

VBA BANKRUPTCY LAW SECTION
Bench-Bar Brown Bag Lunch Meeting
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge

U.S. Bankruptcy Court ~ Rutland, VT
Friday, October 2, 2015 ~ 12:00 - 1:00 PM

AGENDA

1. **Introduction of Ha Young Chung** – new law clerk who started in late August Judge Brown
2. **VIT** – VIT to cease operations 12/31/15 unless Vt Legis finds emergency funding. Tom Hart
May help to have attorneys contact members of the state legislature.
3. **Ch 13 hrgs** - The Ch 13 Trustee will be scheduling Ch 13 conf status hearings, Kathy Ford
and motions to dismiss, on Ch 13 hearing days - rather than on motion calendars.
4. **Entry of Ch 13 Discharge Timing** – Ch 13 discharge does not enter upon filing Kathy Ford &
of motion for discharge; cannot enter until ch 13 T files final report. *(Delays can be Jan Sensenich*
due to creditors not cashing checks or other admin factors unrelated to the D.)
 - Ds who need discharge entered sooner may seek that relief:
 - See Vt.LBR 4004-2(e) re process for requesting pre-final report discharge
 - Upon request, the Ch 13 T will file a certificate of plan completion (often sufficient)
5. **Practice Tip re Motions to Sell** – The different procedural requirements for sale Kathy Ford
motions under § 363(b) and § 363 (f); when p/o is needed.
6. **New Bankruptcy Forms effective 12/1/15**. These will bring big changes. Kathy Ford
Attorneys need to start planning NOW for the impact the forms will have.
 - Conversion chart attached.
 - NOTE: as of 12/1/15 old forms will not be accepted – including old reaf forms;
we will have more info about training materials & impact on local forms very soon.
 - Crucial for debtors' attorneys to talk to their software vendors ASAP
 - These forms will require some changes to local rules and practice – Judge Brown
Seeking attorney volunteers to assist with that process mid-Oct thru mid-Nov
7. **New Fed Bk'cy & Evid Rules changes** – Comment Period Open through 2/16/16. Tom Hart
Includes Bk'cy Rules 1001 & 1006 and Rules of Evid 803 & 902. **Eff date: 12/1/17**.
See: <http://www.regulations.gov/#!docketDetail;D=USC-RULES-BK-2015-0001>
and <http://www.regulations.gov/#!docketDetail;D=USC-RULES-EV-2015-0003>
8. **Bk'cy Fraud Conviction of Vt D**: Peter Foy pled guilty to bankruptcy fraud. Lisa Penpraze
9. **Nat'l Mtge Settlement Monitor's Report** - corrective actions taken by 4 nat'l mtge Lisa Penpraze
servicers based upon the U.S.T.P.'s review of more than 10,000 filings in ch 13 cases.
10. **A 5-Minute Tax Tip for Bankruptcy Practice** Melissa Ranaldo
11. **Status of December CLE** – December 11 at Rutland Country Club Heather Cooper
Special recognition lunch to be combined with our annual CLE event.

12. **Congratulations to Kathleen Ford!** – she has accepted a position as the Clerk of Court for the U.S. Bk'cy Court in the W.D. of Tennessee (Memphis). Her start date will be in early December 2015. Judge Brown
13. **New Burlington Courtroom ready and in use as of 9/16/15** Judge Brown
- All Burlington bankruptcy hearings will be held in this courtroom going forward.
 - Please also note that debtors will testify from the side table, rather than from the witness box @ conf hearings in Burlington (in our new 1st floor courtroom)
 - For all other hearings witnesses will testify from witness box.
 - There are two spacious and private attorney conference rooms adjacent to the courtroom available for use by the bankruptcy bar.
 - Please provide any feedback or suggestions you have about the courtroom, its technology / sound system, and adjacent space to Tom Hart.
14. **Update re Clerk's Office Move to Burlington and Consolidation** Judge Brown
- on 9/8/15, the 2nd Circuit Judicial Council approved the VT programmatic study for consolidation;
 - the AO will now forward the approved plan to U.S. Judicial Conference for consideration by 3 Judicial Conference committees this winter;
 - after considering the reports of those 3 committees, Judicial Conference Executive Committee will determine whether to approve VT consolidation.
 - If the JCUS approves the Vt consolidation plan, it will be forwarded to Congress for its approval.
 - The Circuit is projecting a vote by the Executive Committee in March 2016, Congressional approval shortly thereafter, and an effective date for the consolidation in the summer of 2016.
15. **Update re Who's Who in the Chapter 12/13 Trustee's Office** Jan Sensenich
- Staffing changes (see handout)

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court
Have a question about them? Contact Kathy Ford at 802-776-2003 or kathleen_ford@vtb.uscourts.gov
No fee and no pre-registration required. Bottled water will be provided.

Attached: Forms conversion chart for the new bankruptcy forms that are effective 12.1.15

Modernized Bankruptcy Forms Numbering Conversion Chart 7.30.15

2014 Form Number	2014 Form Name	2015 Number		New Name
Official Bankruptcy Forms				
B 1	Voluntary Petition	B101		Voluntary Petition for Individuals Filing for Bankruptcy <i>(incorporates exhibits – carves out eviction judgment statement as new form B101AB)</i>
		B101A		Initial Statement About an Eviction Judgment Against You
		B101B		Statement About Payment of an Eviction Judgment Against You
		B201		Voluntary Petition for Non-Individuals Filing for Bankruptcy
	Exhibit A	B201A		Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11
	Exhibit C	B101 B201		<i>Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201</i>
	Exhibit D	B101		<i>Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in Form B101</i>
	[Chapter 15 questions from Petition]	B401		Petition for Recognition of Foreign Proceeding
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202		Declaration Under Penalty of Perjury for Non-Individual Debtors <i>(For petition, schedules, SOFA, etc.)</i> .
B 3A	Application and Order to Pay Filing Fee in Installments	B103A		Application for Individuals to Pay the Filing Fee in Installments
B 3B	Application for Waiver of Chapter 7 Filing Fee	B103B		Application to Have the Chapter 7 Filing Fee Waived
B 4	List of Creditors Holding 20 Largest Unsecured Claims	B104		For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders <i>(individuals)</i>
		B204		For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders <i>(non-individuals)</i>
B 5	Involuntary Petition	B105		Involuntary Petition Against an Individual
		B205		Involuntary Petition Against a Non-Individual
B6 Sum	Summary of Schedules (Includes Statistical Summary of Certain Liabilities)	B106 -- Summary		A Summary of Your Assets and Liabilities and Certain Statistical Information <i>(individuals)</i>
		B206 -- Summary		A Summary of Your Assets and Liabilities <i>(non-individuals)</i>
B 6A	Schedule A - Real Property	}	B106A/B	Schedule A/B: Property <i>(combines real and personal property, individuals)</i>
B 6B	Schedule B - Personal Property		B206A/B	Schedule A/B: Property <i>(combines real and personal property, non-individuals)</i>
B 6C	Schedule C - Property Claimed as Exempt	B106C		Schedule C: The Property You Claim as Exempt <i>(individuals)</i>

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2014 Form Number	2014 Form Name	2015 Number		New Name
B 6D	Schedule D - Creditors Holding Secured Claims	B106D		Schedule D: Creditors Who Hold Claims Secured By Property (<i>against individuals</i>)
		B206D		Schedule D: Creditors Who Hold Claims Secured By Property (<i>against non-individuals</i>)
B 6E	Schedule E - Creditors Holding Unsecured Priority Claims	}	B106E/F	Schedule E/F: Creditors Who Have Unsecured Claims (<i>against individuals, combines priority and non-priority</i>)
B 6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims		B206E/F	Schedule E/F: Creditors Who Have Unsecured Claims (<i>against non-individuals, combines priority and non-priority</i>)
B 6G	Schedule G - Executory Contracts and Unexpired Leases	B106G		Schedule G: Executory Contracts and Unexpired Leases (<i>individuals</i>)
		B206G		Schedule G: Executory Contracts and Unexpired Leases (<i>non-individuals</i>)
B 6H	Schedule H - Codebtors	B106H		Schedule H: Your Codebtors (<i>individuals</i>)
		B206H		Schedule H: Your Codebtors (<i>non-individuals</i>)
B 6I	Schedule I - Current Income of Individual Debtor(s)	B106I		Schedule I: Your Income (<i>individuals</i>)
		No B206I		To be a Director's Form
B 6J	Schedule J - Current Expenditures of Individual Debtor(s)	B106J		Schedule J: Your Expenses
		B106J-2		Schedule J-2: Expenses for Separate Household of Debtor 2
		No B206J		To be a Director's Form
B 6 Dec	Declaration Concerning Debtor's Schedules	B106 -- Declaration		Declaration About an Individual Debtor's Schedules
		B202		Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership (<i>For petition, schedules, SOFA, etc</i>)
B 7	Statement of Financial Affairs	B107		Your Statement of Financial Affairs for Individuals Filing for Bankruptcy
		B207		Statement of Your Financial Affairs (<i>non-Individuals</i>)
B 8	Chapter 7 Individual Debtor's Statement of Intention	B108		Statement of Intention for Individuals Filing Under Chapter 7
B 9A	Chapter 7 Individual or Joint Debtor No Asset Case	B309A		(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline
B 9B	Chapter 7 Corporation/Partnership No Asset Case	B309C		(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline Set
B 9C	Chapter 7 Individual or Joint Debtor Asset Case	B309B		(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set
B 9D	Chapter 7 Corporation/Partnership Asset Case (12/11)	B309D		(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set
B 9E	Chapter 11 Individual or Joint Debtor Case	}	B309E	(For Individuals or Joint Debtors) Notice of Chapter 11 Bankruptcy Case (<i>former Alt version combined with Form B309-E</i>)
B 9E(Alt.)	Chapter 11 Individual or Joint Debtor Case			
B 9F	Chapter 11 Corporation/Partnership Case	}	B309F	(For Corporations or Partnerships) Notice of Chapter 11 Bankruptcy Case (<i>former Alt version combined with Form B309-F</i>)
B 9F(Alt.)	Chapter 11 Corporation/Partnership Case			
B 9G	Chapter 12 Individual or Joint Debtor Family Farmer	B309G		(For Individuals or Joint Debtors) Notice of Chapter 12 Bankruptcy Case

Modernized Bankruptcy Forms Numbering Conversion Chart 7.30.15

2014 Form Number	2014 Form Name	2015 Number	New Name
B 9H	Chapter 12 Corporation/Partnership Family Farmer	B309H	(For Corporations or Partnerships) Notice of Chapter 12 Bankruptcy Case
B 9I	Chapter 13 Case	B309I	Notice of Chapter 13 Bankruptcy Case
B 10	Proof Of Claim	B410	Proof Of Claim
B 10A	Proof Of Claim, Attachment A	B410A	Proof Of Claim, Attachment A
B 10S-1	Proof Of Claim, Supplement 1	B410S-1	Proof Of Claim, Supplement 1
B 10S-2	Proof Of Claim, Supplement 2	B410S-2	Proof Of Claim, Supplement 2
B 11A	General Power of Attorney	Abrogated	<i>Reissue as director's form 4011A – same name</i>
B 11B	Special Power of Attorney	Abrogated	<i>Reissue as director's form 4011B – same name</i>
B 12	Order and Notice for Hearing on Disclosure Statement	B312	Same
B 13	Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof	B313	Same
B 14	Ballot for Accepting or Rejecting Plan	B314	Same
B 15	Order Confirming Plan	B315	Same
B 16A	Caption	B416A	Same
B 16B	Caption (Short Title)	B416B	Same
B 16D	Caption for Use in Adversary Proceeding other than for a Complaint Filed by a Debtor	B416D	Same
B 17A	Notice Of Appeal And Statement Of Election	B417A	Same
B17B	Optional Appellee Statement Of Election To Proceed In District Court	B417B	Same
B17C	Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)	B417C	Same
B 18	Discharge of Debtor	B318	Discharge of Debtor in a Chapter 7 Case
B 19	Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer	B119	Bankruptcy Petition Preparer's Notice, Declaration and Signature
B 20A	Notice of Motion or Objection	B420A (eff. 12.1.16 or later)	Notice of Motion or Objection
B 20B	Notice of Objection to Claim	B420B (eff. 12.1.16 or later)	Notice of Objection to Claim
B 21	Statement of Social Security Number	B121	Your Statement About Your Social Security Numbers
B 22A-1	Chapter 7 Statement of Your Current Monthly Income and Means-Test Calculation (<i>published as 22A-1</i>)	B122A-1	Same
B 22A-1Supp	Chapter 7 Means Test Exemption Attachment	B122A-1Supp	Same
B 22A-2	Chapter 7 Means Test Calculation	B122A-2	Same
B 22B	Chapter 11 Statement of Your Current	B122B	Same
B22C-1	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)	B122C-1	Same
B22C-2	Chapter 13 Calculation of Your Disposable Income	B122C-2	Same
B 23	Debtor's Certification of Completion of Instructional Course Concerning Financial Management	B423	Certification About a Financial Management Course

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2014 Form Number	2014 Form Name	2015 Number	New Name
B 24	Certification to Court of Appeals	B424	Same
B 25A	Plan of Reorganization in Small Business Case under Chapter 11	B425A (eff. 12.1.16 or later)	Same
B 25B	Disclosure Statement in Small Business Case under Chapter 11	B425B (eff. 12.1.16 or later)	Same
B 25C	Small Business Monthly Operating Report	B425C (eff. 12.1.16 or later)	Same
B 26	Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest	B426 (eff. 12.1.16 or later)	Same
B 27	Reaffirmation Agreement Cover Sheet	B427	Cover Sheet for Reaffirmation Agreement
Director's Bankruptcy Forms			
B 13S	Order Conditionally Approving Disclosure Statement, Fixing Time for Filing Acceptances or Rejections of Plan, and Fixing the Time for Filing Objections to the Confirmation of the Plan, Combined with Notice Thereof and of the Hearing on Final Approval of the Disclosure Statement and the Hearing on Confirmation of the Plan	B3130S	Order and Notice Conditionally Approving Disclosure Statement; Fixing Time for Filing Acceptances or Rejections of Plan; Fixing Time for Filing Objections to Disclosure Statement and Objections to Confirmation of Plan; and Fixing Time for Hearing on Final Approval of Disclosure Statement and Hearing on Confirmation of Plan
B 15S	Order Finally Approving Disclosure Statement and Confirming Plan	B3150S	Order Approving Disclosure Statement and Confirming Plan
B 18F	Discharge of Debtor After Completion of Chapter 12 Plan	B3180F	Chapter 12 Discharge
B 18FH	Discharge of Debtor Before Completion of Chapter 12 Plan	B3180FH	Chapter 12 Hardship Discharge
B 18J	Discharge of Joint Debtors (Chapter 7)	B318	Discharge of Debtor in a Chapter 7 Case (combined with Form 318)
B 18JO	Discharge of One Joint Debtor (Chapter 7)	B318	Discharge of Debtor in a Chapter 7 Case (combined with Form 318)
B 18RI	Discharge of Individual Debtor in a Chapter 11 Case	B3180RI	Individual Chapter 11 Discharge
B 18W	Discharge of Debtor After Completion of Chapter 13 Plan	B3180W	Chapter 13 Discharge
B 18WH	Order Discharging Debtor Before Completion of Chapter 13 Plan	B3180WH	Chapter 13 Hardship Discharge
B 104	Adversary Proceeding Cover Sheet	B1040	Same
B 131	Exemplification Certificate	B1310	Same
B 132	Application for Search of Bankruptcy Records	B1320	Same
B 133	Claims Register	B1330	Same
B 200	Required Lists, Schedules, Statements and Fees	B2000	
B 201A	Notice to Individual Consumer Debtor	B2010	Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy
B 201B	Certification of Notice to Individual Consumer Debtor(s)	B101	Voluntary Petition for Individuals Filing for Bankruptcy (combined with Form 101)
B 202	Statement of Military Service	B2020	Same

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2014 Form Number	2014 Form Name	2015 Number	New Name
B 203	Disclosure of Compensation of Attorney for Debtor	B2030	Attorney's Disclosure of Compensation
B 204	Notice of Need to File Proof of Claim Due to Recovery of Assets	B2040	Same
B 205	Notice to Creditors and Other Parties in Interest	B2050	Same
B 206	Certificate of Commencement of Case	B2060	Same
B 207	Certificate of Retention of Debtor In Possession	B2070	Same
B 210A	Transfer of Claim Other Than for Security	B2100A	Same
B 210B	Notice of Transfer of Claim Other Than for Security	B2100B	Same
B 230A	Order Confirming Chapter 12 Plan	B2300A	Same
B 230B	Order Confirming Chapter 13 Plan	B2300B	Same
B 231A	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 12 Plan	B2310A	Same
B 231B	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan	B2310B	Same
B 240A	Reaffirmation Documents	B2400A	Same
B 240B	Motion for Approval of Reaffirmation Agreement	B2400B	Same
B 240C	Order on Reaffirmation Agreement	B2400C	Same
B 240A/B ALT	Reaffirmation Agreement	B2400A/B ALT	Same
B 240C ALT	Order on Reaffirmation Agreement	B2400C ALT	Same
B 250A	Summons in an Adversary Proceeding	B2500A	Same
B 250B	Summons and Notice of Pretrial Conference in an Adversary Proceeding	B2500B	Same
B 250C	Summons and Notice of Trial in an Adversary Proceeding	B2500C	Same
B 250D	Third-Party Summons	B2500D	Same
B 250E	Summons to Debtor in Involuntary Case	B2500E	Same
B 250F	Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding	B2500F	Same
B 253	Order for Relief in an Involuntary Case	B2530	Same
B 254	Subpoena for Rule 2004 Examination	B2540	Same
B 255	Subpoena in an Adversary Proceeding	B2550	Same
B 256	Subpoena in a Case Under the Bankruptcy Code	B2560	Same
B 257	Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case (or Adversary Proceeding)	B2570	Same
B 260	Entry of Default	B2600	Same
B 261A	Judgment by Default	B2610A	Same
B 261B	Judgment by Default	B2610B	Same
B 261C	Judgment in an Adversary Proceeding	B2610C	Same
B 262	Notice of Entry of Judgment	B2620	Same
B 263	Bill of Costs	B2630	Same

Modernized Bankruptcy Forms Numbering Conversion Chart **7.30.15**

2014 Form Number	2014 Form Name	2015 Number	New Name
B 264	Writ of Execution to the United States Marshal	B2640	Same
B 265	Certification of Judgment for Registration in Another District	B2650	Same
B 270	Notice of Filing of Final Report of Trustee, of Hearing on Applications for Compensation [and of Hearing on Abandonment of Property by the Trustee]	B2700	Same
B 271	Final Decree	B2710	Same
B 280	Disclosure of Compensation of Bankruptcy Petition Preparer	B2800	Same
B 281	Appearance of Child Support Creditor or Representative	B2810	Same
B 283	Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)	B2830	Same

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WHO DOES WHAT AT THE CHAPTER 13 TRUSTEE'S OFFICE

Peggy Meunier, Administrative Assistant

Peggy generally covers most of the hours we are open, answering incoming calls, responding to routine questions from debtors, creditors and their representatives. Peggy also handles the filing of incoming documents into cases, such as proof of insurance, Sec. 341 documents, etc. Peggy is our office's front line for incoming calls and documents. Some of the routine matters Peggy coordinates is requests for payoffs in non-conduit cases and handling loan approval requests. Peggy also does much of the work in setting up new cases and making sure they are ready for first meetings as well as the initial review of unsecured claims. For questions that Peggy cannot answer they are generally referred to Jody, Margaret or Jan depending on the nature of the question or problem.

Margaret Katucki, Conduit Case Manager

Margaret oversees our administration of all of the conduit mortgage cases with oversight from the trustee. Margaret deals with routine issues which surface on conduit mortgage cases such as questions from debtors, creditors and their representatives, the status of payments, mortgage servicing issues, escrow and mortgage payment adjustments. She also keeps track of debtor payments and prepares delinquency notices and drafts of motions to dismiss delinquent cases. As cases approach their end she contacts debtors and mortgage creditors to insure a smooth transition to direct debtor payments. Margaret generally works Mondays through Wednesdays and is the best person with which to discuss issues in conduit mortgage cases.

Jody Brown, Closed Case Manager

Jody's focus is cases that are either nearing completion or are in the process of early termination due to dismissal or conversion. Accordingly, Jody handles an array of issues related to terminating cases such as terminating wage deductions, coordinating and collecting final plan payments, requesting titles from lenders for claims paid off. Jody monitors cases as they approach completion and she prepares final documents such as Rule 3002 notices, motions to deem mortgage payments current, final reports, and certificates of completion. For questions regarding the status of cases in the process of closing or terminating, Jody is often the best source of information.

Darlene Sensenich, Office and Financial Manager

Darlene's primary focus is keeping track of trustee funds as well as managing the operation of the office. She manages the systems that post debtor receipts and keep all of the bank accounts balanced and reconciled. She does this with the assistance of our external accountant and subject to the supervision of the trustee. Darlene handles routine staffing issues, payroll, and general office management issues. She also assists with budgeting and financial report preparation.

Staff Attorney, (new position starting October 2015)

Our staff attorney will handle the filing of routine motions, such as motions to dismiss as well as dealing with mortgage servicer issues and general litigation (adversary proceeding, appeals, etc.). The Staff Attorney will provide support to the rest of the staff in dealing with complex issues. In an extraordinary inability of the trustee to cover a court calendar, our Staff Attorney would be able to handle meetings of creditors or court calendars.