

2015 COMMITTEE NOTE

Official Form 204, *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders*, replaces Official Form 4, *List of Creditors Holding 20 Largest Unsecured Claims*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 204 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 204 has been reformatted and reorganized. The instructions have been shortened and revised to include a full cite to the definition of “insider” and a revised explanation of when to include a secured creditor’s unsecured claim. The warning regarding the disclosure of a minor child’s name has been deleted as a caution has been added to the general instructions for all forms regarding listing a minor child’s name.

The heading of the second column of the form has been revised to require the “name, telephone number, and email address of creditor contact,” eliminating the need to provide a complete mailing address for the creditor contact.

Additional examples of “nature of claim” have been provided in the third column. In the fourth column, “subject to setoff” has been removed as an option.

The fifth column has been revised to include three separate potential entries to be used to list the value of the unsecured claim: the total claim, if partially secured; the deduction for value of collateral or setoff; and unsecured claim. The new instructions for the fifth column contain an explanation that if a claim is a fully unsecured claim, only the final sub-column needs to be completed, and that all of the columns must be completed if a claim is partially secured.

The signature line and the instruction to include a declaration have been deleted from the form.

HISTORICAL NOTES

2005-2007 COMMITTEE NOTE¹

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.

2005 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).

1992 COMMITTEE NOTE

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

1991 COMMITTEE NOTE

This form is derived from former Official Form No. 9.

¹The 2005-2007 Committee Note incorporates Committee Notes previously published in 2005 and 2006.

In conformity with Rule 1007(d) and in recognition of the notice function served by this list under rule 4001, governmental units must be listed if they are among the creditors holding the 20 largest claims.

Rule 1008 requires all lists to be verified or contain an unsworn declaration conforming with 28 U.S.C. § 1746.