

TABLE OF CONTENTS OF REPORT OF
ADVISORY COMMITTEE ON BANKRUPTCY RULES

I.	INTRODUCTION	1
II.	ACTION ITEMS	
A.	<u>Proposed Amendments to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1, and new Rules 6003, 9005.1, and 9037 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.</u>	4
	1. <i>Public Comment and Hearing.</i>	4
	2. <i>Synopsis of Proposed Amendments.</i>	4
	3. <i>Text of Proposed Amendments to Rules 1014, 3007, 4001, 6003, 6006, 7007.1, 9005.1 and 9037.</i>	5
	Rule 1014	5
	Rule 3007	7
	Rule 4001	15
	Rule 6003	30
	Rule 6006	32
	Rule 7007.1	37
	Rule 9005.1	38
	Rule 9037	39
B.	<u>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. Proposed new Bankruptcy Rules: 1021, 2007.2, 2015.1, 2015.2, 2015.3, 5008, 5012, and 6011.</u>	49
	1. <i>Synopsis of Proposed New Rules and Amendments to Bankruptcy Rules.</i>	49
	2. <i>Text of Proposed New Rules and Amendments to Bankruptcy Rules.</i>	67
	RULE 1005	67
	RULE 1006	68
	RULE 1007	71

RULE 1009	83
RULE 1010	84
RULE 1011	87
RULE 1015	88
RULE 1017	90
RULE 1019	93
RULE 1020	94
RULE 1021	98
RULE 2002	100
RULE 2003	113
RULE 2007.1	115
RULE 2007.2	120
RULE 2015	125
RULE 2015.1	130
RULE 2015.2	133
RULE 2015.3	135
RULE 3002	139
RULE 3003	143
RULE 3016	145
RULE 3017.1	147
RULE 3019	149
RULE 4002	152
RULE 4003	157
RULE 4004	161
RULE 4006	166
RULE 4007	167
RULE 4008	170
RULE 5001	173
RULE 5003	174
RULE 5008	177
RULE 5012	178
RULE 6004	180
RULE 6011	182
RULE 8001	186
RULE 8003	196
RULE 9006	197
RULE 9009	200
3. <i>Synopsis of Amendment to Bankruptcy Rule 1007.</i>	201
4. <i>Text of Proposed Interim Rule 1007.</i>	201

C.	<u>Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and New Exhibit D to Official Form 1 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.</u>	207
1.	<i>Synopsis of Proposed Amendments.</i>	207
2.	<i>Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1 are set out in a separate attachment.</i>	
D.	<u>Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, 24, and New Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 Submitted for Publication</u>	215
1.	<i>Synopsis of Proposed Amendments.</i>	215
2.	<i>Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and new proposed Official Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 are set out in a separate attachment.</i>	
III.	INFORMATION ITEMS	215

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

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

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

DATE: May 24, 2006

RE: Report of the Advisory Committee on Bankruptcy Rules

I. INTRODUCTION

The Advisory Committee on Bankruptcy Rules met on March 8-10, 2006, in Chapel Hill, North Carolina. As a result of that meeting and other actions, the Advisory Committee recommends a series of Action Items to the Standing Committee. First, the Committee recommends that the Standing Committee finally approve and recommend to the Judicial Conference the rules set out in Part II.A.3 of this report. Second, the Committee recommends that the Standing Committee approve for publication in August 2006 the proposed new and amended rules set out in Part II.B.2 of this report. Third, we recommend amending Interim Rule 1007, to be effective on October 1, 2006, as set out in Part II.B.4. Fourth, the Committee recommends that the Standing Committee approve the proposed amendments to the Official Forms in Part II.C.2 of the report and submit them to the Judicial Conference for its approval with an effective date of October 1, 2006. Finally, the Advisory Committee recommends that the new and amended Official Forms as set out in Part II.D.2 of the report be approved for publication in August 2006. Parts II.C.2 and II.D.2 are set out in a separate attachment.

The Advisory Committee considered public comments regarding the proposed amendments to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1, and new Rules 6003, 9005.1, and 9037 that were published in August 2005. The Advisory Committee received a number of comments on the proposed amendments to the Rules, and the comments are summarized later in this report. Since no person who submitted a written comment requested to appear at the public hearing scheduled for January 9, 2006, the hearing was canceled. The Advisory Committee recommends that the proposed

amendments and additions to the Bankruptcy Rules set out in Part II.A.3 be approved for transmittal to the Judicial Conference.

In addition to these new rules and amendments, a proposed amendment to Bankruptcy Rule 3001 was published for comment in August 2005. The Advisory Committee recommends that the proposed amendments to Rule 3001 be withdrawn. The Committee received several comments opposing the recommended amendments to the rule that would have limited the length of documents that could be attached to a proof of claim. After further consideration of those comments, the Advisory Committee concluded that the proposed amendment should be withdrawn.

The Advisory Committee has spent considerable time on the creation of Interim Rules to implement the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the 2005 Act). President Bush signed the 2005 Act on April 20, 2005, and most of its provisions became effective on October 17, 2005. The Advisory Committee prepared Interim Rules to operate in cases governed by the 2005 Act until final rules could be put in place. The Interim Rules were approved by the Standing Committee and were adopted by standing order in every district in the United States. These adoptions were nearly uniform throughout the country with only a few minor variations in the rules as locally adopted. The Interim Rules comprise the bulk of the package of new rules and rules amendments being recommended for publication.

The proposed rules recommended for publication also include amendments and additions that were not included in the package of Interim Rules that became effective by standing orders on October 17, 2005. For example, one provision of the 2005 Act does not become effective until a rule has been promulgated under the Rules Enabling Act process. Consequently, there was no need to include that rule in the Interim Rules, but the changes in the Bankruptcy Code require the adoption of new rules to implement those provisions. The Committee received and considered various comments to the Interim Rules prior to its meeting in March, and the proposed Rules have incorporated these comments as appropriate.

The report includes a statement at the end of each rule or rule amendment being recommended for publication as to whether the proposal was previously approved as an Interim Rule. That statement also identifies any changes in the recommended version of the rule to the existing Interim Rule. While there were changes to many of the Interim Rules, most of the changes were stylistic. More significant amendments were made to Interim Rules 1007, 1010(b), 1011(f), 2002(g)(5), 2015(a)(6), 3002(c)(5), 4003, 4008, and 8001(f)(5). The amendments to Rules 1005, 2015.3, 3016(d), 5001, and 9009 are entirely new and were not included in the Interim Rules. The 2005 Act requires the amendments to Rules 1005, 2015.3, 3016(d) and 9009, while the amendments to Rule 5001 are necessary because of the amendment to 28 U.S.C. § 152(c), which authorizes bankruptcy judges to hold court outside of their districts in emergency situations. Attached to the report is a chart that states the number of the rule being proposed for publication, whether a change in the rule was required by the 2005 Act, whether it was an Interim Rule, and the extent of the change in the rule from the Interim Rule. These rules are set out in Part II.B.2 of the report.

Part II.B.4 contains amendments to Bankruptcy Rule 1007 that are being recommended both for inclusion in the rules for publication and for approval as an Interim Rule that can be recommended to the bankruptcy courts for adoption by standing order in the manner that the Interim Rules were adopted prior to October 17, 2005. The 2005 Act amended the Bankruptcy Code to require that consumer debtors receive credit counseling prior to commencing a bankruptcy case. Interim Rule 1007 implements that provision by requiring debtors to file a certificate that they have completed the counseling in the 180 days prior to the commencement of the case. Case law developments have shown that some debtors have completed the counseling but have been unable to obtain a copy of the certificate. The proposed amendment to Interim Rule 1007(b) and (c) addresses the problem by permitting debtors in this position to make a statement that they have completed the counseling and are awaiting receipt of the appropriate certificate. In that event, the debtor has until 15 days after the filing of the petition to file the certificate with the court.

In tandem with this proposed amendment to the Interim Rule 1007, the Advisory Committee recommends a change to Official Form 1, the voluntary petition, for approval by the Standing Committee and for recommendation for adoption by the Judicial Conference, with an effective date of October 1, 2006. The amendment to the Official Form includes a change that implements the amendment to Interim Rule 1007(b)(3) and also includes a series of cautions intended to inform debtors of the consequences of the filing of a bankruptcy petition. Many pro se debtors are unaware of the significant adverse consequences of filing a petition, and the warnings may deter improvident or premature filings. This will reduce the harm to those debtors as well as ease burdens on clerks who often are called upon to respond to inquiries from debtors on these matters.

In addition to the proposed amendment to Official Form 1, the Advisory Committee recommends changes to several other Official Forms also with an effective date of October 1, 2006. These amendments, which are described in Section II.C.1, implement the substantial new statistical reporting requirements in the 2005 Act. They are set out in a separate attachment.

The 2005 Act also required the amendment or creation of many Official Forms. Because the forms must be uniform to be truly useful in cases, the amendments and additions to the forms were recommended to the Judicial Conference for its approval in August and October of 2005. The Judicial Conference approved the forms which became effective on October 17, 2005. Time did not allow for the publication of these forms for comment, so the Advisory Committee recommends that the Official Forms that became effective on October 17, 2005, be published for comment along with the Interim Rules. As with the Interim Rules, the Official Forms being proposed for publication also include some minor amendments from those currently in use. The use of the Official Forms and Interim Rules since October 2005 provides a unique opportunity for the Advisory Committee to evaluate the proposed rules and the Official Forms and should enable the bench and bar to offer especially valuable commentary on their workings. The amendments and additions to the Official Forms which are recommended for publication are described in Part II.C.1. Due to their length, these materials are set out in a separate attachment.

II. ACTION ITEMS

- A. Proposed Amendments to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1, and new Rules 6003, 9005.1, and 9037 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the following amendments and new rules for submission to the Judicial Conference.

1. *Public Comment and Hearing.*

The proposed amendments to Bankruptcy Rules 1014, 3007, 4001, 6006, and 7007.1 and new Rules 6003, 9005.1, and 9037 were published for comment in August 2005. A public hearing on the proposed amendments was scheduled for January 9, 2006, but there were no requests to appear at the hearing.

2. *Synopsis of Proposed Amendments.*

- (a) Rule 1014 is amended to state explicitly that the court can order the change of venue of a case on its own motion.
- (b) Rule 3007 is amended to prohibit a party in interest from including in a claim objection a request for relief that requires an adversary proceeding. The rule is also amended to allow omnibus claims objections which can include up to 100 claims in a single filed objection to claims. The rule limits the nature of objections that may be joined in the single filing, and it also establishes minimum standards that are intended to ensure the protection of the due process rights of the claimants.
- (c) Rule 4001 is amended to require movants seeking approval of agreements relating to the automatic stay, approval of certain other agreements, or authority to use cash collateral or obtain credit submit along with the motion a proposed order for the relief requested and to provide more extensive notice to parties in interest of the requested relief. The rule requires the movant to include within the motion a statement not to exceed five pages that concisely describes the material provisions of the relief requested.
- (d) Rule 6003 is new. It sets limits on the granting of certain relief by the court during the first 20 days of a case. Absent a need to avoid immediate and irreparable harm, the court cannot grant relief on applications for the employment of professional persons, motions for the use, sale, or lease of property of the estate other than such a motion under Rule 4001, and motions

to assume or assign executory contracts and unexpired leases for the first 20 days of the case.

- (e) Rule 6006 is amended to authorize omnibus motions to reject executory contracts and unexpired leases. It also authorizes omnibus motions to assume or assign multiple executory contracts and unexpired leases under specific circumstances. The rule establishes minimum standards that are intended to ensure the protection of the due process rights of the claimants.
- (f) Rule 7007.1 is amended to provide that a party must file its corporate ownership statement with the first paper filed with the court in an adversary proceeding.
- (g) Rule 9005.1 is new. It makes Rule 5.1 F. R. Civ. P. applicable to all contested matters and other proceedings within the bankruptcy case.
- (h) Rule 9037 is new. It is adopted in compliance with section 205(c)(3) of the E-Government Act of 2002, Public Law No. 107-347. Consistent with amendments to the Federal Rules of Appellate, Civil and Criminal Procedure, this rule protects the privacy and security concerns that arise from the filing of documents, both electronically and in paper form, with the court.

3. *Text of Proposed Amendments to Rules 1014, 3007, 4001, 6003, 6006, 7007.1, 9005.1 and 9037.*

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES BANKRUPTCY PROCEDURE***

Rule 1014. Dismissal and Change of Venue

- 1 (a) DISMISSAL AND TRANSFER OF CASES.
- 2 (1) *Cases Filed in Proper District.*
- 3 If a petition is filed in the proper district, the court, on the
- 4 timely motion of a party in interest or on its own motion, and
- 5 after hearing on notice to the petitioners, the United States

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 trustee, and other entities as directed by the court, may
7 transfer the case ~~may be transferred~~ to any other district if the
8 court determines that the transfer is in the interest of justice or
9 for the convenience of the parties.

10 (2) *Cases Filed in Improper District.*

11 If a petition is filed in an improper district, the court, on
12 the timely motion of a party in interest or on its own motion,
13 and after hearing on notice to the petitioners, the United
14 States trustee, and other entities as directed by the court, may
15 dismiss the case or transfer it ~~the case may be dismissed or~~
16 ~~transferred~~ to any other district if the court determines that
17 transfer is in the interest of justice or for the convenience of
18 the parties.

19 * * * * *

FEDERAL RULES OF BANKRUPTCY PROCEDURE

COMMITTEE NOTE

Courts have generally held that they have the authority to dismiss or transfer cases on their own motion. The amendment recognizes this authority and also provides that dismissal or transfer of the case may take place only after notice and a hearing.

Other amendments are stylistic.

Public Comment on Proposed Amendments to Rule 1014:

1. Mr. Anthony Sabino, a bankruptcy practitioner and professor in New York, wholeheartedly supported the rule in **Comment 05-BK-005**.

Changes Made After Publication:

No changes since publication.

Rule 3007. Objections to Claims

- 1 (a) OBJECTIONS TO CLAIMS. An objection to the
- 2 allowance of a claim shall be in writing and filed. A copy of
- 3 the objection with notice of the hearing thereon shall be
- 4 mailed or otherwise delivered to the claimant, the debtor or
- 5 debtor in possession, and the trustee at least 30 days prior to

FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 the hearing. ~~If an objection to a claim is joined with a~~
7 ~~demand for relief of the kind specified in Rule 7001, it~~
8 ~~becomes an adversary proceeding.~~

9 (b) DEMAND FOR RELIEF REQUIRING AN
10 ADVERSARY PROCEEDING. A party in interest shall not
11 include a demand for relief of a kind specified in Rule 7001
12 in an objection to the allowance of a claim, but may include
13 the objection in an adversary proceeding.

14 (c) LIMITATION ON JOINDER OF CLAIMS
15 OBJECTIONS. Unless otherwise ordered by the court or
16 permitted by subdivision (d), objections to more than one
17 claim shall not be joined in a single objection.

18 (d) OMNIBUS OBJECTION. Subject to subdivision (e),
19 objections to more than one claim may be joined in an
20 omnibus objection if all the claims were filed by the same

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 entity, or the objections are based solely on the grounds that

22 the claims should be disallowed, in whole or in part, because:

23 (1) they duplicate other claims;

24 (2) they have been filed in the wrong case;

25 (3) they have been amended by subsequently filed

26 proofs of claim;

27 (4) they were not timely filed;

28 (5) they have been satisfied or released during the

29 case in accordance with the Code, applicable rules, or a court

30 order;

31 (6) they were presented in a form that does not

32 comply with applicable rules, and the objection states that the

33 objector is unable to determine the validity of the claim

34 because of the noncompliance;

35 (7) they are interests, rather than claims; or

FEDERAL RULES OF BANKRUPTCY PROCEDURE

36 (8) they assert priority in an amount that exceeds the
37 maximum amount under § 507 of the Code.

38 (e) REQUIREMENTS FOR OMNIBUS OBJECTION.

39 An omnibus objection shall:

40 (1) state in a conspicuous place that claimants
41 receiving the objection should locate their names and claims
42 in the objection;

43 (2) list claimants alphabetically, provide a cross-
44 reference to claim numbers, and, if appropriate, list claimants
45 by category of claims;

46 (3) state the grounds of the objection to each claim
47 and provide a cross-reference to the pages in the omnibus
48 objection pertinent to the stated grounds;

49 (4) state in the title the identity of the objector and the
50 grounds for the objections;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

51 (5) be numbered consecutively with other omnibus
52 objections filed by the same objector; and

53 (6) contain objections to no more than 100 claims.

54 (f) FINALITY OF OBJECTION. The finality of any
55 order regarding a claim objection included in an omnibus
56 objection shall be determined as though the claim had been
subject to an individual objection.

COMMITTEE NOTE

The rule is amended in a number of ways. First, the amendment prohibits a party in interest from including in a claim objection a request for relief that requires an adversary proceeding. A party in interest may, however, include an objection to the allowance of a claim in an adversary proceeding. Unlike a contested matter, an adversary proceeding requires the service of a summons and complaint, which puts the defendant on notice of the potential for an affirmative recovery. Permitting the plaintiff in the adversary proceeding to include an objection to a claim would not unfairly surprise the defendant as might be the case if the action were brought as a contested matter that included an action to obtain relief of a kind specified in Rule 7001.

The rule as amended does not require that a party include an objection to the allowance of a claim in an adversary proceeding. If

FEDERAL RULES OF BANKRUPTCY PROCEDURE

a claim objection is filed separately from a related adversary proceeding, the court may consolidate the objection with the adversary proceeding under Rule 7042.

The rule also is amended to authorize the filing of a pleading that joins objections to more than one claim. Such filings present a significant opportunity for the efficient administration of large cases, but the rule includes restrictions on the use of these omnibus objections to ensure the protection of the due process rights of the claimants.

Unless the court orders otherwise, objections to more than one claim may be joined in a single pleading only if all of the claims were filed by the same entity, or if the objections are based solely on the grounds set out in subdivision (d) of the rule. Objections of the type listed in subdivision (d) often can be resolved without material factual or legal disputes. Objections to multiple claims permitted under the rule must comply with the procedural requirements set forth in subdivision (e). Among those requirements is the requirement in subdivision (e)(5) that these omnibus objections be consecutively numbered. Since these objections may not join more than 100 objections in any one omnibus objection, there may be a need for several omnibus objections to be filed in a particular case. Consecutive numbering of each omnibus objection and the identification of the objector in the title of the objection is essential to keep track of the objections on the court's docket. For example, the objections could be titled Debtor in Possession's First Omnibus Objection to Claims, Debtor in Possession's Second Omnibus Objection to Claims, Creditors' Committee's First Omnibus Objection to Claims, and so on. Titling the objections in this manner

FEDERAL RULES OF BANKRUPTCY PROCEDURE

should avoid confusion and aid in tracking the objections on the docket.

Subdivision (f) provides that an order resolving an objection to any particular claim is treated, for purposes of finality, as if the claim had been the subject of an individual objection. A party seeking to appeal any such order is neither required, nor permitted, to await the court's resolution of all other joined objections. The rule permits the joinder of objections for convenience, and that convenience should not impede timely review of a court's decision with respect to each claim. Whether the court's action as to a particular objection is final, and the consequences of that finality, are not addressed by this amendment. Moreover, use of an omnibus objection generally does not preclude the objecting party from raising a subsequent objection to the claim on other grounds. See Restatement (Second) of Judgments § 26(1)(d) (1982) (generally applicable rule barring multiple actions based on same transaction or series of transactions is overridden when a statutory scheme permits splitting of claims).

Public Comment on Proposed Amendments to Rule 3007:

1. Mr. Jack Horsley, **Comment 05-BK-002**, offered several comments on the proposal. Most significantly, he suggested that the rule be amended to set a specific deadline for the timely filing of a proof of claim.
2. Mr. Anthony Sabino, a bankruptcy practitioner and professor in New York, supported the rule in **Comment 05-BK-005**, but he also recommended adding a subdivision (g) to the rule that would authorize the courts to impose

FEDERAL RULES OF BANKRUPTCY PROCEDURE

additional limits or conditions on the use of omnibus claims objections “when the interests of justice so require.”

3. Hon. Robert E. Grant, United States Bankruptcy Judge for the Northern District of Indiana, submitted Comment **05-BK-011**. He urged that the rule should prohibit omnibus claims objections unless specific cause for their allowance can be established. He also argued that there is no need to permit omnibus objections based on the replacement of a proof of claim by a subsequently filed proof of claim, so he suggested removing that ground from the list of objections that may be joined. He also objected to the statement in the Committee Note that § 502(j) of the Bankruptcy Code authorizes the filing of subsequent objections to the same claim with the objection being based on different grounds.

Changes Made After Publication:

There were several changes made to the rule after its publication. The Advisory Committee declined to follow Mr. Sabino’s suggestion, concluding that the rule as proposed includes sufficient flexibility, and that expanding the flexibility might lead to excessive deviation from the appropriate format for omnibus claims objections. The Advisory Committee also declined to follow Mr. Horsley’s suggestion because the deadline for filing a proof of claim varies based on the nature of the creditor (governmental units have different deadlines from other creditors) as well as on the chapter under which the case is pending. The Advisory Committee rejected Judge Grant’s suggestion that a party proposing an omnibus claims objection be required to demonstrate some special cause to allow the joinder of the objections. The Advisory Committee concluded that

FEDERAL RULES OF BANKRUPTCY PROCEDURE

the rule includes sufficient protections for claimants such that omnibus objections should be allowed without the need for a special showing by the claims objector that joinder is proper.

The Advisory Committee did accept several of Judge Grant's suggestions, and the rule was amended by deleting the grounds for objection to claims based on the filing of a superceding proof of claim under proposed subdivision (d)(3) and the transfer of claims under proposed subdivision (d)(4). Subdivision (d)(3) now permits objections to claims that have been amended by a subsequently filed proof of claim and the paragraphs within subdivision (d) have been renumbered to reflect the deletion. The Committee Note also no longer includes any reliance on § 502 (j) for the statement indicating that a subsequent claim objection can be filed to a claim that was previously included in an omnibus claim objection.

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

1
2
3
4
5

* * * * *

(b) USE OF CASH COLLATERAL.

(1) *Motion; Service.*

(A) Motion. A motion for ~~authorization~~ authority

to use cash collateral shall be made in accordance with Rule

FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 9014 and shall be accompanied by a proposed form of order
7 ~~served on any entity which has an interest in the cash~~
8 ~~collateral, on any committee elected pursuant to § 705 or~~
9 ~~appointed pursuant to § 1102 of the Code or its authorized~~
10 ~~agent, or, if the case is a chapter 9 municipality case or a~~
11 ~~chapter 11 reorganization case and no committee of unsecured~~
12 ~~creditors has been appointed pursuant to § 1102, on the~~
13 ~~creditors included on the list filed pursuant to Rule 1007(d);~~
14 ~~and on such other entities as the court may direct.~~

15 (B) Contents. The motion shall consist of or (if
16 the motion is more than five pages in length) begin with a
17 concise statement of the relief requested, not to exceed five
18 pages, that lists or summarizes, and sets out the location
19 within the relevant documents of, all material provisions,
20 including:

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 (1) the name of each entity with an interest in
22 the cash collateral;

23 (2) the purposes for the use of the cash
24 collateral;

25 (3) the material terms, including duration, of
26 the use of the cash collateral; and

27 (4) any liens, cash payments, or other
28 adequate protection that will be provided to each entity with
29 an interest in the cash collateral or, if no additional adequate
30 protection is proposed, an explanation of why each entity's
31 interest is adequately protected.

32 (C) Service. The motion shall be served on:

33 (1) any entity with an interest in the cash collateral; (2) any
34 committee elected under § 705 or appointed under § 1102 of
35 the Code, or its authorized agent, or, if the case is a chapter 9
36 municipality case or a chapter 11 reorganization case and no

FEDERAL RULES OF BANKRUPTCY PROCEDURE

37 committee of unsecured creditors has been appointed under
38 § 1102, the creditors included on the list filed under Rule
39 1007(d); and (3) any other entity that the court directs.

40 * * * * *

41 (c) OBTAINING CREDIT.

42 (1) *Motion; Service.*

43 (A) Motion. A motion for authority to obtain
44 credit shall be made in accordance with Rule 9014 and shall
45 be accompanied by a copy of the credit agreement and a
46 proposed form of order served on any committee elected
47 pursuant to § 705 or appointed pursuant to § 1102 of the Code
48 or its authorized agent, or, if the case is a chapter 9
49 municipality case or a chapter 11 reorganization case and no
50 committee of unsecured creditors has been appointed pursuant
51 to § 1102, on the creditors included on the list filed pursuant
52 to Rule 1007(d), and on such other entities as the court may

FEDERAL RULES OF BANKRUPTCY PROCEDURE

53 ~~direct. The motion shall be accompanied by a copy of the~~
54 ~~agreement .~~

55 (B) Contents. The motion shall consist of or (if
56 the motion is more than five pages in length) begin with a
57 concise statement of the relief requested, not to exceed five
58 pages, that lists or summarizes, and sets out the location
59 within the relevant documents of, all material provisions of
60 the proposed credit agreement and form of order, including
61 interest rate, maturity, events of default, liens, borrowing
62 limits, and borrowing conditions. If the proposed credit
63 agreement or form of order includes any of the provisions
64 listed below, the concise statement shall also: briefly list or
65 summarize each one; identify its specific location in the
66 proposed agreement and form of order; and identify any such
67 provision that is proposed to remain in effect if interim
68 approval is granted, but final relief is denied, as provided

FEDERAL RULES OF BANKRUPTCY PROCEDURE

69 under Rule 4001(c)(2). In addition, the motion shall describe
70 the nature and extent of each provision listed below:

71 (1) a grant of priority or a lien on property of
72 the estate under § 364(c) or (d);

73 (2) the providing of adequate protection or
74 priority for a claim that arose before the commencement of
75 the case, including the granting of a lien on property of the
76 estate to secure the claim, or the use of property of the estate
77 or credit obtained under § 364 to make cash payments on
78 account of the claim;

79 (3) a determination of the validity,
80 enforceability, priority, or amount of a claim that arose before
81 the commencement of the case, or of any lien securing the
82 claim;

83 (4) a waiver or modification of Code
84 provisions or applicable rules relating to the automatic stay;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

85 (5) a waiver or modification of any entity's
86 authority or right to file a plan, seek an extension of time in
87 which the debtor has the exclusive right to file a plan, request
88 the use of cash collateral under § 363(c), or request authority
89 to obtain credit under § 364;

90 (6) the establishment of deadlines for filing a
91 plan of reorganization, for approval of a disclosure statement,
92 for a hearing on confirmation, or for entry of a confirmation
93 order;

94 (7) a waiver or modification of the
95 applicability of nonbankruptcy law relating to the perfection
96 of a lien on property of the estate, or on the foreclosure or
97 other enforcement of the lien;

98 (8) a release, waiver, or limitation on any
99 claim or other cause of action belonging to the estate or the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

100 trustee, including any modification of the statute of
101 limitations or other deadline to commence an action;

102 (9) the indemnification of any entity;

103 (10) a release, waiver, or limitation of any
104 right under § 506(c); or

105 (11) the granting of a lien on any claim or
106 cause of action arising under §§ 544, 545, 547, 548, 549,
107 553(b), 723(a), or 724(a).

108 (C) Service. The motion shall be served on:

109 (1) any committee elected under § 705 or appointed under
110 § 1102 of the Code, or its authorized agent, or, if the case is
111 a chapter 9 municipality case or a chapter 11 reorganization
112 case and no committee of unsecured creditors has been
113 appointed under § 1102, on the creditors included on the list
114 filed under Rule 1007(d); and (2) on any other entity that the
115 court directs.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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(d) AGREEMENT RELATING TO RELIEF FROM

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THE AUTOMATIC STAY, PROHIBITING OR

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CONDITIONING THE USE, SALE, OR LEASE OF

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PROPERTY, PROVIDING ADEQUATE PROTECTION,

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USE OF CASH COLLATERAL, AND OBTAINING

122

CREDIT.

123

(1) *Motion; Service.*

124

(A) Motion. A motion for approval of an

125

~~agreement~~ any of the following shall be accompanied by a

126

copy of the agreement and a proposed form of order:

127

(A) (1) an agreement to provide adequate

128

protection; ;

129

(B) (2) an agreement to prohibit or condition

130

the use, sale, or lease of property; ;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

131 ~~(C)~~ (3) an agreement to modify or terminate
132 the stay provided for in § 362; ;

133 ~~(D)~~ (4) an agreement to use cash collateral; ;
134 or

135 ~~(E)~~ (5) an agreement between the debtor and
136 an entity that has a lien or interest in property of the estate
137 pursuant to which the entity consents to the creation of a lien
138 senior or equal to the entity's lien or interest in such property;
139 ~~shall be served on any committee elected pursuant to § 705 or~~
140 ~~appointed pursuant to § 1102 of the Code or its authorized~~
141 ~~agent, or, if the case is a chapter 9 municipality case or a~~
142 ~~chapter 11 reorganization case and no committee of unsecured~~
143 ~~creditors has been appointed pursuant to § 1102, on the~~
144 ~~creditors included on the list filed pursuant to Rule 1007(d);~~
145 ~~and on such other entities as the court may direct. The motion~~

FEDERAL RULES OF BANKRUPTCY PROCEDURE

146 ~~shall be accompanied by a copy of the agreement and a~~
147 ~~proposed form of order.~~

148 (B) Contents. The motion shall consist of or (if
149 the motion is more than five pages in length) begin with a
150 concise statement of the relief requested, not to exceed five
151 pages, that lists or summarizes, and sets out the location
152 within the relevant documents of, all material provisions of
153 the agreement. In addition, the concise statement shall briefly
154 list or summarize, and identify the specific location of, each
155 provision in the proposed form of order, agreement, or other
156 document of the type listed in subdivision (c)(1)(B). The
157 motion shall also describe the nature and extent of each such
158 provision.

159 (C) Service. The motion shall be served on:
160 (1) any committee elected under § 705 or appointed under
161 § 1102 of the Code, or its authorized agent, or, if the case is

FEDERAL RULES OF BANKRUPTCY PROCEDURE

162 a chapter 9 municipality case or a chapter 11 reorganization
163 case and no committee of unsecured creditors has been
164 appointed under § 1102, on the creditors included on the list
165 filed under Rule 1007(d); and (2) on any other entity the court
166 directs.

* * * * *

COMMITTEE NOTE

The rule is amended to require that parties seeking authority to use cash collateral, to obtain credit, and to obtain approval of agreements to provide adequate protection, modify or terminate the stay, or to grant a senior or equal lien on property, submit with those requests a proposed order granting the relief, and that they provide more extensive notice to interested parties of a number of specified terms. The motion must either not exceed five pages in length, or, if it is longer, begin with a concise statement of five pages or less, that summarizes or lists the material provisions and which will assist the court and interested parties in understanding the nature of the relief requested. The concise statement must also set out the location within the documents of the summarized or listed provisions. The parties to agreements and lending offers frequently have concise summaries of their transactions that contain a list of the material provisions of the agreements, even if the agreements themselves are very lengthy. A similar summary should allow the court and interested parties to understand the relief requested.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

In addition to the concise statement, the rule requires that motions under subdivisions (c) and (d) state whether the movant is seeking approval of any of the provisions listed in subdivision (c)(1)(B), and where those provisions are located in the documents. The rule is intended to enhance the ability of the court and interested parties to find and evaluate those provisions.

The rule also provides that any motion for authority to obtain credit must identify any provision listed in subdivision (c)(1)(B)(1)-(11) that is proposed to remain effective if the court grants the motion on an interim basis under Rule 4001(c)(2), but later denies final relief.

Other amendments are stylistic.

Public Comment on Proposed Amendments to Rule 4001:

1. Hon. Marvin Isgur, United States Bankruptcy Judge for the Southern District of Texas, in **Comment 05-BK-004** expressed concern that the proposed amendments would unduly restrict accepted and appropriate practices in consumer bankruptcy cases. The proposed amendments may be well suited for large chapter 11 cases, but the amended rule would render the forms in use in consumer cases in violation of the rule. He suggested that the rule be amended to except individual debtor cases from the operation of the rule.
2. Mr. Anthony Sabino of the New York bar said in **Comment 05-BK-005** that the proposed changes to the rule were excellent.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

3. The National Bankruptcy Conference (“NBC”) submitted an extensive comment on the proposed rule. In **Comment 05-BK-007** it asserted that the three-page limit for the introductory statement in the motion was insufficient to describe the material provisions of the relevant documents. It also argued that the rule should distinguish between interim and final relief and that the extent of notice and opportunity to be heard on the matters should be tailored to the form of those requests. The NBC also objected to the provision in the proposed rule that requires the movant to set out the reasons why certain terms were included in the proposed agreements between the parties. The NBC recommended the addition of a paragraph in subdivision (c)(1)(B) that would require the movant to include the identification and explanation of any provision in the proposed agreement or order that set deadlines for filing plans or related matter. It also recommended that subdivision (c)(1)(B) be amended to require the movant to state whether any relief being requested on an interim basis would remain in effect even if the court refused to approve the movant’s request for permanent relief. The NBC also objected to the inclusion of the reference to Rule 9024 in subdivision (c)(1)(C) which recognizes the court’s authority to provide relief from a prior order approving a request to obtain credit. It suggested that such a provision will create an unnecessarily high level of uncertainty about postpetition lending that will be detrimental to the operation of chapter 11 cases. The NBC also offered several technical changes to the language of the proposed rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Changes Made After Publication:

1. The introductory language in subdivisions (b)(1)(B), (c)(1)(B), and (d)(1)(B) was revised to clarify that the motions filed under the rule can be either no more than five pages long or begin with a concise statement of that length. This permits the continued use of forms that have been effective in smaller cases. Subdivision (c)(1)(B) also is amended to require that the motion identify any provisionally approved term that would remain in effect even if the court denies the permanent relief requested.
2. A new subparagraph (c)(1)(B)(6) was inserted into the rule and the remaining subparagraphs were renumbered accordingly. The new subparagraph requires that the motion identify any provisions setting deadlines for filing and confirming reorganization plans and disclosure statements.
3. Subdivisions (c)(1)(C) and (d)(1)(C) of the proposed rule were deleted as unnecessary. The court has whatever authority Rule 9024 provides, and making an explicit reference to that rule in these subdivisions brings unnecessary attention to Rule 9024 and could create a different standard of review under that rule than would apply in other instances. The Advisory Committee did not intend either consequence, so the subdivisions were deleted.
4. Subdivision (d)(1)(A) was restyled to form a vertical list of the motions subject to that provision.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

1 Except to the extent that relief is necessary to avoid
2 immediate and irreparable harm, the court shall not, within 20
3 days after the filing of the petition, grant relief regarding the
4 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.

COMMITTEE NOTE

There can be a flurry of activity during the first days of a bankruptcy case. This activity frequently takes place prior to the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

formation of a creditors' committee, and it also can include substantial amounts of materials for the court and parties in interest to review and evaluate. This rule is intended to alleviate some of the time pressures present at the start of a case so that full and close consideration can be given to matters that may have a fundamental impact on the case.

The rule provides that the court cannot grant relief on applications for the employment of professional persons, motions for the use, sale, or lease of property of the estate other than such a motion under Rule 4001, and motions to assume or assign executory contracts and unexpired leases for the first 20 days of the case, unless granting relief is necessary to avoid immediate and irreparable harm. This standard is taken from Rule 4001(b)(2) and (c)(2), and decisions under those provisions should provide guidance for the application of this provision.

This rule does not govern motions and applications made more than 20 days after the filing of the petition.

Public Comment on Proposed Amendments to Rule 6003:

1. Hon. Marvin Isgur, United States Bankruptcy Judge for the Southern District of Texas, in **Comment 05-BK-004** suggested that the rule should not restrict the ability of a debtor to reject an unexpired lease during the first 20 days of the case. He noted that rejection of leases should not be based on a showing of immediate and irreparable harm.
2. The National Bankruptcy Conference ("NBC") also objected to the proposal in its **Comment 05-BK-007**. The

FEDERAL RULES OF BANKRUPTCY PROCEDURE

basis of the objection was that the restriction on the ability to reject unexpired leases under the rule could lead to significant additional expense to the bankruptcy estate.

Changes After Publication:

Subdivision (c) was amended by deleting the reference to the rejection of executory contracts or unexpired leases. The rule, as revised, now limits only the assumption or assignment of executory contracts or unexpired leases in that subdivision.

Rule 6006. Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease

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(e) LIMITATIONS. The trustee shall not seek authority to assume or assign multiple executory contracts or unexpired leases in one motion unless: (1) all executory contracts or unexpired leases to be assumed or assigned are between the same parties or are to be assigned to the same assignee; (2) the trustee seeks to assume, but not assign to more than one assignee, unexpired leases of real property; or (3) the court

FEDERAL RULES OF BANKRUPTCY PROCEDURE

9 otherwise authorizes the motion to be filed. Subject to
10 subdivision (f), the trustee may join requests for authority to
11 reject multiple executory contracts or unexpired leases in one
12 motion.

13 (f) OMNIBUS MOTIONS. A motion to reject or, if
14 permitted under subdivision (e), a motion to assume or assign
15 multiple executory contracts or unexpired leases that are not
16 between the same parties shall:

17 (1) state in a conspicuous place that parties receiving
18 the omnibus motion should locate their names and their
19 contracts or leases listed in the motion;

20 (2) list parties alphabetically and identify the
21 corresponding contract or lease;

22 (3) specify the terms, including the curing of defaults,
23 for each requested assumption or assignment;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

24 (4) specify the terms, including the identity of each
25 assignee and the adequate assurance of future performance by
26 each assignee, for each requested assignment;

27 (5) be numbered consecutively with other omnibus
28 motions to assume, assign, or reject executory contracts or
29 unexpired leases; and

30 (6) be limited to no more than 100 executory
31 contracts or unexpired leases.

32 (g) FINALITY OF DETERMINATION. The finality of
33 any order respecting an executory contract or unexpired lease
34 included in an omnibus motion shall be determined as though
35 such contract or lease had been the subject of a separate
motion.

COMMITTEE NOTE

The rule is amended to authorize the use of omnibus motions to reject multiple executory contracts and unexpired leases. In some cases there may be numerous executory contracts and unexpired

FEDERAL RULES OF BANKRUPTCY PROCEDURE

leases, and this rule permits the combining of up to one hundred of these contracts and leases in a single motion to initiate the contested matter.

The rule also is amended to authorize the use of a single motion to assume or assign executory contracts and unexpired leases (i) when such contracts and leases are with a single nondebtor party, (ii) when such contracts and leases are being assigned to the same assignee, (iii) when the trustee proposes to assume, but not assign to more than one assignee, real property leases, or (iv) the court authorizes the filing of a joint motion to assume or to assume and assign executory contracts and unexpired leases under other circumstances that are not specifically recognized in the rule.

An omnibus motion to assume, assign, or reject multiple executory contracts and unexpired leases must comply with the procedural requirements set forth in subdivision (f) of the rule, unless the court orders otherwise. These requirements are intended to ensure that the nondebtor parties to the contracts and leases receive effective notice of the motion. Among those requirements is the requirement in subdivision (f)(5) that these motions be consecutively numbered (*e.g.*, Debtor in Possession's First Omnibus Motion for Authority to Assume Executory Contracts and Unexpired Leases, Debtor in Possession's Second Omnibus Motion for Authority to Assume Executory Contracts and Unexpired Leases, etc.). There may be a need for several of these motions in a particular case. Numbering the motions consecutively is essential to keep track of these motions on the court's docket and should avoid confusion that might otherwise result from similar or identically-titled motions.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Subdivision (g) of the rule provides that the finality of any order respecting an executory contract or unexpired lease included in an omnibus motion shall be determined as though such contract or lease had been the subject of a separate motion. A party seeking to appeal any such order is neither required, nor permitted, to await the court's resolution of all other contracts or leases included in the omnibus motion to obtain appellate review of the order. The rule permits the listing of multiple contracts or leases for convenience, and that convenience should not impede timely review of the court's decision with respect to each contract or lease.

Comments on Proposed Rule 6006:

1. Mr. Anthony Sabino of the New York bar, **Comment 05-BK-005**, generally supported the proposed changes to the rule but urges that the rule be amended to state explicitly that the interests of justice should control as to the propriety of employing omnibus motions.
2. The National Bankruptcy Conference ("NBC") in **Comment 05-BK-007** generally supported the proposed amendments to the rule. The NBC suggested, however, that the rule be further amended in subdivision (e) to permit the trustee to assume, but not assign, multiple unexpired leases of real property without regard to the identity of the nondebtor party to the lease. It argued that this is appropriate because the assumptions all require the same basic proof of the debtor's ability to perform the terms of the leases in the future.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Changes After Publication:

Subdivision (e) of the proposed rule was amended as suggested by the NBC to insert a third category of requests that the trustee may make under an omnibus motion. The list of categories was numbered, and the new category is set out in (e)(2).

Rule 7007.1. Corporate Ownership Statement

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(b) TIME FOR FILING. A party shall file the statement required under Rule 7007.1(a) with its first ~~pleading in an adversary proceeding~~ appearance, pleading, motion, response, or other request addressed to the court. A party shall file a supplemental statement promptly upon any change in circumstances that this rule requires the party to identify or disclose.

COMMITTEE NOTE

The rule is amended to clarify that a party must file a corporate ownership statement with its initial paper filed with the court in an adversary proceeding. The party's initial filing may be a document that is not a "pleading" as defined in Rule 7 F. R. Civ. P.,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

which is made applicable in adversary proceedings by Rule 7007. The amendment also brings Rule 7007.1 more closely in line with Rule 7.1 F. R. Civ. P.

Comments on Proposed Rule 7007.1:

No comments were received on this rule.

Changes After Publication:

No changes were made after publication.

**Rule 9005.1. Constitutional Challenge to a Statute —
Notice, Certification, and Intervention**

1 Rule 5.1 F. R. Civ. P. applies in cases under the Code.

COMMITTEE NOTE

The rule is added to adopt the new rule added to the Federal Rules of Civil Procedure. The new Civil Rule replaces Rule 24(c) F. R. Civ. P., so the cross reference to Civil Rule 24 contained in Rule 7024 is no longer sufficient to bring the provisions of new Civil Rule 5.1 into adversary proceedings. This rule also makes Civil Rule 5.1 applicable to all contested matters and other proceedings within the bankruptcy case.

Comments on Proposed Rule 9005.1:

No comments were received on this rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Changes After Publication:

No changes were made after publication.

Rule 9037. Privacy Protection For Filings Made with the Court

1 (a) REDACTED FILINGS. Unless the court orders
2 otherwise, in an electronic or paper filing made with the court
3 that contains an individual's social-security number, taxpayer-
4 identification number, or birth date, the name of an
5 individual, other than the debtor, known to be and identified
6 as a minor, or a financial-account number, a party or nonparty
7 making the filing may include only:

8 (1) the last four digits of a social-security number
9 and an individual's taxpayer-identification number;

10 (2) the year of the individual's birth;

11 (3) the minor's initials; and

FEDERAL RULES OF BANKRUPTCY PROCEDURE

12 (4) the last four digits of the financial-account
13 number.

14 (b) EXEMPTIONS FROM THE REDACTION
15 REQUIREMENT. The redaction requirement does not apply
16 to the following:

17 (1) a financial-account number that identifies
18 property allegedly subject to forfeiture in a forfeiture
19 proceeding;

20 (2) the record of an administrative or agency
21 proceeding unless filed with a proof of claim;

22 (3) the official record of a state-court proceeding;

23 (4) the record of a court or tribunal, if that record
24 was not subject to the redaction requirement when originally
25 filed;

26 (5) a filing covered by subdivision (c) of this rule;

27 and

FEDERAL RULES OF BANKRUPTCY PROCEDURE

28 (6) a filing that is subject to § 110 of the Code.

29 (c) FILINGS MADE UNDER SEAL. The court may
30 order that a filing be made under seal without redaction. The
31 court may later unseal the filing or order the person who made
32 the filing to file a redacted version for the public record.

33 (d) PROTECTIVE ORDERS. For cause, the court may
34 by order in a case under the Code:

35 (1) require redaction of additional information; or

36 (2) limit or prohibit a nonparty's remote electronic
37 access to a document filed with the court.

38 (e) OPTION FOR ADDITIONAL UNREDACTED
39 FILING UNDER SEAL. An entity making a redacted filing
40 may also file an unredacted copy under seal. The court must
41 retain the unredacted copy as part of the record.

42 (f) OPTION FOR FILING A REFERENCE LIST. A
43 filing that contains redacted information may be filed together

FEDERAL RULES OF BANKRUPTCY PROCEDURE

44 with a reference list that identifies each item of redacted
45 information and specifies an appropriate identifier that
46 uniquely corresponds to each item listed. The list must be
47 filed under seal and may be amended as of right. Any
48 reference in the case to a listed identifier will be construed to
49 refer to the corresponding item of information.

50 (g) WAIVER OF PROTECTION OF IDENTIFIERS. An
51 entity waives the protection of subdivision (a) as to the
52 entity's own information by filing it without redaction and not
53 under seal.

COMMITTEE NOTE

The rule is adopted in compliance with section 205(c)(3) of the E-Government Act of 2002, Public Law No. 107-347. Section 205(c)(3) requires the Supreme Court to prescribe rules “to protect privacy and security concerns relating to electronic filing of documents and the public availability . . . of documents filed electronically.” The rule goes further than the E-Government Act in regulating paper filings even when they are not converted to electronic form, but the number of filings that remain in paper form is certain to diminish over time. Most districts scan paper filings into

FEDERAL RULES OF BANKRUPTCY PROCEDURE

the electronic case file, where they become available to the public in the same way as documents initially filed in electronic form. It is electronic availability, not the form of the initial filing, that raises the privacy and security concerns addressed in the E-Government Act.

The rule is derived from and implements the policy adopted by the Judicial Conference in September 2001 to address the privacy concerns resulting from public access to electronic case files. *See* <http://www.privacy.uscourts.gov/Policy.htm>. The Judicial Conference policy is that documents in case files generally should be made available electronically to the same extent they are available at the courthouse, provided that certain “personal data identifiers” are not included in the public file.

While providing for the public filing of some information, such as the last four digits of an account number, the rule does not intend to establish a presumption that this information never could or should be protected. For example, it may well be necessary in individual cases to prevent remote access by nonparties to any part of an account number or social-security number. It may also be necessary to protect information not covered by the redaction requirement—such as driver’s license numbers and alien registration numbers—in a particular case. In such cases, protection may be sought under subdivision (c) or (d). Moreover, the rule does not affect the protection available under other rules, such as Rules 16 and 26(c) of the Federal Rules of Civil Procedure, or under other sources of protective authority.

Any personal information not otherwise protected by sealing or redaction will be made available over the internet. Counsel should therefore notify clients of this fact so that an informed decision may

FEDERAL RULES OF BANKRUPTCY PROCEDURE

be made on what information is to be included in a document filed with the court.

A debtor's full social-security number is included on the notice of the § 341 meeting of creditors sent to creditors. Of course, that is not filed with the court, *see* Rule 1007(f) (the debtor "submits" this information), and the copy of the notice that is filed with the court does not include the full social-security number. Thus, since the full social-security number is not filed with the court, it is not available to a person searching that record.

The clerk is not required to review documents filed with the court for compliance with this rule. As subdivision (a) recognizes, the responsibility to redact filings rests with counsel, parties, and others who make filings with the court.

Subdivision (d) recognizes the court's inherent authority to issue a protective order to prevent remote access to private or sensitive information and to require redaction of material in addition to that which would be redacted under subdivision (a) of the rule. These orders may be issued whenever necessary either by the court on its own motion, or on motion of a party in interest.

Subdivision (e) allows an entity that makes a redacted filing to file an unredacted document under seal. This provision is derived from section 205(c)(3)(iv) of the E-Government Act. Subdivision (f) allows parties to file a reference list of redacted information. This provision is derived from section 205(c)(3)(v) of the E-Government Act, as amended in 2004.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

In accordance with the E-Government Act, subdivision (f) of the rule refers to “redacted” information. The term “redacted” is intended to govern a filing that is prepared with abbreviated identifiers in the first instance, as well as a filing in which a personal identifier is edited after its preparation.

Subdivision (g) allows an entity to waive the protections of the rule as to that entity’s own personal information by filing it in unredacted form. An entity may elect to waive the protection if, for example, it determines that the costs of redaction outweigh the benefits to privacy. As to financial-account numbers, the instructions to Schedules E and F of Official Form 6 note that the debtor may elect to include the complete account number on those schedules rather than limit the number to the final four digits. Including the complete number would operate as a waiver by the debtor under subdivision (g) as to the full information that the debtor set out on those schedules. The waiver operates only to the extent of the information that the entity filed without redaction. If an entity files an unredacted identifier by mistake, it may seek relief from the court.

Trial exhibits are subject to the redaction requirements of Rule 9037 to the extent they are filed with the court. Trial exhibits that are not initially filed with the court must be redacted in accordance with this rule if and when they are filed as part of an appeal or for other reasons.

Comments on Proposed Rule 9037:

1. **Comment 05-BK-001** was submitted by Ms. Marjorie K. Lynch, Bankruptcy Administrator for the Eastern District of North Carolina. She objects to the restrictions on access to

FEDERAL RULES OF BANKRUPTCY PROCEDURE

the redacted information in documents filed with the court. She suggests that the rule be revised to provide specifically that the Bankruptcy Administrator and United States trustee have access to the redacted information. It appears that her comments are addressed only to materials that are “submitted” to the court as compared to documents “filed” with the court. This is presumably the debtor’s statement of social-security number submitted under Rule 1007(f) as provided on Official Form 21. Since this is a matter that is not really addressed in the new rule 9037, the comment is more properly addressed to the other rule and form.

2. **Comment 05-BK-006**, submitted by the Judicial Conference Committee on Court Administration and Case Management (CACM), generally supports the proposed rule. CACM offered one suggestion regarding subdivision (b)(2) of the proposed rule. CACM proposed that subdivision (b)(2) be revised to refer to the record of a court that later becomes part of the record in the pending bankruptcy case or proceeding rather than refer to the record of a court whose decision is being reviewed.

3. **Comment 05-BK-008** was submitted by Mr. Peter Winn, an Assistant United States Attorney and an Adjunct Professor at the University of Washington School of Law. Mr. Winn’s comment includes an extensive description of the PACER process and recognizes the Committees’ efforts to strike the appropriate balance between privacy and the public’s right to know about matters pending in or resolved by the courts. He generally commends the Committees for the solution proposed in Rule 9037 and its counterparts. He does suggest

FEDERAL RULES OF BANKRUPTCY PROCEDURE

one amendment to subdivision (c)(2) of Civil Rule 5.2, but that subdivision has no counterpart in Bankruptcy Rule 9037.

4. **Comment 05-BK-009** was submitted by the National Court Reporters Association, and it generally supports the proposed rule. The only suggested change would be to move into the text of the Rule the statement contained in the Committee Note that counsel and the parties are responsible to redact the appropriate information and the clerk has no obligation to review or edit filings.

5. **Comment 05-BK-010** was submitted by the Public Citizen Litigation Group (PCLG). This lengthy comment asserts that the proposed rules go too far in protecting social-security and immigration cases from public access. These provisions are contained only in the Civil Rule version of the E-Government Act rules, so the PCLG comments on that issue are not germane to Rule 9037. PCLG, however, also suggests that Rule 9037(d) should not allow courts to issue protective orders for “sensitive” information. It believes that the subdivision should permit protective orders only for privacy protection and that allowing protective orders for “sensitive” information establishes too low a bar for the issuance of these orders. PCLG also proposes that the rule be amended to provide in subdivision (d) that protective orders be issued “If necessary to protect private information that is not otherwise protected under subdivision (a), and only where the interest in privacy outweighs the public interest in openness.” The stated purpose of the recommendation, in addition to deleting “sensitiveness” as a basis for a protective

FEDERAL RULES OF BANKRUPTCY PROCEDURE

order, is to provide a standard for the courts to apply in these cases.

6. **Comment 05-BK-012** was submitted by the Electronic Privacy Information Group (EPIG). EPIG's suggestions were more general than many others offered by interested groups. For example, it suggested that the rules be amended to minimize the use of otherwise private information. It also opposed in general subdivision (c)(2) of the Civil Rule that would treat remote and courthouse access to files differently. Again, this is not a part of Rule 9037, so it is not germane to the Bankruptcy Rules amendments. EPIG suggested that the rules be refined to establish limits on the use of information contained in the court files. For example, it suggests that the rules could provide that the information could be used only for law enforcement, research, or journalistic purposes. EPIG also suggests prohibiting the publication of any part of a social-security number as well as other informational items like a person's home address, telephone number, and mother's maiden name.

7. **Comment 05-BK-013** was submitted by The Reporters Committee for Freedom of the Press. To the extent that its submission addressed the limits on access to social-security and immigration case files, the comment applies only to Civil Rule 5.2. The Reporters Committee also asserts that all of the relevant rules, however, should not require the redaction of a person's year of birth or the name of a minor child. They suggest that these are informational items that are necessary for a reporter to correctly identify the subject of a story. Rule 9037 requires the debtor's full name if the debtor is a minor,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

and only requires redaction of the minor's name if he or she is being identified as a minor.

Changes After Publication:

Rule 9037 is intended to parallel as closely as possible Civil Rule 5.2 and Criminal Rule 49.1. The Advisory Committees have worked together to maintain as much consistency as possible in the three versions of the rule. The rule has been revised to implement the several style revisions suggested by the Style Subcommittee of the Standing Committee. Subdivision (b)(2) was amended in response to the suggestion of the Committee on Court Administration and Case Management so that it now refers to court records that become a part of the record in the pending matter.

ACTION ITEM

B. 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. Proposed new Bankruptcy Rules: 1021, 2007.2, 2015.1, 2015.2, 2015.3, 5008, 5012, and 6011.:

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

1. Synopsis of Proposed New Rules and Amendments to Bankruptcy Rules.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

(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 2005 Act) that extends the time between discharges from six to eight years. The rule is also amended to include an individual debtor's taxpayer-identification number among the information that must be limited to protect the debtor's privacy.

(b) **Rule 1006 (conforming)** is amended to implement the provisions in the 2005 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 2005 Act. The amendments address the filing of current monthly income statements and other forms to implement the means test imposed by the 2005 Act. 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 2005 Act, 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 2005 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 then 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 2005 Act.

(e) **Rule 1010 (conforming)** is amended to implement the changes to the Bankruptcy Code made by the 2005 Act. It repealed § 304 of the Code and replaced it with chapter 15 governing both ancillary

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 enactment of the 2005 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 2005 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)

FEDERAL RULES OF BANKRUPTCY PROCEDURE

state with particularity the circumstances that present the alleged abuse.

(l) **Rule 1019 (conforming)** is amended because the 2005 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 2005 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 2005 Act. That section defines health care businesses, and the rule authorizes parties in interest to seek an

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 revisions to § 704 of the Bankruptcy Code in the 2005 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 Code by the 2005 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 2005 Act's amendment to § 341(e) of the Code. The amendment to the rule authorizes the court, on request of a party in interest and after notice and a

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 Act reduces 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 2005 Act. 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 § 1518 added to the Code by the 2005 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 by the 2005 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 by the 2005 Act. The statute requires court approval of the ombudsman's review of the patient records with the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 by the 2005 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 2005 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 2005 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

(v) **Rule 3016 (conforming)** is amended to recognize that the 2005 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 2005 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 2005 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

(y) **Rule 4002 (conforming)** is amended to implement the provisions of the 2005 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 2005 Act's addition of § 522(q) to the 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 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 2005 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 2005 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 2005 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 2005 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 2005 Act. 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 Act revised § 342 of the Bankruptcy Code to 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 new. It is added to implement § 1525 of the Code which was added by the 2005 Act. The rule provides an opportunity for parties in the case to take appropriate action prior to the communication between courts to establish procedures for the manner of the communication and the right to participate in the communication.

(ii) **Rule 6004 (conforming)** is amended to implement sections 332 and 363(b)(1)(B) of the Code, added by the 2005 Act. 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 by the 2005 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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(conforming)** is amended to implement the direct appeal provisions in the 2005 Act. The 2005 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 (conforming)** is amended to implement the direct appeal provisions included in the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

2005 Act. 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, which was added by the 2005 Act. 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.

(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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

2. Text of Proposed New Rules and Amendments to Bankruptcy Rules.

Rule 1005. Caption of Petition

1 The caption of a petition commencing a case under the
2 Code shall contain the name of the court, the title of the case,
3 and the docket number. The title of the case shall include the
4 following information about the debtor: name, employer
5 identification number, last four digits of the social-security
6 number or individual debtor's taxpayer-identification number,
7 any other federal ~~tax~~ taxpayer-identification number, and all
8 names used within ~~six~~ eight years before filing the petition.
9 If the petition is not filed by the debtor, it shall include all
10 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

change. The rule also is amended to require the disclosure of the last four digits of an individual debtor's taxpayer-identification number. This truncation of the number applies only to individual debtors. This is consistent with the requirements of Rule 9037.

INTERIM RULES COMPARISON:

This Rule was not included in the Interim Rules.

Rule 1006. Filing Fee

1 (a) GENERAL REQUIREMENT. Every petition shall be
2 accompanied by the filing fee except as provided in
3 subdivisions (b) and (c) of this rule. For the purpose of this
4 rule, "filing fee" means the filing fee prescribed by 28 U.S.C.
5 § 1930(a)(1)-(a)(5) and any other fee prescribed by the
6 Judicial Conference of the United States under 28 U.S.C.
7 § 1930(b) that is payable to the clerk upon the commencement
8 of a case under the Code.

9 (b) PAYMENT OF FILING FEE IN INSTALLMENTS.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

10 (1) *Application for ~~Permission to Pay Filing Fee in~~*
11 *Installments.* A voluntary petition by an individual shall be
12 accepted for filing if accompanied by the debtor's signed
13 application, prepared as prescribed by the appropriate Official
14 Form, stating that the debtor is unable to pay the filing fee
15 except in installments. ~~The application shall state the~~
16 ~~proposed terms of the installment payments and that the~~
17 ~~applicant has neither paid any money nor transferred any~~
18 ~~property to an attorney for services in connection with the~~
19 ~~case.~~

20 * * * * *

21 (3) *Postponement of Attorney's Fees.* ~~The filing fee~~
22 All installments of the filing fee must be paid in full before
23 the debtor or chapter 13 trustee may make further payments
24 pay an to an attorney or any other person who renders services
25 to the debtor in connection with the case.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

26 (c) WAIVER OF FILING FEE. A voluntary chapter 7
27 petition filed by an individual shall be accepted for filing if
28 accompanied by the debtor's application requesting a waiver
29 under 28 U.S.C. § 1930(f), prepared as prescribed by the
30 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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).

INTERIM RULES COMPARISON:

No change from the Interim Rule.

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

1 (a) CORPORATE OWNERSHIP STATEMENT, LIST
2 OF CREDITORS AND EQUITY SECURITY HOLDERS,
3 AND ~~CORPORATE OWNERSHIP STATEMENT~~ OTHER
4 LISTS.

5 * * * * *

6 (4) Chapter 15 Case. Unless the court orders
7 otherwise, a foreign representative filing a petition for
8 recognition under chapter 15 shall file with the petition a list
9 containing the name and address of all administrators in
10 foreign proceedings of the debtor, all parties to litigation

FEDERAL RULES OF BANKRUPTCY PROCEDURE

11 pending in the United States in which the debtor is a party at
12 the time of the filing of the petition, and all entities against
13 whom provisional relief is being sought under § 1519 of the
14 Code.

15 (4) (5) *Extension of Time.* Any extension of time for
16 the filing of lists required by this subdivision may be granted
17 only on motion for cause shown and on notice to the United
18 States trustee and to any trustee, committee elected pursuant
19 to under § 705 or appointed pursuant to under § 1102 of the
20 Code, or other party as the court may direct.

21 (b) SCHEDULES AND STATEMENTS, AND OTHER
22 DOCUMENTS REQUIRED.

23 (1) Except in a chapter 9 municipality case, the
24 debtor, unless the court orders otherwise, shall file the
25 following schedules, statements, and other documents,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

26 prepared as prescribed by the appropriate Official Forms, if

27 any:

28 (A) schedules of assets and liabilities; ;

29 (B) a schedule of current income and

30 expenditures; ;

31 (C) a schedule of executory contracts and

32 unexpired leases, ~~and~~ ;

33 (D) a statement of financial affairs, ~~prepared as~~

34 ~~prescribed by the appropriate Official Forms~~ ;

35 (E) copies of all payment advices or other

36 evidence of payment, if any, received by the debtor from an

37 employer within 60 days before the filing of the petition, with

38 redaction of all but the last four digits of the debtor's social-

39 security number or individual taxpayer-identification number;

40 and

FEDERAL RULES OF BANKRUPTCY PROCEDURE

41 (F) a record of any interest that the debtor has in
42 an account or program of the type specified in § 521(c) of the
43 Code.

44 (2) An individual debtor in a chapter 7 case shall file
45 a statement of intention as required by § ~~521(a)~~ 521(2) of the
46 Code, prepared as prescribed by the appropriate Official
47 Form. A copy of the statement of intention shall be served on
48 the trustee and the creditors named in the statement on or
49 before the filing of the statement.

50 (3) Unless the United States trustee has determined
51 that the credit counseling requirement of § 109(h) does not
52 apply in the district, an individual debtor must file a statement
53 of compliance with the credit counseling requirement,
54 prepared as prescribed by the appropriate Official Form which
55 must include one of the following:

FEDERAL RULES OF BANKRUPTCY PROCEDURE

56 (A) an attached certificate and debt repayment
57 plan, if any, required by § 521(b);

58 (B) a statement that the debtor has received the
59 credit counseling briefing required by § 109(h)(1) but does
60 not have the certificate required by § 521(b);

61 (C) a certification under § 109(h)(3); or

62 (D) a request for a determination by the court
63 under § 109(h)(4).

64 (4) Unless § 707(b)(2)(D) applies, an individual
65 debtor in a chapter 7 case with primarily consumer debts shall
66 file a statement of current monthly income prepared as
67 prescribed by the appropriate Official Form, and, if the
68 current monthly income exceeds the median family income
69 for the applicable state and household size, the information,
70 including calculations, required by § 707(b), prepared as
71 prescribed by the appropriate Official Form.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

72 (5) An individual debtor in a chapter 11 case shall file
73 a statement of current monthly income, prepared as prescribed
74 by the appropriate Official Form.

75 (6) A debtor in a chapter 13 case shall file a statement
76 of current monthly income, prepared as prescribed by the
77 appropriate Official Form, and, if the current monthly income
78 exceeds the median family income for the applicable state and
79 household size, a calculation of disposable income made in
80 accordance with § 1325(b)(3), prepared as prescribed by the
81 appropriate Official Form.

82 (7) An individual debtor in a chapter 7 or chapter 13
83 case shall file a statement of completion of a course
84 concerning personal financial management, prepared as
85 prescribed by the appropriate Official Form.

86 (8) If an individual debtor in a chapter 11, 12, or 13
87 case has claimed an exemption under § 522(b)(3)(A) in

FEDERAL RULES OF BANKRUPTCY PROCEDURE

88 property of the kind described in § 522(p)(1) with a value in
89 excess of the amount set out in § 522(q)(1), the debtor shall
90 file a statement as to whether there is any proceeding pending
91 in which the debtor may be found guilty of a felony of a kind
92 described in § 522(q)(1)(A) or found liable for a debt of the
93 kind described in § 522(q)(1)(B).

94 (c) TIME LIMITS. In a voluntary case, the schedules,
95 and statements, and other documents required by subdivision
96 (b)(1), (4), (5), and (6) other than the statement of intention,
97 shall be filed with the petition; or within 15 days thereafter,
98 except as otherwise provided in subdivisions (d), (e), (f), and
99 (h) of this rule. In an involuntary case, the list in subdivision
100 (a)(2), and the schedules ~~, and statements, and other~~
101 documents required by subdivision (b)(1) other than the
102 statement of intention, shall be filed by the debtor within 15
103 days of the entry of the order for relief. In a voluntary case,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

104 the documents required by paragraphs (A), (C), and (D) of
105 subdivision (b)(3) shall be filed with the petition. Unless the
106 court orders otherwise, a debtor who has filed a statement
107 under subdivision (b)(3)(B) shall file the documents required
108 by subdivision (b)(3)(A) within 15 days of the order for relief.
109 In a chapter 7 case, the debtor shall file the statement required
110 by subdivision (b)(7) within 45 days after the first date set for
111 the meeting of creditors under § 341 of the Code, and in a
112 chapter 13 case no later than the date when the last payment
113 was made by the debtor as required by the plan or the filing of
114 a motion for a discharge under § 1328(b). The debtor shall
115 file the statement required by subdivision (b)(8) no earlier
116 than the date of the last payment made under the plan or the
117 date of the filing of a motion for a discharge under
118 §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists,
119 schedules, ~~and~~ statements, and other documents filed prior to

FEDERAL RULES OF BANKRUPTCY PROCEDURE

120 the conversion of a case to another chapter shall be deemed
121 filed in the converted case unless the court directs otherwise.
122 Except as provided in § 1116(3), any Any extension of time
123 for the filing of the schedules, ~~and~~ statements, and other
124 documents required under this rule may be granted only on
125 motion for cause shown and on notice to the United States
126 trustee, ~~and to~~ any committee elected under § 705 or
127 appointed under § 1102 of the Code, trustee, examiner, or
128 other party as the court may direct. Notice of an extension
129 shall be given to the United States trustee and to any
130 committee, trustee, or other party as the court may direct.

131 * * * * *

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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 (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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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. 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

Stylistic changes were made to subdivisions (a)(4), (b)(1)(E), and (b)(7). Subdivision (b)(3) was amended to require debtors to file a statement that sets out a list of possible circumstances relating to the requirement that debtors obtain credit counseling prior to the commencement of the case. Subdivision (c) is amended to permit the later filing of a certificate of credit counseling if the debtor has received the counseling prior to the filing of the petition but has not yet received the certificate of completion of the counseling.

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

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* * * * *

2

(b) STATEMENT OF INTENTION . The statement of

3

intention may be amended by the debtor at any time before

4

the expiration of the period provided in § 521(a) ~~521(2)(B)~~ of

5

the Code. The debtor shall give notice of the amendment to

6

the trustee and to any entity affected thereby.

* * * * *

COMMITTEE NOTE

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

No change from the Interim Rule.

**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
3 RECOGNITION OF FOREIGN NONMAIN PROCEEDING.

4 On the filing of an involuntary petition or a petition
5 ~~commencing a case ancillary to~~ for recognition of a foreign
6 nonmain proceeding, the clerk shall forthwith issue a
7 summons for service. When an involuntary petition is filed,
8 service shall be made on the debtor. When a petition
9 ~~commencing an ancillary case~~ for recognition of a foreign
10 nonmain proceeding is filed, service shall be made on the
11 ~~parties against whom relief is sought pursuant to § 304(b)~~
12 debtor, any entity against whom provisional relief is sought

FEDERAL RULES OF BANKRUPTCY PROCEDURE

13 under § 1519 of the Code, and on any other ~~parties~~ party as
14 the court may direct. The summons shall be served with a
15 copy of the petition in the manner provided for service of a
16 summons and complaint by Rule 7004(a) or (b). If service
17 cannot be so made, the court may order that the summons and
18 petition be served by mailing copies to the party's last known
19 address, and by at least one publication in a manner and form
20 directed by the court. The summons and petition may be
21 served on the party anywhere. Rule 7004(e) and Rule 4(*I*) F.
22 R. Civ. P. apply when service is made or attempted under this
23 rule.

24 (b) CORPORATE OWNERSHIP STATEMENT. Each
25 petitioner that is a corporation shall file with the involuntary
26 petition a corporate ownership statement containing the
27 information described in Rule 7007.1.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

The rule was amended by redesignating Interim Rule 1010 as Rule 1010(a). Subdivision (b) is new. It requires the filing of a corporate ownership statement with the filing of an involuntary petition. This change is not required by the 2005 Act.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

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

9 * * * * *

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

- 15 statement containing the information described in Rule
16 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.

INTERIM RULES COMPARISON:

Interim Rule 1011(a) was not changed. Subdivision (f) is new. It requires the filing of a corporate ownership statement with the first paper filed in response to an involuntary petition. This change is not required by the 2005 Act.

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

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FEDERAL RULES OF BANKRUPTCY PROCEDURE

2 (b) CASES INVOLVING TWO OR MORE RELATED
3 DEBTORS. If a joint petition or two or more petitions are
4 pending in the same court by or against (1) a husband and
5 wife, or (2) a partnership and one or more of its general
6 partners, or (3) two or more general partners, or (4) a debtor
7 and an affiliate, the court may order the joint administration
8 of the estates. Prior to entering an order the court shall give
9 consideration to protecting creditors of different estates
10 against potential conflicts of interest. An order directing joint
11 administration of individual cases of a husband and wife
12 shall, if one spouse has elected the exemptions under § 522(b)
13 ~~(1)~~ (2) of the Code and the other has elected the exemptions
14 under § 522 (b)~~(2)~~ (3), fix a reasonable time within which
15 either may amend the election so that both shall have elected
16 the same exemptions. The order shall notify the debtors that
17 unless they elect the same exemptions within the time fixed

FEDERAL RULES OF BANKRUPTCY PROCEDURE

18 by the court, they will be deemed to have elected the
19 exemptions provided by § 522(b)(1) (2).

20 * * * * *

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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

Rule 1017. Dismissal or Conversion of Case; Suspension

1 * * * * *

2 (e) DISMISSAL OF AN INDIVIDUAL DEBTOR'S
3 CHAPTER 7 CASE, OR CONVERSION TO A CASE
4 UNDER CHAPTER 11 or 13, FOR SUBSTANTIAL
5 ABUSE. The court may dismiss or, with the debtor's

FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 consent, convert an individual debtor's case for ~~substantial~~
7 abuse under § 707(b) only on motion ~~by the United States~~
8 ~~trustee or on the court's own motion~~ and after a hearing on
9 notice to the debtor, the trustee, the United States trustee, and
10 any other ~~entities~~ entity as the court directs.

11 (1) Except as otherwise provided in § 704(b)(2), a ~~A~~
12 motion to dismiss a case for ~~substantial~~ abuse under § 707(b)
13 or (c) may be filed ~~by the United States trustee~~ only within 60
14 days after the first date set for the meeting of creditors under
15 § 341(a), unless, on request filed ~~by the United States trustee~~
16 before the time has expired, the court for cause extends the
17 time for filing the motion to dismiss. The ~~United States~~
18 ~~trustee party filing the motion~~ shall set forth in the motion all
19 matters to be considered ~~submitted to the court for its~~
20 ~~consideration~~ at the hearing. In addition, a motion to dismiss

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 under § 707(b)(1) and (3) shall state with particularity the
22 circumstances alleged to constitute abuse.

23 * * * * *

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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

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(2) *New Filing Periods.* A new time period for filing ~~claims; a motion under § 707(b) or (c), a claim,~~ a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under pursuant to Rules 1017, 3002, 4004, or 4007, provided that but a new time period shall not commence if a chapter 7 case had been converted to a chapter 11, 12, or 13 case and thereafter reconverted to a chapter 7 case and the time for filing ~~claims; a motion under § 707(b) or (c), a claim,~~ a complaint objecting to discharge, or a complaint to obtain a determination of the dischargeability of any debt, or any extension thereof, expired in the original chapter 7 case.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

14

* * * * *

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.

INTERIM RULES COMPARISON:

A minor stylistic change was made by substituting “but” for “provided that” in line 7 of the rule.

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
3 a written statement of election not later than 60 days after the
4 date of the order for relief:

5 (a) SMALL BUSINESS DEBTOR DESIGNATION. In
6 a voluntary chapter 11 case, the debtor shall state in the
7 petition whether the debtor is a small business debtor. In an

FEDERAL RULES OF BANKRUPTCY PROCEDURE

8 involuntary chapter 11 case, the debtor shall file within 15
9 days after entry of the order for relief a statement as to
10 whether the debtor is a small business debtor. Except as
11 provided in subdivision (c), the status of the case as a small
12 business case shall be in accordance with the debtor's
13 statement under this subdivision, unless and until the court
14 enters an order finding that the debtor's statement is incorrect.

15 (b) OBJECTING TO DESIGNATION. Except as
16 provided in subdivision (c), the United States trustee or a
17 party in interest may file an objection to the debtor's
18 statement under subdivision (a) no later than 30 days after the
19 conclusion of the meeting of creditors held under § 341(a) of
20 the Code, or within 30 days after any amendment to the
21 statement, whichever is later.

22 (c) APPOINTMENT OF COMMITTEE OF
23 UNSECURED CREDITORS. If a committee of unsecured

FEDERAL RULES OF BANKRUPTCY PROCEDURE

24 creditors has been appointed under § 1102(a)(1), the case
25 shall proceed as a small business case only if, and from the
26 time when, the court enters an order determining that the
27 committee has not been sufficiently active and representative
28 to provide effective oversight of the debtor and that the debtor
29 satisfies all the other requirements for being a small business.
30 A request for a determination under this subdivision may be
31 filed by the United States trustee or a party in interest only
32 within a reasonable time after the failure of the committee to
33 be sufficiently active and representative. The debtor may file
34 a request for a determination at any time as to whether the
35 committee has been sufficiently active and representative.

36 (d) PROCEDURE FOR OBJECTION OR
37 DETERMINATION. Any objection or request for a
38 determination under this rule shall be governed by Rule 9014
39 and served on: the debtor; the debtor's attorney; the United

FEDERAL RULES OF BANKRUPTCY PROCEDURE

40 States trustee; the trustee; any committee appointed under
41 § 1102 or its authorized agent, or, if no committee of
42 unsecured creditors has been appointed under § 1102, on the
43 creditors included on the list filed under Rule 1007(d); and on

any 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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."

INTERIM RULES COMPARISON:

Several stylistic changes were made to the rule. Since only the United States trustee can appoint a committee of unsecured creditors under § 1102, the reference to the United States trustee in subdivision (a) was deleted. The commas that set off the list of entities on whom service must be made under subdivision (d) was changed to a colon followed by semicolons to separate the entities.

Rule 1021. Health Care Business Case

- 1 (a) HEALTH CARE BUSINESS DESIGNATION.
- 2 Unless the court orders otherwise, if a petition in a case under
- 3 chapter 7, chapter 9, or chapter 11 states that the debtor is a
- 4 health care business, the case shall proceed as a case in which
- 5 the debtor is a health care business.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

6 (b) MOTION. The United States trustee or a party in
7 interest may file a motion to determine whether the debtor is
8 a health care business. The motion shall be transmitted to the
9 United States trustee and served on: the debtor; the trustee;
10 any committee elected under § 705 or appointed under § 1102
11 of the Code or its authorized agent, or, if the case is a chapter
12 9 municipality case or a chapter 11 reorganization case and no
13 committee of unsecured creditors has been appointed under
14 § 1102, on the creditors included on the list filed under Rule
15 1007(d); and any other entity as the court directs. The motion
16 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

The commas that set off the list of entities on whom service must be made under subdivision (b) was changed to a colon followed by semicolons to separate the entities.

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
2 INTEREST. Except as provided in subdivisions (h), (i), ~~and~~
3 ~~(f)~~ (l), (p), and (q) of this rule, the clerk, or some other person
4 as the court may direct, shall give the debtor, the trustee, all
5 creditors and indenture trustees at least 20 days' notice by
6 mail of:

7 * * * * *

8 (b) TWENTY-FIVE-DAY NOTICES TO PARTIES IN
9 INTEREST. Except as provided in subdivision (l) of this

FEDERAL RULES OF BANKRUPTCY PROCEDURE

10 rule, the clerk, or some other person as the court may direct,
11 shall give the debtor, the trustee, all creditors and indenture
12 trustees not less than 25 days notice by mail of ~~(†)~~the time
13 fixed (1) for filing objections and the hearing to consider
14 approval of a disclosure statement or, under § 1125(f), to
15 make a final determination whether the plan provides
16 adequate information so that a separate disclosure statement
17 is not necessary; and (2) ~~the time fixed~~ for filing objections
18 and the hearing to consider confirmation of a chapter 9,
19 chapter 11, or chapter 13 plan.

20 (c) CONTENT OF NOTICE.

21 (1) *Proposed Use, Sale, or Lease of Property.*

22 Subject to Rule 6004 the notice of a proposed use, sale, or
23 lease of property required by subdivision (a)(2) of this rule
24 shall include the time and place of any public sale, the terms
25 and conditions of any private sale and the time fixed for filing

FEDERAL RULES OF BANKRUPTCY PROCEDURE

26 objections. The notice of a proposed use, sale, or lease of
27 property, including real estate, is sufficient if it generally
28 describes the property. The notice of a proposed sale or lease
29 of personally identifiable information under § 363(b)(1) of the
30 Code shall state whether the sale is consistent with any policy
31 prohibiting the transfer of the information.

32 * * * * *

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

- 37 (1) the order for relief;
- 38 (2) the dismissal or the conversion of the case to
39 another chapter, or the suspension of proceedings
40 under § 305;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

- 41 (3) the time allowed for filing claims pursuant to
42 Rule 3002;
- 43 (4) the time fixed for filing a complaint objecting to
44 the debtor's discharge pursuant to § 727 of the Code
45 as provided in Rule 4004;
- 46 (5) the time fixed for filing a complaint to determine
47 the dischargeability of a debt pursuant to § 523 of the
48 Code as provided in Rule 4007;
- 49 (6) the waiver, denial, or revocation of a discharge as
50 provided in Rule 4006; (7) entry of an order
51 confirming a chapter 9, 11, or 12 plan; and
- 52 (8) a summary of the trustee's final report in a
53 chapter 7 case if the net proceeds realized exceed
54 \$1,500;
- 55 (9) a notice under Rule 5008 regarding the
56 presumption of abuse;

FEDERAL RULES OF BANKRUPTCY PROCEDURE

57 (10) a statement under § 704(b)(1) as to whether the
58 debtor's case would be presumed to be an abuse under
59 § 707(b); and

60 (11) the time to request a delay in the entry of the
61 discharge under §§ 1141(d)(5)(C), 1228(f), and 1328(h).

62 Notice of the time fixed for accepting or rejecting a plan
63 pursuant to Rule 3017(c) shall be given in accordance with
64 Rule 3017(d).

65 * * * * *

66 (g) ADDRESSING NOTICES.

67 * * * * *

68 (2) Except as provided in § 342(f) of the Code, if ff a
69 creditor or indenture trustee has not filed a request
70 designating a mailing address under Rule 2002(g)(1), the
71 notices shall be mailed to the address shown on the list of
72 creditors or schedule of liabilities, whichever is filed later. If

FEDERAL RULES OF BANKRUPTCY PROCEDURE

73 an equity security holder has not filed a request designating a
74 mailing address under Rule 2002(g)(1), the notices shall be
75 mailed to the address shown on the list of equity security
76 holders.

77 * * * * *

78 (5) A creditor may treat a notice as not having been
79 brought to the creditor's attention under § 342(g)(1) only if,
80 prior to issuance of the notice, the creditor has filed a
81 statement that designates the name and address of the person
82 or organizational subdivision of the creditor responsible for
83 receiving notices under the Code, and that describes the
84 procedures established by the creditor to cause such notices to
85 be delivered to the designated person or subdivision.

86 * * * * *

87 (k) Unless the case is a chapter 9 municipality case or
88 unless the United States trustee requests otherwise, the clerk,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

89 or some other person as the court may direct, shall transmit to
90 the United States trustee notice of the matters described in
91 subdivisions (a)(2), (a)(3), (a)(4), (a)(8), (b), (f)(1), (f)(2),
92 (f)(4), (f)(6), (f)(7), ~~and (f)(8)~~, and (q) of this rule and notice
93 of hearings on all applications for compensation or
94 reimbursement of expenses. Notices to the United States
95 trustee shall be transmitted within the time prescribed in
96 subdivision (a) or (b) of this rule. The United States trustee
97 shall also receive notice of any other matter if such notice is
98 requested by the United States trustee or ordered by the court.
99 Nothing in these rules requires the clerk or any other person
100 to transmit to the United States trustee any notice, schedule,
101 report, application or other document in a case under the
102 Securities Investor Protection Act, 15 U.S.C. § 78aaa et. seq.

103 * * * * *

104 (p) NOTICE TO A FOREIGN CREDITOR.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

105 (1) If, at the request of the United States trustee or a
106 party in interest, or on its own initiative, the court finds that
107 a notice mailed within the time prescribed by these rules
108 would not be sufficient to give a creditor with a foreign
109 address to which notices under these rules are mailed
110 reasonable notice under the circumstances, the court may
111 order that the notice be supplemented with notice by other
112 means or that the time prescribed for the notice by mail be
113 enlarged.

114 (2) Unless the court for cause orders otherwise, a
115 creditor with a foreign address to which notices under this
116 rule are mailed shall be given at least 30 days' notice of the
117 time fixed for filing a proof of claim under Rule 3002(c) or
118 Rule 3003(c).

119 (q) NOTICE OF PETITION FOR RECOGNITION OF
120 FOREIGN PROCEEDING AND OF COURT'S INTENTION

FEDERAL RULES OF BANKRUPTCY PROCEDURE

121 TO COMMUNICATE WITH FOREIGN COURTS AND
122 FOREIGN REPRESENTATIVES.

123 (1) Notice of Petition for Recognition. The clerk, or
124 some other person as the court may direct, shall forthwith
125 give the debtor, all administrators in foreign proceedings of
126 the debtor, all entities against whom provisional relief is
127 being sought under § 1519 of the Code, all parties to litigation
128 pending in the United States in which the debtor is a party at
129 the time of the filing of the petition, and such other entities as
130 the court may direct, at least 20 days' notice by mail of the
131 hearing on the petition for recognition of a foreign
132 proceeding. The notice shall state whether the petition seeks
133 recognition as a foreign main proceeding or foreign nonmain
134 proceeding.

135 (2) Notice of Court's Intention to Communicate with
136 Foreign Courts and Foreign Representatives. The clerk, or

FEDERAL RULES OF BANKRUPTCY PROCEDURE

137 some other person as the court may direct, shall give the
138 debtor, all administrators in foreign proceedings of the debtor,
139 all entities against whom provisional relief is being sought
140 under § 1519 of the Code, all parties to litigation pending in
141 the United States in which the debtor is a party at the time of
142 the filing of the petition, and such other entities as the court
143 may direct, notice by mail of the court's intention to
144 communicate with a foreign court or foreign representative as
145 prescribed by Rule 5012.

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.

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 in 2005, 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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. Rule 2002(g)(2) continues to operate in chapter 11 and 12 cases, and in chapter 7 cases when the debtor is not an individual. It also continues to apply in cases under chapters 7 and 13 if the creditor has not filed a notice under § 342(f). The amendment to Rule 2002(g)(2) therefore only limits that 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

The list of notices to be transmitted to the United States trustee under subdivision (k) is amended to add notices given under subdivision (q).

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 (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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 under Rule 5012.

INTERIM RULES COMPARISON:

A stylistic change was made to subdivision (b) by deleting as unnecessary the words "the time fixed" in line 17. Stylistic changes were made to subdivisions (q)(1) and (q)(2) by changing the order of the wording that identifies parties to litigation with the debtor. Subdivision (g)(5) was added to the rule to clarify the operation of § 342(g) of the Code. Subdivision (k) was amended to add to subdivision (q) notices to the list of items that parties must transmit to the United States trustee.

Rule 2003. Meeting of Creditors or Equity Security Holders

- 1 (a) DATE AND PLACE. Except as otherwise provided
2 in § 341(e) of the Code, in ~~in~~ a chapter 7 liquidation or a
3 chapter 11 reorganization case, the United States trustee shall

FEDERAL RULES OF BANKRUPTCY PROCEDURE

4 call a meeting of creditors to be held no fewer than 20 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 and no more than 35 days after the order for relief. In a
9 chapter 13 individual's debt adjustment case, the United
10 States trustee shall call a meeting of creditors to be held no
11 fewer than 20 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

20 who may preside at the meeting, the meeting may be held not
21 more than 60 days after the order for relief.

22 * * * * *

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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

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.*

FEDERAL RULES OF BANKRUPTCY PROCEDURE

5 (A) Report of Undisputed Election. If no dispute
6 arises out of the election ~~is not disputed~~, the United States
7 trustee shall promptly file a report ~~of~~ certifying the election,
8 including the name and address of the person elected and a
9 statement that the election is undisputed. The report shall be
10 accompanied by a verified statement of the person elected
11 setting forth that person's connections with the debtor,
12 creditors, any other party in interest, their respective attorneys
13 and accountants, the United States trustee, or any person
14 employed in the office of the United States trustee. The
15 ~~United States trustee shall file with the report an application~~
16 ~~for approval of the appointment in accordance with~~
17 ~~subdivision (c) of this rule. The report constitutes~~
18 ~~appointment of the elected person to serve as trustee, subject~~
19 ~~to court approval, as of the date of entry of the order~~
20 ~~approving the appointment.~~

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 (B) Dispute Arising Out of an Disputed Election.
22 If a dispute arises out of an ~~the election is disputed~~, the United
23 States trustee shall promptly file a report stating that the
24 election is disputed, informing the court of the nature of the
25 dispute, and listing the name and address of any candidate
26 elected under any alternative presented by the dispute. The
27 report shall be accompanied by a verified statement by each
28 candidate elected under each alternative presented by the
29 dispute, setting forth the person's connections with the debtor,
30 creditors, any other party in interest, their respective attorneys
31 and accountants, the United States trustee, ~~and~~ or any person
32 employed in the office of the United States trustee. Not later
33 than the date on which the report of the disputed election is
34 filed, the United States trustee shall mail a copy of the report
35 and each verified statement to any party in interest that has
36 made a request to convene a meeting under § 1104(b) or to

FEDERAL RULES OF BANKRUPTCY PROCEDURE

37 receive a copy of the report, and to any committee appointed
38 under § 1102 of the Code. ~~Unless a motion for the resolution~~
39 ~~of the dispute is filed not later than 10 days after the United~~
40 ~~States trustee files the report, any person appointed by the~~
41 ~~United States trustee under § 1104(d) and approved in~~
42 ~~accordance with subdivision (c) of this rule shall serve as~~
43 ~~trustee. If a motion for the resolution of the dispute is timely~~
44 ~~filed, and the court determines the result of the election and~~
45 ~~approves the person elected, the report will constitute~~
46 ~~appointment of the elected person as of the date of entry of~~
47 ~~the order approving the appointment.~~

48 (c) APPROVAL OF APPOINTMENT. An order
49 approving the appointment of a trustee ~~elected under~~
50 ~~§ 1104(b) or appointed under § 1104(d), or the appointment~~
51 ~~of an examiner under § 1104(d) of the Code, shall be made on~~
52 application of the United States trustee. The application shall

FEDERAL RULES OF BANKRUPTCY PROCEDURE

53 state the name of the person appointed and, to the best of the
54 applicant's knowledge, all the person's connections with the
55 debtor, creditors, any other parties in interest, their respective
56 attorneys and accountants, the United States trustee, ~~and or~~ or
57 persons employed in the office of the United States trustee.
58 ~~Unless the person has been elected under § 1104(b), the~~ The
59 application shall state the names of the parties in interest with
60 whom the United States trustee consulted regarding the
61 appointment. The application shall be accompanied by a
62 verified statement of the person appointed setting forth the
63 person's connections with the debtor, creditors, any other
64 party in interest, their respective attorneys and accountants,
65 the United States trustee, ~~and or~~ or any person employed in the
66 office of the United States trustee.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

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

- 1 (a) ORDER TO APPOINT PATIENT CARE
- 2 OMBUDSMAN. In a chapter 7, chapter 9, or chapter 11 case

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 days
7 after the commencement of the case or within another time
8 fixed by the court, finds that the appointment of a patient care
9 ombudsman is not necessary under the specific circumstances
10 of the case for the protection of patients.

11 (b) MOTION FOR ORDER TO APPOINT
12 OMBUDSMAN. If the court has found that the appointment
13 of an ombudsman is not necessary, or has terminated the
14 appointment, the court, on motion of the United States trustee
15 or a party in interest, may order the appointment at a later
16 time if it finds that the appointment has become necessary to
17 protect patients.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

18 (c) NOTICE OF APPOINTMENT. If a patient care
19 ombudsman is appointed under § 333, the United States
20 trustee shall promptly file a notice of the appointment,
21 including the name and address of the person appointed.
22 Unless the person appointed is a State Long-Term Care
23 Ombudsman, the notice shall be accompanied by a verified
24 statement of the person appointed setting forth the person's
25 connections with the debtor, creditors, patients, any other
26 party in interest, their respective attorneys and accountants,
27 the United States trustee, and any person employed in the
28 office of the United States trustee.

29 (d) TERMINATION OF APPOINTMENT. On motion
30 of the United States trustee or a party in interest, the court
31 may terminate the appointment of a patient care ombudsman
32 if the court finds that the appointment is not necessary to
33 protect patients.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

34 (e) MOTION. A motion under this rule shall be governed
35 by Rule 9014. The motion shall be transmitted to the United
36 States trustee and served on: the debtor; the trustee; any
37 committee elected under § 705 or appointed under § 1102 of
38 the Code or its authorized agent, or, if the case is a chapter 9
39 municipality case or a chapter 11 reorganization case and no
40 committee of unsecured creditors has been appointed under
41 § 1102, on the creditors included on the list filed 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

A stylistic change was made in subdivision (a) by reordering the words in lines 9-10. Subdivision (c) was renamed “NOTICE OF APPOINTMENT” as compared to “APPOINTMENT OF OMBUDSMAN.” Subdivision (d) changed “not necessary for the protection of patients” to “not necessary to protect patients” on lines 16-17. The list in subdivision (e) is now set out by a colon and

FEDERAL RULES OF BANKRUPTCY PROCEDURE

semicolons as compared to the separation of the listed items by commas in the Interim Rule.

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
2 trustee or debtor in possession shall:

3 (1) in a chapter 7 liquidation case and, if the court
4 directs, in a chapter 11 reorganization case file and transmit
5 to the United States trustee a complete inventory of the
6 property of the debtor within 30 days after qualifying as a
7 trustee or debtor in possession, unless such an inventory has
8 already been filed;

9 (2) keep a record of receipts and the disposition of
10 money and property received;

11 (3) file the reports and summaries required by
12 § 704(8) of the Code which shall include a statement, if
13 payments are made to employees, of the amounts of

FEDERAL RULES OF BANKRUPTCY PROCEDURE

14 deductions for all taxes required to be withheld or paid for
15 and in behalf of employees and the place where these amounts
16 are deposited;

17 (4) as soon as possible after the commencement of the
18 case, give notice of the case to every entity known to be
19 holding money or property subject to withdrawal or order of
20 the debtor, including every bank, savings or building and loan
21 association, public utility company, and landlord with whom
22 the debtor has a deposit, and to every insurance company
23 which has issued a policy having a cash surrender value
24 payable to the debtor, except that a notice need not be given
25 to any entity who has knowledge or has previously been
26 notified of the case;

27 (5) in a chapter 11 reorganization case, on or before
28 the last day of the month after each calendar quarter during
29 which there is a duty to pay fees under 28 U.S.C.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

30 § 1930(a)(6), file and transmit to the United States trustee a
31 statement of any disbursements made during that quarter and
32 of any fees payable under 28 U.S.C. § 1930 (a)(6) for that
33 quarter; and

34 (6) in a chapter 11 small business case, unless the
35 court, for cause, sets another reporting interval, file and
36 transmit to the United States trustee for each calendar month
37 after the order for relief, on the appropriate Official Form, the
38 report required by § 308. If the order for relief is within the
39 first 15 days of a calendar month, a report shall be filed for
40 the portion of the month that follows the order for relief. If
41 the order for relief is after the 15th day of a calendar month,
42 the period for the remainder of the month shall be included in
43 the report for the next calendar month. Each report shall be
44 filed no later than 20 days after the last day of the calendar
45 month following the month covered by the report. The

FEDERAL RULES OF BANKRUPTCY PROCEDURE

46 obligation to file reports under this subparagraph terminates
47 on the effective date of the plan, or conversion or dismissal of
48 the case.

49 * * * * *

50 (d) FOREIGN REPRESENTATIVE. In a case in which
51 the court has granted recognition of a foreign proceeding
52 under chapter 15, the foreign representative shall file any
53 notice required under § 1518 of the Code within 15 days after
54 the date when the representative becomes aware of the
55 subsequent information.

56 ~~(d)~~ (e) TRANSMISSION OF REPORTS. In a chapter 11
57 case the court may direct that copies or summaries of annual
58 reports and copies or summaries of other reports shall be
59 mailed to the creditors, equity security holders, and indenture
60 trustees. The court may also direct the publication of
61 summaries of any such reports. A copy of every report or

FEDERAL RULES OF BANKRUPTCY PROCEDURE

- 62 summary mailed or published pursuant to this subdivision
63 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.

INTERIM RULES COMPARISON:

Subparagraph (a)(6) was not included in the Interim Rule. It is added to implement a provision of the 2005 Act, but that provision explicitly directed that it would not become effective until the proper rules and form were adopted under the Rules Enabling Act process. Therefore, this subdivision was not included in the Interim Rule. The remainder of the rule is unchanged from the Interim Rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 2015.1. Patient Care Ombudsman

1 (a) REPORTS. Unless the court orders otherwise, a
2 patient care ombudsman, at least 10 days before making a
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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 days after
30 service of the motion.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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).

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

There are minor stylistic changes to this rule. In subdivision (a), the list of entities to be served is set off by a colon and semicolons rather than commas as in the Interim Rule. The last sentence of subdivision (b) is rewritten to clarify the limitation on the commencement of a hearing.

Rule 2015.2. Transfer of Patient in Health Care Business Case

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 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 The notice is subject to applicable nonbankruptcy law relating
10 to patient privacy.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 laws 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).

INTERIM RULES COMPARISON:

The rule is rewritten in lines 5-7 to clarify the identities of persons to whom notices must be sent.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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
2 case, the trustee or debtor in possession shall file periodic
3 financial reports of the value, operations, and profitability of
4 each entity that is not a publicly traded corporation or a debtor
5 in a case under title 11, and in which the estate holds a
6 substantial or controlling interest. The reports shall be
7 prepared as prescribed by the appropriate Official Form, and
8 shall be based upon the most recent information reasonably
9 available to the trustee or debtor in possession.

10 (b) TIME FOR FILING; SERVICE. The first report
11 required by this rule shall be filed no later than five days
12 before the first date set for the meeting of creditors under
13 § 341 of the Code. Subsequent reports shall be filed no less
14 frequently than every six months thereafter, until the effective

FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 date of a plan or the case is dismissed or converted. Copies
16 of the report shall be served on the United States trustee, any
17 committee appointed under § 1102 of the Code, and any other
18 party in interest that has filed a request therefor.

19 (c) PRESUMPTION OF SUBSTANTIAL OR
20 CONTROLLING INTEREST; JUDICIAL
21 DETERMINATION. For purposes of this rule, an entity of
22 which the estate controls or owns at least a 20 percent interest
23 shall be presumed to be an entity in which the estate has a
24 substantial or controlling interest. An entity in which the
25 estate controls or owns less than a 20 percent interest shall be
26 presumed not to be an entity in which the estate has a
27 substantial or controlling interest. Upon motion, the entity,
28 any holder of an interest therein, the United States trustee, or
29 any other party in interest may seek to rebut either
30 presumption, and the court shall, after notice and a hearing,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

31 determine whether the estate's interest in the entity is
32 substantial or controlling.

33 (d) MODIFICATION OF REPORTING
34 REQUIREMENT. The court may, after notice and a hearing,
35 vary the reporting requirement established by subdivision (a)
36 of this rule for cause, including that the trustee or debtor in
37 possession is not able, after a good faith effort, to comply
38 with the reporting requirement, or that the information
39 required by subdivision (a) is publicly available.

40 (e) NOTICE AND PROTECTIVE ORDERS. No later
41 than 20 days before filing the first report required by this rule,
42 the trustee or debtor in possession shall send notice to the
43 entity in which the estate has a substantial or controlling
44 interest, and to all holders – known to the trustee or debtor in
45 possession – of an interest in that entity, that the trustee or
46 debtor in possession expects to file and serve financial

FEDERAL RULES OF BANKRUPTCY PROCEDURE

47 information relating to the entity in accordance with this rule.
48 The entity in which the estate has a substantial or controlling
49 interest, or a person holding an interest in that entity, may
50 request protection of the information under § 107 of the Code.
51 (f) EFFECT OF REQUEST. Unless the court orders
52 otherwise, the pendency of a request under subdivisions (c),
53 (d), or (e) of this rule shall not alter or stay the requirements
54 of subdivision (a).

COMMITTEE NOTE

This rule implements § 419 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8. Reports are to be made on the appropriate Official Form. While § 419 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.

INTERIM RULES COMPARISON:

This rule is new and was not included in the Interim Rules. It is added to implement a provision of the 2005 Act, but that

FEDERAL RULES OF BANKRUPTCY PROCEDURE

provision explicitly directed that it would not become effective until the proper rules and form were adopted under the Rules Enabling Act process. Therefore, this subdivision was not included in the Interim Rules.

Rule 3002. Filing Proof of Claim or Interest

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

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

13 shown, the court may extend the time ~~for filing of~~ to file a
14 claim by the governmental unit. A proof of claim filed by a
15 governmental unit for a claim resulting from a tax return filed
16 under § 1308 is timely filed if it is filed not later than 180
17 days after the date of the order for relief or 60 days after the
18 tax return was filed, whichever is later.

19 * * * * *

20 (5) If notice of insufficient assets to pay a dividend
21 was given to creditors ~~pursuant to~~ under Rule 2002(e), and
22 subsequently the trustee notifies the court that payment of a
23 dividend appears possible, the clerk shall ~~notify~~ give at least
24 90 days' notice by mail to the creditors of that fact and ~~that~~
25 ~~they may file~~ of the date by which proofs of claim ~~within 90~~
26 ~~days after the mailing of the notice~~ must be filed.

27 (6) If notice of the time to file a proof of claim has
28 been mailed to a creditor at a foreign address, on motion filed

FEDERAL RULES OF BANKRUPTCY PROCEDURE

29 by the creditor before or after the expiration of the time, the
30 court may extend the time by not more than 60 days if the
31 court finds that the notice was insufficient under the
32 circumstances to give the creditor a reasonable time to file a
33 proof of claim.

COMMITTEE NOTE

Subdivision (c)(1) is amended to provide 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. This implements § 1308, added by the 2005 amendments, which 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)(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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

The word “insufficient” in subdivision (c)(6) was substituted for the words “not sufficient” in the Interim Rule. The change to subdivision (c)(5) was not included in the Interim Rule. It was made in response to problems identified with the prior version of the rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

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(c) FILING PROOF OF CLAIM.

(1) *Who May File.* Any creditor or indenture trustee may file a proof of claim within the time prescribed by subdivision (c)(3) of this rule.

(2) *Who Must File.* Any creditor or equity security holder whose claim or interest is not scheduled or scheduled as disputed, contingent, or unliquidated shall file a proof of claim or interest within the time prescribed by subdivision (c)(3) of this rule; any creditor who fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

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

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

27 * * * * *

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 can be provided such additional time as is reasonable under the circumstances to file proofs of claims.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

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

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(b) DISCLOSURE STATEMENT. In a chapter 9 or 11

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case, a disclosure statement under § 1125 of the Code or

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evidence showing compliance with § 1126(b) of the Code

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shall be filed with the plan or within a time fixed by the court,

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unless the plan is intended to provide adequate information

7

under § 1125(f)(1). If the plan is intended to provide

FEDERAL RULES OF BANKRUPTCY PROCEDURE

8 adequate information under § 1125(f)(1), it shall be so
9 designated and Rule 3017.1 shall apply as if the plan is a
10 disclosure statement.

11 * * * * *

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 changes are stylistic.

INTERIM RULES COMPARISON:

The only change in the Interim Rule is the addition of subdivision (d). It implements a provision of the 2005 Act that does not become effective until the applicable rules and Official Forms become effective under the Rules Enabling Act.

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~~
- 3 ~~has made a timely election to be considered a small business~~
- 4 ~~in a chapter 11 case,~~ the court may, on application of the plan

FEDERAL RULES OF BANKRUPTCY PROCEDURE

5 proponent or on its own initiative, conditionally approve a

6 disclosure statement filed in accordance with Rule 3016(b).

7 On or before conditional approval of the disclosure statement,

8 the court shall:

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

10 interests may accept or reject the plan;

11 (2) fix a time for filing objections to the disclosure

12 statement;

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

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

15 and

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

17 * * * * *

COMMITTEE NOTE

Section 101 of the Code, as amended in 2005, defines a “small business case” and “small business debtor,” and eliminates any need

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

Rule 3019. Modification of Accepted Plan Before or After 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
3 plan has been accepted and before its confirmation, the
4 proponent may file a modification of the plan. If the court
5 finds after hearing on notice to the trustee, any committee
6 appointed under the Code, and any other entity designated by
7 the court that the proposed modification does not adversely

FEDERAL RULES OF BANKRUPTCY PROCEDURE

8 change the treatment of the claim of any creditor or the
9 interest of any equity security holder who has not accepted in
10 writing the modification, it shall be deemed accepted by all
11 creditors and equity security holders who have previously
12 accepted the plan.

13 (b) MODIFICATION OF PLAN AFTER
14 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If the
15 debtor is an individual, a request to modify the plan under
16 § 1127(e) of the Code shall identify the proponent and shall
17 be filed together with the proposed modification. The clerk,
18 or some other person as the court may direct, shall give the
19 debtor, the trustee, and all creditors not less than 20 days'
20 notice by mail of the time fixed to file objections and, if an
21 objection is filed, the hearing to consider the proposed
22 modification, unless the court orders otherwise with respect
23 to creditors who are not affected by the proposed

FEDERAL RULES OF BANKRUPTCY PROCEDURE

24 modification. A copy of the notice shall be transmitted to the
25 United States trustee, together with a copy of the proposed
26 modification. Any objection to the proposed modification
27 shall be filed and served on the debtor, the proponent of the
28 modification, the trustee, and any other entity designated by
29 the court, and shall be transmitted to the United States trustee.
30 An objection to a proposed modification is governed by Rule
31 9014.

COMMITTEE NOTE

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

INTERIM RULES COMPARISON:

Headings were inserted for the subdivisions of the rule, but no other changes were made from the Interim Rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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
4 ordered by the court;

5 (2) attend the hearing on a complaint objecting to
6 discharge 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
9 and the name and address of every person holding money or
10 property subject to the debtor's withdrawal or order if a
11 schedule of property has not yet been filed pursuant to Rule
12 1007;

13 (4) cooperate with the trustee in the preparation of an
14 inventory, the examination of proofs of claim, and the
15 administration of the estate; and

FEDERAL RULES OF BANKRUPTCY PROCEDURE

16 (5) file a statement of any change of the debtor's
17 address.

18 (b) INDIVIDUAL DEBTOR'S DUTY TO PROVIDE
19 DOCUMENTATION.

20 (1) Personal Identification. Every individual debtor
21 shall bring to the meeting of creditors under § 341:

22 (A) a picture identification issued by a
23 governmental unit, or other personal identifying information
24 that establishes the debtor's identity; and

25 (B) evidence of social-security number(s), or a
26 written statement that such documentation does not exist.

27 (2) Financial Information. Every individual debtor
28 shall bring to the meeting of creditors under § 341, and make
29 available to the trustee, the following documents or copies of
30 them, or provide a written statement that the documentation
31 does not exist or is not in the debtor's possession:

FEDERAL RULES OF BANKRUPTCY PROCEDURE

32 (A) evidence of current income such as the most
33 recent payment advice;

34 (B) unless the trustee or the United States trustee
35 instructs otherwise, statements for each of the debtor's
36 depository and investment accounts, including checking,
37 savings, and money market accounts, mutual funds and
38 brokerage accounts for the time period that includes the date
39 of the filing of the petition; and

40 (C) documentation of monthly expenses claimed
41 by the debtor if required by § 707(b)(2)(A) or (B).

42 (3) Tax Return. At least 7 days before the first date
43 set for the meeting of creditors under § 341, the debtor shall
44 provide to the trustee a copy of the debtor's federal income
45 tax return for the most recent tax year ending immediately
46 before the commencement of the case and for which a return
47 was filed, including any attachments, or a transcript of the tax

FEDERAL RULES OF BANKRUPTCY PROCEDURE

48 return, or provide a written statement that the documentation
49 does not exist.

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

59 (5) Confidentiality of Tax Information. The debtor's
60 obligation to provide tax returns under Rule 4002(b)(3) and
61 (b)(4) is subject to procedures for safeguarding the
62 confidentiality of tax information established by the Director
63 of the Administrative Office of the United States Courts.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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) 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. The rule does not require that the debtor create documents or obtain documents from third parties; rather, the debtor's obligation is to bring to the § 341 meeting of creditors the documents which the debtor possesses. 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

There are several minor changes to the rule. The word "if" is substituted for "when" and "Federal" becomes "federal." The language of the rule is reordered to improve its clarity..

Rule 4003. Exemptions

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(b) OBJECTING TO A CLAIM OF EXEMPTIONS.

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(1) Except as provided in paragraphs (2) and (3), aA

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party in interest may file an objection to the list of property

FEDERAL RULES OF BANKRUPTCY PROCEDURE

5 claimed as exempt ~~only~~ within ~~30~~ 60 days after the meeting
6 of creditors held under § 341(a) is concluded or within 30
7 days after any amendment to the list or supplemental
8 schedules is filed, whichever is later. The court may, for
9 cause, extend the time for filing objections if, before the time
10 to object expires, a party in interest files a request for an
11 extension.

12 (2) The trustee may file an objection to a claim of
13 exemption at any time prior to one year after the closing of
14 the case if the debtor fraudulently asserted the claim of
15 exemption. The trustee shall deliver or mail the objection to
16 the person filing the list and the person's attorney.

17 (3) An objection to a claim of exemption based on
18 § 522(q) shall be filed before the closing of the case. If an
19 exemption is first claimed after a case is reopened, an
20 objection shall be filed before the reopened case is closed.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 ~~(4) Copies~~ A copy of the any objection objections
22 shall be delivered or mailed to the trustee, the person filing
23 the list, and the person's attorney ~~for that person.~~

24 * * * * *

25 (d) AVOIDANCE BY DEBTOR OF TRANSFERS OF
26 EXEMPT PROPERTY. A proceeding by the debtor to avoid
27 a lien or other transfer of property exempt under § 522(f) of
28 the Code shall be by motion in accordance with Rule 9014.
29 Notwithstanding the provisions of subdivision (b), a creditor
30 may object to a motion filed under § 522(f) by challenging the
31 validity of the exemption asserted to be impaired by the lien.

COMMITTEE NOTE

Subdivision (b) is rewritten to include four subparagraphs.

Subdivision (b)(1) is amended to extend the deadline for objections to exemptions from 30 days to 60 days after the conclusion of the meeting of creditors held under § 341(a). The deadline for objecting to exemptions is short, and the Supreme Court has held that the deadline is relatively inelastic. Taylor v. Freland & Kronz, 503

FEDERAL RULES OF BANKRUPTCY PROCEDURE

U.S. 638 (1992). As a result of the amendment to § 522(a)(3) of the Code in 2005, the trustee and creditors may need more time to evaluate the exemptions claimed by the debtor and, in particular, whether the debtor's claimed exemption is based on the law of the appropriate jurisdiction.

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) 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 \$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 Code, such as § 727(a)(12) and § 1328(h), suggest that the court may consider issues relating to § 522 late in the case, and the 60-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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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).

Other changes are stylistic.

INTERIM RULES COMPARISON:

The general deadline for filing objections to exemptions is extended from 30 to 60 days after the first date set for the § 341 meeting of creditors. A new subdivision (b)(2) is added to the rule, and subdivisions (b)(2) and (b)(3) of the Interim Rule are redesignated as (b)(3) and (b)(4), respectively. Subdivision (d) is amended to address an issue that existed under the Code even prior to the enactment of the 2005 Act.

Rule 4004. Grant or Denial of Discharge

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(c) GRANT OF DISCHARGE.

(1) In a chapter 7 case, on expiration of the time fixed

for filing a complaint objecting to discharge and the time

FEDERAL RULES OF BANKRUPTCY PROCEDURE

5 fixed for filing a motion to dismiss the case under Rule
6 1017(e), the court shall forthwith grant the discharge unless:

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

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

10 (C) the debtor has filed a waiver under
11 § 707(a)(10); ;

12 (D) a motion to dismiss the case under § 707 is
13 pending; ;

14 (E) a motion to extend the time for filing a
15 complaint objecting to the discharge is pending; ;

16 (F) a motion to extend the time for filing a motion
17 to dismiss the case under Rule 1017(e) is pending; or ;

18 (G) the debtor has not paid in full the filing fee
19 prescribed by 28 U.S.C. § 1930(a) and any other fee
20 prescribed by the Judicial Conference of the United States

FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 under 28 U.S.C. § 1930(b) that is payable to the clerk upon
22 the commencement of a case under the Code, unless the court
23 has waived the fees under 28 U.S.C. § 1930(f);

24 (H) the debtor has not filed with the court a
25 statement of completion of a course concerning personal
26 financial management as required by Rule 1007(b)(7);

27 (I) a motion to delay or postpone discharge under
28 § 727(a)(12) is pending;

29 (J) a motion to enlarge the time to file a
30 reaffirmation agreement under Rule 4008(a) is pending;

31 (K) a presumption has arisen under § 524(m) that
32 a reaffirmation agreement is an undue hardship; or

33 (L) a motion is pending to delay discharge because
34 the debtor has not filed with the court all tax documents
35 required to be filed under § 521(f).

36 * * * * *

FEDERAL RULES OF BANKRUPTCY PROCEDURE

37 (3) If the debtor is required to file a statement under
38 Rule 1007(b)(8), the court shall not grant a discharge earlier
39 than 30 days after the statement is filed.

40 * * * * *

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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

In subdivision (c)(1)(H), the word “concerning” is substituted for the word “in.” The order of the wording in subparagraphs (K) and (L) is changed to improve clarity.

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~~
3 the case of an individual debtor, closing the case without the
4 entry of a discharge, the clerk, ~~after the order becomes final~~
5 ~~or the waiver is filed~~ shall promptly ~~give notice thereof to~~
6 notify all creditors parties in interest in the manner provided
7 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

11 under § 341(a). The court shall give all creditors no less than
12 30 days' notice of the time so fixed in the manner provided in
13 Rule 2002. On motion of a party in interest, after hearing on
14 notice, the court may for cause extend the time fixed under
15 this subdivision. The motion shall be filed before the time
16 has expired.

17 (d) TIME FOR FILING COMPLAINT UNDER ~~§ 523(c)~~
18 523(a)(6) IN CHAPTER 13 INDIVIDUAL'S DEBT
19 ADJUSTMENT CASE; NOTICE OF TIME FIXED. On
20 motion by a debtor for a discharge under § 1328(b), the court
21 shall enter an order fixing the time to file a complaint to
22 determine the dischargeability of any debt under ~~§ 523(c)~~
23 523(a)(6) and shall give no less than 30 days' notice of the
24 time fixed to all creditors in the manner provided in Rule
25 2002. On motion of any party in interest after hearing on
26 notice the court may for cause extend the time fixed under

FEDERAL RULES OF BANKRUPTCY PROCEDURE

27 this subdivision. The motion shall be filed before the time
28 has expired.

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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.

INTERIM RULES COMPARISON:

No change from the Interim Rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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
3 after the first date set for the meeting of creditors under
4 § 341(a) of the Code. The court may, at any time and in its
5 discretion, enlarge the time to file a reaffirmation agreement.
6 ~~Not more than 30 days following the entry of an order~~
7 ~~granting or denying a discharge, or confirming a plan in a~~
8 ~~chapter 11 reorganization case concerning an individual~~
9 ~~debtor and on not less than 10 days notice to the debtor and~~
10 ~~the trustee, the court may hold a hearing as provided in~~
11 ~~§ 524(d) of the Code. A motion by the debtor for approval of~~
12 ~~a reaffirmation agreement shall be filed before or at the~~
13 ~~hearing.~~

FEDERAL RULES OF BANKRUPTCY PROCEDURE

14 (b) STATEMENT IN SUPPORT OF REAFFIRMATION
15 AGREEMENT. The debtor's statement required under
16 § 524(k)(6)(A) shall be accompanied by a statement of the
17 total income and expenses stated on schedules I and J. If
18 there is a difference between the total income and expenses
19 stated on those schedules and the statement required under
20 § 524(k)(6)(A), the statement required by this subdivision
21 shall include an explanation of 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

The Interim Rule is rewritten to change the deadline for filing a reaffirmation agreement from “30 days following the entry of a

FEDERAL RULES OF BANKRUPTCY PROCEDURE

discharge” to “60 days after the first date set for the § 341 meeting of creditors.” The new deadline permits the court to hold a timely hearing on the enforceability of reaffirmation agreements when the debtor’s income appears insufficient to meet the reaffirmation obligation.

Rule 5001. Courts and Clerks’ Offices

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2 (b) TRIALS AND HEARINGS; ORDERS IN
3 CHAMBERS. All trials and hearings shall be conducted in
4 open court and so far as convenient in a regular court room.
5 Except as otherwise provided in 28 U.S.C. § 152(c), all All
6 other acts or proceedings may be done or conducted by a
7 judge in chambers and at any place either within or without
8 the district; but no hearing, other than one ex parte, shall be
9 conducted outside the district without the consent of all
10 parties affected thereby.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

This rule was not included in the Interim Rules.

Rule 5003. Records Kept By the Clerk

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(e) REGISTER OF MAILING ADDRESSES OF
FEDERAL AND STATE GOVERNMENTAL UNITS AND
CERTAIN TAXING AUTHORITIES. The United States or
the state or territory in which the court is located may file a
statement designating its mailing address. The United States,
state, territory, or local governmental unit responsible for

FEDERAL RULES OF BANKRUPTCY PROCEDURE

8 collecting taxes within the district in which the case is
9 pending may file a statement designating an address for
10 service of requests under § 505(b) of the Code, and the
11 designation shall describe where further information
12 concerning additional requirements for filing such requests
13 may be found. The clerk shall keep, in the form and manner
14 as the Director of the Administrative Office of the United
15 States Courts may prescribe, a register that includes ~~these~~ the
16 mailing addresses designated under this subdivision, but the
17 clerk is not required to include in the register more than one
18 mailing address for each department, agency, or
19 instrumentality of the United States or the state or territory.
20 If more than one address for a department, agency, or
21 instrumentality is included in the register, the clerk shall also
22 include information that would enable a user of the register to
23 determine the circumstances when each address is applicable,

FEDERAL RULES OF BANKRUPTCY PROCEDURE

24 and mailing notice to only one applicable address is sufficient
25 to provide effective notice. The clerk shall update the register
26 annually, effective January 2 of each year. The mailing
27 address in the register is conclusively presumed to be a proper
28 address for the governmental unit, but the failure to use that
29 mailing address does not invalidate any notice that is
30 otherwise effective under applicable law.

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COMMITTEE NOTE

The rule is amended to implement § 505(b)(1) of the Code, added by the 2005 amendments, which allows taxing authorities to designate addresses to use for the service of a request under that subsection.

INTERIM RULES COMPARISON:

In line 8, “responsible for collecting taxes” is substituted for “responsible for the collection of taxes” in the Interim Rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

The order of the wording in the first sentence of the rule is changed to emphasize that the subdivision applies when a specific presumption arises. The words "shall notify" are substituted for "shall give notice to."

Rule 5012. Communication and Cooperation With Foreign Courts and Foreign Representatives

- 1 Except for a communication concerning scheduling or
2 administration, the court in a case commenced by a foreign
3 representative shall give at least 20 days' notice of its intent

FEDERAL RULES OF BANKRUPTCY PROCEDURE

4 to communicate with a foreign court or a foreign
5 representative. The notice shall identify the subject of the
6 anticipated communication and shall be given in the manner
7 provided by Rule 2002(q). Any entity that wishes to
8 participate in the communication shall notify the court of its
9 intention no later than 5 days before the scheduled
communication.

COMMITTEE NOTE

This rule is new. It implements § 1525 which was added to the Code by the 2005 amendments. The rule provides an opportunity for parties in the case to take appropriate action prior to the communication between courts, or between the court and a foreign representative, to establish procedures for the manner of the communication and the right to participate in the communication. Participation in the communication includes both active and passive participation. Parties wishing to participate must notify the court at least 5 days before the hearing so that ample time exists to make arrangements necessary to permit the participation.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

The only change from the Interim Rule is that the word “concerning” is substituted for the word “for” in line 1.

Rule 6004. Use, Sale, or Lease of Property

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(g) SALE OF PERSONALLY IDENTIFIABLE INFORMATION.

(1) Motion. A motion for authority to sell or lease personally identifiable information under § 363(b)(1)(B) shall include a request for an order directing the United States trustee to appoint a consumer privacy ombudsman under § 332. Rule 9014 governs the motion which shall be served on: any committee elected under § 705 or appointed under § 1102 of the Code, or if the case is a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on

FEDERAL RULES OF BANKRUPTCY PROCEDURE

13 the creditors included on the list of creditors filed under
14 Rule 1007(d); and on such other entities as the court may
15 direct. The motion shall be transmitted to the United
16 States trustee.

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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

COMMITTEE NOTE

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

INTERIM RULES COMPARISON:

The second sentence of subdivision (g)(1) is rewritten in the active voice, and the list is set off by a colon and semicolons rather than by commas as in the Interim Rule.

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

1 (a) NOTICE BY PUBLICATION UNDER § 351(1)(A).
2 A notice regarding the claiming or disposing of patient

FEDERAL RULES OF BANKRUPTCY PROCEDURE

3 records under § 351(1)(A) shall not identify any patient by
4 name or other identifying information, but shall:

5 (1) identify with particularity the health care facility
6 whose patient records the trustee proposes to destroy;

7 (2) state the name, address, telephone number, email
8 address, and website, if any, of a person from whom
9 information about the 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
12 claimed, and that if they are not so claimed the records will be
13 destroyed.

14 (b) NOTICE BY MAIL UNDER § 351(1)(B). Subject to
15 applicable nonbankruptcy law relating to patient privacy, a
16 notice regarding the claiming or disposing of patient records
17 under § 351(1) (B) shall, in addition to including the
18 information in subdivision (a), direct that a patient's family

FEDERAL RULES OF BANKRUPTCY PROCEDURE

19 member or other representative who receives the notice
20 inform the patient of the notice. Any notice under this
21 subdivision shall be mailed to the patient and any family
22 member or other contact person whose name and address has
23 been given to the trustee or the debtor for the purpose of
24 providing information regarding the patient's health care, and
25 to any insurance company known to have provided health care
26 insurance to the patient.

27 (c) PROOF OF COMPLIANCE WITH NOTICE
28 REQUIREMENT. Unless the court orders the trustee to file
29 proof of compliance with § 351(1)(B) under seal, the trustee
30 shall not file, but shall maintain, the proof of compliance for
31 a reasonable time.

32 (d) REPORT OF DESTRUCTION OF RECORDS. The
33 trustee shall file, no later than 30 days after the destruction of
34 patient records under § 351(3), a report certifying that the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

35 unclaimed records have been destroyed and explaining the
36 method used to effect the destruction. The report shall not
37 identify any patient by name or other 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).

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

In lines 4 and 45 of the rule, “patients” is changed to the singular, “any patient.” Subdivision (a)(2) of the Interim Rule was broken into two parts, (a)(2) and (a)(3), and former (a)(3) is redesignated as (a)(4).

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

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FEDERAL RULES OF BANKRUPTCY PROCEDURE

2 (e) ELECTION TO HAVE APPEAL HEARD BY
3 DISTRICT COURT INSTEAD OF BANKRUPTCY
4 APPELLATE PANEL; WITHDRAWAL OF ELECTION.

5 (1) Separate Writing for Election. An election to
6 have an appeal heard by the district court under 28 U.S.C.
7 § 158(c)(1) may be made only by a statement of election
8 contained in a separate writing filed within the time
9 prescribed by 28 U.S.C. § 158(c)(1).

10 (2) Withdrawal of Election. A request to withdraw
11 the election may be filed only by written stipulation of all the
12 parties to the appeal or their attorneys of record. Upon such
13 a stipulation, the district court may either transfer the appeal
14 to the bankruptcy appellate panel or retain the appeal in the
15 district court.

16 (f) CERTIFICATION FOR DIRECT APPEAL TO
17 COURT OF APPEALS.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

18 (1) Timely Appeal Required. A certification of a
19 judgment, order, or decree of a bankruptcy court to a court of
20 appeals under 28 U.S.C. § 158(d)(2) shall not be effective
21 until a timely appeal has been taken in the manner required by
22 subdivisions (a) or (b) of this rule and the notice of appeal has
23 become effective under Rule 8002.

24 (2) Court Where Certification Made and Filed. A
25 certification that a circumstance specified in 28 U.S.C.
26 § 158(d)(2)(A)(i)-(iii) exists shall be filed in the court in
27 which a matter is pending for purposes of 28 U.S.C.
28 § 158(d)(2) and this rule. A matter is pending in a bankruptcy
29 court until the docketing, in accordance with Rule 8007(b), of
30 an appeal taken under 28 U.S.C. § 158(a)(1) or (2), or the
31 grant of leave to appeal under 28 U.S.C. § 158(a)(3). A matter
32 is pending in a district court or bankruptcy appellate panel
33 after the docketing, in accordance with Rule 8007(b), of an

FEDERAL RULES OF BANKRUPTCY PROCEDURE

34 appeal taken under 28 U.S.C. § 158(a)(1) or (2), or the grant
35 of leave to appeal under 28 U.S.C. § 158(a)(3).

36 (A) Certification by Court on Request or Court's
37 Own Initiative.

38 (i) Before Docketing or Grant of Leave to
39 Appeal. Only a bankruptcy court may make a certification on
40 request or on its own initiative while the matter is pending in
41 the bankruptcy court.

42 (ii) After Docketing or Grant of Leave to
43 Appeal. Only the district court or bankruptcy appellate panel
44 involved may make a certification on request of the parties or
45 on its own initiative while the matter is pending in the district
46 court or bankruptcy appellate panel.

47 (B) Certification by All Appellants and Appellees
48 Acting Jointly. A certification by all the appellants and
49 appellees, if any, acting jointly may be made by filing the

FEDERAL RULES OF BANKRUPTCY PROCEDURE

50 appropriate Official Form with the clerk of the court in which
51 the matter is pending. The certification may be accompanied
52 by a short statement of the basis for the certification, which
53 may include the information listed in subdivision (f)(3)(C) of
54 this rule.

55 (3) Request for Certification; Filing; Service;
56 Contents.

57 (A) A request for certification shall be filed,
58 within the time specified by 28 U.S.C. § 158(d)(2), with the
59 clerk of the court in which the matter is pending.

60 (B) Notice of the filing of a request for
61 certification shall be served in the manner required for service
62 of a notice of appeal under Rule 8004.

63 (C) A request for certification shall include the
64 following:

FEDERAL RULES OF BANKRUPTCY PROCEDURE

65 (i) the facts necessary to understand the
66 question presented;

67 (ii) the question itself;

68 (iii) the relief sought;

69 (iv) the reasons why the appeal should be
70 allowed and is authorized by statute or rule, including why a
71 circumstance specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii)
72 exists; and

73 (v) an attached copy of the judgment, order, or
74 decree complained of and any related opinion or
75 memorandum.

76 (D) A party may file a response to a request for
77 certification or a cross request within 10 days after the notice
78 of the request is served, or another time fixed by the court.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

79 (E) Rule 9014 does not govern a request, cross
80 request, or any response. The matter shall be submitted
81 without oral argument unless the court otherwise directs.

82 (F) A certification of an appeal under 28 U.S.C.
83 § 158(d)(2) shall be made in a separate document served on
84 the parties.

85 (4) *Certification on Court's Own Initiative.*

86 (A) A certification of an appeal on the court's own
87 initiative under 28 U.S.C. § 158(d)(2) shall be made in a
88 separate document served on the parties in the manner
89 required for service of a notice of appeal under Rule 8004.
90 The certification shall be accompanied by an opinion or
91 memorandum that contains the information required by
92 subdivision (f)(3)(C)(i)-(iv) of this rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

93 (B) A party may file a supplementary short
94 statement of the basis for certification within 10 days after the
95 certification.

96 (5) *Duties of Parties After Certification.* A petition
97 for permission to appeal in accordance with F. R. App. P. 5
98 shall be filed no later than 30 days after a certification has
99 become effective as provided in subdivision (f)(1).

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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 or in response to a request of a party. Certification also can be made by all of the appellants and appellees. 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

Subdivision (e) is amended to address a matter that is not related to the 2005 Act and was therefore not included in the Interim Rule. Subdivision (f)(5) was added to advise parties that certification of an order or decree is insufficient to have the court of appeals hear the matter. They still must seek permission from the court of appeals before the appeal will be pending in the court of appeals.

Rule 8003. Leave to Appeal

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(d) REQUIREMENT OF LEAVE TO APPEAL. If leave to appeal is required by 28 U.S.C. § 158(a) and has not earlier been granted, the authorization of a direct appeal by a court of appeals under 28 U.S.C. § 158(d)(2) shall be deemed to satisfy the 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

FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

INTERIM RULES COMPARISON:

A heading was added to subdivision (d).

Rule 9006. Time

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(b) ENLARGEMENT.

(1) *In General.* Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2)

FEDERAL RULES OF BANKRUPTCY PROCEDURE

11 on motion made after the expiration of the specified period
12 permit the act to be done where the failure to act was the
13 result of excusable neglect.

14 (2) *Enlargement Not Permitted.* The court may not
15 enlarge the time for taking action under Rules 1007(d),
16 2003(a) and (d), 7052, 9023, and 9024.

17 (3) *Enlargement Limited.* The court may enlarge the
18 time for taking action under Rules 1006(b)(2), 1007(c) with
19 respect to the time to file schedules and statements in a small
20 business case, 1017(e), 3002(c), 4003(b), 4004(a), 4007(c),
21 4008(a), 8002 and 9033, only to the extent and under the
22 conditions stated in those rules.

23 (c) REDUCTION.

24 * * * * *

25 (2) *Reduction Not Permitted.* The court may not
26 reduce the time for taking action under ~~pursuant to~~ Rules

FEDERAL RULES OF BANKRUPTCY PROCEDURE

27 2002(a)(7), 2003(a), 3002(c), 3014, 3015, 4001(b)(2), (c)(2),

28 4003(a), 4004(a), 4007(c), 4008(a), 8002, and 9033(b).

29 * * * * *

COMMITTEE NOTE

Section 1116(3) of the Code, as amended by the 2005 amendments, places specific limits on the time for filing schedules and a statement of affairs in small business cases. The rule is amended to recognize that extensions of time for filing these documents are governed by Rule 1007(c), which is amended to recognize restrictions on expanding the time to file these documents in small business cases.

Subdivisions (b)(3) and (c)(2) are also amended to provide that enlargement or reduction of the time to file a reaffirmation agreement is governed by Rule 4008(a).

Other amendments are stylistic.

INTERIM RULES COMPARISON:

Rule 4008(a) is added to the list of subdivisions for which enlargement or reduction of time is limited under subdivisions (b)(3) and (c)(2) of this rule.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 9009. Forms

1 Except as otherwise provided in Rule 3016(d), the The
2 Official Forms prescribed by the Judicial Conference of the
3 United States shall be observed and used with alterations as
4 may be appropriate. Forms may be combined, and their
5 contents rearranged to permit economies in their use. The
6 Director of the Administrative Office of the United States
7 Courts may issue additional forms for use under the Code.
8 The forms shall be construed as consistent with these Rules
9 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.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

INTERIM RULES COMPARISON:

There are two changes from the Interim Rule. First, the last sentence of the Interim Rule is deleted because the Interim Rules will no longer be effective when these rules are finally promulgated and effective. Second, an exception is added to the rule to prevent the promulgation of a form plan and disclosure statement in small business chapter 11 cases from prohibiting the use of other plans and disclosure statements in those cases as contemplated by the 2005 Act.

3. Synopsis of Amendment to Interim Rule 1007 Recommended for Approval Effective October 1, 2006:

(a) **Interim Rule 1007** is amended to require a debtor to file an Official Form that includes a statement of the debtor's compliance with the prepetition credit counseling obligation of § 109(h) of the Code. The statement will ensure that debtors either will have complied with the obligation or are requesting an exception from the obligation under the standards set out in the Code. **The Advisory Committee recommends that this amendment to the Interim Rules be approved and recommended to the courts for their adoption by standing order effective on October 1, 2006.**

4. Text of Amendment to Proposed Interim Rule 1007.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Interim Rule 1007. Lists, Schedules and Statements, and Other Documents; Time Limits**

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* * * * *

2

(b) SCHEDULES, STATEMENTS, AND OTHER

3

DOCUMENTS REQUIRED.

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5

(3) Unless the United States trustee has determined

6

that the credit counseling requirement of § 109(h) does not

7

apply in the district, an individual debtor must file ~~the~~

8

~~certificate and debt repayment plan, if any, required by~~

9

~~§ 521(b), a certification under § 109(h)(3), or a request for a~~

10

~~determination by the court under § 109(h)(4).~~ a statement of

11

compliance with the credit counseling requirement, prepared

** The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikeout deletions are to the Interim Rule adopted by the courts on or about October 17, 2005, and not to the existing national rule. This amendment is intended to operate along with the adoption of the amendments to Official Form 1, the voluntary petition.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

12 as prescribed by the appropriate Official Form which must
13 include one of the following:

14 (A) an attached certificate and debt repayment
15 plan, if any, required by § 521(b);

16 (B) a statement that the debtor has received the
17 credit counseling briefing required by § 109(h)(1) but does
18 not have the certificate required by § 521(b);

19 (C) a certification under § 109(h)(3); or

20 (D) a request for a determination by the court
21 under § 109(h)(4).

22 * * * * *

23 (c) TIME LIMITS. In a voluntary case, the schedules,
24 ~~and~~ statements, and other documents required by subdivision
25 (b)(1), (4), (5), and (6) shall be filed with the petition or
26 within 15 days thereafter, except as otherwise provided in
27 subdivisions (d), (e), (f), and (h) of this rule. In an

FEDERAL RULES OF BANKRUPTCY PROCEDURE

28 involuntary case, the list in subdivision (a)(2), and the
29 schedules, statements, and other documents required by
30 subdivision (b)(1) shall be filed by the debtor within 15 days
31 of the entry of the order for relief. ~~The documents required by~~
32 ~~subdivision (b)(3) shall be filed with the petition in a~~
33 ~~voluntary case. The statement required by subdivision (b)(7)~~
34 ~~shall be filed by the debtor within 45 days after the first date~~
35 ~~set for the meeting of creditors under § 341 of the Code in a~~
36 ~~chapter 7 case, and no later than the last payment made by the~~
37 ~~debtor as required by the plan or the filing of a motion for~~
38 ~~entry of a discharge under § 1328(b) in a chapter 13 case.~~
39 ~~The statement required by subdivision (b)(8) shall be filed by~~
40 ~~the debtor not earlier than the date of the last payment made~~
41 ~~under the plan or the date of the filing of a motion for entry of~~
42 ~~a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In~~
43 a voluntary case, the documents required by paragraphs (A),

FEDERAL RULES OF BANKRUPTCY PROCEDURE

44 (C), and (D) of subdivision (b)(3) shall be filed with the
45 petition. Unless the court orders otherwise, if the debtor has
46 filed a statement under subdivision (b)(3)(B), the documents
47 required by subdivision (b)(3)(A) shall be filed within 15 days
48 of the order for relief. In a chapter 7 case, the debtor shall file
49 the statement required by subdivision (b)(7) within 45 days
50 after the first date set for the meeting of creditors under § 341
51 of the Code, and in a chapter 13 case no later than the date
52 when the last payment was made by the debtor as required by
53 the plan or the filing of a motion for a discharge under
54 § 1328(b). The debtor shall file the statement required by
55 subdivision (b)(8) no earlier than the date of the last payment
56 made under the plan or the date of the filing of a motion for
57 a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of
58 the Code. Lists, schedules, statements, and other documents
59 filed prior to the conversion of a case to another chapter shall

FEDERAL RULES OF BANKRUPTCY PROCEDURE

60 be deemed filed in the converted case unless the court directs
61 otherwise. Except as provided in § 1116(3), any extension of
62 time for the filing of the schedules, statements, and other
63 documents required under this rule may be granted only on
64 motion for cause shown and on notice to the United States
65 trustee, ~~and to~~ any committee elected under § 705 or
66 appointed under § 1102 of the Code, trustee, examiner, or
67 other party as the court may direct. Notice of an extension
68 shall be given to the United States trustee and to any
69 committee, trustee, or other party as the court may direct.

COMMITTEE NOTE

Subdivision (b)(3) of the rule is amended to require the debtor to file an Official Form relating to the credit counseling requirement provided by the 2005 amendments to § 109. Official Form 1 includes statements that warn the debtor of the consequences of failing to comply with the credit counseling requirement. The rule also provides that the debtor may file a statement that the debtor has received credit counseling but has not yet received a certificate from the credit counseling provider. Subdivision (c) is amended to permit the debtor to file the certificate and debt repayment plan within 15

FEDERAL RULES OF BANKRUPTCY PROCEDURE

days after the filing of the petition if a Rule 1007(b)(3)(B) statement is filed.

Other changes are stylistic.

- C. Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and New Exhibit D to Official Form 1 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the following amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1 for submission to the Judicial Conference with a request that they be made effective October 1, 2006.

1. *Synopsis of Proposed Amendments:*

Proposed amendments to seven Official Forms and one new Official Form, which the Advisory Committee recommends for adoption in October 2006, are summarized below. The forms and committee notes follow the summary. Some of the forms which have multiple parts are treated together, under a single form number, while others are treated as separate forms. This different treatment reflects the way each form is used. The 2005 committee notes to each form appear in full, with the proposed changes described in an “October 2006 Supplement to Committee Note” at the end of each one.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

(a) Official Form 1, Voluntary Petition –

Among the provisions of the 2005 Act is a new 28 U.S.C. § 159 which establishes substantial new statistical reporting requirements concerning bankruptcy cases. Section 159 has a delayed effective date of October 17, 2006. Many of the proposed amendments to Form 1 will assist the courts in fulfilling these new statistical reporting requirements and improve the quality of the data collected. Requests for information about the debtor have been revised and the statutory definition of “consumer debt” added to obtain better information about individuals who incur personal debt to finance their business enterprises. Under § 159, statistical information about the debtor’s assets and liabilities must come from the debtor’s schedules; accordingly, the estimated dollar amounts and estimated number of creditors on this form have been simplified, as they now will be used primarily for case management purposes.

On page 2 of Form 1, “Exhibit D” replaces the section on page 2 which currently is labeled “Certification Concerning Debt Counseling by Individual/Joint Debtor(s).” Early cases decided under the 2005 amendments to the Bankruptcy Code indicate that individual debtors may not be aware of the requirement to obtain prepetition credit counseling, of the few and very narrow exceptions to that requirement, or of the potentially dire consequences to their efforts to obtain bankruptcy relief if they fail to complete the requirement. “Exhibit D” instructs individual debtors to attach a completed Exhibit D, which is a separate, two-page document.

(b) Official Form 1, Exhibit D - Individual Debtor’s Statement of Compliance with Credit Counseling Requirement -

The separate Exhibit D form contains checkboxes and information about the requirements along with instructions concerning the additional documents that are required in particular circumstances. This format is similar to that of existing Exhibits A and C to Form 1.

(c) Official Form 5, Involuntary Petition -

The changes to the form are intended to facilitate, to the extent possible in an involuntary case, the collection of the same statistical information as a in voluntary case.

(d) Official Form 6, Schedules -

In order to comply fully with the statistical reporting requirements of 28 U.S.C. §159, the “Statistical Summary of Certain Liabilities” is renamed “Statistical Summary of Certain Liabilities and Related Data,” and additional information is required to be stated there. Schedules D, E, F, I, and J also are amended to facilitate reporting of the required statistical information. Schedules I and J, on which individual debtors report their “current income and current expenditures,” are amended to label the totals as “average income” and “average expenses,” to conform to the terminology used in § 159. The instructions on the form already direct the debtor to use averages, so this change is

FEDERAL RULES OF BANKRUPTCY PROCEDURE

stylistic rather than substantive. The Declaration Concerning Debtor's Schedules is amended in the section designated for an individual debtor to sign to reflect the fact that an individual now must complete a two-page summary.

- (e) Official Form 9 - Notice of Commencement of Case, Meeting of Creditors and Deadlines -

The 2005 Act added "family fisherman" to "family farmer" as a category of debtor eligible for bankruptcy relief under chapter 12 of the Bankruptcy Code. The necessity to add "family fisherman" to Forms 9G and 9H, used to notify creditors of the filing of a case under chapter 12, was overlooked when the forms were amended in October 2005. In addition, the 2005 Act provided that the Internal Revenue Service may assert a claim in a chapter 13 case based on a debtor's income tax return filed during the three to five years the case is pending, or well after the normal deadline for filing a proof of claim. Form 9I is amended to provide general notice to parties in interest of the potential for a claim to be filed late in the case.

- (f) Official Form 22A - Chapter 7 Statement of Current Monthly Income and Means Test Calculation -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. In addition, on Line 43, the phrase "in default" has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

- (g) Official Form 22C - Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. Line 17 has been amended to require all chapter 13 debtors, including those whose income is below the applicable median, to complete Part III of the form. In addition, on Line 43, the phrase "in default" has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

- (h) Official Form 23 - Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management -

The form is amended to require the debtor to state the number of the certificate of completion issued by the personal financial management instructor, provide checkboxes for the debtor to indicate any applicable exception to fulfilling the requirement to undergo instruction, and to state the deadlines for filing the certification in a chapter 7 case and a chapter 13 case. The format has

FEDERAL RULES OF BANKRUPTCY PROCEDURE

been revised to resemble that used in Exhibit D to Form 1, described above.

2. *Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1. (MATERIALS SEPARATELY ATTACHED)*

- D. Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and New Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 Submitted for Publication

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and new proposed Official Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 for publication for comment.

1. *Synopsis of Proposed Amendments.*

Proposed amendments to 20 Official Forms and five new Official Forms, which the Advisory Committee requests be published for comment by bench and bar in August 2006, are summarized below. The forms and committee notes follow the summary. The committee notes describe all the changes to the forms – those made when the forms were amended or created in October 2005, those proposed to be made in October 2006, and those proposed only in the version which the Advisory Committee requests be published for comment. Some of the forms which have multiple parts are treated together, under a single form number, while others are treated as separate forms. This different treatment reflects the way each form is used.

- (a) Official Form 1, Voluntary Petition –

The changes to the form are related to a new 28 U.S.C. § 159 which was enacted as part of the 2005 Act. Section 159 establishes substantial new statistical reporting requirements concerning bankruptcy cases and has a delayed effective date of October 17, 2006. Most of the proposed amendments to Form 1 will assist the courts in fulfilling these new statistical reporting requirements and improve the quality of the data collected. Requests for information about the debtor have been revised and the statutory definition of “consumer debt” has been added to obtain better information about individuals who incur personal debt to finance their business enterprises. Under § 159, statistical information about the debtor’s assets and liabilities must come from the debtor’s schedules; accordingly, the estimated dollar amounts and estimated number of creditors on this form have been simplified, as they now will be used primarily for case management purposes.

An important amendment appears on page 2 of the form. “Exhibit D” replaces the section of the form labeled “Certification Concerning Debt Counseling by Individual/Joint Debtor(s).” Early cases decided under the 2005 amendments to the Bankruptcy Code indicate that individual debtors

FEDERAL RULES OF BANKRUPTCY PROCEDURE

may not be aware of the requirement to obtain prepetition credit counseling, of the few and very narrow exceptions to that requirement, or of the potentially dire consequences to their efforts to obtain bankruptcy relief if they fail to complete the requirement. “Exhibit D” instructs individual debtors to attach a completed Exhibit D, which is a separate, two-page document.

- (b) Official Form 1, Exhibit D - Individual Debtor’s Statement of Compliance with Credit Counseling Requirement -

The separate Exhibit D form contains checkboxes and information about the requirements along with instructions concerning the additional documents that are required in particular circumstances. This format is similar to that of existing Exhibits A and C to Form 1.

- (c) Official Form 3A, Application to Pay Filing Fee in Installments -

This form is unchanged from the October 2005 version.

- (d) Official Form 3B, Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments -

This form is unchanged from the October 2005 version.

- (e) Official Form 4, List of Creditors Holding 20 Largest Unsecured Claims -

The form is amended to provide more detail than the existing cross-reference to Rule 1007(m) concerning notification to a guardian or other appropriate adult when a minor child is a creditor in a bankruptcy case.

- (f) Official Form 5, Involuntary Petition -

The changes to the form will facilitate, to the extent possible in an involuntary case, the collection of the same statistical information as a voluntary case.

- (g) Official Form 6, Schedules -

Proposed changes in the form to be made in October 2006 have been incorporated in the amendments to be published. In addition, the description of the information to be provided concerning social-security and other taxpayer-identification numbers has been revised in conformity with new rule 9037. The statistical changes include renaming the “Statistical Summary of Certain Liabilities” to “Statistical Summary of Certain Liabilities and Related Data,” as additional information is required to be stated there. Schedules D, E, F, I, and J also are amended to facilitate reporting of the required statistical information. Schedules I and J, on which individual debtors report their “current income and current expenditures” are amended to label the totals as “average

FEDERAL RULES OF BANKRUPTCY PROCEDURE

income” and “average expenses,” to conform to the terminology used in § 159. This is a stylistic amendment only, as the instructions on the form already direct the debtor to use averages. The Declaration Concerning Debtor’s Schedules is amended in the section designated for an individual debtor’s signature to reflect the fact that an individual must complete a two-page summary.

(h) Official Form 7, Statement of Financial Affairs -

The form is amended to conform to new Rule 9037, but is otherwise unchanged.

(i) Official Form 8, Chapter 7 Individual Debtor’s Statement of Intention -

The form is unchanged from the October 2005 version.

(j) Official Form 9 - Notice of Commencement of Case, Meeting of Creditors and Deadlines -

The 2005 Act added “family fisherman” to “family farmer” as a category of debtor eligible for bankruptcy relief under chapter 12 of the Bankruptcy Code. The necessity to add “family fisherman” to Forms 9G and 9H, used to notify creditors of the filing of a case under chapter 12, was overlooked when the forms were amended in October 2005. In addition, the 2005 Act provided that the Internal Revenue Service may assert a claim in a chapter 13 case based on a debtor’s income tax return filed during the three to five years the case is pending, or well after the normal deadline for filing a proof of claim. Forms 9G, 9H, and 9I are amended to correct these initial oversights.

(k) Official Form 10 - Proof of Claim -

The 2005 Act changed the priority scheme in § 507(a) of the Code which requires conforming amendments to the form. The form also is 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 have been updated to conform to the new definitions and requirements adopted by the 2005 amendments.

(l) Official Form B16A - Caption (Full) -

The form is amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. The form also is amended to direct the use of only the last four digits of an individual debtor’s taxpayer-identification number.

(m) Official Form 18 - Discharge of Debtor in a Chapter 7 Case -

The form is amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. The form also is amended to direct the use of only the last four

FEDERAL RULES OF BANKRUPTCY PROCEDURE

digits of an individual debtor's taxpayer-identification number. The explanation portion of the form is also amended to reflect the changes to the Code governing the nondischargeability of certain obligations.

- (n) Official Form 19A - Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer-

The form is amended by renaming the former certification as a "declaration" and by adding additional language mandated by the 2005 amendments to § 110 of the Code.

- (o) Official Form 19B - Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer-

The form is unchanged from the October 2005 version.

- (p) Official Form 21 - Statement of Social-Security Number -

The form is amended to direct debtors who do not have a social-security number to furnish a taxpayer-identification number on the form.

- (q) Official Form 22A - Chapter 7 Statement of Current Monthly Income and Means-Test Calculation -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. In addition, on Line 43, the phrase "in default" has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

- (r) Official Form 22B - Chapter 11 Statement of Current Monthly Income -

The form is unchanged from the October 2005 version.

- (s) Official Form 22C - Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. Line 17 has been amended to require all chapter 13 debtors, including those whose income is below the applicable median, to complete Part III of the form. In addition, on Line 43, the phrase "in default" has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

- (t) Official Form 23 - Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management -

The form is amended to require the debtor to state the number of the certificate of completion issued by the personal financial management instructor, provide checkboxes for the debtor to indicate any applicable exception to fulfilling the requirement to undergo instruction, and to state the deadlines for filing the certification in a chapter 7 case and a chapter 13 case. The format has been revised to resemble that used in Exhibit D to Form 1, described above.

- (u) Official Form 24, Certification to Court of Appeals by All Parties -

The form is unchanged from the October 2005 version.

- (v) Official Form 25A, [Name of Proponent]'s Plan of Reorganization, Dated [Insert Date] -

This form is new. It implements § 433 of the 2005 Act. Section 433 specifies that the Judicial Conference is to prescribe a form of reorganization plan for use in a small business case under chapter 11 of the Code and is to do so "within a reasonable period of time after the date of enactment" of the 2005 Act. The form is intended to be used in conjunction with the small business chapter 11 disclosure statement (proposed Official Form 25B), also required to be prescribed by § 433 of the Act. Because the form is to be used in small cases, those with less than \$2 million in assets, the Advisory Committee also drafted instructions for completing the form. Because the type of debtor and details of a proposed reorganization will be quite varied, the difficulties inherent in drafting a new and complex form, and the latitude in timing afforded by § 433, the Advisory Committee did not attempt to complete the form by October 2005. The Advisory Committee expects to receive useful commentary on the proposed form during the comment period.

- (w) Official Form 25B, [Name of Plan Proponent]'s Disclosure Statement, Dated [Insert Date] -

This form is new. It implements § 433 of the 2005 Act. Section 433 also specifies that the Judicial Conference is to prescribe a form of disclosure statement for use in a small business case under chapter 11 of the Code and is to do so "within a reasonable period of time after the date of enactment" of the 2005 Act. The form is intended to be used in conjunction with the small business chapter 11 plan of reorganization (proposed Official Form 25A). Because the type of debtor and details of its financial circumstances will be quite varied, the difficulties inherent in drafting a new and complex form, and the latitude in timing afforded by § 433, the Advisory Committee did not attempt to complete the task by October 2005. The Advisory Committee expects to receive useful commentary on the proposed form during the comment period.

FEDERAL RULES OF BANKRUPTCY PROCEDURE

(x) Official Form 25C, Small Business Monthly Operating Report -

This form is new. It implements §§ 434 and 435 of the 2005 Act, which provide for rules and an official form to assist small business debtors in chapter 11 cases to fulfill their financial reporting responsibilities under § 308 of the Code, a provision added by the 2005 Act. Section 434 also provides that these reporting requirements will not take effect until 60 days after the effective date of an official form. Rule 2015 already requires a chapter 11 debtor that is operating a business to file reports on its operations. Currently, these debtors use forms developed locally by United States trustees and bankruptcy administrators. The proposed form directs the debtor to disclose all the information specified in § 308; it is modeled on the local forms developed by the United States trustees.

(y) Official Form 26, Periodic Report Concerning Related Entities -

This form is new. It implements § 419 of the 2005 Act, which requires every 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 under proposed new Rule 2015.3. The form was designed with input from accounting professionals and includes instructions and examples of the types of information to be provided.

2. *Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and new proposed Official Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26. (MATERIALS SEPARATELY ATTACHED)*

III. INFORMATION ITEMS

- (1) Attached to the report is a chart setting out the differences between the Interim Rules as they have been approved by the Standing Committee in August and October 2005 and the rules being proposed for publication in Part II.B.2.
- (2) Attached to the report is the Bankruptcy Rules Docket.
- (3) Attached to the report is the draft of the Minutes of the March 2006 meeting of the Advisory Committee.

**PROPOSED AMENDMENTS TO
OFFICIAL FORMS 1, 5, 6, 9, 22A, 22C, and 23, and
NEW EXHIBIT D TO OFFICIAL FORM 1**

C. Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and New Exhibit D to Official Form 1 Submitted for Final Approval by the Standing Committee and Submission to the Judicial Conference.

The Advisory Committee on Bankruptcy Rules recommends that the Standing Committee approve the following amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1 for submission to the Judicial Conference with a request that they be made effective October 1, 2006.

1. Synopsis of Proposed Amendments:

Proposed amendments to seven Official Forms and one new Official Form, which the Advisory Committee recommends for adoption in October 2006, are summarized below. The forms and committee notes follow the summary. Some of the forms which have multiple parts are treated together, under a single form number, while others are treated as separate forms. This different treatment reflects the way each form is used. The 2005 committee notes to each form appear in full, with the proposed changes described in an "October 2006 Supplement to Committee Note" at the end of each one.

(a) Official Form 1, Voluntary Petition –

Among the provisions of the 2005 Act is a new 28 U.S.C. § 159 which establishes substantial new statistical reporting requirements concerning bankruptcy cases. Section 159 has a delayed effective date of October 17, 2006. Many of the proposed amendments to Form 1 will assist the courts in fulfilling these new statistical reporting requirements and improve the quality of the data collected. Requests for information about the debtor have been revised and the statutory definition of "consumer debt" added to obtain better information about individuals who incur personal debt to finance their business enterprises. Under § 159, statistical information about the debtor's assets and liabilities must come from the debtor's schedules; accordingly, the estimated dollar amounts and estimated number of creditors on this form have been simplified, as they now will be used primarily for case management purposes.

On page 2 of Form 1, "Exhibit D" replaces the section on page 2 which currently is labeled "Certification Concerning Debt Counseling by Individual/Joint Debtor(s)." Early cases decided under the 2005 amendments to the Bankruptcy Code indicate that individual debtors may not be aware of the requirement to obtain prepetition credit counseling, of the few and very narrow exceptions to that requirement, or of the potentially dire consequences to their efforts to obtain bankruptcy relief if they fail to complete the requirement. "Exhibit D" instructs individual debtors to attach a completed Exhibit D, which is a separate, two-page document.

(b) Official Form 1, Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement -

The separate Exhibit D form contains checkboxes and information about the requirements along with instructions concerning the additional documents that are required in particular

circumstances. This format is similar to that of existing Exhibits A and C to Form 1.

(c) Official Form 5, Involuntary Petition -

The changes to the form are intended to facilitate, to the extent possible in an involuntary case, the collection of the same statistical information as in a voluntary case.

(d) Official Form 6, Schedules -

In order to comply fully with the statistical reporting requirements of 28 U.S.C. §159, the “Statistical Summary of Certain Liabilities” is renamed “Statistical Summary of Certain Liabilities and Related Data,” and additional information is required to be stated there. Schedules D, E, F, I, and J also are amended to facilitate reporting of the required statistical information. Schedules I and J, on which individual debtors report their “current income and current expenditures,” are amended to label the totals as “average income” and “average expenses,” to conform to the terminology used in § 159. The instructions on the form already direct the debtor to use averages, so this change is stylistic rather than substantive. The Declaration Concerning Debtor’s Schedules is amended in the section designated for an individual debtor to sign to reflect the fact that an individual now must complete a two-page summary.

(e) Official Form 9 - Notice of Commencement of Case, Meeting of Creditors and Deadlines -

The 2005 Act added “family fisherman” to “family farmer” as a category of debtor eligible for bankruptcy relief under chapter 12 of the Bankruptcy Code. The necessity to add “family fisherman” to Forms 9G and 9H, used to notify creditors of the filing of a case under chapter 12, was overlooked when the forms were amended in October 2005. In addition, the 2005 Act provided that the Internal Revenue Service may assert a claim in a chapter 13 case based on a debtor’s income tax return filed during the three to five years the case is pending, or well after the normal deadline for filing a proof of claim. Form 9I is amended to provide general notice to parties in interest of the potential for a claim to be filed late in the case.

(f) Official Form 22A - Chapter 7 Statement of Current Monthly Income and Means Test Calculation -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. In addition, on Line 43, the phrase “in default” has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

(g) Official Form 22C - Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income -

Throughout the form, stylistic changes have been made so that the language of the form

more closely tracks that used in the statute. Line 17 has been amended to require all chapter 13 debtors, including those whose income is below the applicable median, to complete Part III of the form. In addition, on Line 43, the phrase “in default” has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

(h) Official Form 23 - Debtor’s Certification of Completion of Instructional Course Concerning Personal Financial Management -

The form is amended to require the debtor to state the number of the certificate of completion issued by the personal financial management instructor, provide checkboxes for the debtor to indicate any applicable exception to fulfilling the requirement to undergo instruction, and to state the deadlines for filing the certification in a chapter 7 case and a chapter 13 case. The format has been revised to resemble that used in Exhibit D to Form 1, described above.

2. *Proposed Amendments to Official Forms 1, 5, 6, 9, 22A, 22C, and 23, and new Exhibit D to Official Form 1.*

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. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): ZIP CODE 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): Mailing Address of Joint Debtor (if different from street address): ZIP CODE 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.): Nature of Business (Check one box.): Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.): Tax-Exempt Entity (Check box, if applicable.): Nature of Debts (Check one box.):

Filing Fee (Check one box.): Chapter 11 Debtors (Check one box: Debtor is 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 million. 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. Estimated Number of Creditors: Estimated Assets: Estimated Liabilities:

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>	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.

Statement 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.

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

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.

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

UNITED STATES BANKRUPTCY COURT

District of _____

In re _____
Debtor(s)

Case No. _____
(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. *[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 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, 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: _____

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). 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. The box indicating the debtor's selection of a chapter under which to file the case has been 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 has been added.

The section of the form labeled "Type of Debtor" has been revised and subtitled "Form of Organization." This section is revised to make it clear that a limited liability corporation ("LLC") and limited liability partnership ("LLP") should identify itself as a "corporation." A new section titled "Nature of Business" has been created that includes both existing check boxes 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 checkboxes for single asset real estate debtors and nonprofit organizations which will be used by trustees and creditors and by the Director of the Administrative Office of the United States Courts in preparing statistical reports and analyses. The statistical section of the form also is amended to provide more detail concerning the number of creditors in a case. A check box also has been added for a 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.

Although the 2005 Act eliminated an eligible debtor's option to elect to be treated as a "small business" in a chapter 11 case, new provisions for such debtors added to the Code in 2005 make it desirable to identify eligible debtors at the outset of the case. Accordingly, the section of the form labeled "Chapter 11 Small Business" has been 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. In addition, chapter 11 debtors whose aggregate noncontingent debts owed to non-insiders or affiliates are less than \$2 million are directed to identify themselves in this section.

A space is provided for individuals to certify that they have received budget and credit counseling prior to filing, as required by § 109(h) which was added to the Code in 2005, or to request a waiver of the requirement. Space also is provided for a debtor who is a tenant of residential real property to state 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.

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 declaration and certification by an attorney all are amended to include new material mandated by the 2005 Act. A signature section also is provided for a representative of a foreign proceeding.

October 2006 Supplement to Committee Note

Page one of the form 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. Section 159 was enacted as part of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), Pub. L. No. 109-8 and takes effect October 17, 2006. Accordingly, in the section of the form labeled "Nature of Business," the instruction is amended to specify that only one box should be checked and only if the debtor is any of the entities listed. The "nonprofit" choice is separated into a discrete section and the language amended to the more precise "tax-exempt."

In addition, 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." Exhibit D replaces the certification concerning prepetition credit counseling and is described below. 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 make it clearer to individual debtors that "business" may be the more appropriate choice if personal debts have been incurred to finance a business venture.

In the section labeled "Chapter 11 Debtors," the language concerning whether the debtor owes less than \$2 million is re-styled for clarity. This section also is augmented to provide the court with notice when a case is filed as a "pre-packaged" chapter 11 reorganization case. Two checkboxes are offered, using language adapted from § 1126(b) of the Code. Lastly, the information requested concerning estimated assets and liabilities is abbreviated, with the number of ranges reduced and the scope of each range amended. Statistical reports now will be derived from actual dollar amounts of assets and liabilities as shown on the debtor's schedules. The information on the petition, accordingly, is for case management and public information purposes only.

Exhibit D replaces the section formerly labeled "Certification Concerning Debt Counseling by Individual/Joint Debtor(s)." Early cases decided under the 2005 amendments to the Bankruptcy Code indicate that individual debtors may not be aware of the requirement to obtain prepetition credit counseling, the few and very narrow exceptions to that requirement, or the potentially dire consequences to their efforts to obtain bankruptcy relief if they fail to complete the requirement. Accordingly, page 2 of the petition instructs individual debtors to attach a completed Exhibit D and makes it clear that each spouse in a joint case must complete and attach a separate Exhibit D. Exhibit D itself includes a warning about the requirement to obtain counseling and the consequences of failing to fulfill this requirement. It further provides checkboxes and instructions concerning the additional documents that are required in particular circumstances, in order to minimize the number of cases which the court must dismiss for ineligibility.

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. No./Complete EIN or other Tax I.D. No. (If more than one, state all.):		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)	MAILING ADDRESS OF DEBTOR (If different from street address)	
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <div style="text-align: right;">ZIP CODE</div>	<div style="text-align: right;">ZIP CODE</div>	
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11		
INFORMATION REGARDING DEBTOR (Check applicable boxes)		
Nature of Debts (Check one box.) Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and provide the information provided below.) State Type of Entity: _____	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other
VENUE <input type="checkbox"/> 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. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.	FILING FEE (Check one box) <input type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <i>[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.]</i>	
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) 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; <div style="text-align: center;">or</div> 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.		COURT USE ONLY

Name of Debtor _____

Case No. _____

TRANSFER OF CLAIM

Check this box if there has been a transfer of any claim against the debtor 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)

Name of Petitioner _____ Date Signed _____

Name & Mailing
Address of Individual _____
Signing in Representative Capacity _____

x _____
Signature of Attorney _____ Date _____

Name of Attorney Firm (If any) _____

Address _____

Telephone No. _____

x _____
Signature of Petitioner or Representative (State title)

Name of Petitioner _____ Date Signed _____

Name & Mailing
Address of Individual _____
Signing in Representative Capacity _____

x _____
Signature of Attorney _____ Date _____

Name of Attorney Firm (If any) _____

Address _____

Telephone No. _____

x _____
Signature of Petitioner or Representative (State title)

Name of Petitioner _____ Date Signed _____

Name & Mailing
Address of Individual _____
Signing in Representative Capacity _____

x _____
Signature of Attorney _____ Date _____

Name of Attorney Firm (If any) _____

Address _____

Telephone No. _____

PETITIONING CREDITORS

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 no longer required and 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. A new check box 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 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.

October 2006 Supplement to Committee Note

The section of the form labeled “Information Regarding Debtor” is amended to facilitate, to the extent available in an involuntary case, the collection of the same statistical information that is requested in a voluntary case. Accordingly, information about whether the debtor is an individual, a corporation, or some other type of entity is separated from the checklist of types of debtors, such as health care businesses and railroads, concerning which the Code provides for specialized treatment.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

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 _____,
Debtor

Case No. _____

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 and, therefore, 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) (whether disputed or undisputed)	\$
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	\$
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)		\$

In re _____,
Debtor

Case No. _____
(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 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 <i>(See Instructions Above)</i>	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 \$						
			VALUE \$						
			VALUE \$						
							Subtotal ▶ (Total of this page)	\$	\$
							Total ▶ (Use only on last page)	\$	\$

____ continuation sheets attached

(Report also on Summary of Schedules.) (If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

In re _____, Debtor

Case No. _____ (If known)

SCHEDULE D – CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER <i>(See Instructions Above)</i>	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.)

In re _____
Debtor

Case No. _____
(if known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, 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).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "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 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.

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 \$10,000* 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).

In re _____,
Debtor

Case No. _____
(if known)

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$4,925* 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 \$2,225* 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, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

____ continuation sheets attached

In re _____,
Debtor

Case No. _____
(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.)	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.									
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.)								\$	\$

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 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.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <small>(See instructions above.)</small>	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.)

In re _____,
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <small>(See instructions above.)</small>	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 ___ 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.)

In re _____,
Debtor

Case No. _____
(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:	AGE:
	DEBTOR	SPOUSE
Employment:		
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; 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:

In re _____,
Debtor

Case No. _____
(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."

- 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 _____

Debtor

Case No. _____

(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 _____
(Total shown on summary page plus 2.)
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 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, and that they are true and correct to the best of my knowledge, information, and belief. (Total shown on summary page plus 1.)

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.

COMMITTEE NOTE

The forms of the Schedules of Assets and Liabilities are amended 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). An amendment that directs the debtor to avoid disclosing the name of any minor child occurs in several of the schedules in conformity with § 112 which was added to the Code in 2005. Section 112 provides for the debtor to provide the name of any minor child confidentially to the court, should the trustee need the information to evaluate properly the information filed by the debtor.

The “Statistical Summary of Certain Liabilities” is added to collect information needed to prepare statistical reports required under 28 U.S.C. § 159, which was enacted as part of the 2005 Act.

Schedules A, B, C, and D are amended to delete the word “market” from the columns in which the debtor reports the value of various kinds of property. Amendments to § 506 of the Code enacted in 2005 specify that “replacement value” must be used in connection with certain property. The schedules no longer specify “market” value and permit the debtor to choose the appropriate one, whether that be replacement, market, or some other value. Valuation of property, generally, is the subject of extensive provisions in the Code, and the deletion of the word “market” from the determinations of value to be made by the debtor on the schedules is intended to remove any inference about choice of valuation standard. This deletion simply indicates that the form takes no position on which Code provision or valuation standard may be applicable in any instance.

The following paragraphs describe changes that are specific to each schedule.

Schedule B - Personal Property is amended to require the debtor to list any interests in an education IRA, as § 541(b)(5), added to the Code in 2005, makes special provision for them. The schedule also is amended to require the debtor to disclose the existence of any customer lists or other compilations containing personally identifiable information provided by an individual to the debtor in connection with obtaining a product or service from the debtor for personal, family, or household purposes. This amendment implements § 332, which was added to the Code in 2005.

Schedule C - Property Claimed as Exempt is amended to delete descriptive information concerning the length of domicile required for the debtor to qualify to claim certain exemptions. Any summary of the amendments enacted in 2005 to § 522 of the Code concerning these requirements might inadvertently cause the debtor to lose important rights. Accordingly, the

form now directs the debtor to indicate whether exemptions are being claimed under § 522(b)(2) or § 522(b)(3) and whether the debtor claims a homestead exemption that exceeds \$125,000.

Schedule E - Creditors Holding Unsecured Priority Claims is amended to implement the changes in priority to which a claim may be entitled under 11 U.S.C. § 507 as amended by the 2005 Act and to add the new priority included in the Reform Act for claims for death or personal injury while the debtor was intoxicated. "Subtotal" and "Total" boxes have been added to the column labeled "Amount Entitled to Priority" to assist the individual debtor to complete the Means Test form.

Schedule G - Executory Contracts and Unexpired Leases is amended by deleting the note to the debtor advising that parties listed on this schedule may not receive notice of the filing of the bankruptcy case unless they also are listed on one of the schedules of liabilities. The better practice is for all parties to transactions with the debtor to receive notice of the filing of the case, and an amendment to Rule 1007 requiring the debtor to provide a mailing list that includes these parties is scheduled to take effect December 1, 2005.

Schedule H - Codebtors is amended to add specifics about community property jurisdictions in connection with the requirement to provide the name of any spouse of a debtor who resides or resided in a community property jurisdiction. This amendment also mirrors amendments made in 1997 to Official Form 7, the Statement of Financial Affairs, and will assure that these codebtors receive notice of the filing of the bankruptcy case. The form also is amended to extend from six years to eight years the time period for which this information is reported pursuant to the 2005 amendments to § 727(a)(8) of the Code.

Schedule I - Current Income of Individual Debtor(s) is amended to require the income of a nondebtor spouse to be reported in cases filed under chapters 7 and 11. Line numbers have been added to assist the debtor in calculating and reporting totals. A new subtotal line for income from sources other than as an employee and a new "total monthly income" line provide for this form to be used in conjunction with Schedule J to satisfy the requirements of § 521(a)(1)(B)(v), which was added to the Code in 2005. The form also has been revised to provide the statement concerning any anticipated increase or decrease in income required in § 521(a)(1)(B)(vi), which also was added to the Code in 2005.

Schedule J - Current Expenditures of Individual Debtor(s). A direction has been added to require the debtor to report any increase or decrease in expenses anticipated to occur within the year following the filing of the document, as required by § 521(a)(1)(B)(vi), which was added to the Code in 2005. The form also is amended to provide, in conjunction with Schedule I, a statement of monthly net income, itemized to show how the amount is calculated, as required by § 522(a)(1)(B)(v), which was added to the Code in 2005.

Declaration Concerning Debtor's Schedules. The declaration by a non-attorney bankruptcy petition preparer is amended to include material mandated by § 110 of the Code as amended in 2005.

October 2006 Supplement to Committee Note

In order to comply fully with the statistical reporting requirements of 28 U.S.C. §159, which was enacted as part of the 2005 Act and takes effect in October 2006, the "Statistical Summary of Certain Liabilities" is renamed "Statistical Summary of Certain Liabilities and Related Data," and additional information is required to be stated there. Collecting in one place the bulk of the information to be used in the reports required under 28 U.S.C. § 159 will assist the courts and the Director of the Administrative Office of the United States Courts to fulfill their statutory responsibilities.

Schedule D is amended to provide for creating a total of any unsecured amounts (amounts that exceed the value of the collateral) owed to creditors holding secured claims, and for stating this amount on the Statistical Summary of Certain Liabilities and Related Data. Schedule E is amended to provide for creating totals of the amounts entitled to priority and of any amounts that exceed the statutory limits on certain priorities and to direct the debtor to report these amounts on the Statistical Summary of Certain Liabilities and Related Data. Schedule F is amended to direct the debtor to report the total of this schedule both on the Summary of Schedules and on the Statistical Summary of Certain Liabilities.

The statistical reports required under 28 U.S.C. § 159 must include "the current monthly income, average income, and average expenses" of individual debtors with primarily consumer debts as reported on the schedules filed by those debtors. Accordingly, Schedules I and J, on which debtors already are directed to report average income and average expenses are amended to label the totals arrived at by completing the schedules as "average monthly income" and "average monthly expenses." These amendments make no substantive changes, simply conforming the terminology on these schedules to that used in § 159.

The amount of the debtor's current monthly income, which also is required by § 159, is derived from Official Forms 22A, 22B, or 22C, depending on the chapter under which the debtor files. This amount is included on the Statistical Summary of Certain Liabilities and Related Data as a convenience to make reports under § 159 easier to compile.

The Declaration Concerning Debtor's Schedules is amended in the section designated for signing and verifying by an individual or joint debtor. The amendment accommodates the requirement that individual debtors must complete both the Summary of Schedules and the Statistical Summary of Certain Liabilities and Related Data by directing the debtor to state number of pages being verified as the number of sheets in the completed schedules "plus 2."

EXPLANATIONS

Form B9G (10/06)

<p>Filing of Chapter 12 Bankruptcy Case</p>	<p>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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>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.</i> 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.</p>
<p>Claims</p>	<p>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 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.</p>
<p>Discharge of Debts</p>	<p>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.</p>
<p>Exempt Property</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9H (10/06)

<p>Filing of Chapter 12 Bankruptcy Case</p>	<p>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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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.</p>
<p>Claims</p>	<p>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 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.</p>
<p>Discharge of Debts</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9I (10/06)

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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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. <i>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.</i> 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 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	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.
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

COMMITTEE NOTE

The form is amended in a variety of way 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 are also amended to provide information to creditors with foreign addresses 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 whether 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.

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 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.

October 2006 Supplement to Committee Note

Forms 9G and 9H are amended to add "family fisherman" to the title and to the description of chapter 12. The 2005 amendments to the Code added a "family fisherman," as defined in § 101(19A), to the persons eligible to file a bankruptcy case under chapter 12. Form 9I is amended to provide general notice to parties in interest of the potential for a claim to be filed late in the case.

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 Schedule I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Part I. EXCLUSION FOR DISABLED VETERANS

1 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)).

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. Do not enter a number less than zero. Do not include any part of the business expenses entered Line b as a deduction in Part V.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">a.</td> <td style="padding: 2px;">Gross receipts</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">b.</td> <td style="padding: 2px;">Ordinary and necessary business expenses</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">c.</td> <td style="padding: 2px;">Business income</td> <td style="padding: 2px;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$	b.	Ordinary and necessary business expenses	\$	c.	Business income	Subtract Line b from Line a	\$	\$
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.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">a.</td> <td style="padding: 2px;">Gross receipts</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">b.</td> <td style="padding: 2px;">Ordinary and necessary operating expenses</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">c.</td> <td style="padding: 2px;">Rent and other real property income</td> <td style="padding: 2px;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$	b.	Ordinary and necessary operating expenses	\$	c.	Rent and other real property income	Subtract Line b from Line a	\$	\$
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 or spousal support. Do not include amounts paid by the debtor's spouse if Column B is completed.		\$	\$									

9	<p>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:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	<p>Income from all other sources. If necessary, list additional sources on a separate page. 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. Specify source and amount.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 10</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							
11	<p>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).</p>	\$	\$						
12	<p>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.</p>	\$	\$						

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	<p>Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.</p>	\$
14	<p>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.)</p> <p>a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____</p>	\$
15	<p>Application of Section 707(b)(7). Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.</p>	

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	<p>Enter the amount from Line 12.</p>	\$
17	<p>Marital adjustment. If you checked the box at Line 2.c, enter the amount of the 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. If you did not check box at Line 2.c, enter zero.</p>	\$
18	<p>Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.</p>	\$

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	<p>National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$
20A	<p>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 family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$

20B	<p>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 family 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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">IRS Housing and Utilities Standards; mortgage/rental expense</td> <td style="width:10%;">\$</td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td>\$</td> <td></td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net mortgage/rental expense</td> <td></td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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:</p> <hr/> <hr/> <hr/>	\$												
22	<p>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.</p> <p>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. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.)</p>	\$												
23	<p>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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs, First Car</td> <td style="width:10%;">\$</td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42</td> <td>\$</td> <td></td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td></td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 23.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs, Second Car</td> <td style="width:10%;">\$</td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42</td> <td>\$</td> <td></td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td></td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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.</p>	\$												
26	<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>	\$												

27	Other Necessary Expenses: life insurance. Enter 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 court order, such as spousal or child support payments. Do not include payments on past due support 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 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 average monthly amount that you actually expend on health care expenses that are 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 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 Expense Deductions under § 707(b)

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 and total the average monthly amounts that you actually pay for yourself, your spouse, or your dependents in the following categories.		\$	
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
				Total: Add Lines a, b and c
35	Continued contributions to the care of household or family members. Enter the 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 any average 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 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 demonstrating that the additional amount claimed is reasonable and necessary.	\$		
38	Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$		
39	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating 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	<p>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, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 25%;">Name of Creditor</th> <th style="width: 40%;">Property Securing the Debt</th> <th style="width: 30%;">60-month Average Payment</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c.</td> </tr> </tbody> </table>				Name of Creditor	Property Securing the Debt	60-month Average Payment	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c.	\$
	Name of Creditor	Property Securing the Debt	60-month Average Payment																					
a.			\$																					
b.			\$																					
c.			\$																					
			Total: Add Lines a, b and c.																					
43	<p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 25%;">Name of Creditor</th> <th style="width: 40%;">Property Securing the Debt</th> <th style="width: 30%;">1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total: Add Lines a, b and c</td> </tr> </tbody> </table>				Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	a.			\$	b.			\$	c.			\$				Total: Add Lines a, b and c	\$
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount																					
a.			\$																					
b.			\$																					
c.			\$																					
			Total: Add Lines a, b and c																					
44	<p>Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.</p>			\$																				
45	<p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 55%;">Projected average monthly Chapter 13 plan payment.</td> <td style="width: 40%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>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.)</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td style="text-align: right;">Total: Multiply Lines a and b</td> </tr> </tbody> </table>			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	\$											
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	<p>Total Deductions for Debt Payment. Enter the total of Lines 42 through 45.</p>			\$																				
Subpart D: Total Deductions Allowed under § 707(b)(2)																								
47	<p>Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 33, 41, and 46.</p>			\$																				

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.	\$

	Initial presumption determination. Check the applicable box and proceed as directed.	
52	<input type="checkbox"/> The amount on Line 51 is less than \$6,000 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. <input type="checkbox"/> The amount set forth on Line 51 is more than \$10,000. 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. <input type="checkbox"/> The amount on Line 51 is at least \$6,000, but not more than \$10,000. 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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

	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.																
56	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;"></th> <th style="width:70%;">Expense Description</th> <th style="width:25%;">Monthly Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td>_____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>_____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>_____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: Add Lines a, b and c</td> <td style="text-align: right;">\$ _____</td> </tr> </tbody> </table>			Expense Description	Monthly Amount	a.	_____	\$ _____	b.	_____	\$ _____	c.	_____	\$ _____	Total: Add Lines a, b and c		\$ _____
	Expense Description	Monthly Amount															
a.	_____	\$ _____															
b.	_____	\$ _____															
c.	_____	\$ _____															
Total: Add Lines a, b and c		\$ _____															

Part VIII: VERIFICATION

	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i>	
57	Date: _____	Signature: _____ <small>(Debtor)</small>
	Date: _____	Signature: _____ <small>(Joint Debtor, if any)</small>

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	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>b. <input type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.</p> <p>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.</p>											
2	Gross wages, salary, tips, bonuses, overtime, commissions.	\$	\$									
3	<p>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. 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 65%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$	b.	Ordinary and necessary business expenses	\$	c.	Business income	Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$										
b.	Ordinary and necessary business expenses	\$										
c.	Business income	Subtract Line b from Line a										
4	<p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 65%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$	b.	Ordinary and necessary operating expenses	\$	c.	Rent and other real property income	Subtract Line b from Line a	\$	\$
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 or spousal support. Do not include amounts paid by the debtor's spouse.	\$	\$									
8	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$						
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____										
9	<p>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 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 65%;"></td> <td style="width: 10%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table>	a.		\$	b.		\$	\$	\$			
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 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. Otherwise, enter zero.	
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 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. If you are unmarried or married and filing jointly with your spouse, enter zero.	\$
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 ALLOWED UNDER § 707(b)(2)		
Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)		
24	National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$
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 family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$

25B	<p>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 family 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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Housing and Utilities Standards; mortgage/rent Expense</td> <td style="width:30%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net mortgage/rental expense</td> <td style="text-align:right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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:</p> <p>_____</p> <p>_____</p> <p>_____</p>	\$									
27	<p>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.</p> <p>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. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.)</p>	\$									
28	<p>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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Transportation Standards, Ownership Costs, First Car</td> <td style="width:30%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align:right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 28.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:65%;">IRS Transportation Standards, Ownership Costs, Second Car</td> <td style="width:30%; text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47</td> <td style="text-align:right;">\$</td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td style="text-align:right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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.</p>	\$									
31	<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>	\$									

32	Other Necessary Expenses: life insurance. Enter 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 court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 49.	\$
34	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.	
35	Other Necessary Expenses: childcare. Enter the 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 average monthly amount that you actually expend on health care expenses that are 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 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 Expense Deductions under § 707(b)

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 and total the average monthly amounts that you actually pay for yourself, your spouse, or your dependents in the following categories.		\$	
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
				Total: Add Lines a, b, and c
40	Continued contributions to the care of household or family members. Enter the 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 any average 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.		\$	
42	Home energy costs. 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. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.		\$	
43	Education expenses for dependent children under 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.		\$	
44	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.		\$	
45	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).		\$	
46	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 39 through 45.		\$	

Subpart C: Deductions for Debt Payment

47	<p>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, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.</p>			
	Name of Creditor	Property Securing the Debt	60-month Average Payment	
	a.		\$	
	b.		\$	
	c.		\$	
	Total: Add Lines a, b, and c			\$

48	<p>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.</p>			
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	
	a.		\$	
	b.		\$	
	c.		\$	
	Total: Add Lines a, b, and c			\$

49	<p>Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.</p>	\$
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50	<p>Chapter 13 administrative expenses. Multiply the amount in Line a by the amount in Line b, and enter the resulting administrative expense.</p>		
	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	<p>Total Deductions for Debt Payment. Enter the total of Lines 47 through 50.</p>	\$
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Subpart D: Total Deductions Allowed under § 707(b)(2)

52	<p>Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 38, 46, and 51.</p>	\$
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Part V. DETERMINATION OF DISPOSABLE INCOME UNDER § 1325(b)(2)

53	<p>Total current monthly income. Enter the amount from Line 20.</p>	\$
54	<p>Support income. Enter the monthly average of any child support payments, foster care payments, or disability payments for a dependent child, included in Line 7, that you received in accordance with applicable nonbankruptcy law, to the extent reasonably necessary to be expended for such child.</p>	\$
55	<p>Qualified retirement deductions. Enter the monthly average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all repayments of loans from retirement plans, as specified in § 362(b)(19).</p>	\$
56	<p>Total of all deductions allowed under § 707(b)(2). Enter the amount from Line 52.</p>	\$
57	<p>Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, and 56 and enter the result.</p>	\$

58	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 57 from Line 53 and enter the result.	\$
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Part VI: ADDITIONAL EXPENSE CLAIMS

59	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

60	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i>	
	Date: _____	Signature: _____ (Debtor)
	Date: _____	Signature: _____ (Joint Debtor, if any)

Each form provides for reporting income items constituting CMI. The items are reported in a set of entry lines—Part II of the Chapter 7 form 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 specify several common types of income and are followed by a "catch-all" line for other income. The specific entry lines address: (a) gross wages; (b) business income; (c) rental income; (d) interest, dividends, and royalties; (e) pension and retirement income; (f) regular contributions to the debtor's household expenses; and (g) unemployment compensation. Gross wages (before taxes) are required to be entered. Consistent with usage in the Internal Revenue Manual and the American Community Survey of the Census Bureau, business and rental income is 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. The forms provide for totaling the income lines.

C. The means test: deductions from current monthly income (CMI)

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 under are set out in the Code at § 707(b)(2)(A)(ii)-(iv). The forms for Chapter 7 and Chapter 13 have identical sections (Parts V and III, 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."

The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellany, depending on income and household size. The forms contain an entry line for the applicable allowance.

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 family and the number of the debtor's vehicles. Each amount specified in the Local Standards is 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 forms again direct debtors to the website of the U.S. Trustee Program to obtain the appropriate allowances.

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 separated 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 part of the allowance. Accordingly, the forms require debtors to deduct from the mortgage/rent component their average monthly mortgage payment (including required payments for taxes and insurance), 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, with debtors who do not operate vehicles being 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).

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 there should not be double counting of any expense already included in the IRS deductions. Contributions to tax-exempt charities provide another statutory expense deduction. Section 1325(b)(2)(A)(ii) expressly allows a deduction from CMI for such contributions (up to 15% of the debtor's gross income), and § 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." Accordingly, Subpart B also includes an entry line for charitable contributions. The subpart 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. Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also requiring division by 60. 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, therefore, should 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 II computes CMI. 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 for purposes of determining standing to assert the means-test presumption. The means test itself does not

charge a married debtor in a non-joint case with the income of the non-filing spouse, but rather only with contributions made by that spouse to 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 contributed to the household expenses of the debtor or the debtor's dependents.

Part V provides for a calculation of the means test's deductions from the debtor's CMI, as described above.

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.

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. Section 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)(4), the statute requires that the CMI of the debtor's spouse to be combined with the debtor's CMI, and no exception exists 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 contributed to the household expenses of the debtor or the debtor's dependents. The debtor is directed to check the appropriate box at the beginning of the form, stating the applicable commitment period.

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 is 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, as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

Part V provides for three 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

Forms 22A, 22B, & 22C

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."

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 claim additional deductions, as described above, and Part VII is the verification.

October 2006 Supplement to Committee Note

Forms 22A, Line 43, and Form 22C, Line 48, are amended to delete the phrase "in default" with respect to "Other payments on secured claims." A debtor may be required to make other payments to the creditor even when the debt is not in default, such as to retain collateral. Form 22C, Line 17, also is amended to require all chapter 13 debtors, including those whose income falls below the applicable median income, to determine their disposable income under § 1325(b)(3) of the Code by completing Part III of the form. All three forms contain stylistic amendments to conform the wording more closely to that used in the 2005 Act.

Form 23
(10/06)

United States Bankruptcy Court
_____ District Of _____

In re _____,
Debtor

Case No. _____

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:

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 management provider.
(Name of 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).)

COMMITTEE NOTE

The form is new. Sections 727(a)(11) 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 the debtor to complete an instructional course concerning personal financial management as a condition for receiving a discharge. The completed form, when filed by the debtor, will signal the clerk that this condition has been satisfied.

October 2006 Supplement to Committee Note

The form is amended to direct each individual debtor, including both spouses in a joint case, to file a separate certification and to provide the certificate number of the certificate of completion issued to the debtor by the approved personal financial management counselor. The form also is amended to include the deadlines for filing the certification in cases under chapters 7 and 13 and to instruct the debtor that the form is not to be used to file the certificate provided by the debtor's prepetition credit counselor.

**PROPOSED AMENDMENTS TO
OFFICIAL FORMS 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10,
16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, 24, and
PROPOSED NEW EXHIBIT D TO
OFFICIAL FORMS 1, 25A, 25B, 25C, and 26**

D. Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and New Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 Submitted for Publication

The Advisory Committee recommends that the Standing Committee approve the following proposed amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and new proposed Official Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26 for publication for comment.

1. *Synopsis of Proposed Amendments.*

Proposed amendments to 20 Official Forms and five new Official Forms, which the Advisory Committee requests be published for comment by bench and bar in August 2006, are summarized below. The forms and committee notes follow the summary. The committee notes describe all the changes to the forms – those made when the forms were amended or created in October 2005, those proposed to be made in October 2006, and those proposed only in the version which the Advisory Committee requests be published for comment. Some of the forms which have multiple parts are treated together, under a single form number, while others are treated as separate forms. This different treatment reflects the way each form is used.

(a) Official Form 1, Voluntary Petition –

The changes to the form are related to a new 28 U.S.C. § 159 which was enacted as part of the 2005 Act. Section 159 establishes substantial new statistical reporting requirements concerning bankruptcy cases and has a delayed effective date of October 17, 2006. Most of the proposed amendments to Form 1 will assist the courts in fulfilling these new statistical reporting requirements and improve the quality of the data collected. Requests for information about the debtor have been revised and the statutory definition of “consumer debt” has been added to obtain better information about individuals who incur personal debt to finance their business enterprises. Under § 159, statistical information about the debtor’s assets and liabilities must come from the debtor’s schedules; accordingly, the estimated dollar amounts and estimated number of creditors on this form have been simplified, as they now will be used primarily for case management purposes.

An important amendment appears on page 2 of the form. “Exhibit D” replaces the section of the form labeled “Certification Concerning Debt Counseling by Individual/Joint Debtor(s).” Early cases decided under the 2005 amendments to the Bankruptcy Code indicate that individual debtors may not be aware of the requirement to obtain prepetition credit counseling, of the few and very narrow exceptions to that requirement, or of the potentially dire consequences to their efforts to obtain bankruptcy relief if they fail to complete the requirement. “Exhibit D” instructs individual debtors to attach a completed Exhibit D, which is a separate, two-page document.

(b) Official Form 1, Exhibit D - Individual Debtor’s Statement of Compliance with Credit Counseling Requirement -

The separate Exhibit D form contains checkboxes and information about the requirements along with instructions concerning the additional documents that are required in particular circumstances. This format is similar to that of existing Exhibits A and C to Form 1.

(c) Official Form 3A, Application to Pay Filing Fee in Installments -

This form is unchanged from the October 2005 version.

(d) Official Form 3B, Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments -

This form is unchanged from the October 2005 version.

(e) Official Form 4, List of Creditors Holding 20 Largest Unsecured Claims -

The form is amended to provide more detail than the existing cross-reference to Rule 1007(m) concerning notification to a guardian or other appropriate adult when a minor child is a creditor in a bankruptcy case.

(f) Official Form 5, Involuntary Petition -

The changes to the form will facilitate, to the extent possible in an involuntary case, the collection of the same statistical information as a voluntary case.

(g) Official Form 6, Schedules -

Proposed changes in the form to be made in October 2006 have been incorporated in the amendments to be published. In addition, the description of the information to be provided concerning social-security and other taxpayer-identification numbers has been revised in conformity with new rule 9037. The statistical changes include renaming the "Statistical Summary of Certain Liabilities" to "Statistical Summary of Certain Liabilities and Related Data," as additional information is required to be stated there. Schedules D, E, F, I, and J also are amended to facilitate reporting of the required statistical information. Schedules I and J, on which individual debtors report their "current income and current expenditures" are amended to label the totals as "average income" and "average expenses," to conform to the terminology used in § 159. This is a stylistic amendment only, as the instructions on the form already direct the debtor to use averages. The Declaration Concerning Debtor's Schedules is amended in the section designated for an individual debtor's signature to reflect the fact that an individual must complete a two-page summary.

(h) Official Form 7, Statement of Financial Affairs -

The form is amended to conform to new Rule 9037, but is otherwise unchanged.

(i) Official Form 8, Chapter 7 Individual Debtor's Statement of Intention -

The form is unchanged from the October 2005 version.

(j) Official Form 9 - Notice of Commencement of Case, Meeting of Creditors and Deadlines -

The 2005 Act added “family fisherman” to “family farmer” as a category of debtor eligible for bankruptcy relief under chapter 12 of the Bankruptcy Code. The necessity to add “family fisherman” to Forms 9G and 9H, used to notify creditors of the filing of a case under chapter 12, was overlooked when the forms were amended in October 2005. In addition, the 2005 Act provided that the Internal Revenue Service may assert a claim in a chapter 13 case based on a debtor’s income tax return filed during the three to five years the case is pending, or well after the normal deadline for filing a proof of claim. Forms 9G, 9H, and 9I are amended to correct these initial oversights.

(k) Official Form 10 - Proof of Claim -

The 2005 Act changed the priority scheme in § 507(a) of the Code which requires conforming amendments to the form. The form also is 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 have been updated to conform to the new definitions and requirements adopted by the 2005 amendments.

(l) Official Form B16A - Caption (Full) -

The form is amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. The form also is amended to direct the use of only the last four digits of an individual debtor’s taxpayer-identification number.

(m) Official Form 18 - Discharge of Debtor in a Chapter 7 Case -

The form is amended to require the disclosure of all names used by the debtor in the past eight years rather than six years. The form also is 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 is also amended to reflect the changes to the Code governing the nondischargeability of certain obligations.

(n) Official Form 19A - Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer-

The form is amended by renaming the former certification as a “declaration” and by adding additional language mandated by the 2005 amendments to § 110 of the Code.

(o) Official Form 19B - Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer-

The form is unchanged from the October 2005 version.

(p) Official Form 21 - Statement of Social-Security Number -

The form is amended to direct debtors who do not have a social-security number to furnish a taxpayer-identification number on the form.

(q) Official Form 22A - Chapter 7 Statement of Current Monthly Income and Means-Test Calculation -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. In addition, on Line 43, the phrase “in default” has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

(r) Official Form 22B - Chapter 11 Statement of Current Monthly Income -

The form is unchanged from the October 2005 version.

(s) Official Form 22C - Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income -

Throughout the form, stylistic changes have been made so that the language of the form more closely tracks that used in the statute. Line 17 has been amended to require all chapter 13 debtors, including those whose income is below the applicable median, to complete Part III of the form. In addition, on Line 43, the phrase “in default” has been deleted, in recognition that a debtor may be required to make additional payments to a creditor even if the loan is not in default, *e.g.*, to retain collateral.

(t) Official Form 23 - Debtor’s Certification of Completion of Instructional Course Concerning Personal Financial Management -

The form is amended to require the debtor to state the number of the certificate of completion issued by the personal financial management instructor, provide checkboxes for the debtor to indicate any applicable exception to fulfilling the requirement to undergo instruction, and to state the deadlines for filing the certification in a chapter 7 case and a chapter 13 case. The format has been revised to resemble that used in Exhibit D to Form 1, described above.

(u) Official Form 24, Certification to Court of Appeals by All Parties -

The form is unchanged from the October 2005 version.

(v) Official Form 25A, [Name of Proponent]’s Plan of Reorganization, Dated [Insert Date] -

This form is new. It implements § 433 of the 2005 Act. Section 433 specifies that the Judicial Conference is to prescribe a form of reorganization plan for use in a small business case under chapter 11 of the Code and is to do so “within a reasonable period of time after the date of enactment” of the 2005 Act. The form is intended to be used in conjunction with the small business chapter 11 disclosure statement (proposed Official Form 25B), also required to be prescribed by § 433 of the Act. Because the form is to be used in small cases, those with less than \$2 million in assets, the Advisory Committee also drafted instructions for completing the form. Because the type of debtor and details of a proposed reorganization will be quite varied, the difficulties inherent in drafting a new and complex form, and the latitude in timing afforded by § 433, the Advisory Committee did not attempt to complete the form by October 2005. The Advisory Committee expects to receive useful commentary on the proposed form during the comment period.

(w) Official Form 25B, [Name of Plan Proponent]’s Disclosure Statement, Dated [Insert Date] -

This form is new. It implements § 433 of the 2005 Act. Section 433 also specifies that the Judicial Conference is to prescribe a form of disclosure statement for use in a small business case under chapter 11 of the Code and is to do so “within a reasonable period of time after the date of enactment” of the 2005 Act. The form is intended to be used in conjunction with the small business chapter 11 plan of reorganization (proposed Official Form 25A). Because the type of debtor and details of its financial circumstances will be quite varied, the difficulties inherent in drafting a new and complex form, and the latitude in timing afforded by § 433, the Advisory Committee did not attempt to complete the task by October 2005. The Advisory Committee expects to receive useful commentary on the proposed form during the comment period.

(x) Official Form 25C, Small Business Monthly Operating Report -

This form is new. It implements §§ 434 and 435 of the 2005 Act, which provide for rules and an official form to assist small business debtors in chapter 11 cases to fulfill their financial reporting responsibilities under § 308 of the Code, a provision added by the 2005 Act. Section 434 also provides that these reporting requirements will not take effect until 60 days after the effective date of an official form. Rule 2015 already requires a chapter 11 debtor that is operating a business to file reports on its operations. Currently, these debtors use forms developed locally by United States trustees and bankruptcy administrators. The proposed form directs the debtor to disclose all the information specified in § 308; it is modeled on the local forms developed by the United States trustees.

(y) Official Form 26, Periodic Report Concerning Related Entities -

This form is new. It implements § 419 of the 2005 Act, which requires every 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 under proposed new Rule 2015.3. The form was designed with input from accounting professionals and includes instructions and examples of the types of information to be provided.

2. *Proposed Amendments to Official Forms 1, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 16A, 18, 19A, 19B, 21, 22A, 22B, 22C, 23, and 24, and new proposed Official Forms Exhibit D to Form 1, 25A, 25B, 25C, and 26.*

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. or Individual Taxpayer I.D. (ITIN) No./Complete EIN (If more than one, state all.): Last four digits of Soc. Sec. or Individual Taxpayer I.D. (ITIN) No./Complete EIN (If more than one, state all.): Street Address of Debtor (No. & Street, City, and State): Street Address of Joint Debtor (No. & Street, City, and State): ZIP CODE 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): Mailing Address of Joint Debtor (if different from street address): ZIP CODE 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.) Nature of Business (Check one box.) Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) Nature of Debts (Check one box.)

Filing Fee (Check one box.) Chapter 11 Debtors Check one box: Check if: Check all applicable boxes:

Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY 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. Estimated Number of Creditors Estimated Assets Estimated Liabilities

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>	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.

Statement 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.

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

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.

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

UNITED STATES BANKRUPTCY COURT

District of _____

In re _____
Debtor(s)

Case No. _____
(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. *[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 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, 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: _____

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 million 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 is revised to provide more detail, and the information requested concerning estimated assets and liabilities is abbreviated, with the number of ranges reduced and the scope of each range amended. Statistical reports now will be derived from actual dollar amounts of assets and liabilities as shown on the debtor’s schedules. The information requested on the petition, accordingly, is for case management and public information purposes.

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 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 state 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.

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 declaration and certification by an attorney are amended to include new material mandated by the 2005 Act. A signature section also is provided for a representative of a foreign proceeding.

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

- In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to \$ _____ in installments.
- I am unable to pay the filing fee except in installments.
- 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.
- 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).

- 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

Signature of Debtor Date
(In a joint case, both spouses must sign.)

Name of Attorney

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.

In re: _____
Debtor(s)

Case No. _____
(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 Schedules 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 Co-debtor

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 State Bankruptcy Court
District of _____

In re: _____
Debtor(s)

Case No. _____

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.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

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).

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address, including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>

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.

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)	MAILING ADDRESS OF DEBTOR (If different from street address)	
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <div style="text-align: right;">ZIP CODE</div>	<div style="text-align: right;">ZIP CODE</div>	
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11		
INFORMATION REGARDING DEBTOR (Check applicable boxes)		
Nature of Debts (Check one box.) Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and provide the information provided below.) State Type of Entity: _____	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other
VENUE <input type="checkbox"/> 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. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.	FILING FEE (Check one box) <input type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> 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. <i>[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.]</i>	
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) 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; <div style="text-align: center;">or</div> 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.		COURT USE ONLY

Name of Debtor _____

Case No. _____

TRANSFER OF CLAIM

Check this box if there has been a transfer of any claim against the debtor 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 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.

Form B6
(12/08)

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.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

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 _____,
Debtor

Case No. _____

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 and, therefore, 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)		\$

In re _____,
Debtor

Case No. _____
(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 husband, wife, or both 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.)

In re _____,
Debtor

Case No. _____
(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 husband, wife, or both 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).

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
<p>1. Cash on hand.</p> <p>2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and home-stead associations, or credit unions, brokerage houses, or cooperatives.</p> <p>3. Security deposits with public utilities, telephone companies, landlords, and others.</p> <p>4. Household goods and furnishings, including audio, video, and computer equipment.</p> <p>5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.</p> <p>6. Wearing apparel.</p> <p>7. Furs and jewelry.</p> <p>8. Firearms and sports, photographic, and other hobby equipment.</p> <p>9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.</p> <p>10. Annuities. Itemize and name each issuer.</p> <p>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).)</p>				

In re _____,
Debtor

Case No. _____
(If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	N O N E	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
<p>12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.</p> <p>13. Stock and interests in incorporated and unincorporated businesses. Itemize.</p> <p>14. Interests in partnerships or joint ventures. Itemize.</p> <p>15. Government and corporate bonds and other negotiable and non-negotiable instruments.</p> <p>16. Accounts receivable.</p> <p>17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.</p> <p>18. Other liquidated debts owed to debtor including tax refunds. Give particulars.</p> <p>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.</p> <p>20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.</p> <p>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.</p>				

In re _____,
Debtor

Case No. _____
(If known)

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

TYPE OF PROPERTY	N O N E	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.)

In re _____,
Debtor

Case No. _____
(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 \$125,000.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION

In re _____,
Debtor

Case No. _____
 (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 "Code debtor," include the entity on the appropriate schedule of creditors, and complete Schedule H – Code debtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

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

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 <i>(See Instructions Above)</i>	CODE DEBTOR	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 <i>(See Instructions Above)</i>	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.)

In re _____
Debtor

Case No. _____
(if known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, 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).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "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 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.

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 \$10,000* 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).

In re _____,
Debtor

Case No. _____
(if known)

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$4,925* 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 \$2,225* 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, 2007, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

____ continuation sheets attached

In re _____,
Debtor

Case No. _____
(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 <small>(See instructions.)</small>	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.									
Subtotals▶ (Totals of this page)							\$	\$	
Total▶ <small>(Use only on last page of the completed Schedule E. Report also on the Summary of Schedules.)</small>							\$		
Totals▶ <small>(Use only on last page of the completed Schedule E. If applicable, report also on the Statistical Summary of Certain Liabilities and Related Data.)</small>								\$	\$

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 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.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <small>(See instructions above.)</small>	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.)

In re _____
Debtor

Case No. _____
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER <small>(See instructions above.)</small>	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 ___ sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal ▶ \$
							Total ▶ \$ <small>(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.)</small>

In re _____,
Debtor

Case No. _____
(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.

<p>NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.</p>	<p>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.</p>

In re _____,
Debtor

Case No. _____
(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 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

In re _____,
Debtor

Case No. _____
(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:	AGE:
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; 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:

In re _____,
Debtor

Case No. _____
(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."

- 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 _____ ,

Debtor

Case No. _____

(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.
(Total shown on summary page plus 2.)

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 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, and that they are true and correct to the best of my knowledge, information, and belief.
(Total shown on summary page plus 1.)

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.

COMMITTEE NOTE

The forms of the Schedules of Assets and Liabilities are amended 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)(“BAPCPA”). An amendment that directs the debtor to avoid disclosing the name of any minor child occurs in Schedules B, D, E, F, G, and H in conformity with § 112 which was added to the Code in 2005. Section 112 provides for the debtor to furnish the name of any minor child confidentially to the court, should the trustee need the information to evaluate properly the information filed by the debtor. In addition, those schedules are 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 “Statistical Summary of Certain Liabilities and Related Data” is added to collect from individual debtors with primarily consumer debtors the information needed to prepare statistical reports required under 28 U.S.C. § 159, which was enacted as part of BAPCPA. Collecting the bulk of the information to be used in these statistical reports in the Summary of Schedules and the statistical summary will assist the courts and the Director of the Administrative Office to fulfill their statutory responsibilities. Schedules D and E are amended to provide additional totals and, together with Schedule F, to direct debtors who must complete the statistical summary to report total amounts there. Similarly, Schedules I and J are amended to conform their terminology to that used in 28 U.S.C. § 159 and direct debtors who must complete the statistical summary to report the specified amounts there.

Schedules A, B, C, and D are amended to delete the word “market” from the columns in which the debtor reports the value of various kinds of property. Amendments to § 506 of the Code enacted in 2005 specify that “replacement value” must be used in connection with certain property. The schedules no longer specify “market” value and permit the debtor to choose the appropriate one, whether that be replacement, market, or some other value. Valuation of property, generally, is the subject of extensive provisions in the Code, and the deletion of the word “market” from the determinations of value to be made by the debtor on the schedules is intended to remove any inference about choice of valuation

standard. This deletion simply indicates that the form takes no position on which Code provision or valuation standard may be applicable in any particular instance.

The following paragraphs describe changes that are specific to each schedule.

Schedule B - Personal Property is amended to require the debtor to list any interests in an education IRA, because § 541(b)(5), added to the Code in 2005, makes special provision for them. The schedule also is amended to require the debtor to disclose the existence of any customer lists or other compilations containing personally identifiable information provided by an individual to the debtor in connection with obtaining a product or service from the debtor for personal, family, or household purposes. This amendment implements § 332, which was added to the Code by BAPCPA in 2005.

Schedule C - Property Claimed as Exempt is amended to delete descriptive information concerning the length of domicile required for the debtor to qualify to claim certain exemptions. Any summary of the BAPCPA amendments to § 522 of the Code concerning these requirements might inadvertently cause the debtor to lose important rights. Accordingly, the form now directs the debtor to indicate whether exemptions are being claimed under § 522(b)(2) or § 522(b)(3) and whether the debtor claims a homestead exemption that exceeds \$125,000.

Schedule D - Creditors Holding Secured Claims is amended to provide for creating a total of any unsecured amounts (amounts that exceed the value of the collateral) owed to creditors holding secured claims. In addition to facilitating statistical reporting, providing a breakdown of the amounts owed to creditors listed on this schedule will assist the individual debtor in completing the means test calculation under § 707(b)(2)(A)(i) of the Code.

Schedule E - Creditors Holding Unsecured Priority Claims is amended to implement the changes in priority to which a claim may be entitled under 11 U.S.C. § 507 as amended by BAPCPA and to add the new priority included in the 2005 Act for claims for death or personal injury while the debtor was intoxicated. "Subtotal" and "Total" boxes have been added to the columns labeled "Amount Entitled to Priority" and "Amount Not Entitled to Priority" for statistical reporting purposes and to assist the individual debtor in completing the means test calculation under § 707(b)(2)(A)(i) of the Code.

Schedule H - Codebtors is amended to add specifics about community property jurisdictions in connection with the requirement to provide the name of any spouse of a debtor who resides or resided in a community property jurisdiction. This amendment also mirrors amendments made in 1997 to Official Form 7, the Statement of Financial Affairs, and will assure that these codebtors receive notice of the filing of the bankruptcy case. The form also is amended to

extend from six years to eight years the time period for which this information is reported pursuant to the 2005 amendments to § 727(a)(8) of the Code.

Schedule I - Current Income of Individual Debtor(s) is amended to require the income of a nondebtor spouse to be reported in cases filed under chapters 7 and 11 and to make it clear that "every" married debtor must provide income information for both spouses, unless the spouses are separated and a joint petition is not filed. The description of the income to be reported is revised to clarify that the purpose of this schedule is to obtain information about actual income on the date the bankruptcy case is filed and which a debtor reasonably expects in the future. This will help distinguish the information here from the debtor's "current monthly income" as defined in § 101(10A), which was added to the Code by BAPCPA in 2005. Line numbers have been added to assist the debtor in calculating and reporting totals. A new subtotal line for income from sources other than as an employee and a new "average monthly income" line will enable this form to be used in conjunction with Schedule J to satisfy the requirements of § 521(a)(1)(B)(v), which was added to the Code by BAPCPA. New statistical reporting requirements in 28 U.S.C. § 159 also require "average monthly income." In addition, the form is revised to provide the statement concerning any anticipated increase or decrease in income required in § 521(a)(1)(B)(vi), also added to the Code in 2005.

Schedule J - Current Expenditures of Individual Debtor(s). In conjunction with amendments to Schedule I, the form is amended to provide for reporting the debtor's actual "average monthly expenses," as required by 28 U.S.C. § 159 and a statement of monthly net income, itemized to show how the amount is calculated, as required by § 522(a)(1)(B)(v), which was added to the Code by BAPCPA in 2005. In addition, line numbers have been inserted and the description of expenses revised to make it clear than the purpose of this shcedule is to obtain information about a debtor's actual and reasonably foreseeable expenses on the date the bankruptcy case is filed. A direction has been added to require the debtor to report any increase or decrease in expenses anticipated to occur within the year following the filing of the document, as required by § 521(a)(1)(B)(vi), which also was added to the Code in 2005.

Declaration Concerning Debtor's Schedules. The declaration by individual or joint debtors is amended to require the debtor to state the total number of pages being verified as the total number of "sheets" in the schedules "plus 2," to take account of the addition to the form of the Statistical Summary of Certain Liabilities and Related Data. The declaration and signature of any non-attorney bankruptcy petition preparer is amended to include material mandated by § 110 of the Code as amended in 2005.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF _____

In re: _____,
Debtor

Case No. _____
(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).

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
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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
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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
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6. Assignments and receivershipsNone

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
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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
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7. GiftsNone

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
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8. LossesNone

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
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9. Payments related to debt counseling or bankruptcyNone

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
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10. Other transfersNone

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
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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
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11. Closed financial accountsNone

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
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12. Safe deposit boxesNone

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
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13. SetoffsNone

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
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14. Property held for another personNone

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
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15. Prior address of debtorNone

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
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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

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
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- 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
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- 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
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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
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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
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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
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- 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
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- 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
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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)
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- 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
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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
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- 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
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22 . Former partners, officers, directors and shareholdersNone

- 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
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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
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23 . Withdrawals from a partnership or distributions by a corporationNone

- 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
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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)
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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)
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* * * * *

[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.

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 reachback 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.

United States Bankruptcy Court

District Of _____

In re _____,
Debtor

Case No. _____
Chapter 7

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

- I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.
- 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 property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)

Description of Leased Property	Lessor's Name	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)

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 of Bankruptcy Petition Preparer
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.

Social Security No. (Required under 11 U.S.C. § 110.)

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.

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 adding a section covering personal property subject to an unexpired lease and an option labeled “lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)” to the choices a debtor may make. The certification by a non-attorney bankruptcy petition preparer in the form is renamed a “declaration” and is amended to include material mandated by the 2005 amendments to § 110 of the Code.

EXPLANATIONS

Form B9A (12/08)

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. <i>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.</i> 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. <i>You therefore should not file a proof of claim at this time.</i> 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.
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

EXPLANATIONS

Form B9B (12/08)

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. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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. <i>You therefore should not file a proof of claim at this time.</i> 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.
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

EXPLANATIONS

Form B9C (12/08)

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. <i>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.</i> 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 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	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.
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

EXPLANATIONS

Form B9D (12/08)

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. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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 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.
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.
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

EXPLANATIONS

Form B9E (12/08)

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. <i>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.</i> 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 <i>not</i> 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 <i>or</i> 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. <i>See</i> 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.
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	

EXPLANATIONS

Form B9E(ALT) (12/08)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>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.</i> 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.</p>
<p>Claims</p>	<p>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 <i>not</i> 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 <i>or</i> 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 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.</p>
<p>Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. <i>See</i> 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.</p>
<p>Exempt Property</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>
<p align="center">Refer To Other Side For Important Deadlines and Notices</p>	
<p> </p>	

EXPLANATIONS

Form B9F (12/08)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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.</p>
<p>Claims</p>	<p>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 <i>not</i> 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 <i>or</i> 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.</p>
<p>Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. <i>See</i> 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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9F ALT (12/08)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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.</p>
<p>Claims</p>	<p>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 <i>not</i> 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 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.</p>
<p>Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. <i>See</i> 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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9G (12/08)

<p>Filing of Chapter 12 Bankruptcy Case</p>	<p>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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>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.</i> 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.</p>
<p>Claims</p>	<p>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 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.</p>
<p>Discharge of Debts</p>	<p>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.</p>
<p>Exempt Property</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9H (12/08)

<p>Filing of Chapter 12 Bankruptcy Case</p>	<p>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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> 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.</p>
<p>Claims</p>	<p>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 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.</p>
<p>Discharge of Debts</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

Refer To Other Side For Important Deadlines and Notices

EXPLANATIONS

Form B9I (12/08)

<p>Filing of Chapter 13 Bankruptcy Case</p>	<p>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] <i>or</i> [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] <i>or</i> [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.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>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.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>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.</i> 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</p>
<p>Claims</p>	<p>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 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.</p>
<p>Discharge of Debts</p>	<p>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.</p>
<p>Exempt Property</p>	<p>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.</p>
<p>Bankruptcy Clerk's Office</p>	<p>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.</p>
<p>Foreign Creditors</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>

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.

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): _____		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: _____		
Telephone number: _____		
Name and address where payment should be sent (if different from above): _____		<input type="checkbox"/> 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. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number: _____		
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. <input type="checkbox"/> 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.		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. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000*) 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). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
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: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> 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: _____		
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 notice address above. Attach copy of power of attorney, if any.	

FOR COURT USE ONLY

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.

documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

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).

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.

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.

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.

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.

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.

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.

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.

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

DEFINITIONS

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

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).

Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

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.

INFORMATION

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.

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.

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) by a small fee to view your filed proof of claim.

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.

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.

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.

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.

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.

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.

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 Tax-)
payer Identification (ITIN) No(s)., (if any): _____)
Employer's Tax Identification (EIN) No(s). (if any): _____)
_____)

[Designation of Character of Paper]

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.

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.
- 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.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (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 for compensation and have provided the debtor with a copy of that 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 of Bankruptcy Petition Preparer

If the bankruptcy petition preparer is not an individual, state the name, address, and social security number of the officer, principal, responsible person or partner who signs this document.

Social Security No.

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.

COMMITTEE NOTE

The certification by a non-attorney bankruptcy petitioner preparer in this form is renamed a “declaration” and is amended to include material mandated by amendments to § 110 of the Code in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).

Form 19B
(12/08)

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

NOTICE TO DEBTOR BY NON-ATTORNEY BANKRUPTCY PETITION PREPARER

[Must be filed with any document 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;
- concerning the tax consequences of a case brought under the Bankruptcy Code;
- concerning 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;
- concerning how to characterize the nature of your interests in property or your debts; or
- concerning 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 the maximum amount, if any, before preparing any document for filing or accepting any fee from you.

Signature of Debtor Date
[In a joint case, both spouses must sign.]

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); 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.

COMMITTEE NOTE

This form is new. It contains the notice a non-attorney 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). 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 form includes examples of advice a bankruptcy petition preparer may not give that are taken from § 110(e)(2), which also was added to the Code in 2005. The notice must be signed by the debtor and by the bankruptcy petition preparer and filed with any document for filing prepared by the bankruptcy petition preparer.

**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 (ITIN) Number(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 I.D. No.

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 (ITIN) Number and it is: _____
(If more than one, state all.)
- Joint Debtor does not have either a Social Security Number or an Individual Taxpayer I.D. No.

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.

Form B22A (Chapter 7) (12/08)

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 Schedule I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Part I. EXCLUSION FOR DISABLED VETERANS

1 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)).

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.**

	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. Do not enter a number less than zero. Do not include any part of the business expenses entered 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 or spousal support. Do not include amounts paid by the debtor's spouse if Column B is completed.	\$	\$

9	<p>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:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$			
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____							
10	<p>Income from all other sources. If necessary, list additional sources on a separate page. 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. Specify source and amount.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">a.</td> <td style="width: 60%;"></td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 10</p>	a.		\$	b.		\$	\$	\$
a.		\$							
b.		\$							
11	<p>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).</p>	\$	\$						
12	<p>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.</p>	\$	\$						

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	<p>Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.</p>	\$
14	<p>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.)</p> <p>a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____</p>	\$
15	<p>Application of Section 707(b)(7). Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.</p>	

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	<p>Enter the amount from Line 12.</p>	\$
17	<p>Marital adjustment. If you checked the box at Line 2.c, enter the amount of the 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. If you did not check box at Line 2.c, enter zero.</p>	\$
18	<p>Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.</p>	\$

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	<p>National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$
20A	<p>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 family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$

20B		<p>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 family 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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:55%;">IRS Housing and Utilities Standards; mortgage/rental expense</td> <td style="width:40%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net mortgage/rental expense</td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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		<p>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:</p> <hr/> <hr/> <hr/>	\$									
22		<p>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.</p> <p>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. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.)</p>	\$									
23		<p>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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:55%;">IRS Transportation Standards, Ownership Costs, First Car</td> <td style="width:40%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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		<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 23.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:55%;">IRS Transportation Standards, Ownership Costs, Second Car</td> <td style="width:40%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td>Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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		<p>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.</p>										
26		<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>	\$									

27	Other Necessary Expenses: life insurance. Enter 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 court order, such as spousal or child support payments. Do not include payments on past due support 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 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 average monthly amount that you actually expend on health care expenses that are 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 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 Expense Deductions under § 707(b)

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 and total the average monthly amounts that you actually pay for yourself, your spouse, or your dependents in the following categories.		\$	
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
				Total: Add Lines a, b and c
35	Continued contributions to the care of household or family members. Enter the 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 any average 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 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 demonstrating that the additional amount claimed is reasonable and necessary.	\$		
38	Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$		
39	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating 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	<p>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, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.</p>			
	Name of Creditor	Property Securing the Debt	60-month Average Payment	
	a.		\$	
	b.		\$	
	c.		\$	
			Total: Add Lines a, b and c.	\$
43	<p>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.</p>			
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	
	a.		\$	
	b.		\$	
	c.		\$	
			Total: Add Lines a, b and c	\$
44	<p>Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.</p>			\$
45	<p>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.</p>			
	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	<p>Total Deductions for Debt Payment. Enter the total of Lines 42 through 45.</p>			\$

Subpart D: Total Deductions Allowed under § 707(b)(2)

47	<p>Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 33, 41, and 46.</p>			\$
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Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	<p>Enter the amount from Line 18 (Current monthly income for § 707(b)(2))</p>			\$
49	<p>Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))</p>			\$
50	<p>Monthly disposable income under § 707(b)(2). Subtract Line 49 from Line 48 and enter the result</p>			\$
51	<p>60-month disposable income under § 707(b)(2). Multiply the amount in Line 50 by the number 60 and enter the result.</p>			\$

Initial presumption determination. Check the applicable box and proceed as directed.

52 **The amount on Line 51 is less than \$6,000.** 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 \$10,000. 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 \$6,000, but not more than \$10,000. 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. \$

Secondary presumption determination. Check the applicable box and proceed as directed.

55 **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)

Form B22B (Chapter 11) (12/08)

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	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>b. <input type="checkbox"/> Married, not filing jointly. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>c. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.</p>			Column A	Column B												
	<p>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.</p>			Debtor's Income	Spouse's Income												
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$	\$												
3	<p>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. Do not enter a number less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 40%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td></td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$		b.	Ordinary and necessary business expenses	\$		c.	Business income		Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$															
b.	Ordinary and necessary business expenses	\$															
c.	Business income		Subtract Line b from Line a														
4	<p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 40%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td></td> <td style="text-align: center;">Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$		b.	Ordinary and necessary operating expenses	\$		c.	Rent and other real property income		Subtract Line b from Line a	\$	\$
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	<p>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 or spousal support. Do not include contributions from the debtor's spouse if Column B is completed.</p>			\$	\$												
8	<p>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:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 20%;">Debtor \$ _____</td> <td style="width: 40%;">Spouse \$ _____</td> </tr> </table>			Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$									
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____															
9	<p>Income from all other sources. If necessary, list additional sources on a separate page. 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. Specify source and amount.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 55%;"></td> <td style="width: 40%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>Total and enter on Line 9</p>			a.		\$	b.		\$	\$	\$						
a.		\$															
b.		\$															
10	<p>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).</p>			\$	\$												
11	<p>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.</p>			\$	\$												

Part II: VERIFICATION

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.)*

12

Date: _____

Signature: _____
(Debtor)

Date: _____

Signature: _____
(Joint Debtor, if any)

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	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>b. <input type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.</p> <p>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.</p>			Column A Debtor's Income	Column B Spouse's Income									
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$	\$									
3	<p>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. 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 75%;">Gross receipts</td> <td style="width: 20%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td>\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td>Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$	b.	Ordinary and necessary business expenses	\$	c.	Business income	Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$												
b.	Ordinary and necessary business expenses	\$												
c.	Business income	Subtract Line b from Line a												
4	<p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 75%;">Gross receipts</td> <td style="width: 20%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td>\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td>Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$	b.	Ordinary and necessary operating expenses	\$	c.	Rent and other real property income	Subtract Line b from Line a	\$	\$
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 or spousal support. Do not include amounts paid by the debtor's spouse.			\$	\$									
8	<p>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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 30%;">Debtor \$ _____</td> <td style="width: 30%;">Spouse \$ _____</td> </tr> </table>			Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	\$	\$						
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____												
9	<p>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 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 75%;"></td> <td style="width: 20%;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td>\$</td> </tr> </table>			a.		\$	b.		\$	\$	\$			
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 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. Otherwise, enter zero.	
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 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. If you are unmarried or married and filing jointly with your spouse, enter zero.	\$
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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 ALLOWED UNDER § 707(b)(2)		
Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)		
24	National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$
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 family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$

25B	<p>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 family 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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:60%;">IRS Housing and Utilities Standards; mortgage/rent Expense</td> <td style="width:35%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net mortgage/rental expense</td> <td style="text-align: right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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:</p> <hr/> <hr/> <hr/>	\$									
27	<p>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.</p> <p>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. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.)</p>	\$									
28	<p>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.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs, First Car</td> <td style="width:35%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align: right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 28.</p> <p>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.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">a.</td> <td style="width:60%;">IRS Transportation Standards, Ownership Costs, Second Car</td> <td style="width:35%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 47</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td style="text-align: right;">Subtract Line b from Line a.</td> </tr> </table>	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.	\$
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	<p>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.</p>	\$									
31	<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>	\$									

32	Other Necessary Expenses: life insurance. Enter 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 court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 49.	\$
34	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.	
35	Other Necessary Expenses: childcare. Enter the 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 average monthly amount that you actually expend on health care expenses that are 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 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 Expense Deductions under § 707(b)

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 and total the average monthly amounts that you actually pay for yourself, your spouse, or your dependents in the following categories.		\$	
	a.	Health Insurance		\$
	b.	Disability Insurance		\$
	c.	Health Savings Account		\$
				Total: Add Lines a, b, and c
40	Continued contributions to the care of household or family members. Enter the 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 any average 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.	\$		
42	Home energy costs. 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. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.	\$		
43	Education expenses for dependent children under 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.	\$		
44	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.	\$		
45	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).	\$		
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, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.

	Name of Creditor	Property Securing the Debt	60-month Average Payment
a.			\$
b.			\$
c.			\$
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 priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.

\$

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 Allowed under § 707(b)(2)

52 Total of all deductions allowed under § 707(b)(2). 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, included in Line 7, 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 average of (a) all contributions or wage deductions made to qualified retirement plans, as specified in § 541(b)(7) and (b) all 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 Total adjustments to determine disposable income. Add the amounts on Lines 54, 55, and 56 and enter the result.

\$

58	Monthly Disposable Income Under § 1325(b)(2). Subtract Line 57 from Line 53 and enter the result.	\$
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Part VI: ADDITIONAL EXPENSE CLAIMS

59	<p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 80%;">Expense Description</th> <th style="width: 15%;">Monthly Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">Total: Add Lines a, b, and c</td> <td style="text-align: center;">\$</td> </tr> </tbody> </table>		Expense Description	Monthly Amount	a.		\$	b.		\$	c.		\$		Total: Add Lines a, b, and c	\$
	Expense Description	Monthly Amount														
a.		\$														
b.		\$														
c.		\$														
	Total: Add Lines a, b, and c	\$														

Part VII: VERIFICATION

60	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i></p> <table style="width: 100%;"> <tr> <td style="width: 45%;">Date: _____</td> <td style="width: 55%;">Signature: _____ <small>(Debtor)</small></td> </tr> <tr> <td>Date: _____</td> <td>Signature: _____ <small>(Joint Debtor, if any)</small></td> </tr> </table>	Date: _____	Signature: _____ <small>(Debtor)</small>	Date: _____	Signature: _____ <small>(Joint Debtor, if any)</small>
Date: _____	Signature: _____ <small>(Debtor)</small>				
Date: _____	Signature: _____ <small>(Joint Debtor, if any)</small>				

COMMITTEE NOTE

A. Overview

Among the changes introduced by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 are 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 must be contributed to payment of unsecured creditors. Moreover, Chapter 13 debtors with CMI above defined levels are required by § 1325(b)(3) to complete the means test in order to determine the amount of their monthly disposable income; 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 as set out in the Chapter 7 and 13 forms, and finally addresses particular issues that are unique to each of the 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 form provides for reporting income items constituting CMI. The items are reported in a set of entry lines—Part II of the Chapter 7 form 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 specify several common types of income and are followed by a "catch-all" line for other income. The specific entry lines address: (a) gross wages; (b) business income; (c) rental income; (d) interest, dividends, and royalties; (e) pension and retirement income; (f) regular contributions to the debtor's household expenses; and (g) unemployment compensation. Gross wages (before taxes) are required to be entered. Consistent with usage in the Internal Revenue Manual and the American Community Survey of the Census Bureau, business and rental income is 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. The forms provide for totaling the income lines.

C. The means test: deductions from current monthly income (CMI)

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 under are set out in the Code at § 707(b)(2)(A)(ii)-(iv). The forms for Chapter 7 and Chapter 13 have identical sections (Parts V and III, 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."

The IRS National Standards provide a single allowance for food, clothing, household supplies, personal care, and miscellany, depending on income and household size. The forms contain an entry line for the applicable allowance.

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 family and the number of the debtor's vehicles. Each amount specified in the Local Standards is 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 forms again direct debtors to the website of the U.S. Trustee Program to obtain the appropriate allowances.

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 separated 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 part of the allowance. Accordingly, the forms require debtors to deduct from the mortgage/rent component their average monthly mortgage payment (including required payments for taxes and insurance), 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, with debtors who do not operate vehicles being 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).

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 there should not be double counting of any expense already included in the IRS deductions. Contributions to tax-exempt charities provide another statutory expense deduction. Section 1325(b)(2)(A)(ii) expressly allows a deduction from CMI for such contributions (up to 15% of the debtor's gross income), and § 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." Accordingly, Subpart B also includes an entry line for charitable contributions. The subpart 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. Priority debt, deductible pursuant to § 707(b)(2)(A)(iv), is treated on a single entry line, also requiring division by 60. 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, therefore, should 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 II computes CMI. 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 for purposes of determining standing to assert the means-test presumption. The means test itself does not

charge a married debtor in a non-joint case with the income of the non-filing spouse, but rather only with contributions made by that spouse to 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 contributed to the household expenses of the debtor or the debtor's dependents.

Part V provides for a calculation of the means test's deductions from the debtor's CMI, as described above.

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.

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. Section 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)(4), the statute requires that the CMI of the debtor's spouse to be combined with the debtor's CMI, and no exception exists 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 contributed to the household expenses of the debtor or the debtor's dependents. The debtor is directed to check the appropriate box at the beginning of the form, stating the applicable commitment period.

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 is 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, as incorporated by § 1325(b)(3) for debtors with CMI above the applicable state median.

Part V provides for three 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."

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 claim additional deductions, as described above, and Part VII is the verification.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

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:

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 management provider.
(Name of 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 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) 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 the debtor 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 which state the deadlines for filing the certification in chapter 7 and chapter 13 cases and remind the debtor that the form is not to be used for filing a certification of prepetition credit counseling.

[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 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

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.

United States Bankruptcy Court

District of _____

In re _____,
Debtor

Case No. _____

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 in the Debtor. [If the Debtor is an individual -- “The interests of an 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
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.

7.05 Captions. The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

[7.06 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.]

[7.07 Corporate Governance. [If the Debtor is a corporation include provisions required by § 1123(a)(6) of the Code.]]

ARTICLE VIII **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.**”]

8.01. **[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 IX
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 the holders of equity interests in 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 interests.

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.

GENERAL PROVISIONS

13. The seventh 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

14. The eighth 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

15. To the extent that other provisions, not provided in the plan, are desired, they should be placed in the ninth 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.

Form 25B
(12/08)

United States Bankruptcy Court

District of _____

In re _____,
Debtor

Case No. _____

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:

<u>Type</u>	<u>Estimated Amount Owed</u>	<u>Proposed Treatment</u>
Expenses Arising in the Ordinary Course of Business After the Petition Date		Paid in full on the effective date of the Plan, or 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 = 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
	<i>Secured claim of:</i> 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] =

<i>Secured claim of:</i> 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] =
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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 not 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)	\$
 <i>Total Assets at Liquidation Value</i>	 \$

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:	\$
<i>Less –</i>	
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.

United States Bankruptcy Court

District of _____

In re _____,
Debtor

Case No. _____

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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. HAVE YOU PAID ALL YOUR BILLS ON TIME THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DID YOU PAY YOUR EMPLOYEES ON TIME? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. HAVE YOU DEPOSITED ALL THE RECEIPTS FOR YOUR BUSINESS INTO THE DIP ACCOUNT THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. HAVE YOU FILED ALL OF YOUR TAX RETURNS AND PAID ALL OF YOUR TAXES THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. HAVE YOU TIMELY FILED ALL OTHER REQUIRED GOVERNMENT FILINGS? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. HAVE YOU PAID ALL OF YOUR INSURANCE PREMIUMS THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. DO YOU PLAN TO CONTINUE TO OPERATE THE BUSINESS NEXT MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. ARE YOU CURRENT ON YOUR QUARTERLY FEE PAYMENT TO THE U.S. TRUSTEE? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. HAVE YOU PAID ANYTHING TO YOUR ATTORNEY OR OTHER PROFESSIONALS THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. DID YOU HAVE ANY UNUSUAL OR SIGNIFICANT UNANTICIPATED EXPENSES THIS MONTH? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. HAS THE BUSINESS SOLD ANY GOODS OR PROVIDED SERVICES OR TRANSFERRED ANY ASSETS TO ANY BUSINESS RELATED TO THE DIP IN ANY WAY? | <input type="checkbox"/> | <input type="checkbox"/> |

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. 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 _____

(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.

	<u>Projected</u>	<u>Actual</u>	<u>Difference</u>
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.

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 _____

<u>Assets</u>	<u>Year to date</u>	<u>Prior Fiscal Year</u>
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	_____	_____
<u>Liabilities and Shareholders'/Partners' Equity</u>		
	<u>Year to date</u>	<u>Prior Fiscal Year</u>
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 _____

	<u>Year to date</u>	<u>Prior Fiscal Year</u>
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.

Comparison Chart for Proposed Rules

RULE	Req'd by 2005 Act	Interim Rule	Change From Interim Rule
1005	Yes	No	New Rule
1006	Yes	Yes	None
1007	Yes	Yes	Stylistic revisions & revision to allow postpetition filing of credit counseling cert. in limited circumstances
1009	Yes	Yes	None
1010	Yes (in part)	Yes	New subdivision (b) added
1011	Yes (in part)	Yes	New subdivision (f) added
1015	Yes	Yes	None
1017	Yes	Yes	None
1019	Yes	Yes	Stylistic
1020	Yes	Yes	Stylistic
1021	Yes	Yes	Stylistic
2002	Yes	Yes	Stylistic
2003	Yes	Yes	None
2007.1	Yes	Yes	None
2007.2	Yes	Yes	Stylistic
2015	Yes	Yes	Added new subdivision (a)(6)
2015.1	Yes	Yes	Stylistic
2015.2	Yes	Yes	Stylistic
2015.3	Yes	No	New Rule

3002	Yes	Yes	Amendment to (c)(5) is new. Other changes stylistic only.
3003	Yes	Yes	None
3016	Yes	Yes	Subdivision (d) is new.
3017.1	Yes	Yes	None
3019	Yes	Yes	Stylistic
4002	Yes	Yes	Stylistic
4003	Yes	Yes	New deadline to object to exemptions is set out in subdivision (b)(1), and a new subdivision (b)(2) is inserted in the rule. Subparagraphs in subdivision (b) are renumbered. Subdivision (d) is amended. The amendments in subdivisions (b)(2) and (d) are not related to the 2005 Act.
4004	Yes	Yes	Stylistic
4006	Yes	Yes	Stylistic
4007	Yes	Yes	None
4008	Yes	Yes	New deadline for filing reaffirmation agreements in subdivision (a)
5001	No	No	New amendment
5003	Yes	Yes	Stylistic

5008	Yes	Yes	Stylistic
5012	Yes	Yes	Stylistic
6004	Yes	Yes	Stylistic
6011	Yes	Yes	Stylistic
8001	Yes (in part)	Yes	Subdivision (e) revised to govern withdrawal of election to have district court hear appeal (not required by 1005 Act); addition of subdivision (f)(5)
8003	Yes	Yes	No Change
9006	Yes	No	New Amendment
9009	Yes	No	New Amendment

Bankruptcy Rules Tracking Docket (By Rule Number)**5/19/06****Approved Items – Pending Congressional action (if any)**

Suggestion	Effective Date
Rule 1009 Requires debtor to submit corrected social security number	12/1/06
Rule 5005(a)(2) Authorizes bankruptcy courts to require electronic filing by local rule	12/1/06
Rule 5005(c) Adds BAP clerk and district judges to list of officers required to transmit erroneously delivered papers to bankruptcy clerk of court	12/1/06
Rule 7004(b)(9),(g) Clarifies that debtor's attorney must be served with a copy of any summons and complaint filed against the debtor without regard to how the summons and complaint are served on the debtor	12/1/06

Active Items

Suggestion	Docket No., Source & Date	Status Pending Further Action	Tentative Effective Date
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	12/1/08
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	12/1/08
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	12/1/08
Rule 1007(b)(7),(c) Required documents	Interim Rule to implement BAPCPA	3/06 - Committee approved changes in Interim Rule for adoption in 2006 6/06 - Standing Committee agenda	10/1/06
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	12/1/08
Rule 1010 Service of involuntary, petition for recognition	Interim Rule to implement BAPCPA	8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule	12/1/08

<p>Rules 1010(b) Rule 7007.1 applied in involuntary and chapter 15 cases</p>	<p>Committee proposal</p>	<p>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</p>	<p>12/1/08</p>
<p>Rule 1011(a) Response to involuntary, cross border case</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rule 1011(f) Rule 7007.1 applied in involuntary and chapter 15 cases</p>	<p>Committee proposal</p>	<p>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</p>	<p>12/1/08</p>
<p>Rule 1014 Clarifies that court may act <i>sua</i> <i>sponte</i> to dismiss or convert a case</p>	<p>Joint Subcommittee on Venue and Chapter 11 Matters</p>	<p>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 approval</p>	<p>12/1/07</p>
<p>Rule 1015(b) Cross reference to § 522(b)</p>	<p>Committee proposal (technical amendments) to implement BAPCPA</p>	<p>3/06 - Committee approved for publication</p>	<p>12/1/08</p>
<p>Rule 1017(e) Dismissal or conversion for abuse NC</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rules 1019(2) New filing periods in converted case</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>

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	12/1/08
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	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	12/1/08
Rule 2002(g)(1) Address for notices	05-BK- D Judge Robert D. Martin Clerk Marcia M. Anderson 10/25/05	10/05 - Sent to chair and reporter 11/05 - Sent to CM/ECF staff	
Rule 2002(g)(5) Notice under § 342(g)(1)	National Bankruptcy Conference to implement BAPCPA	3/06 - Committee approved for publication	12/1/08
Rule 2002(k) Notice to U.S. trustee of petition for recognition	Committee Proposal to implement BAPCPA	3/06 - Committee approved for publication as national rule	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	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	12/1/08
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	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	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 as national rule	12/1/08
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	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	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	12/1/08
Rule 2021 Large chapter 11 case management and teleconferences	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Discussed by Joint Subcommittee 9/05 - Referred to Joint Subcomt.	
Rule 3001 Procedure for filing excerpts supporting proof of claim	04-BK-A Glen K. Palman for Claims Subcomt. of CM/ECF Working Group 2/19/04	9/04 - Committee considered, referred to Subcommittee on Forms 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Withdrawn by Committee	

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	12/1/08
Rule 3002(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	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	12/1/08
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 approval	12/1/07
Rule 3007(c)-(f) Omnibus objections to claims	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Considered by Joint Subcomt. 9/04 - Approved in principle by Committee 1/05 - Revised by Joint Subcomt. 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approval with changes	12/1/07
Rule 3007 Service of objections to claims	Judge Christopher M. Klein	9/05 - Referred to Business Subcommittee 3/06 - Committee took no action	

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	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 as national rule	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	12/1/08
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	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 Subcomt. 9/04 - Discussed by Committee 1/05 - Approved by Joint Subcomt. 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for public comment 3/06 - Committee approval with changes	12/1/07

<p>Rule 4002 Debtor's obligation to provide tax returns, personal identification, and other documents</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p> <p>Interim Rule to implement BAPCPA</p>	<p>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 approval (as modified) 4/05 - Committee deferred action 8/05 - Included in Interim Rules 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rule 4003(b) Allow retroactive extension of deadline, and provide that secured creditors may object to exemption claim.</p>	<p>04-BK-B Judge Eugene R. Wedoff 2/17/04</p>	<p>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</p>	<p>12/1/08</p>
<p>Rule 4003(b) Objection to exemption based on § 522(q)</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rule 4003(d) Lien holder's objection to avoidance notwithstanding the 30-day limit</p>	<p>04-BK-B Judge Eugene R. Wedoff 2/17/04</p>	<p>9/04 - Committee considered as part of Rule 4003(b) amendment, referred to Consumer Subcommittee 3/05 - Committee considered, referred to Consumer Subcomt. 9/05 - Committee approved for publication</p>	<p>12/1/08</p>

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	12/1/08
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	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	12/1/08
Rule 4008 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 approval 6/04 - Standing Committee approval 9/04 - Judicial Conference approval 4/05 -Withdrawn from Supreme Court at request of Committee and Executive Committee due to conflicting provisions in bankruptcy reform legislation 3/06 - Committee approved revised draft for publication	12/1/08
Rule 4008 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	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	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	12/1/08
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	12/1/08
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	12/1/08
Rule 6003 (new) First day orders	Joint Subcommittee on Venue and Chapter 11 Matters	8/04 - Discussed by Joint Subcomt. 9/04 - Discussed by Committee 1/05 - Approved by Joint Subcomt. 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for Public Comment 3/06 - Committee approval with changes	12/1/07
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	12/1/08

<p>Rule 6006 Omnibus motions for assumption, rejection, or assignment</p>	<p>Joint Subcommittee on Venue and Chapter 11 Matters</p>	<p>8/04 - Considered by Joint Subcomt. 9/04 - Approved in principle by Committee 1/05 - Approved by Joint Subcomt. 3/05 - Committee approved for publication 6/05 - Standing Committee approved for publication 8/05 - Published for Public Comment 3/06 - Committee approval with changes</p>	<p>12/1/07</p>
<p>Rule 6011 (new) Disposal of patient records</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rule 7007.1 Corporate ownership statement with initial filing</p>	<p>Committee proposal</p>	<p>9/04 - Committee approval as technical amendment without publication 1/05 - Standing Committee approved publication 8/05 - Published for Public Comment 3/06 - Committee approval</p>	<p>12/1/07</p>
<p>Rule 8001 Direct appeals</p>	<p>Interim Rule to implement BAPCPA</p>	<p>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</p>	<p>12/1/08</p>

<p>Rule 8002(a) Extending the time for appeal</p>	<p>Committee proposal</p>	<p>9/04 - Committee considered, referred to Technology and Cross Border Insolvency Subcommittee 1/05 – Subcommittee recommended taking no action 3/05 - Referred to Technology and Cross Border Insolvency Subcomt. 9/05 - Committee deferred action pending study of time periods in all federal rules</p>	
<p>Rule 8003(d) Authorization of direct appeal as leave to appeal</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication as national rule</p>	<p>12/1/08</p>
<p>Rule 9005.1 (new) Incorporate proposed Civil Rule 5.1 in the bankruptcy rules.</p>	<p>03-BK-F Judge Geraldine Mund 10/14/03</p>	<p>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 approval</p>	<p>12/1/07</p>
<p>Rule 9006 Enlargement and reduction of time</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 3/06 - Committee approved for publication with changes as national rule</p>	<p>12/1/08</p>
<p>Rule 9009 References to Interim Rules in Official Forms</p>	<p>Interim Rule to implement BAPCPA</p>	<p>8/05 - Approved by Committee as Suggested Interim Rule 12/08 - Expires when Interim Rules become national rules</p>	

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	12/1/08
Rule 9011 Attorney conduct	Senators Charles E. Grassley and Jeff Sessions	3/06 - Referred to Attorney Conduct and Health Care Subcommittee	
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, report in Sept.	
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 approval with changes	12/1/07
New Rule Representation of corporations in small claims matters	05-BK-A (see also 06-BK-A, 00-BK-D, 98-BK-A) Judge Paul Mannes	9/05 - Referred to Attorney Conduct and Health Care Subcommittee 3/06 - Committee decided to take no action	

New Rules Chapter 15	05-BK-B Judge Samuel Bufford	3/06 - Referred to Subcommittee on Technology and Cross Border Insolvency, report in September	
Local Rules Due process for attorneys accused of misconduct	ABA Task Force on Attorney Discipline	9/05 - Referred to Subcommittee on Attorney Conduct and Health Care 3/06 - Committee decided to take no action	
New Rule Representation of corporations when less than \$5,000 at issue	06-BK-A (see also 05-BK-A, 00-BK-D, 98-BK-A) Judge Paul Mannes	9/05 - Sent to chair and reporter	
Official Forms 1, 1-Exh. D, 3A, 3B, 4, 5, 6-Summary, 6A-J, 6-Declaration, 7, 8, 9A-I, 10, 16A, 18, 19A, 19B, 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	12/1/08
Official Forms 1, 1-Exh. D, 5, 6-Summary, 6D, 6E, 6F, 6I, 6J, 6-Declaration, 9G, 9H, 9I, 22A, 22C, 23 Statistics, practice under BAPCPA	Forms Subcommittee to implement BAPCPA	3/06 - Committee approved "immediate" changes in several 10/05 forms 5/06 - Committee approved (by email) new Exh. D as "immediate change" to Official Form 1 6/06 - Standing Committee agenda	10/1/06

<p>Official Form 10 Revised to clarify requirements for attachments</p>	<p>04-BK-A Glen K. Palman 2/19/04</p>	<p>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</p>	<p>12/1/08</p>
<p>Official Form 21 Implement privacy rule</p>	<p>Forms Subcommittee</p>	<p>3/06 - Committee approved for publication</p>	<p>12/1/08</p>
<p>Official Forms 25A, 25B (new) Form plan and disclosure statement</p>	<p>Business Subcommittee to implement BAPCPA</p>	<p>9/05 - Model plan approved in principle 9/05 - Model plan and disclosure statement referred to Business Subcommittee 3/06 - Committee approved for publication</p>	<p>12/1/08</p>
<p>Official Form 25C (new) Periodic financial report by small business debtor</p>	<p>Business Subcommittee to implement BAPCPA</p>	<p>9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication</p>	<p>12/1/08</p>
<p>Official Form 26 (new) Periodic report on related entities</p>	<p>Business Subcommittee to implement BAPCPA</p>	<p>9/05 - Referred to Business Subcommittee 3/06 - Committee approved for publication</p>	<p>12/1/08</p>
<p>Director's Forms 18J, 18JO, 18F, 18FH, 18W, 18WH, 200, 201, 240, 280</p>	<p>Forms Subcommittee to implement BAPCPA</p>	<p>9/05 - Reviewed by Committee 10/05 - Issued by Director of Administrative Office</p>	<p>10/17/05</p>

Director's Forms 240, 281	Forms Subcommittee to implement BAPCPA	3/06 - Reviewed by Committee 9/05 - Referred to Forms Subcommittee	
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Inactive Items / Historical Information

Suggestion	Docket No., Source & Date	Status
Rules 3020, 4001(a) Automatic stay terminated at confirmation	05-BK-C Nicholas P. Spallas 9/30/05	10/05 - Sent to chair and reporter NO FURTHER ACTION
Rule 4003(b) Objection to exemptions in converted case	05-BK-B Judge Samuel L. Buford 9/15/05	9/05 - Sent to chair and reporter NO FURTHER ACTION
Rule 9006 Limit after-the-fact extensions of time under Rules 3004 and 3005.	03-BK-005 Judge Dennis Lynn 1/6/04	1/04 - Referred to chair, reporter, and committee 9/04 - Committee deferred action FURTHER ACTION MAY BE APPROPRIATE
Official Form 6, Schedule I Income of non-filing spouse disclosure	03-BK-D Lawrence A. Friedman 8/1/03	8/03 - Sent to chair and reporter 9/03 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment 3/05 - Committee approval, chair given discretion to refer to Forms Subcommittee if legislation passes 8/05 - Included in revision for reform legislation NO FURTHER ACTION

ADVISORY COMMITTEE ON BANKRUPTCY RULES

**Meeting of March 8-10, 2006
Chapel Hill N.C.**

Draft Minutes

The following members attended the meeting:

District Judge Thomas S. Zilly, Chairman
Circuit Judge R. Guy Cole, Jr.
District Judge Irene M. Keeley
District Judge William H. Pauley III
District Judge Richard A. Schell
District Judge Laura Taylor Swain
Bankruptcy Judge Christopher M. Klein
Bankruptcy Judge Mark B. McFeeley
Bankruptcy Judge James D. Walker, Jr.
Bankruptcy Judge Eugene R. Wedoff
Dean Lawrence Ponoroff
G. Eric Brunstad, Jr., Esquire
J. Christopher Kohn, Esquire
J. Michael Lamberth, Esquire
K. John Shaffer, Esquire

The following persons also attended the meeting:

Professor Jeffrey W. Morris, Reporter
Circuit Judge Edward Leavy, former chairman
District Judge Adrian G. Duplantier, former chairman
Bankruptcy Judge Paul Mannes, former chairman
Bankruptcy Judge Thomas Small, former chairman
Bankruptcy Judge Eric L. Frank, former member
Professor Alan N. Resnick, former reporter, former member
Howard L. Adelman, Esquire, former member
Circuit Judge Harris L. Hartz, liaison from the Committee on Rules of Practice and Procedure (Standing Committee)
Professor Edward J. Janger, advisor to the Committee
Professor Daniel R. Coquillette, reporter to the Standing Committee
Professor Daniel J. Capra, reporter to the Advisory Committee of Evidence Rules (participated by telephone).
Peter G. McCabe, secretary of the Standing Committee
Donald F. Walton, Acting Deputy Director, Executive Office for U.S. Trustees (EOUST)
Mark A. Redmiles, National Civil Enforcement Coordinator, EOUST
James J. Waldron, Clerk, U.S. Bankruptcy Court for the District of New Jersey

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

Professor Melissa B. Jacoby, advisor to the Committee
Interim Dean Gail B. Agrawal, University of North Carolina School of Law
Patricia S. Ketchum, advisor to the Committee
John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of
the U.S. Courts (Administrative Office)
James Ishida, Rules Committee Support Office, Administrative Office
James H. Wannamaker, Bankruptcy Judges Division, Administrative Office
Stephen Scott Myers, Bankruptcy Judges Division, Administrative Office
Elizabeth Wiggins, Federal Judicial Center (FJC)
Philip S. Corwin, Butera & Andrews, Washington, D.C.
Jeffrey A. Tassej, Tassej & Associates, Washington, D.C.
Karl F. Kaufman, Sidley Austin Brown & Wood, Washington, D.C.

The following person was unable to attend the meeting:

Bankruptcy Judge Dennis Montali, liaison from the Committee on the
Administration of the Bankruptcy System (Bankruptcy Administration Committee)

The following summary of matters discussed at the meeting should be read in
conjunction with the memoranda and other written materials referred to, all of which are on file
in the office of the Secretary of the Standing Committee. Votes and other action taken by the
Committee and assignments by the Chairman appear in **bold**.

Introductory Matters

The Chairman welcomed the members, former members, liaisons, advisers, staff, and
guests to the meeting. He commended the staff of the Administrative Office on their efforts in
compiling and organizing many changes to the agenda material made just days before the
meeting. The Chairman specially praised the support provided by Gail Mitchell and Judith
Krivit, and he commended John Rabiej, James Isida, James Wannamaker, and Scott Myers on
their efforts as well.

The Chairman directed the Committee's attention to the minutes of the previous two
meetings. **The Committee voted without objection to approve the minutes of the September
2005 meeting in Santa Fe. It also approved minor corrections to the minutes of the March
2005 meeting in Sarasota, Florida.**

The Chairman and Mr. McCabe briefed the Committee on the January 2006 meeting of
the Standing Committee. Copies of the Standing Committee minutes were distributed to the
attendees.

Judge Klein reported on the most recent meeting of the Bankruptcy Administration
Committee. He said that none of the issues under consideration by the Bankruptcy
Administration Committee had any bankruptcy rule implications.

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

Judge Klein also reported on most recent meeting of the Committee on Evidence Rules. He stated that the Evidence Rules Committee is not currently proposing any amendments to the rules.

Judge Walker reported on the most recent meeting of the Committee on Civil Rules. He discussed revisions of Civil Rules 8, 15, 26, 33 & 36, and said that the Civil Rules Committee is currently working on two broad topics: (1) setting forth a uniform computation of time under the rules; and (2) changes to rule 56 and notice pleading.

The Chairman remarked that due to late-filed comments on certain rules and forms, a number of agenda items would be discussed “out of order.” He explained that the time-frame between the end of the comment period and the spring meeting this year was very short, and that there had been no published cutoff date for submitting comments to the interim rules. As a result, many comments were received after the agenda materials were initially compiled, and consideration of some of the new comments required changes in the organizational structure of the agenda materials. To avoid a similar problem next year, he suggested possibly moving the spring meeting from March to April.

Action Items

Rules Published in 2005 (Agenda Item 3)

In memos dated February 6, 2006, February 16, 2006, and February 22, 2006, the Reporter described the public comments and the comments of the Style Subcommittee of the Standing Committee to proposed amendments published in 2005 to Rules 1014, 3001, 3007, 4001, 6006, 7007.1 and proposed new Rules 6003, 9005.1 and 9037. The Chairman said that discussion of the proposed changes to Rule 9037 regarding privacy would be considered on Thursday, when Professor Capra would be able to participate by telephone.

Rules 7007.1 and 9005.1. Because there were no comments to the proposed changes to Rule 7007.1 regarding the time for filing a corporate ownership statement, and proposed Rule 9005.1 regarding the applicability of FRCP 5.1 in cases under the Code, the Chairman entertained motions to approve each rule as published. **The motions to recommend final approval of Rules 7007.1 and 9005.1 as published carried without dissent.**

Rule 3001 and Form 10. The Chairman then took up the proposed changes and comments to Rule 3001 and asked to Committee to focus on the Reporter’s February 22, 2006, memo (at Agenda Item 3(a)). The Chairman noted that changes to Official Form 10 would be considered in conjunction with the proposed changes to Rule 3001.

The Reporter summarized the proposed changes to Rule 3001 as: limiting the length of attachments to a proof of claim form (generally 25 pages, and 5 pages where the attachment evidences the perfection of a security interest); a requirement for excerpts and a summary to describe what would otherwise be voluminous attachments; and a change in the rule to require submission of “copies” of a writing as opposed to “original or duplicates” to evidence a claim.

The Reporter summarized the comments into three categories: (1) no change is needed; (2) the costs in preparing a summary and excerpting relevant portions of the writing would be too expensive; and (3) the five-page limit for evidence of perfection of a security interest was too short.

Some members of the Committee agreed that there may be a benefit to limiting attachments to preserve court resources, such as limited bandwidth available to upload and store voluminous attachments, but that the need to excerpt portions of the writing and to create a summary whenever the arbitrary page limit was reached would be costly to claimants. Professor Resnick and Judge Wedoff suggested withdrawing the rule because they thought it might create a trap for the unwary creditor and because they thought technology would catch up.

The Reporter noted that withdrawing all proposed amendments to Rule 3001 would leave in effect a provision in the rule that allows claimants to submit an original writing (as opposed to a copy or duplicate) as evidence a claim. He pointed out that because of electronic filing many courts have sought authorization to destroy any paper claims and attachments after they are scanned and placed on the electronic claims docket, and that claimants may not realize that their original documents may not be returned. Therefore, he suggested withdrawing only the proposed amendments that deal with page limits.

Mr. Waldron commented that the page limitation changes were suggested not only to preserve court resources, but because some “bulk claims filers” had complained that many courts already impose non-uniform limits on attachment length by local rule or general order. The proposed amendments to the national rule would make any limitations uniform.

The Chairman summarized the Committee’s discussion as two alternative motions: to withdraw the proposed amendments to 3001 in their entirety; or withdraw only the page limit proposals. **The Committee voted without dissent to withdraw all proposed amendments to Rule 3001.**

Ms. Ketchum summarized the proposed changes to Form 10. The changes are described in detail at Agenda Items 9(b) and 9(c).

In light of the Committee’s decision to withdraw the proposed amendments to Rule 3001, Ms. Ketchum indicated the changes to Form 10 dealing with page limits would be deleted. Ms. Ketchum noted, however, that the current version of Form 10 at box 7 admonishes the claimant: “DO NOT SEND ORIGINAL DOCUMENTS” as an attachment to the claim. She said that this directive may be inconsistent with current Rule 3001, which, as the Reporter pointed out, allows the claimant to attach either original *or* duplicate documents in support of the claim. Several members were in favor of some sort of warning on the claim form because it was likely that any documents submitted to the court would be destroyed after they were scanned into electronic versions. Professor Resnick suggested revisiting Rule 3001 and removing the reference to original documents in that rule. The consensus was that there was no need to revise the rule, but that the language on Form 10 should be strengthened to warn that any attachments to the proof of claim would be destroyed. A motion was made to recommend changing the admonishment to

“DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING”; to approve all stylistic changes; and to remove the proposed language regarding page limits to attachments. **The motion carried without opposition.**

Rule 1014. The Joint Subcommittee on Venue (the “Joint Subcommittee”) reviewed the comments to the published amendments to Rules 1014, 3007, 4001 and 6006 and new Rule 6003. The Reporter’s memo of March 1, 2006, at Agenda Item 3(a) discusses the Joint Subcommittee’s recommendations. The Joint Subcommittee noted that no comments have been received with respect to the proposed amendments to Rule 1014 and recommended that the rule be promulgated as published. **A motion to recommend final approval of the published amendments to Rule 1014 carried without opposition.**

Rule 3007. The Reporter and Mr. Shaffer reviewed the comments to proposed Rule 3007 amendments dealing with omnibus claims objections and described the recommendations made by the Joint Subcommittee concerning the comments. The Reporter’s March 1, 2006, memo at Agenda Item 3(a) contains a black-line version of the changes recommended by the Joint Subcommittee.

The Joint Subcommittee rejected comments that suggested allowing the local court to “opt in” or “opt out” of the proposed amendments to Rule 3007 because it believed the rule was already limited in scope and that additional discretion would frustrate the goal of creating a uniform, national standard for omnibus claims objections. In discussing the proposed changes, a committee member suggested changing the word “replaced” in 3007(d)(3) with “amended.”

Judge Wedoff moved that the Committee recommend final approval of Rule 3007 with the changes suggested by the Joint Subcommittee and with the substitution of “amended” for “replaced” in 3007(d)(3). **The motion carried without opposition.**

Rule 4001. The Reporter’s March 1, 2006, memo at Agenda Item 3(a) discusses the Joint Subcommittee’s review and recommendations with respect to the Rule 4001 comments, and contains a black-line version of the rule illustrating many of the proposed changes.

As published, the changes to Rule 4001 required that motions under subsections (b), (c), and (d) contain an introductory summary no longer than three pages. A comment by the National Bankruptcy Conference (NBC) suggested that the three-page cut-off was too limiting, and that instead the rule should simply require “a brief introductory statement.” The Joint Subcommittee rejected this change as too open-ended, but, as an alternative, suggested changing the proposed page limit for the introductory statement from three to five pages.

The Joint Subcommittee supported suggestions that the introductory statement contain cross-references to the material provisions in the motions or proposed orders, and that motions for authority to obtain credit under subsection (c) should explain the extent to which any interim relief might impact the estate if the court later refuses to grant final relief as requested.

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

The NBC and Judge Marvin Isgur recommended that service under the proposed changes to 4001(b), (c), and (d) be expanded to include service on persons who have requested service of all pleadings. The Joint Subcommittee rejected this suggestion because it would create an inconsistency with the service requirements under subsection (a) of the rule, and because including a like change in subsection (a) would require republication and would delay adoption of the existing recommended changes.

The Joint Subcommittee considered the NBC's objection to an explicit reference to Rule 9024 in the proposed changes to 4001. In light of the NBC's comments, the Joint Subcommittee recommended removing the reference to Rule 9024, but suggested language to make clear that the court may grant "appropriate relief if it determines that the introductory statement in the motion did not adequately disclose a material element of the agreement or proposed order."

After an initial discussion, **the Committee voted to recommend the following changes to the proposed amendments to Rule 4001:**

- **the page limit for the introductory statements contemplated in subsections (b), (c), and (d) was changed from three to five pages;**
- **the phrasing regarding introductory statements was changed from "shall include an introductory statement ..." to "shall consist of, or if ... more than five pages ... begin with, a concise statement ..." (to address Judge Isgur's concern that if the entire motion was five pages or less, that a separate introduction need not be set out).**

The Committee agreed with the Joint Subcommittee's reasoning and **voted not to recommend that service in subsections (b), (c), and (d) be expanded to include parties requesting service.**

The changes to the rule as published included a new subsection (c)(1)(B) that contains a list of certain significant provisions, which, if present in the motion, must be listed in the introductory statement to draw attention to their existence. The new subsection also required the movant to "explain why" any of the provisions on the (c)(1)(B) list, if present in the proposed credit agreement or order, were necessary. The NBC recommended that the "explain why" language be removed. The Joint Subcommittee agreed with NBC's recommendation. There was divergence of opinion as to whether an "explain why" provision would elicit useful information, and **the Committee voted to omit such a requirement in the rule.**

The NBC also recommended that the list of significant provisions to be disclosed in the introductory statement of a motion to obtain credit be expanded to require disclosure of any provisions: setting deadlines to file a plan or disclosure agreement; to obtain disclosure statement approval; or for the entry of a confirmation order. The Joint Subcommittee supported the NBC's recommendation. **The Committee agreed and voted to recommend augmenting the list at subdivision (c)(1)(B) to require disclosure in the introductory statement of "the establishment of deadlines for filing a plan of reorganization, for approval of a disclosure statement, for a hearing on confirmation, or for entry of a confirmation order."**

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

There were diverging opinions about the proposed new Rule 4001(c)(1)(C). As published, subsection (c)(1)(C) made explicit reference to the applicability of Rule 9024 if a court determines later in the case that an introductory statement did not adequately disclose material elements of the credit agreement. The NBC commented that a specific reference to Rule 9024 in Rule 4001 could be construed to mean that applicability of Rule 9024 was somehow different in other rules. The Joint Subcommittee suggested replacing the Rule 9024 reference with: “the court may grant appropriate relief if it determines that [the summary] did not adequately disclose a material element of the [credit agreement].” Some committee members said that even the Joint Subcommittee’s proposal inappropriately created an inference that the court’s ability to revisit an order or action was different in Rule 4001 than in other rules. **Upon motion, the Committee voted to recommend deleting subdivision (c)(1)(C) from the proposed amendments to the Rule 4001.**

The Committee voted to recommend final approval of the proposed changes to Rule 4001 (as amended at the meeting) without dissent. The Reporter distributed a copy of the rule with revisions to the Committee on Friday.

Rule 6003 (“First Day Orders”): The Joint Subcommittee reviewed the comments to Rule 6003 and agreed with suggestions that motions to reject unexpired leases should not be limited during the first 20 days of a bankruptcy case. The Joint Subcommittee noted that the standard to allow rejection of a lease was easily met, and almost all such motions are allowed. Accordingly, prohibiting the debtor from rejecting leases during the first 20 days of the case created the possibility of unnecessary rental obligations without any corresponding benefits. **The Committee agreed with the Joint Subcommittee and voted to recommend final approval of the proposed changes to Rule 6003 as published after deleting references to the rejection of executory contracts or unexpired leases.**

Rule 6006 (Omnibus Motions to Assume, Assign or Reject Executory Contracts and Leases): The published amendment to Rule 6006 added a new subsection setting procedures for and limiting the use of omnibus motions to assume, reject or assign multiple executory contracts or unexpired leases in certain circumstances. The Joint Subcommittee recommended a change in the published language to include motions “to assume, but not assign to more than one assignee unexpired leases of real property.” **The Committee voted to recommend final approval of the proposed amendments to Rule 6006 as published, with the changes suggested by the Joint Subcommittee.**

Standing Committee Style Subcommittee Recommendations regarding the Published Rules (Rules 3001, 3007, 4001, 6003, 6006): The Style Subcommittee of the Standing Committee suggested a number of changes to the published rules as set out at Agenda Item 3(b). The Reporter reviewed the suggested changes and made recommendations in his memo, also set out at Agenda Item 3(a). **The Committee voted to recommend approval of all style changes supported in the Reporter’s memo.**

Rule 9037: The Reporter and Professor Capra (who participated by telephone), discussed the comments on Rule 9037 (the bankruptcy rule version of the E-Government Rule) and recommended changes. The basis for discussion was The Reporter’s March 6, 2006, memo

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

distributed at the committee meeting, which contained a copy of the rule with suggested amendments. The primary changes in March 6 version of the rule as compared to the rule as published were:

- Published subdivision (d)(1) became (a)(2)
- Published subdivisions (c) and (d) were combined into a new (c)(1) and (c)(2)
- An exemption from the redaction requirement was added for financial account numbers in forfeiture actions
- A new subdivision was proposed at the end of the rule (subdivision (g)), to state explicitly that parties and their counsel have the duty to redact documents, not the clerk or court reporters
- Stylistic changes offered by the Style Subcommittee of the Standing Committee

The Reporter reviewed the newly proposed subdivision (g), (Duty to Redact) at lines 61-69, which had been proposed by the Court Reporters Association. The first sentence in subdivision (g), which affirmatively puts the responsibility for redaction on the parties and their counsel, was supported by the Federal Magistrate Judges Association. The Reporter recommended deleting all of subdivision (g) because it was not the sort of position normally taken in the Rules. The Committee reviewed the changes set out in the March 6 memo. After discussion, **the Committee approved the changes in Rule 9037(a)(1) and additionally changed lines 8-9 to read “and an individual’s tax identification number.” It approved the new subdivision (a)(2) and corresponding deletion of former subdivision (d)(1). It approved the insertion of “whose decision becomes part of the record” in subdivision (b)(2) and it approved the insertion of subdivision (b)(5) (redaction requirement in forfeiture proceedings) at lines 28-29. Finally, it voted to delete proposed subdivision (g) and voted to recommend final approval of the rule with the changes discussed above.**

Interim Rules (Agenda Item 4)

The Chairman told the Committee that there has been almost uniform adoption of the Interim Rules, as shown by Agenda Item 4(b), a chart summarizing adoption sorted by court. The Chairman said that since adoption, comments had been received only on Rules 1007, 1015, 2002, 2015, 2015.3, 3016, and 8001. The Reporter prepared a summary of the comments at Agenda Item 4(c).

The Chairman moved that the Committee recommend publishing as proposed national rules those Interim Rules that received no comments. **The Committee voted without dissent to recommend publishing for public comment as proposed new national rules all Interim Rules that received no comments, namely: the proposed amendments to Rules 1006, 1010, 1011, 1017, 1019, 1020, 2003, 2007.1, 3002, 3003, 3017.1, 3019, 4002, 4003, 4004, 4006, 4007, 4008, 5003, 6004, 8003, 9006 and proposed new Rules 1021, 2007.2, 2015.1, 2015.2, 5008, 5012 and 6011.**

Rules 1010, 1011, Agenda Item 6(b): Although not part of the interim rule changes, the Reporter recommended amending Rules 1010 and 1011 to make Rule 7007.1 (requirement to file ownership statement) applicable in involuntary petitions. He argued that the process of filing an

adversary proceeding is akin to filing a complaint and that Rule 1010 already requires the petitioning creditors to serve the summons and a copy of the involuntary petition in the manner of service of a summons and complaint. The Reporter's suggested revisions to Rules 1010 and 1011 are set out at Agenda Item 6(b). **The Committee approved the Reporter's suggested changes to Rules 1010 and 1011 with minor stylistic changes to Rule 1010, and deletion of the last sentence in the Committee Note for Rule 1011, and voted to recommend the rules be published for public comment.**

Rule 1007: The Reporter described a number of problems related to the new requirement for individual debtors to complete credit counseling prepetition and file the appropriate certificate. In his February 24, 2006, memo at Agenda Item 4(c), the Reporter recommended: changing subdivision (b)(3) of the rule to permit the debtor to file a statement that he or she had completed credit counseling but had not received the certificate yet; and adding a new provision to subdivision (c) allowing the debtor to file the certificate within 15 days after commencement of the case if the new provision in subdivision (b)(3) was applicable. The Reporter also proposed a new Director's Form that clerks could use to apprise debtors that filing a case without first completing the credit counseling requirement could result in case dismissal, the payment of a new filing fee for a subsequent case, and a limit of the automatic stay in the subsequent case.

The Committee supported the proposed amendments to the rule with suggested changes to the proposed language at new subdivision (b)(3)(B). Judge Wedoff advocated language changes to the Reporter's suggested form, as well as making the form an Official Form that the debtor would be required to complete and file with the petition. **After discussion, the Committee voted to recommend reformatting subdivision (b)(3) into (b)(3)(A) – (D) and adding new language at subdivision (b)(3)(B).**

At the Chairman's suggestion, Judge Wedoff agreed to draft a proposed official form for the Committee's consideration, and agreed to make changes to subdivision (b)(3) that would require use of the new form. Judge Wedoff's revisions were distributed the following day and **the Committee voted 12-1 to recommend subdivision (b)(3) and proposed new Official Form 23A, as revised by Judge Wedoff. The Committee also recommended redesignating Official Form 23 (a "Statement of Completion" signed by the debtor) as Form 23B.** After the meeting was completed, some members suggested additional stylistic changes to newly designated Form 23A, and suggested redesignating it as Exhibit D to the petition, to help ensure that debtors would not confuse it with the Statement of Completion form. **The Committee voted by e-mail to approve the stylistic changes to the new form, and changed its designation to Exhibit D of the petition. The Committee also amended its prior vote and voted to leave the designation for Form 23 unchanged.**

The Reporter discussed a problem raised by Judge Karen Overstreet regarding completion of the approved financial management course by individual debtors in chapter 7 and 13. Some debtors, rather than filing the Official Form 23 as required by Interim Rule 1007(b)(7), file instead a certificate created by the agency performing the personal financial management course. Judge Overstreet suggested amending subdivision (b)(7) to allow alternative filings, either Official Form 23, or a "certificate of completion" generated by the provider.

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

The Reporter recommended that no change be made to the subdivision (b)(7) because the problem will likely resolve itself as practitioners and debtor education providers become more familiar with distinctions under the Code between prepetition credit counseling and postpetition debtor education. **The Committee agreed with the Reporter’s recommendation.**

The Committee voted to recommend that the new Exhibit D and all recommended changes to Rule 1007 discussed above be published for public comment, and additionally that the new Exhibit D go into effect October 1, 2006. The Committee also recommended that the proposed Rule 1007 changes be incorporated into Interim Rule 1007 to be recommended to the courts for adoption as a local rule effective October 1, 2006.

Rule 2002: The Reporter discussed a request made by the NBC that a mechanism be created in the Rules to implement new creditor noticing requirements under § 342(f) and (g) of the Code, added by BAPCPA. The new Code provisions allow a creditor to treat a notice as potentially ineffective until it is received by a person or subdivision that the creditor has designated to receive notices under the Bankruptcy Code so long as the creditor has established “reasonable procedures” to ensure that notice is sent to the correct person and organizational subdivision. But the additions to § 342 do not describe how a creditor establishes it has “reasonable procedures” in place if it wishes to assert that a particular notice was not effective under § 342(g).

In his February 24, 2006, memo at Agenda Item 4(c), the Reporter proposed language to be included in a new Rule 2002(g)(5) that would provide creditors with procedures to comply with § 342(f) and (g). After discussion, Judge Wedoff volunteered to rewrite the proposed language to reflect comments from the Committee. A revised version of Rule 2002(g)(5) with a proposed Committee Note was distributed to the Committee on Thursday. **The Committee voted to recommend the proposed Rule 2002(g)(5) and the proposed Committee Note as revised by Judge Wedoff with minor stylistic changes.** The stylistic changes were incorporated into a final draft of the rule distributed at the meeting.

Referencing Agenda Item 4(h), the Chairman and the Reporter outlined draft chapter 15 rules proposed by Judge Samuel Bufford. The proposed chapter 15 rules were comprehensive and would be relevant to many of the changes addressed in Interim Rules 2002(p) and (q), 3002(c)(6), and 5012.

Because of time constraints, and because there are relatively few chapter 15 cases, most of which are administered by sophisticated counsel, the Chairman recommended that Judge Bufford’s proposed rules first be considered by a subcommittee before review by the full Committee. The Reporter agreed with this approach, but believed that some of Judge Bufford’s suggestions could be addressed by changes to existing rules.

In his February 8, 2006, memo at Agenda Item 4(h), the Reporter suggested changes to Rule 2002 that would address some of the concerns raised by Judge Bufford. At page 9 of his memo, the Reporter added new paragraphs 3 and 4 to Rule 2002(p) which, if adopted, would require that notice to a foreign creditor be given in the official language of the country to which the notice is sent, and that notice of a creditor with a foreign address be delivered in the same

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

manner that notices in legal proceedings are delivered in the foreign country. However, the Reporter did not recommend the changes because he believed the requirements could be unnecessarily expensive for the debtor.

A number of committee members said that the proposed notice might not even be effective. For example, if all the transactions between the debtor and the foreign creditor were conducted in English, or some other language that was not the “official language” of the creditor’s country, requiring notice in the “official language” of the creditor could be less effective than if the notice was provided in English. A member suggested that there could also be problems if the creditor was from a country with more than one “official language.” **The Committee voted not to amend Rule 2002(p) with the proposed new paragraphs 3 and 4.**

The Reporter did recommend amending Rule 2002(q)(1) and (2) to include the United States trustee in the list of entities who must receive notice of a petition for recognition, or of a court’s intention to communicate with foreign courts or foreign representatives. The Committee agreed that the United States trustee should receive notice of these events, but some members thought it would be more appropriate to amend 2002(k), which already contained a list of events that required notice to the United States trustee. **On motion, the Committee rejected the Reporter’s proposed amendment to Rule 2002(q) and instead recommended adding Rule 2002(q)(1) and (2) to the list in Rule 2002(k). The Chairman referred Judge Bufford’s proposed chapter 15 rules to the Subcommittee on Technology and Cross Border Insolvency.**

The Committee voted to recommend that the proposed changes to Rule 2002 as discussed above be published for public comment.

Rules 4008; 4004(c)(1); 9006(b)(3) and (c)(2): Judge Wedoff discussed a need to amend Rule 4008 to improve clarity, and to ensure that a discharge was not entered before the court reviewed, and, if necessary, held a hearing, with respect to any reaffirmation agreements. **The Committee approved the proposed amendments to Rule 4008 as set out at Agenda Item 7(b), with minor stylistic changes, and recommended publishing the rule for public comment.** A version with stylistic changes was distributed to the Committee the next day. **The Committee also voted to amend Rule 9006(b)(3) and (c)(2) by adding Rule 4008 to the respective lists in those rule subdivisions, and to recommend publishing the changes for public comment.**

Judge Wedoff also recommended at Agenda Item 7(b) that Rule 4004(c)(1) be amended by adding a new subdivision (K) that would provide for entry of the discharge unless a motion to extend the time to file a reaffirmation agreement under 4008(a) was pending. However, the Committee failed to consider the proposed change to Rule 4004(c)(1) during the meeting. **After the meeting, the Committee approved the proposed addition of subdivision (K) by e-mail and recommended publishing Rule 4004(c)(1) as amended.**

Rule 8001, Agenda Item 4(g): Judge Klein referred the Committee to the Reporter’s February 3, 2006, memo at Agenda Item 4(g) discussing three proposed changes to Rule 8001.

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

Judge Klein first discussed a technical revision at subdivision f(1) (lines 23-25 of the rule as set forth in The Reporter's memo), that deleted the reference to the temporary procedural requirements set out in the uncodified provision of BAPCPA. Judge Hartz discussed some problems with use of the word "effective" in the change. **After discussion, the Committee voted to recommend the change to subdivision (f)(1) as set out in the Reporter's memo to be published for public comment.**

Judge Klein next discussed a new subdivision (f)(5) proposed to reinforce the idea that certification by the lower court does not mean the court of appeals will exercise its discretion and accept the case. In effect, the new (f)(5) requires the proponent of the direct appeal to seek permission from the court of appeals in accordance with F.R.App.P.5. There was considerable discussion regarding the proposed language for (f)(5) and some members thought that the new provision was unnecessary. No member moved to withdraw the proposed amendment in its entirety, however, and the Reporter incorporated the suggested changes into a rewrite that was distributed to the Committee the next day. The primary change to the proposed language was to require the party desiring to pursue the direct appeal to seek permission from the appellate court no later than 30 days after certification by the lower court. **The Committee voted to recommend for publication for public comment, the proposed subdivision (f)(5) as revised.**

The last item Judge Klein discussed was a change to subdivision (e) of the rule which redesignated (e) as (e)(1) and created a new (e)(2). The new (e)(2) provides a procedure for transferring an appeal that was first made to the district court to the appropriate bankruptcy appellate panel. It explicitly recognizes the district court's authority to transfer an appeal to the appropriate bankruptcy appellate panel if all the parties seek the transfer, but also recognized the district court's authority to retain jurisdiction despite a transfer request. Judge Klein explained that the proposed addition was designed to prevent strategic behavior by the parties and to prevent the waste of judicial resources. **The Committee voted to recommend for publication for public comment, the redesignation of subdivision (e) as (e)(1) and the addition of subdivision (e)(2).**

Agenda Item 5, Report by the Attorney Conduct and Health Care Subcommittee

Judge Schell reported on two items referred to the Attorney Conduct and Health Care Subcommittee at the Santa Fe Committee meeting. The first issue concerned a June 21, 2005 letter from the ABA Task Force on Attorney Discipline, and the second issue concerned a proposal by Judge Paul Mannes to allow corporate creditors to be represented by non-attorneys where the claim amount is small.

In its letter, the ABA Task Force noted that BAPCPA imposes new duties on individual debtor attorneys in chapter 7 of "reasonable investigation," and "inquiry." The ABA Task Force is concerned about how these new duties might impact issues of attorney discipline, suspension, and disbarment. It suggests that the Committee include in the Federal Rules of Bankruptcy Procedure a recommendation that each bankruptcy court consider implementing an appropriate review and discipline process (or review such processes already in place) with the new attorney

duties in mind and with an aim to protect the rights of both the attorneys and debtors likely to be impacted by the statutory requirements.

The subcommittee recommended no action on the Task Force’s proposal for several reasons: (1) the proposal is beyond the scope of the Committee, which is to recommend rules of bankruptcy procedure; (2) Rule 9011 already provides a procedure to discipline attorneys in cases; and (3) procedures for disciplining attorneys are generally promulgated by the district court, not the bankruptcy court.

The subcommittee also recommended no action on Judge Mannes’s proposal because there is a significant body of case law prohibiting corporate entities from appearing in federal court without counsel. The subcommittee also believed that Congress may have implicitly addressed the matter when it amended § 341(c) with BAPCPA to allow some unrepresented corporate creditors to appear and be heard at the meeting of creditors. The subcommittee concluded that Congress’ express approval of unrepresented corporate creditors at a § 341 meeting arguably implies it decided not to allow such creditors to appear in other aspects of the case without an attorney. **The Committee agreed with the subcommittee and rejected: (1) the proposal of the ABA Task Force on Attorney Discipline to make suggestions to bankruptcy courts regarding attorney discipline; and (2) Judge Mannes’s proposal to allow the participation of corporate creditors without attorneys in cases where the claim amount is small.**

Report of the Business Subcommittee; Small Business Forms

The Reporter’s February 4, 2006, memo, at Agenda Item 6(c), provides an overview of the Business Subcommittee’s work. As described in the memo, the subcommittee proposed three new official forms: Form 25B, Small Business Disclosure Statement; Form 25C, Periodic Financial Reporting Form for Small Business Debtors; and Form 26, Reporting Form for Related Entities in which the Debtor Holds a Substantial or Controlling Interest. In addition, the subcommittee proposed minor changes to Form 25A, Small Business Plan (previously recommended for publication at the Committee’s Santa Fe meeting). The subcommittee also proposed amendments to Bankruptcy Rules 2015, 2015.2, 3016, 9009 and a new Rule 2015.3. Judge Swain and Professor Janger reviewed the Business Subcommittee’s proposals.

Rule 2015(a)(6), Agenda Item 4(e): Professor Janger said that the proposed addition of subdivision (a)(6) to Rule 2015 was necessary to implement new requirements set forth in BAPCPA that a small business debtor submit certain periodic reports to the trustee. In its review of the rule, the Committee changed “15 days” at line 14 to “20 days” and added the following sentence to the end of 2015(a)(6): “The obligation to file reports under this subdivision terminates on the effective date of the Plan, dismissal, or conversion of the case.” The Committee added the following to the end of the Committee Note: “Reporting under this rule does not relieve the debtor or the trustee of any other obligations to provide information or documents to the United States trustee.” **The Committee without objection voted to recommend the proposed amendment and Committee Note for publication for public comment.**

Form 25C, Agenda Item 6(c)(4): Professor Janger explained that the subcommittee designed new Official Form 25C “Small Business Operating Report,” to collect the information required by proposed Rule 2015(a)(6). Professor Resnick suggested several stylistic changes, including globally changing “you” to “the debtor” and “did you” to “have you.” A number of members thought that the “Projections” table on page four should be redesigned to report whether actual financial numbers were higher or lower than projected numbers. And Judge Wedoff suggested regrouping certain questions so that negative information was easier to identify. **Upon motion, the Committee voted to recommend Official Form 25C for publication for public comment, after review by the Style Subcommittee.**

Rules 3016(d) and 9009, Agenda Items 4(e) and 6(c)(6): Professor Janger explained that although the small business plan and disclosure statement forms developed by the Business Subcommittee were proposed as official forms, such forms are not statutorily required. Accordingly, the subcommittee recommended adding a subdivision (d) to Rule 3016 that allows the court to approve plans and disclosure statements that conform to the official forms or to approve forms used by local rule. It also recommended amending Rule 9009 to start with the phrase, “Except as provided in Rule 3016(d) . . .,” to allow for permissive use of the new forms. Mr. Walton and Judge Wedoff argued that § 1125(f)(2) of the Code and § 433 of BAPCPA require use of the new official forms. **After further discussion, the Committee voted to recommend the addition of Rule 3016(d), and the changes to Rule 9009 for publication for public comment.**

Rule 3016(b), Agenda Item (4)(f): The Reporter suggested a new change to Rule 3016(b). As amended by the Interim Rules, Rule 3016(b) addresses a change in the Code that allows the plan document to also serve as the disclosure statement in a small business case. To comply with the rule, the plan proponent must specially designate the document so that parties will know that a separate disclosure statement will not be filed. The Reporter suggested changing the new language in 3016(b) to make clear that the *court* must determine that the document filed can serve both as a plan and disclosure statement, and that the proponent’s mere designation of the document as a plan and disclosure statement does not end the matter. **The Committee voted to recommend Rule 3016(b) for publication for public comment *without* the Reporter’s suggested change.**

Form Small Business Plan, Agenda Item 6(c)(1): Professor Janger described minor changes to the small business plan previously approved by the Committee last fall, including a change in the caption, and the addition of section 3.03 to the plan (regarding priority tax claims). Additionally, the Business Subcommittee drafted and recommended a Committee Note for the form plan. The Committee suggested changing the caption so that it included the name of the proponent and the date of the submission (i.e., “*Debtor’s* Plan of Reorganization dated _____”). Mr. Walton suggested that the plan should be mandatory, but the Chairman rejected the motion as having been previously considered and voted on. **The Committee approved the plan and official comments with changes, and voted without opposition to publish the form plan for public comment.**

March 2006 Bankruptcy Rules Committee – Draft Minutes

Small Business Disclosure Statement (Form 25B), Agenda Item 6(c)(2): Judge Swain and Professor Janger provided an overview of the process the Business Subcommittee took in developing its recommendation for a form disclosure statement. The new Form 25B was developed over the course of many subcommittee conference calls and represented the input of all the subcommittee members including considerable input from John Byrnes of the EOUST.

Professor Janger described the subcommittee's belief that there were three basic objectives of the new forms: (1) to provide adequate information to creditors, both sophisticated and unsophisticated; (2) to provide information to help the judge to evaluate the plan's compliance with § 1129 of the Code; and (3) to help an unsophisticated debtor's counsel comply with the statutory confirmation requirements. Professor Janger said that the new form was a product of compromise and that the majority of the subcommittee believed it met the objectives set by Congress to create a form to balance: (1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and (2) economy and simplicity for debtors.

Mr. Walton spoke on behalf of the EOUST. He said that the EOUST was appreciative of the subcommittee's efforts. But he thought the subcommittee's form was still too complex and full of legalese for the typical unsecured creditor. In particular, the EOUST is sensitive to creditor complaints that participation in chapter 11 cases is prohibitively expensive, especially in small cases, because hiring counsel to interpret the documents filed in the case usually costs more than any potential recovery. Accordingly, Mr. Walton advocated a simpler form as being much more likely to encourage creditor involvement in small cases.

Mr. Walton also took issue with one of the Business Subcommittee's suggested purposes of the form disclosure statement. He believed it was unlikely that a court would rely on a disclosure statement to determine whether a plan was confirmable or not. In closing, Mr. Walton recommended that the subcommittee's proposed disclosure statement be rejected, and that instead the subcommittee be reconvened to consider a simpler "Plain English" form disclosure statement based on the draft submitted by the EOUST at Agenda Item 6(c)(2).

Judge Swain responded that although the Business Subcommittee only recently received the EOUST's draft disclosure statement, it *had* considered the document. Moreover, she noted, early in the process the subcommittee considered and rejected a similar document advocated by the EOUST as misleading or inaccurate.

Mr. Brunstad said that he preferred the form disclosure statement prepared by the Business Subcommittee because it provided more information. And Judge Walker said he thought the subcommittee's effort was probably the "lowest level" version of a disclosure statement likely to be useful, even if it wasn't drafted in terms preferable to some creditors. Judge Klein supported use of the subcommittee's form because it tells the creditor up front how much and when it is likely to receive a distribution, and because the form would also be useful in guiding unsophisticated debtor's lawyers through a chapter 11 confirmation.

The Chairman suggested the Committee go through the subcommittee's proposed disclosure statement and then vote on whether or not to recommend it. Mr. Janger told the

Committee that if the form were adopted that he would amend it to include a table of contents, and to conform the caption to the changes that the Committee already approved for the form plan. Members of the Committee suggested some stylistic changes and the following additional changes:

- A new subsection II-G entitled “Claims Objections” stating that “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 ___ of the Plan.”
- Mr. Shaffer suggested changing existing exhibit D to require the most recently filed operating report (instead of all operating reports) and suggested deleting existing exhibit C, (tax returns).

The Committee voted without dissent to approve the changes noted above and to recommend the Business Subcommittee’s form disclosure statement for publication for public comment.

Possible Combined Form Plan and Disclosure Statement, *Agenda Item 6(c)(3)*: The Business Subcommittee reported that it has not attempted to draft a proposed combined plan and disclosure statement for use in small business cases. The Chairman moved to table the project for a year so that the subcommittee would have the benefit of comments on the form plan and form disclosure statement that the Committee just recommended for publication. Judge Swain seconded the motion. **The Committee voted without dissent to table the decision of whether the Business Subcommittee should draft and propose a combined form plan and disclosure statement until the spring 2007 meeting of the Committee.**

Rule 2015.3, Form 26, *Agenda Item 6(c)(5)*: Professor Janger explained that the Business Subcommittee proposed a new Rule 2015.3 and a new Official Form 26 to address a new requirement imposed by § 419 of BAPCPA that the debtor make periodic reports of valuation, profitability and operations concerning entities in which it has a substantial or controlling interest. An initial problem faced by the subcommittee was that the term “substantial or controlling interest” is not defined in the Code, but rather is a factual determination that the court ultimately must decide. However, the subcommittee believed that some guidance was needed so that parties would know when to fill out the form. The subcommittee elected to set a presumption that 20% control or ownership is a substantial or controlling interest.

Another issue, explained Professor Janger, is that the statutory reporting requirement appears to address only debtors, not the estate, debtors in possession, or trustees. The subcommittee elected to require reporting from the debtor in possession and any trustee because it thought such entities would more likely be able to fulfill the reporting requirements. **After making a number of stylistic changes, the Committee voted to recommend Form 26, Rule 2015.3, and the accompanying Committee Note be published for public comment.**

Means-Test Forms

Agenda Item 7(a) (Means-Test Form Review): Judge Wedoff reported on the recommendations of the Means-Test Working Group with respect to changes in two of the means-test forms (Forms 22A and 22C). The working group, consisting of Judge Wedoff, Judge Frank, and Mr. Redmiles, discussed in detail the suggestions and comments received from the NBC, the Financial Services Roundtable (FSR), and others, as well as suggestions developed internally. Many of the suggestions had already been considered and rejected by the Committee when it recommended the means-test forms in the summer of 2005. The changes recommended by working group and the NBC's February 17, 2006, comments were included at Agenda Item 7(a). The FSR comments were distributed at the meeting.

The working group suggested a number of stylistic changes in the means-test forms to improve clarity. And it recommended other changes (in the "Other Necessary Expenses" categories for child care and telecommunications, and the "Other payments on secured claims" category, for example) to more closely track the statutory language and IRS definitions. The working group also reworded the instructions at line 17 of Form 22C (Chapter 13) so that the debtor would always be directed to complete part III of the form, regardless of whether the debtor was above or below the state median. The changes recommended by the working group were incorporated into the forms included as Agenda Item 7(a). In reviewing the changes, the Committee removed the words "in Default" in the middle column of the table in the "Other secured claims" box (line 43 on Form 22A, and line 48 on Form 22C). **The Committee voted to recommend adopting all the changes proposed by the working group as set out in Forms 22A and 22C at Agenda Item 7(a) (as amended) and also recommended that the changes become effective October 1, 2006.**

The working group considered but rejected the following suggestions:

- (1) A suggestion by the NBC that the chapter 13 form be revised to allow a deduction of income used to pay the debtor's household expenses but not actually received by the debtor (such as payment by a grandparent of a child's school tuition) from the calculation of disposable income. *The working group recommended no change.*
- (2) A suggestion by the NBC to allow inclusion of expenses in an "Other Necessary Expenses" box even if such expenses do not fit into the IRS Other Necessary Expense categories listed on the form. *The working group recommended no change, as provisions for listing "Additional Expense Claims" already exist at the end of the means-test forms.*
- (3) A suggestion by the NBC that non-filing spousal income not be counted in the calculation of the § 707(b)(7) safe harbor, if it can be shown that the non-filing spouse's income is not being contributed to the debtor's household income. *The working group noted that this suggestion was considered and rejected by the Committee at its last meeting.*
- (4) The FSR suggested that the projected chapter 13 expenses multiplier in the chapter 7 and 13 forms indicate a cap of 10%. *The working group recommended no changes because the form currently directs the debtor to use the actual multiplier as reported by the United States trustee, and no multiplier is greater than 10%.*

March 2006 Bankruptcy Rules Committee – Draft Minutes

- (5) The FSR suggested removing language in the forms that allows the debtor to argue unemployment income is “a benefit received under the Social Security Act” and that it should therefore be excluded from the CMI calculation. *The working group recommended no changes because this issue was considered and rejected by the Committee at its last meeting.*
- (6) The FSR suggested that the chapter 7 form be changed to require that below-median-income filers complete the expense portion of the form even though such filers are not subject to a presumption of abuse. *The working group recommended no changes because this issue was considered and rejected by the Committee at its last meeting.*
- (7) The FSR suggested changing the forms to allow an automobile ownership deduction only if the debtor is actually making lease or note payments on an owned vehicle. *The working group recommended no changes because this issue was considered and rejected by the Committee at its last meeting.*
- (8) The FSR suggested deleting line 13 from the chapter 13 form (which allows the debtor to contend that a non-filing spouse’s income was not contributed to household expenses). *The working group recommended no changes because this issue was considered and rejected by the Committee at its last meeting.*
- (9) The FSR suggested deleting the “Additional Expense Claims” categories at the end of the chapter 7 and 13 forms. *The working group recommended no changes because this issue was considered and rejected by the Committee at its last meeting.*

Forms (Other than Means-Test Forms and Small Business Forms)

The Chairman advised the Committee that the EOUST has strongly requested that the rules require the use of data-enabled forms and that the Administrative Office produce data-enabled forms. The Chairman referred the matter to the Subcommittee on Technology and Cross Border Insolvency for consideration.

Mr. Ketchum reported to the Committee on the work of the Forms Subcommittee.

Agenda Item 9(b), Form 10: Ms. Ketchum reminded the Committee that it already approved the changes proposed for Form 10 when it discussed proposed amendments to Rule 3001 earlier in the meeting. She noted, however, that there had been some discussion about whether to replace the word “copies” in box 7 with the word “duplicates.” **The Committee voted without dissent to approve use of the word “copies.”**

Agenda Item 9(c)(1): Ms. Ketchum described the need to conform the forms to incorporate the requirement that if a “minor child” is listed, that the name, address, and legal relationship of any person described in Rule 1007(m) also be included. Ms. Ketchum explained that the conforming language was needed in Forms 4, 6B, 6G, 6H and 7. **The Committee approved all of the “minor child” conforming language changes made to Forms 4, 6B, 6G, and 6H, and recommended the changes be published for public comment.**

March 2006 Bankruptcy Rules Committee – **Draft Minutes**

Ms. Ketchum said there had been a minor change to the declaration page for Form 6 to indicate that an additional page was being filed. She proposed changing the direction to report the total number of pages listed on the summary of schedules page from “plus 1” to “plus 2.” Judge Frank asked whether it was possible to remove the “plus” language altogether. **After a discussion, the Committee approved the “plus 2 change” and recommended that the change become effective on October 1, 2006.**

Ms. Ketchum described an additional change to Form 7 at question 3. The new language directs the debtor not to list creditor payments that aggregate less than \$600. **The Committee approved the change, and voted to recommend the change be published for public comment.**

Ms. Ketchum described suggested changes to Form 6B (questions 13, 14, and 21) which referenced new Rule 2015.3. The Committee alternatively discussed changing or deleting the proposed language. **After discussion, the Committee voted to delete the suggested changes to questions 13, 14, and 21 of Form 6B.**

Ms. Ketchum described changes to Forms 9G, 9H, and 9I. Forms 9G and 9H had been changed to include “Family Fisherman” and Form 9I was amended to include a reference to Rule 3002(c)(1) at the deadline for a governmental unit to file a proof of claim. **The Committee approved the changes to 9G, 9H, and 9I and voted to recommend they go into effect October 1, 2006.**

Agenda Item 9(c)(2): Ms. Ketchum reviewed several changes to the forms that were needed to capture statistical information required by BAPCPA and noted that if approved, such changes should go into effect October 1, 2006.

Form 1. A number of changes were made. Ms. Ketchum noted new language requiring debtors to identify themselves as “tax exempt” rather than “nonprofit” in the middle box, and new language added to the “Chapter 11 Debtors” box. A committee member suggested the introductory language in the middle box to “Check one box,” and members discussed changing the choice between “Consumer/Non-Business” and “Business” to “Debts are primarily consumer debts (personal family household debt)” and “Debts are primarily business debts” so that the distinction more closely follows language used in the Code.

Ms. Ketchum noted that there was newly proposed language on the third page of Form 1 whereby individual debtors certified they had completed the credit counseling requirement. But the Committee decided the new language was not necessary in light of its prior decision to create a new official form (eventually designated as Exhibit D to the petition) which would require a similar certification and would warn the debtor that the failure to complete credit counseling prepetition would result in dismissal of the case unless an exception applied.

Form 5. Ms. Ketchum reviewed suggested changes made to conform Form 5 to Form 1. Committee members suggested additional conforming changes.

March 2006 Bankruptcy Rules Committee – Draft Minutes

Form 6. Ms. Ketchum described the addition of boxes needed to collect statistical information at Form 6-Summary, 6D, 6E, 6F, 6I, and 6J. And she noted that Form 6-Summary was redesigned to collect additional statistical information. The Committee suggested a number of stylistic changes.

The Committee approved the suggested changes to Forms 1, 5, 6-Summary, 6D, 6E, 6F, 6I, and 6J, and asked Ms. Ketchum to incorporate the changes into final versions for review by the Forms Subcommittee. The Committee voted to recommend that the changes go into effect October 1, 2006.

The Chairman recapped the recommended changes to the forms. **To be published for public comment: Forms 3A, 3B, 4, 6B, 6G, 6H, 7, 10, 24, 25A, 25B, 25C, and 26. To be published for public comment and to go into effect in October 1, 2006: Forms 1, 5, 6-Summary, 6D, 6E, 6F, 6I, 6J, 6-Declaration, 9G, 9H, 9I, 22A, 22C, and 23. In addition, all other forms amended in October 2005 are to be published for comment.**

Additional Action Items

Rule 1005, Agenda Item 9(d): The Reporter said that although the Committee had already updated the forms to incorporate the BAPCPA changes that increased the time between chapter 7 discharges from six to eight years, a conforming change was also required for Rule 1005. **The Committee voted to recommend the conforming change to Rule 1005 to be published for public comment.**

Rule 1015, Agenda Item 4(g): The Reporter recommended a technical change to Rule 1015(b) to update references in the rule in accordance with nomenclature changes made by BAPCPA to section 522 of the Code. **The Committee approved the technical changes to Rule 1015(b) without objection.**

Agenda Item 10: The Reporter discussed the Standing Committee's appointment of an Ad Hoc Committee to consider the propriety of introducing new time computational rules for adoption by the Appellate, Bankruptcy, Civil, and Criminal Rules Committees. He noted that this was a multi-step process and that the Ad Hoc Committee's first task was to identify the time computational rules among each set of rules, and to propose amendments to harmonize counting days under each set of rules. He referred the Committee to Judge Kravitz's January 20, 2006, memo which included a template for the time computational rules, including Bankruptcy Rule 9006. The Reporter also prepared a revised Rule 9006 that incorporated the Ad Hoc Committee's suggestions. **The Committee approved Judge Kravitz's memo as a template for reviewing and recommending changes to Rule 9006. The Chairman asked the Reporter to study further the changes and to prepare a list of all bankruptcy rules with time periods.**

Agenda Item (6)(a): The Reporter addressed an issue that had arisen in partial response to In re State Line Motel, Inc., 322 B.R. 123 (9th Cir. BAP 2005), which held that service of an objection to claim is sufficient if it is mailed or otherwise delivered to a claimant under Rule

3007. The court rejected the argument made by many that service should be in the manner of a complaint as set out in Rule 7004. The Reporter said that the State Line at least raises the issue of whether the rules should be amended to clarify the service requirements for a proof of claim. However, the Reporter recommended no amendments to the rules at this time. He noted that two bankruptcy opinions had been published since State Line came out, and both accepted the State Line reasoning. He argued that the consistent court decisions on this issue suggest that it is premature for the Rules Committee to take any action. **After discussing the Reporter's recommendation, the Committee voted to make no changes to the rules with respect to proper service of an objection to a proof of claim.**

Agenda Item 7(d): The Reporter discussed a proposed amendment to Rule 1007 that would required a chapter 13 debtor to provide annual income updates, but recommended no action at this time. **The Committee took no action.**

Agenda Item 8(a): Judge Adam's proposal to amend the separate document provisions of Rule 9021 – Santa Fe Agenda Item 10(a). **The Chairman deferred the subcommittee report until the next meeting.**

Agenda Item 8(b): Judge Klein reviewed a proposed change suggested by Judge Rasure to Rule 3002(c)(5) to require that a proof of claim be filed by a date certain in a case with newly discovered assets so that the trustee and the court can more easily identify untimely claims. **The Committee approved the proposed change to Rule 3002(c)(5) to be published for public comment.**

Information and Discussion Matters

Agenda Item 11, Report concerning the restyling of the Civil Rules; impact on bankruptcy rules: The Chairman referred the Committee to the Reporter's memo at Agenda Item 11.

Agenda Item 12, E-Government Rule – Rule 9037: The Chairman noted that the Committee considered and made changes to 9037 earlier in the meeting.

Agenda Item 13, Report of Joint Subcommittee on Venue and Chapter 11 Matters: The Chairman noted that the Joint Subcommittee previously made its report in the context of its review of the comments to Rules 1014, 3007, 4001 and 6006 and new Rule 6003.

Agenda Item 14, Revision of Director's Procedural Forms 240, Reaffirmation Agreement, and 281, Appearance of Child Support Creditor or Representative: **The Chairman asked the Forms Subcommittee to review proposed changes presented by Ms. Ketchum to Director's Forms 240 and 281.**

Agenda Item 15, Discussion on electronic transmission of agenda materials: **No action.**

Agenda Item 16, Discussion of place and time for the spring 2007 meeting: The Chairman asked members to e-mail suggestions.

Administrative Matters

The Chairman recognized the excellent work of Howard Adelman, Judge Eric Frank, Professor Alan Resnick, and Judge Ernest Torres, and thanked them for their contributions to the Committee over the years. To commemorate their contributions, the Chairman presented each individual present with a certificate signed by the Director of the Administrative Office, Ralph Leonidas Mecham, and by Chief Justice John G. Roberts, Jr. As an additional token of appreciation, the Committee also presented Professor Resnick with a bowl engraved with the name of each committee chairman who served while Professor Resnick was the reporter or a committee member.

Respectfully submitted,

Stephen Scott Myers