:

Name	Affiliations	Insider (yes or no)?	Position	Compensation

E. **Risk Factors**

The proposed Plan has the following risks:

[List all risk factors that might affect the Debtor's ability to make payments and other distributions required under the Plan.]

F. **Executory Contracts and Unexpired Leases**

The Plan, in Exhibit 5.1, lists all executory contracts and unexpired leases that the Debtor will assume under the Plan. Assumption means that the Debtor has elected to continue to perform the obligations under such contracts and unexpired leases, and to cure defaults of the

type that must be cured under the Code, if any. Exhibit 5.1 also lists how the Debtor will cure and compensate the other party to such contract or lease for any such defaults.

If you object to the assumption of your unexpired lease or executory contract, the proposed cure of any defaults, or the adequacy of assurance of performance, you must file and serve your objection to the Plan within the deadline for objecting to the confirmation of the Plan, unless the Court has set an earlier time.

All executory contracts and unexpired leases that are not listed in Exhibit 5.1 will be rejected under the Plan. Consult your adviser or attorney for more specific information about particular contracts or leases.

If you object to the rejection of your contract or lease, you must file and serve your objection to the Plan within the deadline for objecting to the confirmation of the Plan.

[***The Deadline for Filing a Proof of Claim Based on a Claim Arising from the Rejection of a Lease or Contract Is _____.*** Any claim based on the rejection of a contract or lease will be barred if the proof of claim is not timely filed, unless the Court orders otherwise.]

G. Tax Consequences of Plan

Creditors and Equity Interest Holders Concerned with How the Plan May Affect Their Tax Liability Should Consult with Their Own Accountants, Attorneys, And/Or Advisors.

The following are the anticipated tax consequences of the Plan: [List the following general consequences as a minimum: (1)Tax consequences to the Debtor of the Plan; (2) General tax consequences on creditors of any discharge, and the general tax consequences of receipt of plan consideration after confirmation.]

IV. CONFIRMATION REQUIREMENTS AND PROCEDURES

To be confirmable, the Plan must meet the requirements listed in §§ 1129(a) or (b) of the Code. These include the requirements that: the Plan must be proposed in good faith; at least one impaired class of claims must accept the plan, without counting votes of insiders; the Plan must distribute to each creditor and equity interest holder at least as much as the creditor or equity interest holder would receive in a chapter 7 liquidation case, unless the creditor or equity interest holder votes to accept the Plan; and the Plan must be feasible. These requirements are <u>not</u> the only requirements listed in § 1129, and they are not the only requirements for confirmation.

A. Who May Vote or Object

Any party in interest may object to the confirmation of the Plan if the party believes that the requirements for confirmation are not met.

Many parties in interest, however, are not entitled to vote to accept or reject the Plan. A creditor or equity interest holder has a right to vote for or against the Plan only if that creditor or equity interest holder has a claim or equity interest that is both (1) allowed or allowed for voting purposes and (2) impaired.

In this case, the Plan Proponent believes that classes _____ are impaired and that holders of claims in each of these classes are therefore entitled to vote to accept or reject the Plan. The Plan Proponent believes that classes _____ are unimpaired and that holders of claims in each of these classes, therefore, do not have the right to vote to accept or reject the Plan.

1. *What Is an Allowed Claim or an Allowed Equity Interest?*

Only a creditor or equity interest holder with an allowed claim or an allowed equity interest has the right to vote on the Plan. Generally, a claim or equity interest is allowed if either (1) the Debtor has scheduled the claim on the Debtor's schedules, unless the claim has been scheduled as disputed, contingent, or unliquidated, or (2) the creditor has filed a proof of claim or equity interest, unless an objection has been filed to such proof of claim or equity interest. When a claim or equity interest is not allowed, the creditor or equity interest holder holding the claim or equity interest cannot vote unless the Court, after notice and hearing, either overrules the objection or allows the claim or equity interest for voting purposes pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure.

The deadline for filing a proof of claim in this case was _____.
[If applicable – The deadline for filing objections to claims is_____.]

2. *What Is an Impaired Claim or Impaired Equity Interest?*

As noted above, the holder of an allowed claim or equity interest has the right to vote only if it is in a class that is *impaired* under the Plan. As provided in § 1124 of the Code, a class is considered impaired if the Plan alters the legal, equitable, or contractual rights of the members of that class.

3. *Who is **Not** Entitled to Vote*

The holders of the following five types of claims and equity interests are *not* entitled to vote:

- holders of claims and equity interests that have been disallowed by an order of the Court;
- holders of other claims or equity interests that are not "allowed claims" or "allowed equity interests" (as discussed above), unless they have been "allowed" for voting purposes.
- holders of claims or equity interests in unimpaired classes;
- holders of claims entitled to priority pursuant to §§ 507(a)(2), (a)(3), and (a)(8) of the Code; and
- holders of claims or equity interests in classes that do not receive or retain any value under the Plan;
- administrative expenses.

Even If You Are Not Entitled to Vote on the Plan, You Have a Right to Object to the Confirmation of the Plan [and to the Adequacy of the Disclosure Statement].

4. *Who Can Vote in More Than One Class*

A creditor whose claim has been allowed in part as a secured claim and in part as an unsecured claim, or who otherwise hold claims in multiple classes, is entitled to accept or reject a Plan in each capacity, and should cast one ballot for each claim.

B. **Votes Necessary to Confirm the Plan**

If impaired classes exist, the Court cannot confirm the Plan unless (1) at least one impaired class of creditors has accepted the Plan without counting the votes of any insiders within that class, and (2) all impaired classes have voted to accept the Plan, unless the Plan is eligible to be confirmed by "cram down" on non-accepting classes, as discussed later in Section [B.2.].

1. *Votes Necessary for a Class to Accept the Plan*

A class of claims accepts the Plan if both of the following occur: (1) the holders of more than one-half (1/2) of the allowed claims in the class, who vote, cast their votes to accept the Plan, and (2) the holders of at least two-thirds (2/3) in dollar amount of the allowed claims in the class, who vote, cast their votes to accept the Plan.

A class of equity interests accepts the Plan if the holders of at least two-thirds (2/3) in amount of the allowed equity interests in the class, who vote, cast their votes to accept the Plan.

2. *Treatment of Nonaccepting Classes*

Even if one or more impaired classes reject the Plan, the Court may nonetheless confirm the Plan if the nonaccepting classes are treated in the manner prescribed by § 1129(b) of the Code. A plan that binds nonaccepting classes is commonly referred to as a "cram down" plan. The Code allows the Plan to bind nonaccepting classes of claims or equity interests if it meets all the requirements for consensual confirmation except the voting requirements of § 1129(a)(8) of the Code, does not "discriminate unfairly," and is "fair and equitable" toward each impaired class that has not voted to accept the Plan.

You should consult your own attorney if a "cramdown" confirmation will affect your claim or equity interest, as the variations on this general rule are numerous and complex.

C. **Liquidation Analysis**

To confirm the Plan, the Court must find that all creditors and equity interest holders who do not accept the Plan will receive at least as much under the Plan as such claim and equity interest holders would receive in a chapter 7 liquidation. A liquidation analysis is attached to this Disclosure Statement as Exhibit E.

D. **Feasibility**

The Court must find that confirmation of the Plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the Debtor or any successor to the Debtor, unless such liquidation or reorganization is proposed in the Plan.

1. *Ability to Initially Fund Plan*

The Plan Proponent believes that the Debtor will have enough cash on hand on the effective date of the Plan to pay all the claims and expenses that are entitled to be paid on that date. Tables showing the amount of cash on hand on the effective date of the Plan, and the sources of that cash are attached to this disclosure statement as Exhibit F.

2. *Ability to Make Future Plan Payments And Operate Without Further Reorganization*

The Plan Proponent must also show that it will have enough cash over the life of the Plan to make the required Plan payments.

The Plan Proponent has provided projected financial information. Those projections are listed in Exhibit G.

The Plan Proponent's financial projections show that the Debtor will have an aggregate annual average cash flow, after paying operating expenses and post-confirmation taxes, of $____. The final Plan payment is expected to be paid on _____.

[Summarize the numerical projections, and highlight any assumptions that are not in accord with past experience. Explain why such assumptions should now be made.]

You Should Consult with Your Accountant or other Financial Advisor If You Have Any Questions Pertaining to These Projections.

V. EFFECT OF CONFIRMATION OF PLAN

A. **DISCHARGE OF DEBTOR** [If the Debtor is not entitled to discharge pursuant to 11 U.S.C. § 1141(d)(3) change this heading to "**NO DISCHARGE OF DEBTOR**."]

[Option 1 – If Debtor is an individual and § 1141(d)(3) is not applicable]

Discharge. Confirmation of the Plan does not discharge any debt provided for in the Plan until the court grants a discharge on completion of all payments under the Plan, or as otherwise provided in § 1141(d)(5) of the Code. Debtor will not be discharged from any debt excepted from discharge under § 523 of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

[Option 2 -- If the Debtor is a partnership and § 1141(d)(3) of the Code is not applicable]

Discharge. On the effective date of the Plan, the Debtor shall be discharged from any debt that arose before confirmation of the Plan, subject to the occurrence of the effective date, to the extent specified in § 1141(d)(1)(A) of the Code. However, the Debtor shall not be discharged from any debt imposed by the Plan. After the effective date of the Plan your claims against the Debtor will be limited to the debts imposed by the Plan.

[Option 3 -- If the Debtor is a corporation and § 1141(d)(3) is not applicable]

Discharge. On the effective date of the Plan, the Debtor shall be discharged from any

debt that arose before confirmation of the Plan, subject to the occurrence of the effective date, to the extent specified in § 1141(d)(1)(A) of the Code, except that the Debtor shall not be discharged of any debt (i) imposed by the Plan, (ii) of a kind specified in § 1141(d)(6)(A) if a timely complaint was filed in accordance with Rule 4007(c) of the Federal Rules of Bankruptcy Procedure, or (iii) of a kind specified in § 1141(d)(6)(B). After the effective date of the Plan your claims against the Debtor will be limited to the debts described in clauses (i) through (iii) of the preceding sentence.

[Option 4 – If § 1141(d)(3) is applicable]

No Discharge. In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

B. Modification of Plan

The Plan Proponent may modify the Plan at any time before confirmation of the Plan. However, the Court may require a new disclosure statement and/or revoting on the Plan.

[If the Debtor is not an individual, add the following: "The Plan Proponent may also seek to modify the Plan at any time after confirmation only if (1) the Plan has not been substantially consummated *and* (2) the Court authorizes the proposed modifications after notice and a hearing."]

[If the Debtor is an individual, add the following: "Upon request of the Debtor, the United States trustee, or the holder of an allowed unsecured claim, the Plan may be modified at any time after confirmation of the Plan but before the completion of payments under the Plan, to (1) increase or reduce the amount of payments under the Plan on claims of a particular class, (2) extend or reduce the time period for such payments, or (3) alter the amount of distribution to a creditor whose claim is provided for by the Plan to the extent necessary to take account of any payment of the claim made other than under the Plan."]

C. Final Decree

Once the estate has been fully administered, as provided in Rule 3022 of the Federal Rules of Bankruptcy Procedure, the Plan Proponent, or such other party as the Court shall designate in the Plan Confirmation Order, shall file a motion with the Court to obtain a final decree to close the case. Alternatively, the Court may enter such a final decree on its own motion.

VI. OTHER PLAN PROVISIONS

[Insert other provisions here, as necessary and appropriate.]

_____

[Signature of the Plan Proponent]

_____

[Signature of the Attorney for the Plan Proponent]

EXHIBITS

Exhibit A – Copy of Proposed Plan of Reorganization

Exhibit B – Identity and Value of Material Assets of Debtor

Exhibit C – Prepetition Financial Statements
(to be taken from those filed with the court)

Exhibit D – [Most Recently Filed Postpetition Operating Report][Summary of Postpetition Operating Reports]

Exhibit E – Liquidation Analysis

Plan Proponent's Estimated Liquidation Value of Assets

Assets	
a. Cash on hand	$
b. Accounts receivable	$
c. Inventory	$
d. Office furniture & equipment	$
e. Machinery & equipment	$
f. Automobiles	$
g. Building & Land	$
h. Customer list	$
i. Investment property (such as stocks, bonds or other financial assets)	$
j. Lawsuits or other claims against third-parties	$
k. Other intangibles (such as avoiding powers actions)	$
Total Assets at Liquidation Value	$
Less:	
Secured creditors' recoveries	$
Less:	
Chapter 7 trustee fees and expenses	$
Less:	
Chapter 11 administrative expenses	$
Less:	
Priority claims, excluding administrative expense claims	$
[Less:	
Debtor's claimed exemptions]	$
(1) Balance for unsecured claims	$
(2) Total dollar amount of unsecured claims	$
Percentage of Claims Which Unsecured Creditors Would Receive Or Retain in a Chapter 7 Liquidation:	$
Percentage of Claims Which Unsecured Creditors Will Receive or Retain under the Plan:	____% [Divide (1) by (2)]
	____%

Exhibit F – Cash on hand on the effective date of the Plan

Cash on hand on effective date of the Plan:	$
Less –	
Amount of administrative expenses payable on effective date of the Plan	-
Amount of statutory costs and charges	-
Amount of cure payments for executory contracts	-
Other Plan Payments due on effective date of the Plan	-
Balance after paying these amounts.....	$

The sources of the cash Debtor will have on hand by the effective date of the Plan are estimated as follows:

$	Cash in Debtor's bank account now
+	Additional cash Debtor will accumulate from net earnings between now and effective date of the Plan [state the basis for such projections]
+	Borrowing [separately state terms of repayment]
+	Capital Contributions
+	Other
$	Total [This number should match "cash on hand" figure noted above

Exhibit G – Projections of Cash Flow and Earnings for Post-Confirmation Period

Instructions for Form Disclosure Statement

BACKGROUND AND GENERAL INSTRUCTIONS

1. This small business chapter 11 disclosure statement form is promulgated pursuant to § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. This form may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor within the meaning of § 101(51D) of the Code. This form provides a format for disseminating to parties in interest information about the plan of reorganization in a debtor's small business chapter 11 case, so that those parties can make reasonably informed judgments whether to accept, reject or object to the plan. Because the relevant legal requirements for and effects of a plan's confirmation may vary depending on the nature of the debtor, and because the details of any proposed reorganization necessarily vary, this form is intended to provide a format for disclosure, rather than a specific prescription for the language or content of a disclosure statement in any particular case. The form highlights the factual and legal disclosures required by § 1125 of the Code in connection with the plan's confirmation. It is not intended to restrict the plan's proponent from providing additional information where that would be useful.

2. Proponents are encouraged to present material information in as clear a fashion as possible, including, where feasible, in an accompanying executive summary, approved by the court, that highlights particular creditors' or interest holders' voting status and treatment under the plan.

3. Some language in this form appears in brackets. The bracketed language sometimes instructs the plan's proponent to provide certain information, and sometimes provides optional or alternative language that should be used when and where appropriate. Proponents should make the necessary insertions and/or delete inapplicable language.

SPECIFIC INSTRUCTIONS

INTRODUCTORY SECTION

4. The introductory section describes the purpose of the disclosure statement, provides procedural information regarding confirmation of the plan, including where to obtain additional information, indicates whether particular claimants or interest holders will be entitled to vote on the plan, and details the procedures and deadlines for filing objections to confirmation of the plan. A copy of the plan should be attached to the debtor's disclosure statement as

Exhibit A. Where the proposed distribution to unsecured creditors and other classes can be succinctly summarized, describe that distribution in the second introductory paragraph.

5. In some cases, the court will approve the debtor's disclosure statement prior to solicitation of acceptance or rejection of the plan. See Rule 3017. In other cases, the court may conditionally approve the disclosure statement, and combine the hearing on the adequacy of disclosure and the hearing on confirmation of the plan into one hearing. See Rule 3017.1. Use the bracketed language as appropriate in subsections I.B. and I.C.

BACKGROUND SECTION

6. The second part of disclosure statement provides a history of the debtor's business, both before and during the debtor's bankruptcy case. In this section, the plan proponent should describe the debtor's business, the events that led to the filing of the debtor's bankruptcy petition, and the key events in the debtor's bankruptcy case, and identify the people who managed the debtor during the case and who will manage the debtor after the plan is confirmed. The proponent should disclose its intentions with regard to, and the status of, avoidance actions. If the debtor or proponent intends to bring an avoidance action against a particular creditor or equity interest holder, the disclosure statement should disclose this fact so that the creditor or equity interest holder can use that information to determine the value of its claim or interest when considering whether to accept or reject the plan. If the debtor or plan proponent is uncertain as to what avoidance actions might be brought, that fact should be disclosed as well, so that claimants and equity interest holders can take that information into account, as well, when considering whether to accept or reject the plan.

7. A schedule of the debtor's material assets, along with the basis for their valuation should be attached to the debtor's disclosure statement as Exhibit B. Under § 1116 of the Code, the debtor must also file its most recent prepetition financial statements with the petition. These financial statements should be attached to the debtor's disclosure statement as Exhibit C.

8. Sections 434 and 435 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and § 308 of the Code require the debtor to file periodic operating reports with the court. The most recent such reports, or a summary of the filed reports, should be attached to the debtor's disclosure statement as Exhibit D.

SUMMARY OF PLAN

9. The third part of the disclosure statement describes the treatment of various creditors and equity interest holders who will receive distributions under the plan. Because the treatment of certain claims, such as administrative expense claims, allowed under § 503 of the Code, and priority tax claims, allowed under §507(a)(8) of the Code, is statutorily specified, these claims are not placed into classes. Secured creditors are generally each placed in their own class, with the particular treatment specified for that class. Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8) of the Code. While it is not required, the proponent may, where applicable, wish to classify claims under § 507(a)(9) and (10) of the Code. Finally, the disclosure statement should describe the treatment of the general unsecured claimants and equity interest holders. An administrative convenience class may be created pursuant to § 1122(b) of the Code, and other classes of unsecured claims may be created to the extent permitted by applicable case law. Also, while the suggested language of the form contemplates that plan distributions will be in the form of monthly payments, other forms of consideration are permitted and this section of the disclosure statement should be modified to describe clearly the form(s), methods and timing of payments to be made under the particular plan.

10. The disclosure statement should also detail the sources of funds for payments to be made under the plan. These should include the sources of funds for payments to be made on the effective date of the plan (detailed in Exhibit F), and the source of payments that will be made over the life of the plan. The description should be supported by projections about the income and profitability of the debtor. The plan proponent must also fully describe post-confirmation management, as required by § 1129(a)(5) of the Code. The disclosure statement should also describe any risk factors that might influence the debtor's ability to complete the payments or affect the value of the distributions provided for under the plan. Also, the disclosure statement should list any material executory contracts that will be assumed pursuant to the plan, as well as any material contracts that will be rejected. To the extent possible, the tax consequences of the plan should also be summarized.

CONFIRMATION REQUIREMENTS AND PROCEDURES SECTION

11. The fourth part of the disclosure statement sets forth the procedures and requirements for confirmation. In this regard, the disclosure statement should inform creditors and equity interest holders of (1) which class they are in, (2) whether they are entitled to vote, and (3) the amount of their claim allowed for voting purposes. This may be accomplished in the disclosure statement itself or, as noted above, in a summary statement, approved by the court, and sent to

the parties in interest along with the disclosure statement. A liquidation analysis of the debtor should be attached to the disclosure statement as Exhibit E. As noted above, the sources of funds for payments to be made on the effective date of the plan should be detailed in Exhibit F, and projections about the profitability and cash flow of the debtor's business after confirmation should be attached to the disclosure statement as Exhibit G.

EFFECT OF PLAN CONFIRMATION

12. The fifth part of the disclosure statement describes the effect of plan confirmation. The language used here should be chosen with care, as the effect of confirmation differs depending on whether the debtor is an individual, partnership, or corporation, and on whether the debtor will continue in business post-confirmation or will, instead, be liquidated.

13. If the plan provides that, after its confirmation, property of the estate will vest in and be distributed by someone other than the debtor, the disclosure statement should identify any such property and the person in whom the property will vest.

OTHER PROVISIONS

14. Other provisions may be added in Part VI as desired and appropriate.

COMMITTEE NOTE

This form is new. It implements § 433 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which provides for an official form for a disclosure statement that may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form provides a format for disseminating information to parties in interest about the plan of reorganization in a small business debtor's chapter 11 case, so that a party can make a reasonably informed judgment whether to accept, reject, or object to a proposed plan of reorganization or liquidation.

The form is intended to be used in conjunction with the form small business chapter 11 plan (Official Form 25A). As required by § 433 of the 2005 Act, the form seeks to strike a practical balance between the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information, on the one hand, and economy and simplicity for debtors, on the other. The form includes instructions and examples of the types of information needed to complete it.

Because the relevant legal requirements for, and effect of, a plan's confirmation may vary depending on the nature of the debtor and the details of the proposed plan, this form is intended to provide an illustrative format for disclosure, rather than a specific prescription for the language or content of a particular disclosure statement. The form highlights the factual and legal disclosures required for adequate disclosure under § 1125 of the Code. The form is not intended to restrict a plan proponent from providing additional information where that would be useful. Plan proponents are encouraged to present material information in as clear a manner as possible, including, where feasible, by providing an accompanying executive summary, approved by the court, that highlights particular creditors' or interest holders' voting status and treatment under the plan.

Rule 3016 specifies the manner in which the disclosure statement is to be filed. Rule 3017 specifies the manner in which the court will consider it. Rule 3017.1 specifies special procedures for the court's conditional approval of a disclosure statement in a small business case.

13. DO YOU HAVE ANY BANK ACCOUNTS OPEN OTHER THAN THE DIP ACCOUNT?	☐	☐
14. HAVE YOU SOLD ANY ASSETS OTHER THAN INVENTORY THIS MONTH?	☐	☐
15. DID ANY INSURANCE COMPANY CANCEL YOUR POLICY THIS MONTH?	☐	☐
16. HAVE YOU BORROWED MONEY FROM ANYONE THIS MONTH?	☐	☐
17. HAS ANYONE MADE AN INVESTMENT IN YOUR BUSINESS THIS MONTH?	☐	☐
18. HAVE YOU PAID ANY BILLS YOU OWED BEFORE YOU FILED BANKRUPTCY?	☐	☐

TAXES

DO YOU HAVE ANY PAST DUE TAX RETURNS OR PAST DUE POST-PETITION TAX OBLIGATIONS?	☐	☐

IF YES, PLEASE PROVIDE A WRITTEN EXPLANATION INCLUDING WHEN SUCH RETURNS WILL BE FILED, OR WHEN SUCH PAYMENTS WILL BE MADE AND THE SOURCE OF THE FUNDS FOR THE PAYMENT.

(Exhibit A)

INCOME

PLEASE SEPARATELY LIST ALL OF THE INCOME YOU RECEIVED FOR THE MONTH. THE LIST SHOULD INCLUDE ALL INCOME FROM CASH AND CREDIT TRANSACTIONS. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL INCOME $ _____

SUMMARY OF CASH ON HAND

Cash on Hand at Start of Month	$ _____
Cash on Hand at End of Month	$ _____
PLEASE PROVIDE THE TOTAL AMOUNT OF CASH CURRENTLY AVAILABLE TO YOU **TOTAL**	$ _____

(Exhibit B)

EXPENSES

PLEASE SEPARATELY LIST ALL EXPENSES PAID BY CASH OR BY CHECK FROM YOUR BANK ACCOUNTS THIS MONTH. INCLUDE THE DATE PAID, WHO WAS PAID THE MONEY, THE PURPOSE AND THE AMOUNT. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL EXPENSES _____

(Exhibit C)

CASH PROFIT

INCOME FOR THE MONTH (TOTAL FROM EXHIBIT B)	_____
EXPENSES FOR THE MONTH (TOTAL FROM EXHIBIT C)	_____

Official Form 25C (12/08)

United States Bankruptcy Court

_____ District of _____

In re_____, Case No. _____

Debtor

Small Business Case under Chapter 11

SMALL BUSINESS MONTHLY OPERATING REPORT

Month: _____ **Date Filed:** _____

Line of Business: _____ **NAICS Code:** _____

IN ACCORDANCE WITH TITLE 28, SECTION 1746, OF THE UNITED STATES CODE, I DECLARE UNDER PENALTY OF PERJURY THAT I HAVE EXAMINED THE FOLLOWING SMALL BUSINESS MONTHLY OPERATING REPORT AND THE ACCOMPANYING ATTACHMENTS AND, TO THE BEST OF MY KNOWLEDGE, THESE DOCUMENTS ARE TRUE, CORRECT AND COMPLETE.

RESPONSIBLE PARTY:

_____

ORIGINAL SIGNATURE OF RESPONSIBLE PARTY

_____

PRINTED NAME OF RESPONSIBLE PARTY

QUESTIONNAIRE: (All questions to be answered on behalf of the debtor.)	**YES**	**NO**
1. IS THE BUSINESS STILL OPERATING?	☐	☐
2. HAVE YOU PAID ALL YOUR BILLS ON TIME THIS MONTH?	☐	☐
3. DID YOU PAY YOUR EMPLOYEES ON TIME?	☐	☐
4. HAVE YOU DEPOSITED ALL THE RECEIPTS FOR YOUR BUSINESS INTO THE DIP ACCOUNT THIS MONTH?	☐	☐
5. HAVE YOU FILED ALL OF YOUR TAX RETURNS AND PAID ALL OF YOUR TAXES THIS MONTH?	☐	☐
6. HAVE YOU TIMELY FILED ALL OTHER REQUIRED GOVERNMENT FILINGS?	☐	☐
7. HAVE YOU PAID ALL OF YOUR INSURANCE PREMIUMS THIS MONTH?	☐	☐
8. DO YOU PLAN TO CONTINUE TO OPERATE THE BUSINESS NEXT MONTH?	☐	☐
9. ARE YOU CURRENT ON YOUR QUARTERLY FEE PAYMENT TO THE U.S. TRUSTEE?	☐	☐
10. HAVE YOU PAID ANYTHING TO YOUR ATTORNEY OR OTHER PROFESSIONALS THIS MONTH?	☐	☐
11. DID YOU HAVE ANY UNUSUAL OR SIGNIFICANT UNANTICIPATED EXPENSES THIS MONTH?	☐	☐
12. HAS THE BUSINESS SOLD ANY GOODS OR PROVIDED SERVICES OR TRANSFERRED ANY ASSETS TO ANY BUSINESS RELATED TO THE DIP IN ANY WAY?	☐	☐

13. DO YOU HAVE ANY BANK ACCOUNTS OPEN OTHER THAN THE DIP ACCOUNT?	☐	☐
14. HAVE YOU SOLD ANY ASSETS OTHER THAN INVENTORY THIS MONTH?	☐	☐
15. DID ANY INSURANCE COMPANY CANCEL YOUR POLICY THIS MONTH?	☐	☐
16. HAVE YOU BORROWED MONEY FROM ANYONE THIS MONTH?	☐	☐
17. HAS ANYONE MADE AN INVESTMENT IN YOUR BUSINESS THIS MONTH?	☐	☐
18. HAVE YOU PAID ANY BILLS YOU OWED BEFORE YOU FILED BANKRUPTCY?	☐	☐

TAXES

DO YOU HAVE ANY PAST DUE TAX RETURNS OR PAST DUE POST-PETITION TAX OBLIGATIONS?	☐	☐

IF YES, PLEASE PROVIDE A WRITTEN EXPLANATION INCLUDING WHEN SUCH RETURNS WILL BE FILED, OR WHEN SUCH PAYMENTS WILL BE MADE AND THE SOURCE OF THE FUNDS FOR THE PAYMENT.

(Exhibit A)

INCOME

PLEASE SEPARATELY LIST ALL OF THE INCOME YOU RECEIVED FOR THE MONTH. THE LIST SHOULD INCLUDE ALL INCOME FROM CASH AND CREDIT TRANSACTIONS. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL INCOME $ _____

SUMMARY OF CASH ON HAND

Cash on Hand at Start of Month	$ _____
Cash on Hand at End of Month	$ _____
PLEASE PROVIDE THE TOTAL AMOUNT OF CASH CURRENTLY AVAILABLE TO YOU **TOTAL**	$ _____

(Exhibit B)

EXPENSES

PLEASE SEPARATELY LIST ALL EXPENSES PAID BY CASH OR BY CHECK FROM YOUR BANK ACCOUNTS THIS MONTH. INCLUDE THE DATE PAID, WHO WAS PAID THE MONEY, THE PURPOSE AND THE AMOUNT. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL EXPENSES _____

(Exhibit C)

CASH PROFIT

INCOME FOR THE MONTH (TOTAL FROM EXHIBIT B) _____

EXPENSES FOR THE MONTH (TOTAL FROM EXHIBIT C) _____

(Subtract Line C from Line B) **CASH PROFIT FOR THE MONTH** _____

UNPAID BILLS

PLEASE ATTACH A LIST OF ALL DEBTS (INCLUDING TAXES) WHICH YOU HAVE INCURRED SINCE THE DATE YOU FILED BANKRUPTCY BUT HAVE NOT PAID. THE LIST MUST INCLUDE THE DATE THE DEBT WAS INCURRED, WHO IS OWED THE MONEY, THE PURPOSE OF THE DEBT AND WHEN THE DEBT IS DUE. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL PAYABLES _____

(Exhibit D)

MONEY OWED TO YOU

PLEASE ATTACH A LIST OF ALL AMOUNTS OWED TO YOU BY YOUR CUSTOMERS FOR WORK YOU HAVE DONE OR THE MERCHANDISE YOU HAVE SOLD. YOU SHOULD INCLUDE WHO OWES YOU MONEY, HOW MUCH IS OWED AND WHEN IS PAYMENT DUE. (THE U.S. TRUSTEE MAY WAIVE THIS REQUIREMENT.)

TOTAL RECEIVABLES _____

(Exhibit E)

BANKING INFORMATION

PLEASE ATTACH A COPY OF YOUR LATEST BANK STATEMENT FOR EVERY ACCOUNT YOU HAVE AS OF THE DATE OF THIS FINANCIAL REPORT OR HAD DURING THE PERIOD COVERED BY THIS REPORT. _____

_____

(Exhibit F)

EMPLOYEES

NUMBER OF EMPLOYEES WHEN THE CASE WAS FILED? _____

NUMBER OF EMPLOYEES AS OF THE DATE OF THIS MONTHLY REPORT? _____

PROFESSIONAL FEES

BANKRUPTCY RELATED: _____

PROFESSIONAL FEES RELATING TO THE BANKRUPTCY CASE PAID DURING THIS REPORTING PERIOD? _____

TOTAL PROFESSIONAL FEES RELATING TO THE BANKRUPTCY CASE PAID SINCE THE FILING OF THE CASE?

NON-BANKRUPTCY RELATED:

PROFESSIONAL FEES PAID NOT RELATING TO THE BANKRUPTCY CASE PAID DURING THIS REPORTING PERIOD?

TOTAL PROFESSIONAL FEES PAID NOT RELATING TO THE BANKRUPTCY CASE PAID DURING THIS REPORTING PERIOD? _____

_____

PROJECTIONS

COMPARE YOUR ACTUAL INCOME AND EXPENSES TO THE PROJECTIONS FOR THE FIRST 180 DAYS OF YOUR CASE PROVIDED AT THE INITIAL DEBTOR INTERVIEW. _____

	Projected	Actual	Difference
INCOME			
EXPENSES			
CASH PROFIT			

TOTAL PROJECTED INCOME FOR THE NEXT MONTH:

TOTAL PROJECTED EXPENSES FOR THE NEXT MONTH:

TOTAL PROJECTED CASH PROFIT FOR THE NEXT MONTH:

ADDITIONAL INFORMATION

PLEASE ATTACH ALL FINANCIAL REPORTS INCLUDING AN INCOME STATEMENT AND BALANCE SHEET WHICH YOU PREPARE INTERNALLY.

COMMITTEE NOTE

This form is new. It implements § § 434 and 435 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which provided for rules and an official form to assist small business debtors in chapter 11 cases to fulfill their responsibilities under § 308 of the Code, a provision added by the 2005 Act. The form directs the debtor to disclose the information required under § 308 and resembles those developed earlier by the United States trustees for use in supervising debtors in possession in chapter 11 cases.

Official Form 26 (12/08)

United States Bankruptcy Court

_____ District of _____

In re_____, Case No. _____

Debtor Chapter 11

PERIODIC REPORT REGARDING VALUE, OPERATIONS AND PROFITABILITY OF ENTITIES IN WHICH THE ESTATE OF [NAME OF DEBTOR] HOLDS A SUBSTANTIAL OR CONTROLLING INTEREST

This is the report as of _____on the value, operations and profitability of those entities in which the estate holds a substantial or controlling interest, as required by Bankruptcy Rule 2015.3. The estate of [Name of Debtor] holds a substantial or controlling interest in the following entities:

Name of Entity	**Interest of the Estate**	**Tab #**

This periodic report (the "Periodic Report") contains separate reports ("Entity Reports") on the value, operations, and profitability of each entity listed above.

Each Entity Report shall consist of three exhibits. Exhibit A contains a valuation estimate for the entity as of a date not more than two years prior to the date of this report. It also contains a description of the valuation method used. Exhibit B contains a balance sheet, a statement of income (loss), a statement of cash flows, and a statement of changes in shareholders' or partners' equity (deficit) for the period covered by the Entity Report, along with summarized footnotes. Exhibit C contains a description of the entity's business operations.

THIS REPORT MUST BE SIGNED BY A REPRESENTATIVE OF THE TRUSTEE OR DEBTOR IN POSSESSION.

The undersigned, having reviewed the above listing of entities in which the estate of [Debtor] holds a substantial or controlling interest, and being familiar with the Debtor's financial affairs, verifies under the penalty of perjury that the listing is complete, accurate and truthful to the best of his/her knowledge.

Date: _____

_____
Signature of Authorized Individual

_____
Name of Authorized Individual

_____
Title of Authorized Individual

[If the Debtor is an individual or in a joint case]

Signature(s) of Debtor(s) (Individual/Joint)

_____
Signature of Debtor

_____
Signature of Joint Debtor

Exhibit A
Valuation Estimate for [Name of Entity]

[Provide a statement of the entity's value and the value of the estate's interest in the entity, including a description of the basis for the valuation, the date of the valuation and the valuation method used. This valuation must be no more than two years old. Indicate the source of this information.]

Exhibit B
Financial Statements for [Insert Name of Entity]

Exhibit B-1
Balance Sheet for [Name of Entity]
As of [date]

[Provide a balance sheet dated as of the end of the most recent six-month period of the current fiscal year and as of the end of the preceding fiscal year. Indicate the source of this information.]

Exhibit B-2
Statement of Income (Loss) for [Name of Entity]
Period ending [date]

[Provide a statement of income (loss) for the following periods:

(i) For the initial report:
a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
b. the prior fiscal year.
(ii) For subsequent reports, since the closing date of the last report.

Indicate the source of this information.]

Exhibit B-3
Statement of Cash Flows for [Name of Entity]
For the period ending [date]

[Provide a statement of changes in cash flows for the following periods:

(i) For the initial report:
a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
b. the prior fiscal year.
(ii) For subsequent reports, since the closing date of the last report.

Indicate the source of this information.]

Exhibit B-4
Statement of Changes in Shareholders'/Partners' Equity (Deficit) for [Name of Entity]
period ending [date]

[Provide a statement of changes in shareholders'/partners equity (deficit) for the following periods:

(i) For the initial report:
a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
b. the prior fiscal year.
(ii) For subsequent reports, since the closing date of the last report.

Indicate the source of this information.]

Exhibit C
Description of Operations for [name of entity]

[Describe the nature and extent of the estate's interest in the entity.

Describe the business conducted and intended to be conducted by the entity, focusing on the entity's dominant business segment(s). Indicate the source of this information.]

Instructions for Periodic Report Concerning Related Entities

General Instructions

1. This form periodic report ("Periodic Report") on value, profitability, and operations of entities in which the estate holds a substantial or controlling interest (the "Form") implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 19-8, 119 Stat. 23 (April 20, 2005)("BAPCPA"). This Form should be used when required by Fed. R. Bankr. P. 2015.3, with such variations as may be approved by the court pursuant to subdivisions (d) and (e) of that rule.

2. In a chapter 11 case, the trustee or debtor in possession shall file Periodic Reports of the value, operations, and profitability of each entity that is not also a debtor in a case under title 11, and in which the estate holds a substantial or controlling interest. The reports shall be prepared as prescribed by this Form, and shall be based upon the most recent information reasonably available to the trustee or debtor in possession.

3. Rule 2015.3 provides that, where the estate controls or owns at least a 20 percent interest of an entity, the estate's interest is presumed to be substantial or controlling. Where the estate controls or owns less than a 20 percent interest, the rule presumes that the estate's interest is not substantial or controlling. The question of substantial or controlling interest is, however, a factual one to be decided in each case.

4. The first Periodic Report required by subdivision (a) of Rule 2015.3 shall be filed no later than five days before the first date set for the meeting of creditors under § 341 of the Code. Subsequent Periodic Reports shall be filed no less frequently than every six months thereafter, until a plan of reorganization becomes effective or the case is closed, dismissed, or converted. Copies of the Periodic Report shall be served on the U.S. Trustee, any committee appointed under § 1102 of the Code, and any other party in interest that has filed a request therefor.

5. The source of the information contained in each Periodic Report shall be indicated.

Specific Instructions

6. Each entity subject to the reporting requirement of Rule 2015.3 shall be listed in the table contained on the first page of the form. Reports for each such entity shall be placed behind separate tabs, and each such report shall consist of three exhibits. Exhibit A shall provide valuation information; Exhibit B shall provide financial statements; and Exhibit C shall provide a description of operations.

Instructions for Exhibit A – Valuation

7. Provide a statement of the entity's value and the value of the estate's interest in the entity, including a description of the basis for the valuation, the date of the valuation, the valuation method used and the source or preparer of the information. This valuation must be no more than two years old.

Instructions for Exhibit B – Financial Statements and Profitability

8. The financial statements may be unaudited. The financial statements should be prepared in accordance with generally accepted accounting principles in the United States ("USGAAP"); deviations, if any from USGAAP, shall be disclosed. Indicate the source or preparer of the information.

9. Exhibit B shall include the following financial statements, and shall indicate the source of the information presented:

(a) A balance sheet dated as of the end of the most recent six-month period of the current fiscal year and as of the end of the preceding fiscal year.

(b) A statement of income (loss) for the following periods:
- (i) For the initial report:
  - a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
  - b. the prior fiscal year.
- (ii) For subsequent reports, since the closing date of the last report.

(c) A statement of changes in cash flows for the following periods:
- (i) For the initial report:
  - a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
  - b. the prior fiscal year.
- (ii) For subsequent reports, since the closing date of the last report.

(d) A statement of changes in shareholders'/partners' equity (deficit) for the following periods:
- (i) For the initial report:
  - a. the period between the end of the preceding fiscal year and the end of the most recent six-month period of the current fiscal year; and
  - b. the prior fiscal year.
- (ii) For subsequent reports, since the closing date of the last report.

10. The balance sheet contained in Exhibit B-1 may include only major captions with the exception of inventories. Data as to raw materials, work in process, and finished goods inventories should be included either on the face of the balance sheet or in the notes to

the financial statements, if applicable. Where any major balance sheet caption is less than 10% of total assets, the caption may be combined with others. An illustrative example of such a balance sheet is set forth below:

XYZ Company
Balance Sheet
As of_____

Assets	Year to date	Prior Fiscal Year
Cash and cash items	_____	_____
Marketable securities	_____	_____
Accounts and notes receivable (non-affiliates), net of allowances	_____	_____
Accounts due from affiliates	_____	_____
Inventories		
Raw materials	_____	_____
Work in Process	_____	_____
Finished goods	_____	_____
Long-term contract costs	_____	_____
Supplies	_____	_____
LIFO reserve	_____	_____
Total inventories	_____	_____
Prepaid expenses	_____	_____
Other current assets	_____	_____
Total current assets	_____	_____
Securities of affiliates	_____	_____
Indebtedness of affiliates (non-current)	_____	_____
Other investments	_____	_____
Property, plant and equipment, net of accumulated depreciation and amortization	_____	_____
Intangible assets	_____	_____
Other assets	_____	_____
Total Assets	_____	_____

Liabilities and Shareholders'/Partners' Equity	Year to date	Prior Fiscal Year
Accounts and notes payable (non-affiliates)	_____	_____
Payables to affiliates	_____	_____
Other current liabilities	_____	_____
Total current liabilities	_____	_____

Bonds, mortgages, and other long-term debt, including capitalized leases	_____	_____
Indebtedness to affiliates (non-current)	_____	_____
Other liabilities	_____	_____
Commitments and contingencies	_____	_____
Deferred credits	_____	_____
Minority interests in consolidated subsidiaries	_____	_____
Preferred stock subject to mandatory redemption or whose redemption is outside the control of the issuer	_____	_____
Total liabilities	_____	_____
Shareholders' equity	_____	_____
Total liabilities and shareholders'/partners' equity	_____	_____

11. The statement of income (loss) contained in Exhibit B-2 should also include major captions. When any major statement of income (loss) caption is less than 15% of net income (loss) for the most recent fiscal year, the caption may be combined with others. Notwithstanding these tests, *de minimis* amounts need not be shown separately. An illustrative example of such a statement of income (loss) is set forth below:

XYZ Company
Statement of income (loss)
For the periods ending_____

	Year to date	Prior Fiscal Year
Net sales and gross revenues	_____	_____
Costs and expenses applicable to sales and revenues	_____	_____
Gross profit	_____	_____
Selling, general, and administrative expenses	_____	_____
Provision for doubtful accounts	_____	_____
Other general expenses	_____	_____
Operating income (loss)	_____	_____
Non-operating income (loss)	_____	_____
Interest and amortization of debt discount	_____	_____
Non-operating expenses	_____	_____
Income or loss before income tax expense	_____	_____
Income tax expense	_____	_____
Minority interest in income of consolidated subsidiaries	_____	_____
Equity in earnings of unconsolidated subsidiaries		

and 50 per cent or less owned persons	_____	_____
Income or loss from continuing operations	_____	_____
Discontinued operations	_____	_____
Income or loss before extraordinary items and cumulative effects of changes in accounting principles	_____	_____
Extraordinary items, net of tax	_____	_____
Cumulative effects of changes in accounting principles	_____	_____
Net income (loss)	_____	_____
Earnings per share data	_____	_____

12. The statement of cash flows in Exhibit B-3 may be abbreviated, starting with a single figure of funds provided by operations and showing other changes individually only when they exceed 10% of the average of funds provided by operations for the most recent fiscal year. Notwithstanding this test, *de minimis* amounts need not be shown separately. An illustrative example of such a statement of cash flows is set forth below:

XYZ Company
Statement of cash flows
For the periods ending_____

	Year to date	Prior Fiscal Year
Net cash provided (used) by operating activities	_____	_____
Cash flows from investing activities		
Capital expenditures	_____	_____
Sale of _____	_____	_____
Other (describe)	_____	_____
Net cash provided (used) in investing activities	_____	_____
Cash flows provided (used) by financing activities		
Net borrowings under line-of-credit	_____	_____
Principal payments under capital leases	_____	_____
Proceeds from issuance of long-term debt	_____	_____
Proceeds from sale of stock	_____	_____
Dividends paid/Partner Distributions	_____	_____
Net cash provided (used) in financing activities	_____	_____
Net increase (decrease) in cash and cash equivalents	_____	_____
Cash and cash equivalents		

Beginning of period	_____	_____
End of period	_____	_____

13. Subject to paragraph 11 above, an illustrative example of such a statement of changes in shareholders'/partners' equity in Exhibit B-4 is set forth below:

XYZ Company
Statement of changes in shareholders'/partners' equity (deficit)
For the periods ending

	Year to date	Prior Fiscal Year
Balance, beginning of period	_____	_____
Comprehensive net income		
Net income	_____	_____
Other comprehensive income, net of tax	_____	_____
Unrealized gains (losses) on securities	_____	_____
Foreign translation adjustments	_____	_____
Minimum pension liability adjustment	_____	_____
Issuance of stock	_____	_____
Dividends paid	_____	_____
Balance, end of period	_____	_____

14. The financial information in the financial statements shall include disclosures either on the face of the statements or in accompanying footnotes sufficient to make the information not misleading. Disclosures should encompass, but not be limited to, for example, accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Where material contingencies exist, disclosure of such matters shall be provided.

15. If appropriate, the statement of income (loss) should show earnings (loss) per share and dividends declared per share applicable to common stock. The basis of the earnings per share computation should be stated together with the number of shares used in the computation.

16. In addition to the financial statements required above, entities in the development stage should provide the cumulative financial statements (condensed to the same degree as allowed above) and disclosures required by Statement of Financial Accounting Standards No. 7, "Accounting and Reporting by Development Stage Enterprises," to the date of the latest balance sheet presented.

Instructions for Exhibit C – Description of Operations

17. The description of operations contained in Exhibit C of this Form should describe the nature and extent of the estate's interest in the entity, as well as the business conducted by and intended to be conducted by the entity, focusing on the entity's dominant business segment(s) including, but not limited to the following as applicable:

- Principal product produced or services rendered and methods of distribution
- Description of the status of a new product or segment if a public announcement has been made or information publicly disseminated
- Sources and availability of raw materials
- Any significant patents, trademarks, licenses, franchises, and concessions held
- Seasonality of the business
- Dependence upon a single customer or a few customers
- Dollar amount of backlog orders believed to be firm
- Exposure to renegotiation or redetermination or termination of significant contracts
- Competitive conditions facing the entity
- Description of properties owned
- Significant legal proceedings
- Material purchase commitments
- Identified trends events or uncertainties that are likely to have a material impact on the entity's short-term liquidity, net sales, or income from continuing operations

18. The source preparer of the information should be indicated.

COMMITTEE NOTE

This form is new. It implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), which requires a chapter 11 debtor to file periodic reports on the profitability of any entities in which the estate holds a substantial or controlling interest. The form is to be used when required by Bankruptcy Rule 2015.3, with such variations as may be approved by the court pursuant to subdivisions (d) and (e) of that rule. The form includes instructions and examples of the types of information needed to complete it.

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. ~~*[Must be accompanied by a motion for determination by the court.]*~~
[Summarize exigent circumstances here.] _____
_____
_____.

~~**If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You**~~ **<u>If your certification is satisfactory to the court, you</u> must ~~still~~ obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, <u>it will enter an order disapproving your certification within the first 21 days after you file your bankruptcy case, and</u> your case may be dismissed.**

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: _____

Date: _____

Official Form 1, Exhibit D (12/09)

UNITED STATES BANKRUPTCY COURT

_____District of_____

In re_____ Case No._____
Debtor(s) (if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

☐ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now.
[Summarize exigent circumstances here.] _____
_____
_____
_____.

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, it will enter an order disapproving your certification within the first 21 days after you file your bankruptcy case, and your case may be dismissed.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: _____

Date: _____

8F

F. Proposed Amendment to Official Form 8 and new Official Form 27

The Advisory Committee recommends that the Standing Committee approve the following proposed amendment to Official Form 8 and new Official Form 27 for publication for comment.

1. Synopsis of Proposed Amendment and New Form.

A proposed amendment to Official Form 8 and new Official Form 27, which the Advisory Committee requests be published for comment by bench and bar in August 2007, are summarized below. The forms and committee notes follow the summary.

(a) *Official Form 8, Chapter 7 Individual Debtor's Statement of Intention –*

The form was amended to implement the changes to the Code in 2005 by adding a section covering personal property subject to an unexpired lease.

Comments on Amendments to Official Form 8:

Comment 06-BK-002 was submitted by Hon. Elizabeth Perris (Bankr. D. Ore.) Judge Perris asserted that the form was misleading to debtors, particularly those debtors filing without the assistance of an attorney, and that many debtors did not provide all of the required responses.

Changes Made After Publication:

The Committee rewrote the form and recommends that the revised version be published for comment.

(b) Official Form 27, Reaffirmation Agreement Cover Sheet –

This form is new. It requires the disclosure of financial information necessary for the court to make its determination under § 524(m) of the Code as to whether the reaffirmation agreement creates a presumption of undue hardship.

2. *Proposed amendment to Official Form 8 and new Official Form 27*

FORMS SEPARATELY ATTACHED

Form 8 (12/09)

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____
Chapter 7

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

PART A – Debts secured by property of the estate (attach additional pages if necessary)

☐ I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.
☐ I intend to do the following with respect to the property of the estate that secures those debts:

Description of Property which Secures Debt: _____ **Creditor's Name:**	**Property will be (indicate one):** ____ Surrendered ____ Retained	**If Property is to be Retained, indicate one:** ___ Property will be claimed as Exempt ___ Property will not be claimed as Exempt	**If Property is to be Retained, indicate all applicable items:** __ Property will be Redeeemed __ Debt will be Reaffirmed __ Lien will be Avoided pursuant to § 522(f) __ Other. Explain _____ _____
Description of Property which Secures Debt: _____ **Creditor's Name:**	**Property will be (indicate one):** ____ Surrendered ____ Retained	**If Property is to be Retained, indicate one:** ___ Property will be claimed as Exempt ___ Property will not be claimed as Exempt	**If Property is to be Retained, indicate all applicable items:** __ Property will be Redeeemed __ Debt will be Reaffirmed __ Lien will be Avoided pursuant to § 522(f) __ Other. Explain _____ _____
Description of Property which Secures Debt: _____ **Creditor's Name:**	**Property will be (indicate one):** ____ Surrendered ____ Retained	**If Property is to be Retained, indicate one:** ___ Property will be claimed as Exempt ___ Property will not be claimed as Exempt	**If Property is to be Retained, indicate all applicable items:** __ Property will be Redeeemed __ Debt will be Reaffirmed __ Lien will be Avoided pursuant to § 522(f) __ Other. Explain _____ _____

All four columns of Part A (including both parts of column one) must be completed for each debt which is secured by property of the estate. Complete the four columns separately for each debt. If more boxes are needed to describe all debts secured by property of the estate, complete and number additional copies of Page 1 of Form 8 as needed.

In the second column, by checking "Surrendered," the debtor indicates that the debtor intends to relinquish possession and control of the property. By checking "Retained," the debtor indicates that the debtor intends to retain possession and control of the property.

In the fourth column, if the debtor intends to retain the property, the debtor must state what actions the debtor intends to take with respect to the property and the debt. **This may require checking more than one line.** For example:

- The debtor may intend to exempt the property pursuant to 11 U.S.C. § 522 and avoid the lien or security interest under 11 U.S.C. § 522(f).
- The debtor may intend to redeem the property under 11 U.S.C. § 722 by paying the holder of the lien or security interest the amount of the allowed secured claim in full at the time of redemption.
- The debtor may intend to enter into an agreement with the creditor under 11 U.S.C. § 524(c) to reaffirm the debt.

PART B – Personal property subject to unexpired leases (attach additional pages if necessary)

☐ I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.
☐ I intend to do the following with respect to the personal property which is subject to an unexpired lease:

Description of Leased Property:	**Lessor's Name:**	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): YES_____ NO _____
Description of Leased Property:	**Lessor's Name:**	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): YES_____ NO _____
Description of Leased Property:	**Lessor's Name:**	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): YES_____ NO _____

All three columns of Part B must be completed for each unexpired lease. Complete the three columns separately for each debt. If more boxes are needed to describe all unexpired leases, complete and number additional copies of Page 2 of Form 8 as needed

Date: _____

_____
Signature of Debtor

DECLARATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section.

_____ _____
Printed or Typed Name, and Title, if any, of Bankruptcy Petition Preparer Social Security No. (Required under 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person or partner who signs this document.

_____

_____
Address

X_____ _____
Signature of Bankruptcy Petition Preparer Date

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

FORM 8

COMMITTEE NOTE

The form is amended to conform to § 362(h), which was added to the Code, and § 521(a)(2), which was amended, by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005), by expanding the questions directed to the debtor regarding leased personal property and property subject to security interests. The form is also amended to require the debtor to complete a series of columns describing the property and setting out what actions the debtor intends to take for each listed asset. The amended form is intended to elicit more complete information about the debtor's intentions with regard to property subject to security interests and personal property leases than has been obtained under the current version of the form.

Official Form 27 (12/09)

United States Bankruptcy Court
_____ District of _____

In re _____, Debtor

Case No. _____
Chapter ____

REAFFIRMATION AGREEMENT
COVER SHEET

This form must be completed in its entirety and filed within the time set under Rule 4008. It may be filed by any party to the reaffirmation agreement. The filer also must attach a copy of the reaffirmation agreement to this cover sheet.

Debtor's Name and Address _____

Creditor's Name and Address _____

1. Amount of debt as of commencement of case: $ _____
2. Describe collateral, if any, securing debt: $ _____
3. Amount of debt being reaffirmed: $ _____
4. Repayment term of reaffirmation (number of months): _____
5. Monthly payment under reaffirmation: $ _____
6. Annual percentage rate under reaffirmation: $ _____
7. Debtor's monthly income at reaffirmation: $ _____
8. Income from Schedule I, line 16: $ _____
9. Explain any difference in the amounts set out on lines 7 and 8
10. Debtor's monthly expenses at reaffirmation (without reaffirmed debt): $ _____
11. Current expenditures from Schedule J, line 18: $ _____
12. Explain any difference in the amounts set out on lines 10 and 11:

❑ Check this box if the amount on Line 10 of this form exceeds the amount on Line 7 of this Form. If these expenses exceed the income, a presumption of undue hardship arises.

❑ Check this box if the debtor was not represented by counsel during the course of negotiating this reaffirmation agreement.

I _____ hereby certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this Reaffirmation Agreement Cover Sheet.

_____
Signature

Form 27

COMMITTEE NOTE

This form is new. It requires the disclosure of financial information necessary for the court to make its determination under § 524(m) of the Code as to whether the reaffirmation agreement creates a presumption of undue hardship.

8G

Analysis of the 2006 Means Test Comments (Final version, 3/5/07)

1. Chapter 13 Attorney Fees.

a. *Substance of the comments.*

i. Tom Yerbich (06-BK-003) and Keith Lundin (06-BK-009 at 26) suggest that the following statement in the Committee Comment be deleted:

> The Chapter 13 form does not provide a deduction from disposable income for the Chapter 13 debtor's anticipated attorney fees. No specific statutory allowance for such a deduction exists, and none appears necessary. Section 1325(b)(1)(B) requires that disposable income contributed to a Chapter 13 plan be used to pay "unsecured creditors." A debtor's attorney who has not taken a security interest in the debtor's property is an unsecured creditor who may be paid from disposable income.

ii. Keith Lundin (06-BK-009 at 26) alternatively suggests that an instruction be added to From 22C, Line 49 specifying that projected attorney's fees may be deducted as "Payments on priority claims." Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 18) also makes this suggestion.

iii. As a second alternative, Judge Lundin suggests (06-BK-009 at 27) that "[i]f attorneys fees are excluded at Line 49 . . . then attorneys fees should be a line item added to average monthly administrative expenses at Line 50."

b. *Suggested response.* The only change should be to the instruction in Line 49, which should be amended to make it clear that only existing (not anticipated) priority claims are to be deducted.

c. *Explanation.* Omitting the discussion of Chapter 13 debtors' attorneys' fees would leave substantial uncertainty as to how these fees should be treated. As indicated by Judge Lundin's comments, a debtor might think that projected attorneys' fees could properly be included either as a priority claim on Line 49 of Form 22C or as an expense of administration of a Chapter 13 case on Line 50. However, neither of those possi-

bilities is consonant with the relevant provisions of the means test.

Line 49 of Form 22C effectuates § 707(b)(2)(A)(iv), which provides a deduction from current monthly income (CMI) for "priority claims (including child support and alimony claims)." At the time of filing a case, a debtor could not be liable on a priority claim for attorneys' fees to the debtor's current counsel, because such fees would only gain priority status if later approved by the court under § 330. Moreover, the fact that there is a separate provision for deducting the prospective administrative expenses in Chapter 13 (§ 707(b)(2)(A)(ii)(III), discussed below), indicates that the priority claims dealt with by § 707(b)(2)(A)(iv) are existing prepetition claims, not anticipated administrative claims. An amendment to the instruction to make this clear would be appropriate. See Point 12, below.

Line 50 of Form 22C effectuates § 707(b)(2)(A)(ii)(III), which provides a deduction from CMI for "the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees." This provision caps the amount of the administrative expense allowance at the percentage of projected plan payments set by the EOUST. Perhaps because ten percent of plan payments is the maximum fee that can be allowed standing trustees for administering Chapter 13 cases (pursuant to 28 U.S.C. § 586(e)(1)(B)), the EOUST appears to be setting the administrative expense cap at the fee percentage allowed to standing trustees, leaving little if anything for debtors' attorneys' fees. See http://www.usdoj.gov/ust/eo/bapcpa/20070201/bci_data/ch13_exp_mult.htm. In any event, Line 50 instructs debtors to deduct the full amount of the percentage of projected monthly Chapter 13 payments allowed by the EOUST. No additional amount for attorneys' fees can be claimed consistent with the statutory language.

It is helpful for the Committee Comment to point out that Form 22C (consistent with the statutory language) does not provide for deducting debtor's attorneys' fees, but at the same time, it is important to note that this omission does not make it impossible for above-median income debtors (who must use the means test deductions) to pay their attorneys through a Chapter 13 plan. Pursuant to § 1325(b)(1)(B), the disposable income that is left after the allowed deductions from income must be

paid, upon objection, "to unsecured creditors under the plan." As the Committee Note indicates, unless an attorney has taken collateral to secure fee payment, the claim of the debtor's attorney will be unsecured. Disposable income is not required to be paid exclusively to non-priority unsecured claims, as Mr. Yerbich's comment appears to assume.[1]

2. Deductions from CMI in Chapter 11.

a. *Substance of the comment.* Tom Yerbich (06-BK-005) suggests that Form 22B include deductions from current disposable income specified in § 1325(b)(2), because these deductions are applicable in Chapter 11, pursuant to § 1129(b)(15)(B).

b. *Suggested response.* No action is necessary, but the suggestion could be adopted without difficulty and would not cause the form to be inaccurate.

c. *Explanation.* We determined that a current monthly income form was needed in individual Chapter 11 cases because § 1129(b)(15)(B) requires that, upon objection, an individual debtor's Chapter 11 plan must distribute property equal to "the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received" during a defined period. Section 1325(b)(2), in turn, specifies the use of CMI in calculating disposable income. However, § 1325(b)(2) does not specify use of the means test deductions in calculating disposable income, leaving disposable income in Chapter 11 to be determined according to judicially determined standards. As Mr. Yerbich suggests, a calculation of disposable income for purposes of § 1325 is required to include certain special deductions from CMI—such as child support payments received by the debtor. However, because the form does not calculate disposable income, it is not necessary to include these special deductions. If we were to do so, Mr. Yerbich is correct in suggesting that the deductions

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[1] Indeed, if all disposable income were required to be paid to non-priority unsecured claims, there would be substantial difficulty in paying Chapter 13 debtors' attorneys in many cases even if the fees could be deducted as a priority claim, since such claims are only deductible at 1/60 of the total amount monthly. Assuming that the other means test deductions accurately measure necessary payments, a "priority" deduction for debtors' attorneys would pay the debtor's attorney in full only if the plan paid all creditors in full or only if the debtor completed all payments under a five-year plan.

currently set out in Part V of Form 22C could accurately be included in Form 22B.

3. Calculation of spousal current monthly income.

a. *Substance of the comments*. Keith Lundin (06-BK-009) and Eric Froisland (06-BK-019 at 1-2. 5-6) make suggestions relating to the treatment of spousal income in Form 22C. A group of organizations representing consumer credit providers (06-BK-055 at 8) suggests that debtors not be allowed to remove the income of a non-filing spouse from the calculation of current monthly income for purposes of determining the applicable commitment period. Judge Lundin's comments, which appear to include all of the points made by Mr. Froisland, suggest the following:

i. Include in Line 1 a provision for joint debtors to designate which one is "debtor" and which is "debtor's spouse" (p. 5). This recommendation is consistent with the later suggestion (pp. 7-8) that the current monthly income of a jointly filing "debtor's spouse" does not include payments received on a regular basis for the support of that spouse's dependents who are not also dependents of the debtor. To accommodate this view, all of the means test forms would have to be amended to allow a joint debtor to declare him or herself the "debtor's spouse" and thereby avoid counting as current monthly income any contributions to the household expenses of his or her individual dependents. (To preserve the question for decision by the court, the forms would have to require disclosure of the amount of such support payments with an option to exclude that amount from income, as with the treatment of unemployment compensation in Line 8 of existing Form 22C.)

ii. Modify Line 1 to indicate that Column B should be completed only by married debtors filing jointly (pp. 5, 8).

iii. For married debtors not filing jointly, provide that spousal income be counted only in Line 7 (amounts contributed on a regular basis for the household expenses of the debtor or the debtor's dependents) (id.).

iv. Either eliminate Line 13 (marital adjustment for the applicable commitment period) (p. 5) or change it to add whatever income of a nonfiling spouse the debtor believes should be part of the combined current monthly income of the debtor and the debtor's spouse pursuant to § 1325(b)(4) (p.11).

v. Eliminate Line 19 (marital adjustment for calculating disposable income) (id.) (pp. 5, 13).

vi. Alternatively, reverse parts II and III, so that the marital adjustment of Line 19 is part of the determination of current monthly income for the applicable commitment period (p, 12-13).

b. *Suggested response*. No action.

c. *Explanation*. The treatment of spousal income in the means test forms was thoroughly discussed by the Advisory Committee in connection with the original adoption of the forms and again in response to earlier comments by the National Bankruptcy Conference; the suggestion of the consumer finance group and most of the suggestions made in Judge Lundin's comments were rejected in that discussion. A summary of the points in favor of the current version of the form is attached as an appendix to this memorandum.

The one suggestion not previously advanced is the idea that the means test forms should distinguish in joint cases between the debtor and the debtor's spouse. I noted the drafting problem that gives rise to this suggestion in an article for the American Bankruptcy Law Journal, Means Testing in the New § 707(b), 79 Am. Bankr. L.J. 231, 246 n.36:

> Section 101(10A)(B) recognizes, as part of the [definition of current monthly] income used to determine CMI, regular contributions made by a non-debtor (1) to the household expenses of "the debtor," (2) to the household expenses of dependents of "the debtor," and (3) to household expenses of "the debtor's spouse" in a joint case, but not (4) to the household expenses of dependents of the debtor's spouse in a joint case. Literally then, if the individual listed in a joint petition as the "debtor's spouse" has dependents not shared with the individual listed as the "debtor"—for example, children from a prior marriage—any regular support payments to those dependents would not be part of the CMI of the joint debtors, but if the listing of the spouses on the petition were reversed, the support payments would be included in calculating CMI. This is an absurd result, since both spouses are equally "debtors." *See* 11 U.S.C. § 302(b) (2000) ("After the commencement of a joint case, the court shall determine the extent, if any, to which the debtors' estates

shall be consolidated."). Because, in a joint case, there is no reasonable policy basis for distinguishing support payments made to dependents of the debtor from support payments made to dependents of the debtor's spouse, this implication of the statutory language may be safely discarded. *See Nelson v. Scala*, 192 F.3d 32, 35 (1st Cir.1999) (rejecting a literal application of § 522(f)(2) of the Bankruptcy Code on the basis that "[c]ourts are not required to follow literal language where it would produce an outcome at odds with the purpose of Congress and where the result stems merely from an unintended quirk in drafting.")

4. Treatment of business and rental expenses.

a. *Substance of the comments.* Keith Lundin (06-BK-009 at 6) and Eric Froisland (06-BK-019 at 3) suggest that Lines 3 and 4 of Form 22C include the gross receipts of a business or rental property as income, without deduction for the costs of doing business or maintaining the rental property, with those costs considered as "expenses" deducted from current monthly income. This suggestion would apply to each of the means test forms.

b. *Suggested response.* No action.

c. *Explanation.* The question of accounting for business and rental costs was discussed by the Advisory Committee at the time that the means test forms were initially adopted. We determined that these costs should be deducted from gross receipts principally because this is the method used by the Census Bureau in calculating the median income levels to which current monthly income under the Code is compared. Moreover, the Internal Revenue Manual, which sets out the general deductions for living expenses used in the means test also employs "net income from self-employment" and "net rental income" as the base from which deductions are made. See Manual § 5.15.1.11(2C-D). Including ordinary business or rental costs in current monthly income would cause individuals with business or rental income to be put into artificially higher income categories.

5. Amounts paid by others for household expenses of the debtor or debtor's dependents.

a. *Substance of the comments.* Keith Lundin (06-BK-009, at 7-8) suggests that Line 7 of Form 22C improperly includes child or spousal support and that support payments should be a sepa-

rate line item. The suggestion would be applicable to all of the means test forms. Eric Froisland (06-BK-019 at 3-4) suggests that Line 7 should require the inclusion of regular payments from a non-filing spouse.

b. *Suggested response*. Judge Lundin's suggestion should be implemented in part.

c. *Explanation*. The definition of current monthly income ("CMI") in § 101(10A) has two parts. The first part, (10A)(A), is general, defining CMI as "average monthly income from all sources that the debtor receives . . . without regard to whether such income is taxable." The second part, (10A)(B) contains specific inclusions and exclusions from CMI, beginning with the provision that CMI "includes any amount paid by any entity other than the debtor . . . on a regular basis for the household expenses of the debtor or the debtor's dependents." The comment is correct in part: some support payments—alimony and separate maintenance payments—are within the general (10A)(A) definition (income received by the debtor) and so should not be limited by the provision of (10A)(B) that includes only regular payments of household expenses. *See* 26 U.S.C. § 71(a) (alimony and separate maintenance are "gross income" for tax purposes). Child support, however, is not considered income to the recipient. *See* 26 U.S.C. § 71(c) (excluding child support payments from the scope of § 71(a)); *Preston v. Commissioner*, 209 F.3d 1281, 1284 (11th Cir. 2000) (child support payments do not constitute income to the recipient spouse and cannot be deducted from the income of the paying spouse). Thus, child support payments are properly included in CMI only to the extent regularly paid for the household expenses of the debtor's dependents under (10A)(B). To deal properly with this distinction, Line 7 of Form 22C would have to be modified to include the average of all alimony and separate maintenance payments received by the debtor in the six calendar months before filing, regardless of whether they were paid on a regular basis or were for household expenses. Child support payments, however, would continue to be subject to the (10A)(B) limitations.

To avoid changing line numbers, alimony and separate maintenance payments could be set out in a Line 7A, with child support on Line 7B and other payments of household expenses in Line 7C. In addition to better implementing the definition of CMI, providing for a report of formal support payments on a separate line would simplify deduction of child support payments from disposable income, as required by § 1325(b)(2) and implemented in Line 54 of Form 22C.

Mr. Froisland's suggestion is based on his proposed overall restructuring of the treatment of spousal income. Since the current forms use the income of a non-filing spouse for calculating current monthly income under §§ 707(b)(7) and 1326(b)(4), it is essential that payments from the non-filing spouse not be included in the debtor's income, to avoid double-counting.

6. References to the website of the Executive Office for United States Trustees.

a. *Substance of the comment.* Keith Lundin (06-BK-009, at 11, 14, 15, 23) suggests that references to data posted on the website of the EOUST be deleted from Lines 16, 24, 25A, 25B, 27, and 29 of Form 22C. The comment focuses particularly on Lines 25A and 25B, which direct the debtor to state components of the IRS Local Standard for housing and utilities, because these components of the IRS housing and utilities standard are issued by the EOUST based on information provided by the IRS rather than by the IRS directly. The suggestion would require changes to the parallel lines of Form 22A.

b. *Suggested response.* No action.

c. *Explanation.* The substance of this suggestion has been considered by the Advisory Committee. With the exception of Lines 25A and 25B, Form 22C only directs the debtor to the website of the EOUST as a convenient source of information that is otherwise be available through the agencies that generate the information—the Census Bureau and the IRS. The form does not mandate the use of the EOUST as a source of the required information. The EOUST's website is cited because the originating agencies do not provide a consistent web addresses for access to the required information. There is no reason to believe that the EOUST would incorrectly transcribe the information available from the other agencies or that it would not immediately correct any error in its transcription.

Lines 25A and 25B do require the use of one type of data issued originally by the EOUST—a separation of the IRS Local Standard for housing and utilities into components for non-mortgage expenses and mortgage/rent expense. Line 26 accommodates the suggestion that the use of this data is inappropriate by allowing the debtor to claim a larger deduction. The Advisory Committee discussed this matter at length and approved this approach. The Committee's rationale is set out in the Appendix to this memorandum.

7. References to the IRS National Standards.

a. *Substance of the comments.* Keith Lundin (06-BK-009, at 13, 23) suggests changes in references to the IRS National Standards in Lines 24 and 44 of Form 22C. In Line 24, Judge Lundin suggests that "clothing" be changed to "apparel & services" and that "household supplies" be changed to "housekeeping supplies." In Line 44, Judge Lundin suggests that "food and apparel" be changed to "food and apparel and services." Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 6-7) makes similar suggestions.

b. *Suggested response.* The suggestions should be implemented with a minor modification.

c. *Explanation.* The comments correctly identify instances in which Form 22C uses language deviating from the language of the Internal Revenue Manual, which sets out the National Standards for expense deductions employed in the means test. The Advisory Committee has previously amended Form 22 to comport more closely to the Internal Revenue Manual and the suggested changes would be consistent with this approach. However, Judge Lundin's suggestion for Line 44 might be improved by changing "food and apparel and services" to "food and clothing (apparel and services)" since the statute itself uses "clothing" to describe the "apparel and services" category of the National Standards. These wording changes will have no substantive effect but will make references to the National Standards clearer. The changes should also be made in the corresponding lines of Form 22A.

8. Determining "gross monthly income" for application of the IRS National Standards.

a. *Substance of the comments.* Keith Lundin (06-BK-009, at 13-14) suggests that Line 24 of Form 22C be amended to include an instruction for determining the amount of the debtor's "gross income" under the IRS National Standards. Judge Lundin does not suggest the content of such an instruction. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 7) suggests that debtors be required to "disclose what gross income figure was used in determining the applicable National Standard."

b. *Suggested response.* No definition of "gross monthly income" should be given. However, the instruction in Line 24 and

the other lines dealing with the IRS standards (as well as the corresponding line of Form 22A) should be changed to refer to "household" rather than "family" size, and other non-definitional changes to the form may be appropriate.

c. *Explanation.* The IRS National Standards allow varying deductions for food, clothing and other specified expenses depending on the number of persons in the taxpayer's household and the "gross monthly income" of the household.[2] Line 24 of Form 22C instructs debtors to deduct the applicable amount for their "family size and income level." Although not commented on by Judge Lundin, the reference to "family size" should be changed to "household size," both because this is the statistic used by the IRS Standards and because the means test itself uses the size of the debtor's "household" in comparing current monthly income to state medians. *See, e.g.,* § 707(b)(2)(6). Moreover "family" is ambiguous, and could be understood to include members of the debtor's family who do not reside in the debtor's household.

On the other hand, there is no clear basis for determining what "monthly gross income" should be used in applying the National Standard expense deductions.
The Internal Revenue Manual sets out a lengthy definition of "income" for purposes of determining a taxpayer's ability to repay debt. Manual § 5.15.1.11(2) (set out in the Appendix to this memorandum). This definition varies in some respects from the definition of current monthly income set out in § 101(10A) of the Code. For example, the IRS definition calls for an annual (rather than six-month) averaging of interest and dividend income, it expressly includes social security benefits, and it

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[2] "Household" size is not expressly specified by the Internal Revenue Manual, but the manual's expense deductions are based on the Bureau of Labor Statistics (BLS) Consumer Expenditure Survey (see Internal Revenue Manual § 5.15.1.7(3)) and the BLS Survey expressly reports its data based on "household" size, defining "household" in detail. *See* Bureau of Labor Statistics, Consumer Expenditures in 2004 (Report 992) at 7, defining "consumer unit" as "Members of a household consisting of (a) occupants related by blood, marriage, adoption, or some other legal arrangement; (b) a single person living alone or sharing a household with others, but who is financially independent; or (c) two or more persons living together who share responsibility for at least 2 out of 3 major types of expenses—food, housing, and other expenses. Students living in university-sponsored housing also are included in the sample as separate consumer units."

includes all child support received, regardless of its regularity. The monthly income calculated in Schedule I presents yet a third possible statement of "monthly gross income." A debtor could reasonably employ any of these possibilities in choosing the applicable National Standard expense allowance.

Consistent with the general policy of the Advisory Committee to avoid choosing from among reasonable alternatives, it would not be appropriate for Form 22 to direct which of these possibilities should be followed. However, the Committee Note to the forms (or an expanded instruction sheet made part of the forms) might discuss the ambiguity here. It might also be appropriate to direct the debtor to indicate on the form how the debtor determined "monthly gross income," so that the matter could be raised more easily in the event of a dispute.

9. Deductions for tax payments.

a. *Substance of the comment.* Keith Lundin (06-BK-009, at 15-16) suggests that Line 30 of Form 22C be amended to remove the exclusion of real estate and sales taxes from deductible tax payments and that Line 47 be amended to instruct debtors to deduct all real estate taxes at Line 30.

b. *Suggested response.* None of the actions suggested by the comment should be implemented. Instead, Line 47 should be amended to allow deduction only of principal and interest payments involved in a mortgage.

c. *Explanation.* (a) The IRS Local Standards provide an allowance for all housing expenses, including real estate taxes. *See* Internal Revenue Manual § 5.15.1.9(1A) ("Local standards include the following expenses: . . . mortgage or rent, property taxes, interest, parking, necessary maintenance and repair, homeowner's or renter's insurance, homeowner dues and condominium fees."). This Local Standard deduction for housing is provided for in Lines 25A-26 of Form 22C. Line 30 of the form provides a separate deduction reflecting the IRS's "Other Necessary Expense" category for tax payments, described in the Internal Revenue Manual at § 5.15.1.10(3) as involving "current federal, FICA, Medicare, state and local taxes."[3] Similarly, real estate taxes on income producing property would have been removed from rental income in Line 4. The Advisory Committee has adopted a

[3] The complete text of § 5.15.1.10 is set out in the Appendix to this memorandum. The tax category is the twelfth listed.

policy of reading the "Other Necessary Expense" categories of the Internal Revenue Manual as not providing for duplicative expense deductions. This policy is based on the understanding that "other" expenses are meant to be expenses that are not covered by the IRS's National and Local Standards. Consistent with this policy, the Committee has previously decided that the Line 30 deduction should not include real estate taxes.

(b) The IRS National Standards provide an allowance for general living expenses (food, clothing, personal care, entertainment, etc.). This allowance is based on a survey conducted by the Bureau of Labor Statistics, which reports "transaction costs, including excise and sales taxes, of goods and services acquired during the interview period." Thus, again consistent with the policy of avoiding duplicate deductions, Line 30 instructs debtors not to include sales taxes.

(c) Judge Lundin's comment points out that Line 47 is inconsistent with the non-duplication policy, because it allows deduction of property taxes included in a mortgage. The Advisory Committee may have provided that deduction for simplicity, allowing a deduction of the debtor's entire monthly mortgage payment rather than only the principal and interest portion. The comment would have the inconsistency resolved by allowing double deduction of all property taxes; a better resolution would be to change Line 47 to allow deduction only of the principal and interest payments on the mortgage. In addition to avoiding double deduction, limiting Line 47 to the principal and interest payable on a mortgage would better implement the secured debt deduction provided by § 707(b)(2)(A)(iii), which is based on "amounts scheduled as contractually due to secured creditors." Property taxes are not due "to secured creditors" under a contract, but rather are due to governmental bodies under applicable law.

10. "Other Necessary Expense" deduction for employment expenses.

a. *Substance of the comments*. Keith Lundin (06-BK-009, at 16-17) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 13) suggest that Line 31 of Form 22C be amended to be titled "involuntary deductions" rather than "mandatory deductions" and that the word "payroll" be omitted from the instruction,

b. *Suggested response*. The suggestion should be implemented.

c. *Explanation*. Judge Lundin correctly points out that the IRS "Other Necessary Expense" category implemented by Line 31 is titled "Involuntary Deductions" and is not limited to "payroll" deductions. See item 8 in § 5.15.1.10(3) of the Internal Revenue Manual, set out in the Appendix hereto. The Advisory Committee has previously adopted a policy of tracking, to the extent reasonable, the language of the Manual describing the "Other Necessary Expense" categories. To effectuate this policy in Line 31, the line would be titled "Other Necessary Expenses: involuntary deductions for employment" and the instruction would begin "Enter the total average monthly deductions that are required for your employment . . . ." The same change should be made in the corresponding line of Form 22A.

11. "Other Necessary Expense" deduction for life insurance.

a. *Substance of the comment*. Keith Lundin (06-BK-009, at 17) suggests that Line 32 of Form 22C be amended to remove the limitation to term insurance and to allow a deduction for the debtor's spouse in a joint case.

b. *Suggested response*. No action.

c. *Explanation*. The IRS "Other Necessary Expense" category for insurance is expressly limited to term life insurance. See item 9 in § 5.15.1.10(3) of the Internal Revenue Manual, set out in the Appendix hereto. None of the expense lines in Forms 22A and 22C distinguish between "debtor" and "debtor's spouse" in a joint case; rather, if both spouses are debtors the word "you" in the line instructions would plainly refer to both.

12. "Other Necessary Expense" deduction for court ordered payments.

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 17-18) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 513-14) suggest that the instruction for Line 33 of Form 22C be amended (i) to include payments ordered by an administrative agency as well as by a court, and (ii) to eliminate the exclusion of past due payments or else to remove a perceived overlap with the priority debt deduction of Line 49.

b. *Suggested response*. The addition of agency-ordered payments is appropriate; however, the restriction of Line 33 to

current payments is correct; a clarification to the instruction in Line 49 would be helpful to avoid the perception of overlap.

c. *Explanation*. (i) As Judge Lundin points out, the IRS category for court ordered payments includes "orders made by the state," a phrase which reasonably covers agency-ordered support payments. The instruction in Line 33 should thus be amended to refer to "the total monthly amount that you are paying for current obligations pursuant to the order of a court or administrative agency, such as spousal or child support payments."

(ii) All of the IRS expense deductions (National Standards, Local Standards, and Other Necessary Expenses) are employed in the means test subject to the proviso of § 707(b)(2)(A)(ii)(I) that "[n]otwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts." Any payments that a debtor made pursuant to court order reflecting past-due amounts would be "payments for debts" and so cannot be deducted in Line 33. The instruction in Line 33 reflects this limitation, but refers only to spousal or child support payments. It should not be so limited. Any court-ordered payments on account of a past due obligations would refer to debt payment and so should not be included in Line 33. Accordingly, the last sentence of the instruction should read "Do not include payments on past due obligations included in Line 49." Finally, as Judge Lundin points out, a debtor might conclude that current support obligations (properly deducted in Line 33) are also "priority claims" deductible in Line 49. To avoid that error, the instruction in Line 49 should be amended to read "Enter the total amount, divided by 60, of all priority claims, including only past due obligations. Do not include current obligations set out in Line 33."

13. "Other Necessary Expense" deduction for education.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 18-19) suggests that the instruction for Line 34 of Form 22C be amended (i) to include payments for education that would increase a debtor's wages, and (ii) to include payments for education expenses of a non-filing spouse's physically or mentally challenged child.

b. *Suggested response*. No action.

c. *Explanation*. The instruction properly reflects the content of the IRS "Other Necessary Expense" category for education. See item 6 in § 5.15.1.10(3) of the Internal Revenue Man-

ual, set out in the Appendix hereto. It is not appropriate to allow a deduction for educational expenses of a non-filing spouse's dependents. For purposes of applying the means test (with its IRS deductions), the income of a non-filing spouse is included in current monthly income of the debtor only to the extent it is paid for the household expenses of the debtor or the debtor's dependents. *See* Lines 19, 20, and 53 of Form 22C.

14. "Other Necessary Expense" deduction for health care.

a. *Substance of the comments.* Keith Lundin (06-BK-009 at 19) suggests that the instruction for Line 36 of Form 22C is accurate in excluding reimbursed medical expenses only if insurance reimbursement is excluded from income in Line 7. Conversely, Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 14) suggests that the instruction limit the deduction to those health care expenses "required for the health and welfare of the family" and that the debtor be required to provide proof of such payments.

b. *Suggested response.* The instruction for Line 36 should be amended to include the limitation to necessary health care: "Enter the average monthly amount that you actually expend on health care that is necessary for the welfare of yourself or your dependents and that is not reimbursed by insurance or paid by a health savings account." A similar change should be made in the corresponding line of Form 22A.

c. *Explanation.* The instruction for Line 36, in main part, reflects the content of the IRS "Other Necessary Expense" category for health care. See item 7 in § 5.15.1.10(3) of the Internal Revenue Manual, set out in the Appendix hereto ("Ensure that the amount used is out of pocket after insurance claims are paid."). The forms are not reasonably able to address the question of whether particular insurance proceeds are within the definition of "current monthly income" as payments made on a regular basis for the household expenses of the debtor or the debtor's dependents, and so Judge Lundin's suggestion cannot be implemented. Mr. Froisland is correct in reading the Internal Revenue Manual's discussion of health care expenses as limited to "necessary" expenses. The question of what proof should be required for such expenses, however, is not addressed by the Code (in contrast to other specified deductions) and there is no reason why documentation required by the Manual should be referenced in the form. (Of course, a Chapter 13 trustee or interested party may obtain relevant documentation from the debtor

whenever a question arises regarding the debtor's financial condition.)

15. Consistent use of "total" in "Other Necessary Expense" deduction instructions.

a. *Substance of the comment.* Keith Lundin (06-BK-009 at 19) suggests that the word "total" should be used for applicable deductions in all of the instructions for Lines 30 through 37 of Form 22C.

b. *Suggested response.* The suggestion should be implemented.

c. *Explanation.* The instructions for several of the IRS "Other Necessary Expense" categories (Lines 30-37 of Form 22C) refer to the "total" expense that the debtor incurs in the given category, but Lines 32, 35, 36, and 37 do not. There is no reason for the distinction. The word can properly be added to each of these lines, and to the corresponding lines of Form 22A.

16. "Other Necessary Expense" deductions for optional telephone and internet service.

a. *Substance of the comments.* Keith Lundin (06-BK-009 at 19-20) suggests (i) that the instruction for Line 37 of Form 22C should be divided into separate lines for optional telephones and telephone service and for internet provider /email and (ii) that the instruction for Line 37 should be amended to remove both the exclusion of basic telephone service and the limitation of other service to that necessary for the health or welfare of the debtor and the debtor's dependents. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 14-15) makes similar suggestions.

b. *Suggested response.* No action.

c. *Explanation.* (i) The combination of the two IRS "Other Necessary Expense" categories was done to avoid changing line numbers when internet service was added to an earlier version of the form. It has no substantive impact. (ii) Basic telephone service is included in the Local Standard for housing/utilities and so cannot be deducted in Line 37 without violating the policy against duplicative deductions. The limitation to services necessary for health and welfare is part of the Internal Revenue Manual's "necessary expense test" which is expressly applicable

to both the phone and internet categories. See items 13 and 15 in § 5.15.1.10(3) of the Internal Revenue Manual, set out in the Appendix hereto. The necessary expense test is set out in § 5.15.1.10(1) of the Manual, also in the Appendix. The test allows expenses for both health and welfare and income-generating purposes, but the use of the optional phone and internet services for business is taken into consideration in the netting of business and rental income provided for in Lines 3 and 4.

17. Omitted "Other Necessary Expense" categories

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 20-21) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 9-13) suggest that Form 22C be amended to include additional lines (or perhaps a single line) to accommodate several categories of IRS "Other Necessary Expense" categories not now included in the form.

b. *Suggested response*. No action.

c. *Explanation*. This issue was previously discussed by the Advisory Committee. As described in the Internal Revenue Manual, none of the categories omitted would generate an appropriate deduction for purposes of the means test. The omitted categories, set out in § 5.15.1.10(3) of the Manual and included in the Appendix to this memorandum, are the following:

[1] accounting and legal fees, omitted because the Manual limits the category to fees generated in connection with representation before the IRS, with any other accounting or legal fees disallowed;

[2] charitable contributions, omitted because separately treated in Line 45 (and discussed below in connection with Judge Lundin's comment regarding Line 45);

[10] secured or legally perfected debts, omitted pursuant to the proviso of § 707(b)(2)(A)(ii)(I) that IRS expense allowances in the means test "shall not include any payments for debts";

[11] unecured debts, omitted pursuant to the § 707(b)(2)(A)(ii)(I) proviso;

[14] student loans, omitted pursuant to the § 707(b)(2)(A)(ii)(I) proviso;

[16] repayment of loans made for payment of Federal Taxes, omitted pursuant to the § 707(b)(2)(A)(ii)(I) proviso.

18. Headings for Deduction Sections

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 21) suggests that the heading for Subpart B of Part IV of Form 22C be changed from "Additional Expense Deductions under § 707(b)" to "Additional Expense Deductions under § 707(b)(2)".

b. *Suggested response*. Rather than the suggested action, the heading of Part IV should be changed to "CALCULATION OF DEDUCTIONS FROM CURRENT MONTHLY INCOME," the heading for Subpart B should be changed to "Additional Living Expense Deductions," and the heading for Subpart D should be changed to "Total Deductions from Current Monthly Income."

c. *Explanation*. The deduction for charitable contributions does not appear in § 707(b)(2). In determining abuse under § 707(b), the court is prohibited from giving consideration to the debtor's charitable contributions by a provision in § 707(b)(1). For determining disposable income for above-median income debtors in Chapter 13, a charitable contribution allowance of up to 15% of gross income is allowed by § 1325(b)(3). See Religious Liberty and Charitable Donation Clarification Act of 2006, Pub.L. 109-439, 120 Stat. 3285, effective December 20, 2006).[4] To be accurate, then, a limiting reference to § 707(b)(2) should be eliminated both in the heading of Part IV and the headings of Subparts B and D. The same changes should be made in the corresponding headings of Form 22A.

19. Deduction for Health Insurance, Disability Insurance, and Health Savings Account Expenses.

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 21) suggests that the instruction for Line 39 of Form 22C be changed to remove the limitation allowing a deduction only for

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[4] As amended by this enactment, § 1325(b)(3) now provides, for above-median income debtors that "[a]mounts reasonably necessary to be expended under paragraph (2), <u>other than subparagraph (A)(ii) of paragraph (2),</u> shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2)." In turn, § 1325(b)(2)(A)(ii) provides a charitable donation deduction "in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made."

expenses actually paid. Similarly, Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 15) suggests that the deduction be limited to "reasonably necessary" expenditures.

b. *Suggested response*. The suggestions should be implemented.

c. *Explanation*. Section 707(b)(2)(A)(ii)(I), after directing that the debtor's monthly expenses are to be determined under IRS standards, states, "Such expenses shall include reasonably necessary health insurance, disability insurance, and health savings account expenses for the debtor, the spouse of the debtor, or the dependents of the debtor." Because the IRS standards make no explicit allowance for such expenses, Forms 22A and 22C set out a separate line item covering them. The instruction for this line allows a deduction for amounts "that you actually pay." That limitation does not appear in the statutory language; a debtor could argue that a reasonable amount should be allowed for health and disability insurance and a health savings account even if the debtor does not actually make use of the allowance—the approach taken by the IRS National Standards for food and clothing. In keeping with the policy of the Advisory Committee not to resolve interpretative questions unnecessarily, the phrase "that you actually pay" should be removed from the instruction in Line 39 of Form 22C and in the corresponding line of Form 22A. The revised instruction would state, tracking the statutory language: "List and total the monthly expenses reasonably necessary for health insurance, disability insurance, and health savings account expenses for yourself, your spouse, or your dependents." It may be appropriate, if this suggestion is implemented, to provide a check box for the debtor to indicate whether these expenses are actually paid.

20. Deduction for contributions to the care of household or family members.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 21-22) suggests that the instruction for Line 40 of Form 22C be changed to remove the prohibition against double deductions.

b. *Suggested response*. No action

c. *Explanation*. The Advisory Committee has consistently interpreted the expense deductions of the means test so as to avoid duplicative deductions. Section 707(b)(2)(A)(ii)(II), allows a deduction for continued payments for the care and support of certain household members. Judge Lundin suggests that this

deduction, provided for in Line 40 of Form 22C, can reasonably be taken even if the debtor has already deducted the payments in Line 34 (dealing with an IRS "Other Necessary Expense: deduction for the education of a physically or mentally challenged child). However, in keeping with the statute's general prohibition against duplicative deductions, the words "in addition"—which introduce § 707(b)(2)(A)(ii)(II)—can only reasonably be read as adding a deduction that was not already covered by the IRS expense allowances. Also, if the suggestion were implemented, it would be necessary—in order to identify the issue for judicial determination—to direct the debtor to indicate whether there was a duplication in the deductions and to specify the amount of the duplication, adding further complexity to the forms.

21. Deduction for home energy costs.

a. *Substance of the comments.* Keith Lundin (06-BK-009 at 22) suggests that the instruction for Line 42 of Form 22C be changed to employ the actual wording of § 707(b)(2)(A)(ii)(V): "an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if the debtor provides documentation of such actual expenses and demonstrates that such actual expenses are reasonable and necessary." Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 15-16) suggests a clarification of the documentation instruction.

b. *Suggested response.* The documentation instruction should be modified to track the statutory language more closely.

c. *Explanation.* The statutory language is fairly summarized in the first sentence of the present instruction: "Enter the average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs." There is no indication, as suggested by Judge Lundin, that the statutory language allows a deduction for home energy costs duplicative of the IRS Local Standards. However, the second sentence—"You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary"—deviates somewhat from the statute. To track the statutory language more closely, the instruction should read: "You must provide your case trustee with documentation of your actual expenses and demonstrate that the additional amount claimed is reasonable and necessary." The same change should be made in the corresponding line of Form 22A.

22. Deduction for educational expenses for dependent children under 18.

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 22-23) suggests that the instruction for Line 43 of Form 22C be changed to refer to the expenses for a child "to attend" a private or public elementary or secondary school rather than the current reference to "providing" elementary and secondary education. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 16-17) makes the same suggestion and also suggests a clarification of the documentation instruction.

b. *Suggested response*. Implement the suggestions.

c. *Explanation*. Although it is not clear that it produces any substantive effect, the comments correctly note a difference between the instruction and the statutory language of § 707(b)(2)(A)(ii)(IV). The Advisory Committee has decided to track the statutory language where this can reasonably be done. The substantive relevant portion of the revised instruction should state: "Enter the average monthly expenses that you actually incur, not to exceed $125 per child, for attendance at a private or public elementary school by your dependent children less than 18 years of age." The remainder of the instruction would read: "You must provide your case trustee with documentation of your actual expenses and explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards." These changes should also be made in the corresponding line of Form 22A.

23. Deduction for additional food and clothing expense.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 23) suggests that the instruction for Line 43 of Form 22C be changed to include "and services" in the description of the allowable additional expense for clothing. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 17-18) suggests a correction of the documentation instruction.

b. *Suggested response*. The documentation instruction should be modified to track the statutory language more closely.

c. *Explanation*. The language of § 707(b)(2)(A)(ii)(I) implemented by Line 44 allows an additional expense deduction only for "food and clothing," not services connected with clothing. The additional expense deduction is capped at 5% of the IRS National Standards allowance for "food and clothing," and, for clothing, the National Standards only have an "apparel and services" category. That category therefore figures into the cap on additional expenses, but it does define the type of additional expense subject to the cap. The present instruction correctly implements the statutory language. However, the statute does not require "documentation," but only a "demonstration" that the additional expense is reasonable and necessary. The corrected instruction should read: "You must demonstrate that the additional amount claimed is reasonable and necessary." This change should also be made in the corresponding line of Form 22A.

24. Deduction for charitable contributions.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 24) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at18) make suggestions regarding Line 45 of Form 22C that have been rendered obsolete by the enactment of Religious Liberty and Charitable Donation Clarification Act of 2006, Pub.L. 109-439, 120 Stat. 3285, effective December 20, 2006).

b. *Suggested response*. Line 45 must be revised substantially to comply with the Religious Liberty and Charitable Donation Clarification Act.

c. *Explanation*. As noted above (at 13 n.4), the Religious Liberty and Charitable Donation Clarification Act adds language to § 1325(b)(3) to provide, for above-median income debtors, that '[a]mounts reasonably necessary to be expended under paragraph (2), *other than subparagraph (A)(ii) of paragraph (2)*,

shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2)." In turn, § 1325(b)(2)(A)(ii) provides a deduction "for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made."

Accordingly, the otherwise applicable means test deductions of § 707(b)(2) are overridden by the capped allowance of § 1325(b)(2)(A)(ii). To reflect this change, the instruction for Line 45 should read as follows:

> Enter the amount reasonably necessary for you to expend on charitable contributions in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2). **Do not include any amount in excess of 15% of your gross monthly income.**

This instruction does not precisely track the language of § 1325(b)(2), which literally caps the debtor's monthly charitable contributions at 15% of the debtor's annual gross income—substantially more than an entire month's average income (8.33% of annual income). The only reasonable interpretation is that the 15% cap is intended to apply to monthly income, as the proposed instruction provides. It is not possible to provide guidance as to the meaning of "gross income," as discussed above at Point 8. The reference to cash and financial instruments comes from § 548(d)(3); the reference to the Internal Revenue Code comes from § 548(d)(4), both specified in § 1325(b)(3). No change is required in the corresponding line of Form 22A.

25. Deduction for future payments on secured claims.

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 24) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 18) suggest that the instruction in Line 47 of Form 22C include the phrase "as scheduled" in describing future secured debt payments.

b. *Suggested response*. The suggestion should be implemented.

c. *Explanation*. Judge Lundin correctly points out that the phrase "scheduled as" appears in § 707(b)(2)(A)(iii) and has

been addressed in judicial decisions. Consistent with the Advisory Committee's policy of tracking statutory language where reasonably possible, the phrase should be added to the instruction, which would then read, in relevant part, as follows: "The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor . . . ." The same change should be made in the corresponding line of Form 22A.

Judge Lundin made additional suggestions regarding Line 47 that are discussed at Point 9, above.

26. Deduction for other payments on secured claims.

a. *Substance of the comment.* Keith Lundin (06-BK-009 at 25) suggests that the instruction in Line 48 of Form 22C direct debtors that they may include in the amount needed to maintain possession of necessary collateral "creditor's attorney's fees, foreclosure expenses and the like."

b. *Suggested response.* No action.

c. *Explanation.* The instruction merely gives payment of amounts in default as an example of amounts that would have to be paid (in addition to contractually scheduled future payments) in order to retain collateral. It is unclear how a debtor could know the amounts that might be charged in attorney's fees or foreclosure costs, and suggesting these items as additional examples would likely be confusing. If a debtor is aware of such charges, nothing in the instruction would prevent their being included in the deduction.

27. Deduction for priority claims.

a. *Substance of the comment.* Keith Lundin (06-BK-009 at 26) suggests that the instruction in Line 49 of Form 22C direct debtors that they may include anticipated tax liabilities and attorneys' fees as priority claims. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 18) makes the same suggestion regarding anticipated attorney fees.

b. *Suggested response.* The instruction should be amended to clarify that only existing priority claims are subject to the deduction. See Point 12, above.

c. *Explanation.* See Point 12, above.

28. Deduction for Chapter 13 administrative claims.

a. *Substance of the comment.* Keith Lundin (06-BK-009 at 26-27) suggests changes to Line 50 of Form 22C that are discussed in connection with Point 1, above.

b. *Suggested response.* No action.

c. *Explanation.* See Point 1, above.

29. Deduction for special circumstances.

a. *Substance of the comment.* Keith Lundin (06-BK-009 at 27-28) suggests the addition of a new line item allowing deduction for "special circumstances." The National Bankruptcy Conference (06-BK-018 at 4) similarly suggests that Form 22C be amended to allow the debtor to deduct from disposable income "any adjustment to which the debtor claims entitlement, together with an explanation citing authority." Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 20) questions the propriety of current Part VI, which allows a non-computation deduction for additional expense claims, and a group of organizations representing consumer credit providers (06-BK-055) suggests that Part VI (and the corresponding Part V of Form 22A) be omitted.

b. *Suggested response.* Judge Lundin's suggestion should be implemented.

c. *Explanation.* For calculating disposable income for above-median income Chapter 13 debtors, § 1326(b)(3) directs that debtors' expense deductions be "determined in accordance

with subparagraphs (A) and (B) of section 707(b)(2)." Section 707(b)(2)(A) sets out the means test deductions, currently implemented by Form 22C. Section 707(b)(2)(B) allows a Chapter 7 debtor to rebut a presumption of abuse arising under the means test by "by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces." Because this "special circumstances" provision is expressly included in the formula for determining disposable income, it should be included as a potential deduction prior to the determination of disposable income in Part V of Form 22C. Such an addition would eliminate the need for Part VI. Line numbers in Part V would have to be adjusted.

There is no need for a parallel change in Form 22A. Part VII of that form merely gives the debtor an opportunity to assert claims that arguably fall within the IRS's "Other Necessary Expense" test, but are not within one of the categories specified in the Internal Revenue Manual. Part VII reflects a compromise reached by the Advisory Committee to deal with this issue.

30. Exclusion of support income.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 28) suggests that the instruction in Line 54 of Form 22C be amended to eliminate the cross-reference to Line 7.

b. *Suggested response*. The instruction should be changed to provide for exclusion of any of the defined types of income that are reported in Part I of the form.

c. *Explanation*. It is unlikely that support income of the sort excluded from disposable income by §1325(b)(2) would be reported anywhere but in Line 7. However, because a debtor might report such income in another line of Part I, it would be appropriate to change the instruction in Line 54 to allow exclusion of any of the defined income "reported in Part I" rather than "included in Line 7." There is no corresponding issue in Form 22A.

31. Retirement plan deductions.

a. *Substance of the comments*. Keith Lundin (06-BK-009 at 28-29) and Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 19-20) suggest changing the instruction in Line 55 of Form 22C to more closely track the language of § 541(b)(7).

b. *Suggested response*. The suggestions should be implemented.

c. *Explanation*. Section 541(b)(7) requires deductions from disposable income in Chapter 13 for specified contributions and loan repayments to retirement plans. Judge Lundin has suggested that the instruction in Line 55 more closely follow the statutory language. He also points out that the use of the term "average" in the instruction may be contrary to the requirement that a Chapter 13 plan may not modify loans to qualified pension plans. Beyond that concern, the instruction does not define how an average payment would be calculated. The instruction should be amended to read as follows: "Enter the monthly total of (a) all amounts withheld by your employer from wages or received by your employer as contributions for qualified retirement plans, as specified in § 541(b)(7) and (b) all required repayments of loans from retirement plans, as specified in § 362(b)(19)." There is no corresponding issue in Form 22A.

32. Limitation of income to that "received by" the debtor.

a. *Substance of the comment*. Keith Lundin (06-BK-009 at 30) suggests that a new line item be added to Form 22C allowing a debtor to deduct income that was paid directly to suppliers of goods and services benefiting the debtor or the debtor's dependents, rather than "received" by the debtor directly.

b. *Suggested response*. No action.

c. *Explanation*. Judge Lundin's suggestion is based on the language of § 1325(b)(2) that calculates disposable income by providing for deductions from "current monthly income received by the debtor." A distinction between income "received by" the debtor directly, on one hand, and paid by others on behalf of the debtor or the debtors dependents, on the other, does not appear to be supportable by any legislative purpose and would create completely arbitrary distinctions. Accommodating this unlikely interpretation would add substantial complexity to the form.

33. Debtors without primarily consumer debts.

a. *Substance of the comment*. Wesley Steen and Marvin Isgur (06-BK-014 at 30) suggest that Form 22A include an additional check box allowing debtors to represent that their debts are not primarily consumer debts (and thus that they are not required to

complete the remainder of the form), with the check box also constituting a request for "an extension of time to file the form if the Court subsequently determines that the representation is incorrect." The suggestion requests an appropriate change in the rules.

b. *Suggested response.* (1) Amend Rule 1007(b)(4) to delete the phrase "with primarily consumer debts," thus requiring all individual Chapter 7 debtors to complete Form 22A. (2) Include a check box at the beginning of Form 22A allowing debtors to represent that their debts are not primarily consumer debts and directing them not to complete the balance of the form in that event.

c. *Explanation.* The suggestion properly notes that current Rule 1007(b)(4) can present a problem for debtors without primarily consumer debts. In its present version, this provision excepts such debtors from the requirement of filing Form 22A. However, if it were later determined that a debtor is incorrect in asserting am absence of primarily consumer debts, the debtor will likely be beyond the deadline for filing the form (15 days under Rule 1007(c)), and so in danger of having the case dismissed—arguably automatically dismissed under § 521(i)(1).

This situation should be addressed by amendment to Rule 1107(b)(4) and Form 22A, but a simple requirement that all individual Chapter 7 debtors complete Form 22A, amended to include a non-consumer debt check-off, should be sufficient. Filing the form with the checked representation of primarily non-consumer debts will satisfy the requirement of § 707(b)(2)(C) that the debtor file a statement reflecting whether the presumption of abuse arises. If the representation is determined to be incorrect, the debtor can be required to amend the form; however, the initial timely filing would avoid any difficulty with automatic dismissal.

34. Limitation of deductions to actual expenses.

a. *Substance of the comments.* Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 8-10); Steve Bartlett, on behalf of the Financial Services Roundtable (06-BK-051); and a group of organizations representing consumer credit providers (06-BK-055) suggest that Forms 22A and 22C be amended to allow expense deductions no greater than the debtor's actual expenses.

b. *Suggested response.* No action.

c. *Explanation*. The issues raised by the comment were thoroughly discussed in prior Advisory Committee meetings. The Committee has determined to apply the language of § 707(b)(2)(A)(ii)(I) granting a deduction in "amounts specified under the National Standards and Local Standards . . . issued by the internal Revenue Service" without limitation to actual expenses.

35. Additional detail for "Other Income."

a. *Substance of the comments*. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019) suggests that Line 9 of Form 22C be amended either to eliminate the "a and b boxes" for identifying other sources of income or else to provide, in cases of married debtors, some means of identifying which spouse has received the income listed in the boxes. This would affect the parallel line of Form 22C.

b. *Suggested response*. The to "Total and enter on Line 9" should be amended to state "Enter on Line 9 the total income. In cases of married debtors, divide this income between Columns A and B to reflect the person to whom the income is attributed."

c. *Explanation*. The total income listed in boxes a and b is intended to be divided by spouse in Columns A and B. A clarifying instruction would remove any ambiguity here.

36. Instruction for deduction for protection against family violence.

a. *Substance of the comments*. Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 15) suggests that Line 41 of Form 22C be amended to include a limitation of expenses for protection against family violence to those that are "reasonably necessary." A parallel change would be required for Form 22A.

b. *Suggested response*. The suggestion should be implemented.

c. *Explanation*. To more closely tract the statutory language (§707(b)(2)(A)(ii)(I)), the instruction for Line 41 (and the parallel provision of Form 22A) should be amended to refer to "the average reasonably necessary expenses that you actually incur."

37. Computation of the applicable commitment period.

a. *Substance of the comments.* Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 5) suggests that Part II of Form 22C be amended to specify that an applicable commitment period may be shorter than the 3 or 5 years otherwise provided for if the debtor pays all allowed claims within the shorter period. The comment also suggests that Part II improperly excludes support, foster care, and disability payments from the calculation of the applicable commitment period.

b. *Suggested response.* The instruction in the box at the beginning of the form can be amended to track the statutory language more closely.

c. *Explanation.* Section 1325(b)(4)(B) allows a shorter applicable commitment period in cases of full payment of all allowed unsecured claims. Although it is unlikely that a debtor would read Form 22C as extending a commitment period beyond the time of full claim payment, the instruction at the beginning of the form could be made more accurate, by introducing the check boxes for applicable commitment period with the statement that they apply "unless the debtor's plan pays all allowed unsecured claims in full."

Contrary to the comment, Part II of Form 22C does not exclude support, foster care, and disability payments from the calculation of the applicable commitment period. The income items are separately deducted in Part V the form, only in connection with the calculation of disposable income.

38. Necessity for subtotals in disposable income computation.

a. *Substance of the comments.* Eric Froisland, on behalf of Standing Trustee Kevin Anderson (06-BK-019 at 19-20) suggests that Lines 53 and 56 of Form 22C be eliminated as unnecessary.

b. *Suggested response.* No action.

c. *Explanation.* Line 53 totals deductions from income set out in § 707(b)(2) for use in the means test. (These deductions are required to be used in calculating disposable income for above median income Chapter 13 debtors, pursuant to § 1325(b)(3).) The total deductions are then added to statutory exclusions from current monthly income in Line 56 and 57. Although the subtotals in Lines 53 and 56 are not necessary (and

serve no purpose when the form is completed using computer software), the subtotals do assist in manual computations.

39. Requests for reconsideration from organizations of consumer finance providers.

a. *Substance of the comments*. In addition to the matters discussed in Point 3, 29, and 34, above, a group consisting of The American Bankers Association, the American Financial Services Association, America's Community Bankers, the Consumer Bankers Association, The Financial Services Roundtable, and the Independent Community Bankers of America (06-BK-055 at 3-8) requests reconsideration of the following issues previously decided by the Advisory Committee:

i. Unemployment compensation (Form 22A, Line 9; Form 22C, Line 8). The group suggests removing the option to claim that unemployment compensation is a benefit received under the Social Security Act and so excluded from current monthly income.

ii. Application of the § 707(b)(7) safe harbor (Form 22A, Line 15). The group suggests that below median income debtors (against whom no means test presumption can be asserted) be required to complete the entire means test form.

iii. Challenge to the split Local Standard for housing (Form 22A, Line 21; Form 22C, Line 26). The group suggests that debtors not be allowed to challenge the division of the IRS Local Standard for housing into mortgage and non-mortgage components, despite the fact that this division is not issued by the IRS as part of the Local Standard for purposes of tax collection.

iv. Express limitation of Chapter 13 administrative expenses (Form 22A, Line 45; Form 22C, Line 50). The organizations suggest an express instruction limiting administrative expenses for a potential Chapter 13 case to no more than 10% of projected plan payments, even though the instructions require use of allowances set by the Executive Office for United States Trustees, which never exceed 10%).

b. *Suggested response*. No action.

c. *Explanation*. Each of these matters has been thoroughly discussed by the Advisory Committee, and no new arguments are advanced by the comment.

Appendix

Additional discussion of Point 3: Treatment of Spousal Income

The principal question involving spousal income Form 22C is how to calculate current monthly income ("CMI") for purposes of determining whether the "applicable commitment period" for the debtor's Chapter 13 plan is three years or five.

"Applicable commitment period," as used in § 1325(b)(1)(B), is the period during which projected disposable income must be applied to plan payments to unsecured creditors. Section 1325(b)(4) provides that the applicable commitment period is five years if "the current monthly income of the debtor and the debtor's spouse combined" is not less than a defined median income level. If the "combined" CMI is less than that median, the applicable commitment period is three years.

BAPCPA uses CMI for other purposes without combining spousal income. For example, § 1325(b)(3) requires use of the Chapter 7 means test to determine disposable income if the CMI that "the debtor has" exceeds the defined median.

Thus, a fair reading of § 1325(b)(4) is that the calculation of CMI for determining the applicable commitment period includes spousal income that is not included in the calculation of CMI for determining disposable income. The current version of Form 22C accommodates this reading. Part I of the form reports the CMI of both spouses, Part II compares the combined spousal CMI to the defined median in order to determine the applicable commitment period under § 1325(b)(4). Part III removes the CMI of a non-filing spouse to determine disposable income under § 1325(b)(3).

However, there is another possible interpretation of § 1325(b)(4), which the form also accommodates. This reading looks to the definition of CMI in § 101(10A), which provides that CMI is specified "income . . . that the debtor receives (or in a joint case the debtor and the debtor's spouse receive)," together with "any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent)." Based on this definition, it has been contended that income of a non-filing spouse should not be counted under § 1325(b)(4). The form allows a debtor to use this "definitional" interpretation of § 1325(b)(4) by deducting the

CMI of a non-filing spouse in Part II (for § 1326(b)(4)'s computation of the applicable commitment period) as well as in Part III (for § 1326(b)(3)'s determination of how to calculate disposable income).

The proposal to reverse ("flip") the order of Parts II and III does not challenge the concept underlying the existing form: that information regarding spousal income should be presented in all cases of married Chapter 13 debtors, whether or not there is a joint filing, and that both readings of § 1325(b)(4) should be accommodated. Rather the proposal is that the form should start with the income of individual spousal income, and add to it the income of a non-filing spouse if the debtor accepts the "combined" reading. In other words, the debate is over which reading should be the "default," for which adjustments are permitted.

There are at least three reasons for preferring the current form's treatment of the issue. First, this version of the form will have been in use for several years before any new form could be implemented, and the changes caused by the recommended "flipping" would be confusing. New instructions and entry lines would be required, since joint filers would begin their calculations of disposable income with a CMI different from married debtors not filing jointly. Because the actual information being reported does not change, there is no compelling reason to make these changes in the form.

Second, the proposed changes would make it more difficult to determine when a debtor was using the definitional interpretation of § 1326(a)(4). In the current form, a debtor's decision to employ this interpretation is obvious, because the debtor must enter a deduction in Line 13 for income that would otherwise be counted. The debtor has an incentive to complete the line because it is to the debtor's benefit to have a lower CMI and a potentially shorter applicable commitment period. Under the proposal, the debtor would have to add income if the debtor "believes" that this is required. If there is nothing filled in, it may simply mean that the spouse has no income not otherwise paid for household expenses (and so part of the debtor's CMI in any event). To determine whether the debtor is asserting the definitional interpretation, one would have to compare the spousal income added to CMI as payment of expenses to the total spousal income shown on another page of the form.

Third, although the definitional interpretation of § 1325(a)(5) is supportable, "combining" spousal CMI is probably

more consistent with the statutory language and so provides the more appropriate default. The definition's designation of the relevant income recipient—"the debtor . . . or in a joint case the debtor and the debtor's spouse"—is never adopted in the substantive provisions of BAPCPA. Rather, these provisions themselves always state the relevant income recipient, usually referring to "the debtor's" CMI (as in § 707(b)(2)(C)), but sometimes referring to CMI of the debtor's spouse (as in § 707(b)(6) and (7)). Literally, this produces a double designation of the income recipient, resulting in linguistic nonsense. If the definition of CMI is used in place of the term itself in the substantive provisions, the phrase "the debtor's current monthly income," becomes "the debtor's income received by the debtor and in a joint case the debtor and the debtor's spouse." Similarly the phrase "the current monthly income of the debtor's spouse" would literally mean "the income of the debtor's spouse received by the debtor and in a joint case the debtor and the debtor's spouse." This meaningless duplication could not have been intended; the drafters of the substantive provisions apparently designated the individual whose income was to be considered in determining CMI without regard to the fact that the definition already contained such a designation. The usual way of resolving such conflicts is to use the designations contained in the specific substantive provisions rather than the general definition. *See Fourco Glass Co. v. Transmirra Prod. Corp*, 353 U.S. 222, 228 (1957) (quoting authority for the rule that "[h]owever inclusive may be the general language of a statute, it will not be held to apply to a matter specifically dealt with in another part of the same enactment").[5]

Additional discussion of Point 6: References to the website of the Executive Office for United States Trustees

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[5] The conflict between the definition of CMI and the substantive provisions using CMI is particularly evident in § 707(b)(7). Section 707(b)(7)(A) bases a safe harbor from the means test on "the current monthly income of the debtor . . . and the debtor's spouse combined"—the same language used in § 1325(b)(4). Section 707(b)(7)(B) contains an exception: the spousal CMI is not included if the debtor makes a defined declaration of separation. The exception only applies "[i]n a case that is not a joint case." This necessarily means that the phrase requiring a combining of the CMI of the debtor and the debtor's spouse requires spousal CMI to be computed in non-joint cases unless the exception for separated spouses applies—despite the definition limiting spousal CMI to joint cases.

Forms 22A and 22C consistently avoid allowance of double deductions for expenses covered by the IRS Local Standards and payments on secured claims, as required by § 707(b)(2)(A)(ii)(I), which allows deductions in the amounts specified by the Local Standards but also provides "Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts."

In order to avoid a double deduction for payment of a mortgage and the IRS Local Standard allowance for housing, the amount paid on a mortgage must be deducted from the amount that the IRS Local Standard would provide for obtaining housing (mortgage or rent). The mortgage payment, however, should not be deducted from whatever amount the IRS Local Standard would provide for other expenses—utilities, maintenance, insurance, etc.—that must be paid separately from the mortgage. Unfortunately, the IRS's Local Standards, specified for use in § 707(b)(2)(A)(ii)(I), present a single undifferentiated housing allowance, which does not distinguish between the costs of obtaining housing and the other expenses. However, in response to requests from the EOUST, the IRS provided information necessary to make such a division for bankruptcy purposes. Lines 25A and 25B of Form 22C (and parallel lines in Form 22A) set out a formula for deducting mortgage payments from the IRS housing expense allowance using the division of that allowance issued by the EOUST. However, recognizing the argument that this division is inappropriate (because not part of the Local Standard issued by the IRS), the forms permit debtors to claim a special deduction for housing expenses in excess of the formula otherwise set out in the forms.

Additional material for Point 8: Determining "gross monthly income" for application of the IRS National Standards

Internal Revenue Manual § 5.15.1.11 (05-01-2004)

Determining Individual Income

1. For purposes of determining the taxpayers' ability to pay, total household income must first be determined. Refer to Section 5.1.15.1.4, Shared Expenses for a complete explanation of determining proportionate income and expense calculations. If the taxpayer refuses to provide total household income, allocate 50% (or an appropriate percentage based on the number of household individuals) of household expenses to the taxpayer.

2. Income consists of the following:

A. Wages - Wages include salary, tips, meal allowance, parking allowance or any other money or compensation received by the taxpayer as an employee for services rendered. This includes the taxpayer and spouse. Note: Use the following formulas to calculate gross monthly wages or salaries: If paid weekly, multiply weekly gross wages by 4.3. If paid bi-weekly (every 2 weeks), multiply bi-weekly gross wages by 2.17. If income is sporadic or seasonal, use the annual income figure from the W-2 or the 1040 and divide by 12 to determine the average monthly income.

B. Interest and Dividends. Includes any interest or dividends that the taxpayer receives or that is credited to an account and can be withdrawn by the taxpayer and used for household expenses. The annual total should be divided by 12 to determine the average monthly income Look for brokerage accounts for dividends from publicly traded corporations and look for undisclosed bank accounts for interest payers. Note: If the interest bearing accounts are used as an asset, and the taxpayer will be withdrawing the funds from the account to reduce the tax liability, the dividends or interest would not be used in the income stream.

C. Net Income from Self-Employment or Schedule C. The amount the taxpayer earned after paying ordinary and necessary business expenses. This amount may be determined from an analysis of the Form 433-B or the Schedule C from the most current Form 1040. If the net business is a loss, enter " zero". Do not enter a negative number.

Note: If the 433-B is used or the taxpayer provides their own income and expense statement, it must reflect a sufficient time frame to accurately determine the monthly average that could be expected for the entire year.

D. Net Rental Income. The amount earned after paying ordinary and necessary monthly rental expenses. If it is a loss, enter a "zero" . Do not enter a negative number.

E. Pensions. Includes social security, IRA, profit sharing plans, etc. Pensions could be used as an asset or as part of the income stream. Refer to IRM 5.15.1.13, Business Expenses.

F. Child Support. Include the actual amount received in addition to other debts or bills the spouse is paying. For example, the court order assigns $200 a week for support but also requires all medical bills to be paid. In determining total expense, adjust the expense accordingly.

G. Alimony. Includes the assigned payments made by the non-resident spouse. However, consider if other bills are being paid, such as the mortgage, and adjust the expense accordingly.

H. Other. This could include payments from a trust account, royalties, renting a room, gambling winnings, sale of property, etc. Tax return information could include various sources of income.

Additional material for Points 9-17, dealing with the IRS "Other Expense" categories

Internal Revenue Manual § 5.15.1.10 (05-01-2004)

Other Expenses

1. Other expenses may be considered if they meet the necessary expense test - they must provide for the health and welfare of the taxpayer and/or his or her family or they must be for the production of income. This is determined based on the facts and circumstances of each case.

2. If other expenses are determined to be necessary and, therefore allowable, document the reasons for the decision in your history.

3. The amount allowed for necessary or conditional expenses depends on the taxpayer's ability to full pay the liability within five years and on the taxpayer's individual facts and circumstances. If the liability can be paid within 5 years, it may be appropriate to allow the taxpayer the excessive necessary and conditional expenses. If the taxpayer cannot pay within 5 years, it may be appropriate to allow the taxpayer the excessive necessary and conditional expenses for up to one year in order to modify or eliminate the expense. (See IRM 5.14, Installment Agreements)

Expense Item	**Expense is Necessary if:**	**Notes/Tips**
[1] Accounting and legal fees.	Representation before the Service is needed or meets the necessary expense tests. Amount must be reasonable.	Disallow any other accounting or legal fees. Disallow costs not related to solving current liability.
[2] Charitable contributions *(Donations to tax exempt organizations)*	If it is a condition of employment or meets the necessary expense tests. Example: A minister is required to tithe according to his employment contract.	Disallow any other charitable contributions that are not considered necessary. Example: Review the employment contract.
[3] Child Care*(Baby-sitting, day care, nursery and preschool)*	It meets the necessary expense test. Only reasonable amounts are allowed.	Cost of child care can vary greatly. Do not allow unusually large child care expense if more reasonable alternatives are available. Consider the age of the child and if both parents work.

[4] Court-Ordered Payments*(Alimony, child support, including orders made by the state, and other court ordered payments)*	If court ordered and being paid, they are allowable. If payments are not being made, do not allow the expense. Child support payments for natural children or legally adopted dependents may be allowed.	Review the court order.
[5] Dependent Care*(For the care of the elderly, invalid, or handicapped.)*	If there is no alternative to the taxpayer paying the expense.	
[6] Education	It is required for a physically or mentally challenged child and no public education providing similar services is available. Also allowed only for the taxpayer and only if required as condition of employment.	**Example:** An attorney must take so many education credits each year or they will not be accredited and could eventually lose their license to practice before the State Bar. A teacher could lose their position or in some States their pay is commensurate with their education credits.
[7] Health Care	Required for the health and welfare of the family. Elective surgery would not be allowed such as plastic surgery or elective dental work. The taxpayer must provide proof of excessive out of pocket medical expenses.	To determine monthly expenses, the total out of pocket expenses would be divided by 12. The Schedule A may also be used to determine the yearly expense. Ensure that the amount used is out of pocket after insurance claims are paid. Substantiate that payments are being made.
[8] Involuntary Deductions	If it is a requirement of the job; i.e. union dues, uniforms, work shoes.	To determine monthly expenses, the total out of pocket expenses would be divided by 12.
[9] Life Insurance	If it is a term policy on the life of the taxpayer only.	If there are whole life policies, these should be reviewed as an asset for borrowing against or liquidating. Life insurance used as an investment is not a necessary expense.

[10] Secured or legally perfected debts	If it meets the necessary expense test.	Taxpayer must substantiate that the payments are being made.
[11] Unsecured Debts	If the taxpayer substantiates and justifies the expense, the minimum payment may be allowed.	The necessary expense test of health and welfare and/or production of income must be met. Except for payments required for the production of income, payments on unsecured debts will not be allowed if the tax liability, including projected accruals, can be paid in full within 90 days. [Example omitted.]
[12] Taxes	It is for current federal, FICA, Medicare, state and local taxes.	Current taxes are allowed regardless of whether the taxpayer made them in the past or not. Delinquent state and local taxes are allowable depending on the priority of the FTL and/or Service agreement with the state and local taxing agencies.
[13] Optional Telephones and Telephone Services *(Cell phone, pager, Call waiting, caller identification or long distance)*	It must meet the necessary expense test.	
[14] Student Loans	If it is secured by the federal government and only for the taxpayer's education.	Taxpayer must substantiate that the payments are being made.
[15] Internet Provider/E-mail	If it meets the necessary expense test - generally for production of income.	
[16] Repayment of loans made for payment of Federal Taxes	If the loan is secured by the taxpayer's assets when those assets are of reasonable value and are necessary to provide for the health and welfare of the family.	

Bankruptcy Rules Tracking Docket (By Rule Number) 5/8/07

Active Items

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1004.2 (new) Designation of center of main interest in chapter 15 case	05-BK-B Judge Samuel Bufford 1/20/06	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency 5/06 - Subcommittee discussed 6/06 - Subcommittee approved revised amendments 9/06 - Committee approved for publication 3/07 - Committee deferred for further study	
Rule 1005 Include all names used by debtor for 8 years in caption; redact an individual's taxpayer ID number	Committee proposal and Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA)	3/05 - Committee considered, referred to Subcommittee on Privacy, Public Access & Appeals 9/05 - Referred to Forms Subcomt. 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1006 Installment payments, waiver of filing fee	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 1006 Payments to petition preparers	Judge Geraldine Mund 8/14/06	9/06 - Referred to Subcommittee on Consumer Matters 12/06 - Subcommittee considered 3/07 - Committee took no action	
Rule 1007(a),(b),(c) Required documents	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 9/05 - Amended by Committee 3/06 - Committee approved for publication with changes as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised 4/07 - Committee approved Rule 1007(a)(4) as revised by email	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1007(b)(7),(c) Extension of time to file statement on completion of financial management course	Judge Christopher Klein 8/8/06	9/06 - Referred to Subcommittee on Consumer Matters 12/06 - Subcommittee considered 3/07 - Committee included suggestion in Rule 1007(c) amendment	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rules 1007(a), (c),(f),(h), 1011(b), 1019(5), 1020(a), 2002(a),(b),(o), (q), 2003(a),(d), 2006(c), 2007(b), 2007.2(a), 2008, 2015(a),(d), 2015.1(a),(b), 2015.2, 2015.3(b),(e), 2016(b),(c), 3001(e), 3015(b),(g), 3017(a),(f), 3019(b), 3020(e), 4001(a),(b),(c), 4002(b), 4004(a), 6003, 6004(b), (d),(g),(h), 6006(d), 6007(a), 7004(e), 7012(a), 8001(f), 8002(a),(b),(c), 8003(a),(c), 8006, 8009(a), 8015, 8017(a), 9006(d), 9027(e),(g), 9033(b),(c), Change deadlines of less than 30 days to multiples of 7 (except 2-day periods)	Committee proposal (Standing Committee's Time Computation Committee)	9/06 - Committee discussed time computation project, small groups to review deadlines in bankruptcy rules 12/06 - Ad hoc group of bankruptcy judges approved 3/07 - Committee approved for publication as revised	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1009(b) Amended Statement of Intention	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 1010 Service of petition for recognition of foreign nonmain proceeding	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08
Rule 1010 Service of petition for recognition of all foreign proceedings	05-BK-B Judge Samuel Bufford 1/20/06	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency 5/06 - Subcommittee discussed 6/06 - Subcommittee approved revised amendments 9/06 - Committee approved for publication 3/07 - Committee deferred for further study	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rules 1010(b) Rule 7007.1 applied in involuntary cases	Committee proposal	9/04 - Committee considered, referred to Reporter 3/05 - Committee considered, tabled to 9/05 9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08
Rule 1011(a) Who may contest petition for recognition of a foreign proceeding.	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1011(f) Rule 7007.1 applied to responses to involuntary and chapter 15 cases	Committee proposal	9/04 - Committee considered, referred to Reporter 3/05 - Committee considered, tabled to 9/05 9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08
Rule 1014 Clarifies that court may act *sua sponte* to dismiss or transfer a case	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Approved by Joint Subcommittee 9/04 - Committee approved for publication 1/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07
Rule 1015(b) Cross reference to § 522(b)	Committee proposal (technical amendment) to implement BAPCPA	3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1017(e) Dismissal or conversion for abuse	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 1017.1 Sufficiency of Debtor's certification of exigent circumstances	Committee proposal	2/07 - Subcommittee on Consumer Issues approved 3/07 - Committee approved for publication	
Rules 1019(2) New filing periods in converted case	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved with revised Committee Note	12/1/08
Rule 1020 Small business chapter 11 case	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 1021 (new) Health care business case	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2002(a),(b),(c),(f),(g),(p),(q) Additional notice requirements	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 9/05 - Amended by Committee 3/06 - Committee approved for publication with changes as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised 4/07 - Committee approved Rule 2002(p),(q) as revised by email	12/1/08
Rule 2002(g)(5) Notice under § 342(g)(1)	National Bankruptcy Conference to implement BAPCPA	3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 2002(k) Notice to U.S. trustee of petition for recognition	Committee proposal to implement BAPCPA	3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2002 Determination of mailing address of a foreign creditor	05-BK-B Judge Samuel Bufford 1/20/06	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency 5/06 - Subcommittee discussed 6/06 - Subcommittee approved revised amendments 9/06 - Committee approved for publication 3/07 - Committee included in Rule 2002(p) amendment	12/1/08
Rule 2003(a) Meeting of creditors not convened	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2007.1 Election of trustee in chapter 11 case	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 2007.2 (new) Appointment of patient care ombudsman	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2015 Notice by foreign representative	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2015(a)(6) Periodic financial reports by small business debtor	Business Subcommittee to implement BAPCPA	8/05 - Approved in principle by Committee as national rule 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 2015.1 (new) Patient care ombudsman	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Rule 2015.2 (new) Patient transfer in health care business case	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 2015.3 (new) Periodic reports on related entities	Business Subcommittee to implement BAPCPA	8/05 - Approved in principle by Committee as national rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 3002(c)(5) Timing issues for notice of newly discovered assets	04-BK-E Judge Dana L. Rasure for Bankruptcy Judges Advisory Group 11/15/04	3/05 - Committee considered, referred to Privacy Subcommittee 9/05 - Deferred pending further study of time periods 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 3002(c) Time for governmental unit and creditor with foreign address to file proof of claim	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Rule 3003(c) Time for creditor with foreign address to file proof of claim	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 3007(b) Procedure for objection to claim - no affirmative relief at same time	Committee proposal	9/04 - Committee approved for publication 1/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07
Rule 3007(c)-(f) Omnibus objections to claims	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Considered by Joint Subcommittee 9/04 - Approved in principle by Committee 1/05 - Revised by Joint Subcommittee. 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved with changes 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 3016(b) Combined plan and disclosure statement	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 3016(d) Forms for plan and disclosure statement	Business Subcommittee to implement BAPCPA	8/05 - Approved in principle by Committee as national rule 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 3017.1 Conditional approval of form disclosure statement	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 3019 Modification of confirmed plan	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Rule 4001 Requirements for cash collateral motions, obtaining credit, and approval of certain agreements	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Discussed by Joint Subcommittee. 9/04 - Discussed by Committee 1/05 - Approved by Joint Subcommittee 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved with changes 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4002 Debtor's obligation to provide tax returns, personal identification, and other documents	03-BK-D Lawrence A. Friedman 8/1/03 Interim Rule to implement BAPCPA	8/03 - Sent to chair and reporter 9/03 - Committee considered, referred to Consumer Subcomt. 1/04 - Consumer Subcommittee considered at focus group meeting 3/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 3/05 - Committee approved (as modified) 4/05 - Committee deferred action 8/05 - Included in Interim Rules 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved with revised Committee Note	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4003(b) Changes deadlines for objections to exemptions.	04-BK-B Judge Eugene R. Wedoff 2/17/04	3/04 - Sent to chair and reporter 9/04 - Committee considered, referred to Consumer Subcomt. 11/04 - Approved by Subcommittee 3/05 - Committee approved in part, referred to Consumer Subcomt. for further study 9/05 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Rule 4003(b) Objection to exemption based on § 522(q)	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4003(d) Lien holder's objection to avoidance notwithstanding the 30-day limit	04-BK-B Judge Eugene R. Wedoff 2/17/04	9/04 - Committee considered along with Rule 4003(b) amendment, referred to Consumer Subcommittee 3/05 - Committee considered, referred to Consumer Subcomt. 9/05 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 4004(c) Requirements for discharge	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 9/05 - Amended by Committee 3/06 - Committee approved for publication with changes as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee discussed 4/07 - Committee approved by email	12/1/08
Rule 4004(a) Application of section 1328(f)	Committee proposal 8/22/06	9/06 - Referred to Subcommittee on Consumer Matters 12/06 - Subcommittee discussed 3/07 - Committee discussed, referred to Subcommittee on Consumer Matters	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4006 Notice that case closed without discharge	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 4007 Time to file dischargeability action	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4008(a) Filing deadline for reaffirmation agreement	01-BK-E Bankruptcy Judges Advisory Group 11/30/01	1/02 - Referred to chair and reporter 3/02 - Committee considered, referred to subcommittee. 10/02 - Committee approved for publication 1/03 - Standing Committee approved for publication 8/03 - Published for public comment 3/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved 4/05 -Withdrawn from Supreme Court at request of Committee and Executive Committee due to conflicting BAPCPA provisions 3/06 - Committee approved revised draft for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee discussed 4/07 - Committee approved by email	12/1/08
Rule 4008(a) Requires use of Official Form coversheet	Committee proposal	4/07 - Committee approved for publication	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 4008(b) Debtor's § 524(k) statement in support of reaffirmation	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08
Rule 5001(b) Holding court outside the district in an emergency	Committee Proposal	9/03 - Committee approved in principle; further action deferred 9/05 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 5003 Mailing addresses of certain tax authorities	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 5008 (new) Notice regarding presumption of abuse	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 5009 Closing chapter 15 cases	05-BK-B Judge Samuel Bufford 1/20/06	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency 5/06 - Subcommittee discussed 6/06 - Subcommittee approved revised amendments 9/06 - Committee approved for publication 3/07 - Committee deferred for further study	
Rule 5012 (new) Communications with foreign courts	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee deferred for further study	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 5012 (new) Agreements concerning coordination of chapter 15 cases and foreign proceedings	05-BK-B Judge Samuel Bufford 1/20/06	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency 5/06 - Subcommittee discussed 6/06 - Subcommittee approved revised amendments 9/06 - Committee approved for publication as revision of amendment published 08/06 3/07 - Committee deferred for further study	
Rule 6003 (new) First day orders	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Discussed by Joint Subcommittee 9/04 - Discussed by Committee 1/05 - Approved by Joint Subcommittee 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved with changes 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 6004(g) Sale of personally identifiable information	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved with revised Committee Note	12/1/08
Rule 6006 Omnibus motions for assumption, rejection, or assignment	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Considered by Joint Subcommittee 9/04 - Approved in principle by Committee 1/05 - Approved by Joint Subcommittee 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved with changes 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 6011 (new) Disposal of patient records	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Rule 7001 Objection to discharge by motion under §§ 727(a)(8),(a)(9) and 1328(f)	Committee proposal and Judge Neil Olack	2/07 - Subcommittee on Consumer Issues approved 3/07 - Committee discussed and referred to subcommittee	
Rule 7007.1 Corporate ownership statement with initial filing	Committee proposal	9/04 - Committee approved as technical amendment without publication 1/05 - Standing Committee approved publication 8/05 - Published for public comment 3/06 - Committee approved 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rules 7012, 7022, 7023.1, and 9024 Conforming amendments	Committee proposal in response to restyling of Civil Rules	2/05 - Restyled Civil Rules published for comment 9/05 - Committee discussed impact on Bankruptcy Rules 12/05 - Committee submitted comment on restyled Civil Rules 9/06 - Restyled Civil Rules approved by Judicial Conference 9/06 - Committee discussed need to amend Bankruptcy Rules 2/07 - Reporter drafted conforming amendments 3/07 - Committee approved as technical amendments	
Rule 7052 Reference to entry of judgment under Civil Rule 58 deemed reference to entry under Rule 5003(a)	Committee proposal	9/06 - Committee approved for publication 1/07 - Standing Committee approved in principle 3/07 - Committee approved for publication as revised	
Rule 7058 (new) Entry of judgment in adversary proceeding	Committee proposal	7/06 - Subcommittee on Privacy, Public Access and Appeals Subcommittee approved 9/06 - Committee approved for publication 1/07 - Standing Committee approved in principle 3/07 - Committee approved for publication as revised	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 8001 Direct appeals	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 9/05 - Amended by Committee 3/06 - Committee approved for publication with changes as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved with revised Committee Note	12/1/08
Rule 8003(b) Procedure for interlocutory appeals	Suggestion by Judge Colleen Brown 2/7/07	2/07 - Considered by Subcommittee on privacy, Public access, and Appeals 3/07 - Referred to subcommittee	12/1/08
Rule 8003(d) Authorization of direct appeal as leave to appeal	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved by email	12/1/08
Rule 9001 Add § 1502	Committee proposal	9/06 - Committee approved for publication 3/07 - Committee deferred for further study	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 9005.1 (new) Proposed Civil Rule 5.1 incorporated in the bankruptcy rules.	03-BK-F Judge Geraldine Mund 10/14/03	10/03 - Referred to reporter and chair 3/04 - Committee considered and approved 4/04 - Civil Rules Committee tabled proposed Rule 5.1 1/05 - Standing Committee approved proposed Rule 5.1 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved 6/06 - Standing Committee approved 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07
Rule 9006 Enlargement and reduction of time	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication with changes as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 4/07 - Committee approved as revised by email	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 9006 Template rule for time computation	Standing Committee's Time Computation Committee	9/06 - Committee discussed time computation project, small groups to review deadlines in bankruptcy rules 12/06 - Considered by ad hoc group of Committee members 1/07 - Discussed by Standing Committee 3/07 - Committee approved for publication	
Rule 9009 Use of form plan and disclosure statement not mandatory	Business Subcommittee to implement BAPCPA	3/06 - Committee approved for publication as national rule 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08
Rule 9011 Attorney conduct	05-BK-01, 05-BR-33 Senators Charles E. Grassley and Jeff Sessions 8/18/05, 3/13/06	3/06 - Referred to Attorney Conduct and Health Care Subcommittee 6/06 - Subcommittee discussed alternative approaches 9/06 - Committee approved alternative approaches, referred to subcommittee to recommend a single approach 12/06 - Subcommittee approved amendment 3/07 - Committee considered proposal and declined to approve	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 9021 Separate Document Requirement	04-BK- Judge David Adams	8/04 - Referred to Committee 9/04 - Committee considered, referred to Privacy, Public Access and Appeals Subcommittee 12/04 – Subcommittee discussed alternative approaches 3/05 - Committee approved in principle for contested matters, referred to Privacy, Public Access and Appeals Subcommittee 9/05 - Referred to Privacy, Public Access and Appeals Subcommittee 3/06 - Referred to Privacy, Public Access and Appeals Subcommittee 7/06 - Subcommittee approved alternative amendments 9/06 - Committee approved revised amendment for publication 1/07 - Standing Committee approved in principle 3/07 - Committee approved for publication as submitted	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Rule 9037 (new) Template privacy rule	E-Government Act § 205(c)(3)	9/04 - Committee considered and referred to Reporter, Judge Swain 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approved with changes 6/06 - Standing Committee approved with changes 9/06 - Judicial Conference approved 4/07 - Supreme Court approved	12/1/07
New Rule Require electronic filers to use data-enabled forms	Donald Walton for EOUST	3/06 - Sent to chair and reporter 6/06 - Discussed by chair, reporter, Forms Subcommittee chair, and Mr. Walton 9/06 - Committee endorsed the concept and recommended treating as a technical standard under Rule 5005(a)(2) 10/07 - Considered by Automation Subcommittee of Bankruptcy Administration Committee 12/07 - Considered by Judicial Conference IT Committee 1/07 - Considered by Bankruptcy Administration Committee	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
New Rule Authority of bankruptcy courts to discipline attorneys	06-BK-F American Bar Association 8/24/06	9/05 - Referred to Subcommittee on Attorney Conduct and Health Care 3/06 - Committee took no action 12/06 - Subcommittee considered 3/07 - Committee considered proposal and declined to approve	
Official Forms 1, 1-Exh. D, 3A, 3B, 4, 5, 6, 7, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, 24, Implement BAPCPA	Forms Subcommittee to implement BAPCPA	8/05 - Approved by Committee 8/05 - Approved by Standing Committee and Executive Committee as Official Forms 9/05 - Official Forms 1, 22A, and 22C amended by Committee 10/05 - Amended Official Forms approved by Standing Committee and Executive Committee 3/06 - Committee approved for publication with changes as permanent forms 5/06 - Committee approved (by email) publication of new Exh. D to Official Form 1 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved Forms 3A, 3B, 5, 16A, 18, 21, 25B, and 26 3/07 - Committee approved Forms 1, 1-Exh. D, 4, 6, 7, 9, 10, 22A, 22B, 22C, 23, 24, 25A, and 25C as revised 4/07 - Committee approved combining Forms 19A and 19B by email	12/1/07 (Forms 25A, 25B, 25C, 26 effective 12/1/08, Exhibit D to Form 1 effective 12/1/09)

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Official Form 1 Add § 707(b)(4)(D) warning for debtor's attorney	Committee proposal to implement BAPCPA	9/06 - Committee approved for publication 12/06 - Attorney Conduct and Health Care Subcommittee discussed revised amendment 3/07 - Committee approved	
Official Forms 1, 6C, 6E, 7, 10, 22A, and 22C Adjust dollar amounts every 3 years	11 U.S.C. § 104(b)	1/07 - Reviewed by Forms Subcommittee 2/07 - Administrative Office issued $$ amounts for 4/1/07 3/07 - Committee reviewed 4/07 - Revised forms effective	4/1/07
Official Form 8 Clarify that debtor must complete entire form	Judge Elizabeth L. Perris 8/3/06	9/06 - Referred to Subcommittee on Consumer Affairs 12/06 - Subcommittee considered revision 1/07 - Forms Subcommittee made further revisions 3/07 - Committee approved for publication	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Official Form 10 Revised to clarify requirements for attachments	04-BK-A Glen K. Palman 2/19/04	3/04 - Referred to reporter, chair and Forms Subcommittee 9/04 - Discussed by Committee, referred to Forms Subcommittee 12/05 - Approved by Subcommittee 3/05 - Committee approved for publication 6/05 - Committee deferred action 9/05 - Referred to Forms Subcomt. 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/07
Official Form 10 Revise in light of 11 U.S.C. § 1325	Committee proposal	8/06- Referred to Forms Subcommittee 8/06 - Subcommittee discussed 9/06 - Committee took no action 12/06 - Consumer Subcommittee considered 3/07 - Committee took no action	
Official Form 19A Form 19A not needed if petition preparers must use Form 19B	Debbie Lewis, deputy clerk FL-S bankruptcy court 4/06	8/06 - Referred to Forms Subcommittee 8/06 - Subcommittee discussed 9/06 - Committee approved new combined form for publication 4/07 - Committee approved combined form by email	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Official Forms 25A, 25B (new) Form plan and disclosure statement	Business Subcommittee to implement BAPCPA	9/05 - Model plan approved in principle 9/05 - Model plan and disclosure statement referred to Business Subcommittee 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 1/07 - Forms Subcommittee approved technical amendments 3/07 - Committee approved Form 25A as revised 3/07 - Committee approved Form 25B	12/1/08
Official Form 25C (new) Periodic financial report by small business debtor	Business Subcommittee to implement BAPCPA	9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved as revised	12/1/08
Official Form 26 (new) Periodic report on related entities	Business Subcommittee to implement BAPCPA	9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication 6/06 - Standing Committee approved for publication 8/06 - Published for public comment 3/07 - Committee approved	12/1/08

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Official Form 27 (new) Cover sheet for reaffirmation or Form 240 as Official Form	Committee proposal	3/06 - Designation as Official Form referred to Forms Subcommittee 8/06 - Subcommittee discussed 9/06 - Committee tabled for 1 year 1/07 - Forms Subcommittee proposed cover sheet 3/07 - Committee approved for publication	
Official Forms Alternatives to paper-based format for forms	Judge James D. Walker, Jr. 5/24/06	9/06 - Committee will coordinate a study with the Administrative Office	
Official Forms, Director's Forms Forms should be distributed as fillable PDFs	Chief Deputy Clerk Douglas Young, ALM 07-BK-B	6/06 - Fillable forms approved by Bankruptcy Admin. Comt. 3/06 - Fillable forms approved by this Committee 2/07 - AO begins converting bankruptcy forms 3/07 - Fillable Form 10 posted	
Director's Forms 13S, 15S, 132, 204, 205, 206, 207, 231A, 231B, 253, and 270 Revised caption requires only last 4 digits of debtor's social security number	Judiciary Privacy Policy and proposed Rule 9037	1/07 - Approved by Forms Subcommittee 3/07 - Committee reviewed	7/1/07

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Director's Forms 13S, 104, 130A, 130B, 202, 204, and 240 Technical amendments	Comments on the forms	1/07 - Approved by Forms Subcommittee 3/07 - Committee reviewed	7/1/07
Director's Form 104 Adversary Proceeding Cover Sheet	Bankruptcy Administration Committee statistics initiative	9/06 - Committee reviewed 10/06 - Issued by Director of Administrative Office 1/07 - Forms Subcommittee approved technical amendment 3/07 - Committee reviewed	7/1/07
Director's Form 202 Statement of Military Service	Committee proposal to implement Pub. L. 108-189 2/17/04	3/04 - Committee reviewed 8/06 - Issued by Director of Administrative Office 1/07 - Forms Subcommittee approved amendment 3/07 - Committee reviewed	7/1/07
Director's Form 240 Reaffirmation agreement	Forms Subcommittee to implement BAPCPA 06-BK-B Kelly Sweeney, CDC, CO bankruptcy court 5/5/06	9/05 - Referred to Forms Subcommittee 10/05 - Amended form issued by Director of Administrative Office 8/06 - Issued by Director of Administrative Office 8/06 - Subcommittee approved further revision 9/06 - Committee approved revised form 12/06 - Issued by Director of Administrative Office 1/07 - Forms Subcommittee approved amendments	

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
Director's Forms 254, 255, and 256 Conforming amendments	AO proposal in response to Rule 45 amendment	12/06 - Civil Rule 45 amended 12/06 - Revised forms issued by Director of Administrative Office 1/07 - Forms Subcommittee reviewed 3/07 - Committee reviewed	12/1/06
Archive – Inactive Items			
New Rule Investment of estate funds	06-BK-E Baker & Hostetler LLP 8/25/06	9/06 - Referred to Subcommittee on Business Matters 12/06 - Revised B&H proposal 1/06 - Subcommittee discussed 3/07 - Withdrawn	