

VBA BANKRUPTCY LAW SECTION
BENCH-BAR BROWN BAG LUNCH MEETING
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge
United States Bankruptcy Court, Rutland

Friday, February 28, 2020 ~ 12:00 to 1:00 PM

Dial-in number: (888) 398-2342. Access code: 846 68 72#

If you dial into the meeting, please use your “mute” function, unless speaking.

AGENDA

1. NEW STANDING ORDERS [copies attached] Judge Brown
 - # 20-01 Adoption of Interim Rules and Forms to Implement the SBRA (Subchapter V)
 - # 20-02 Creation of Vt. LBR 3002.1-1, -2, and -3, re HELOC, mo pmt chg notes, amt of pmt due while obj pending, and content of motion / order for D current motions
 - # 20-03 Creation of Vt. LBR 4001-2 re tenant's rent pmt obligations under § 362(l)
 - # 20-04 Creation of Vt.LBR 5005-2, -3, -4, and 9011-2 re *pro se* party's option for filing documents electronically via email
 - # 20-05 Revision of Vt LBR 1007-1 & 3070-1(a) re Ch 13 plan payment e-Wage option
 - # 20-06 Procedure & Local Forms for Continuing / Imposing Stay under § 362(c)(3) & (4)
 - # 20-07 Revising Vt.LBR 2015-1: Ch 12 Op Rept Req'ment w/ LF Op Rept & Mo to Waive/Modify
 - # 20-08 Revising Vt.LBR 2015-2: Ch 13 Op Rept Req'ment w/ LF Op Rept & Mo to Waive/Modify

2. SBRA IN EFFECT AS OF 2/19/20 Lisa Penpraze
 - General introduction from the UST's Office today.
 - Full UST presentation to be held at specially convened BB meeting March 20 in Rutland
 - Panel of Ts available to serve in Subchapter V cases filed in the District of VT are:
 - Heather Zubke Cooper (Rutland), Paul Levine (Albany),
 - Francis Brennan (Albany), Michael Brummer (Buffalo),
 - Eric Huebscher (New York City), Mark Schlant (Buffalo)

3. MOTION PRACTICE POINTERS Judge Brown
 - To avoid having a **MTDV** set for hearing when no objections have been filed:
 1. state, and attach docs to support, the basis for the D's collateral valuation;
 2. be sure the valuation & allowed amt of the sec'd claim in motion and the proposed order are identical;
 3. if the collateral value, or amt of the sec'd claim, the D seeks in the MTDV differ from the value or claim amount in the C's PoC, explain why; and
 4. conspicuously include a description of the relief sought if other than collateral value or amt of sec'd cl (e.g. repayment term, interest rate)
 - **best practice**: state this in caption of both notc of motion and proposed order
 - To enable the Clerk's Office and Court to more effectively track **conditional orders**,
 1. include an expiration date in the motion and proposed order that will “terminate” the open status of the matter w/o further action (see Bessette stip 19-10302); or
 2. set a status hrg in the order, with a date that is after last deadline in the order (e.g., if D req'd to make pmts for 3 mos, then set a sts conf in month 4); and
 3. refrain from including case-long requirements in cond'l relief stips or orders (6 mos shd be the max unless there are extraordinary circs); and
 4. note that, at any time, the movant can file stmnt saying conditions satisfied, to trigger the Clerk's Office “termination” of the motion/ stipulation

4. CLERK'S OFFICE PROCEDURAL POINTER

Jody Kennedy

- If filing a 2nd motion to modify a plan, before a hearing on the 1st motion to modify:
 - the movant ***must withdraw*** the 1st motion to modify.
 - This is especially important when an objection or response has been filed to the 1st motion to modify, but is always required.
 - Clerk's Office must leave 1st MTM on for hrg unless / until it's w'drawn.
 - If the movant intends the 2nd filing to be treated as an amended motion or a supplement to the original filing, they must (a) link it to the original filing and (b) label it as an amended motion or supplement
- ***This pointer applies to all types of motions.***

5. VBA BANKRUPTCY SECTION UPDATE

Don Hayes

- **March 27, 2020:** VBA Midyear – intersection of bankruptcy w/ 5 other areas of law
 - anyone interested in this should contact Don Hayes
- **May 28, 2020:** Ag Day / Ch 12 Program - Joint Program of VBA & VLS
- **Fall 2020 (?)**: Intersection of Bankruptcy Law and the Needs of Persons w/ Mental Illness
 - Still in the planning stages; anyone interested in this should contact Nancy Geise

6. OTHER 2020 SEMINARS OF INTEREST

Judge Brown

- ABI Northeast Rockport, Maine July 9-11, 2020
- NCBJ Conference San Diego, CA October 14-17, 2020
- NNY & Capital Region Cooperstown, NY November 6-7, 2020

7. NEW BUSINESS?

The group

- Questions? Comments? Suggestions for future BB topics?

These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court.

One CLE credit is provided for attendance at each meeting.

Contact Maria Dionne @ 802-657-6432 or maria_dionne@vtb.uscourts.gov with any questions

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

BY ADOPTION OF

STANDING ORDER # 20-01

INTERIM BANKRUPTCY RULES

**1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014,
3016, 3017.1, 3017.2, 3018, and 3019,
AND OFFICIAL FORMS
101, 201, 309E1, 309E2, 309F1, 309F2, 314, 315,
and 425A;**

TO IMPLEMENT

THE SMALL BUSINESS REORGANIZATION ACT OF 2019

On August 23, 2019, the Small Business Reorganization Act of 2019 (the “SBRA”) was enacted into law, with an effective date of February 19, 2020.

At its September 26, 2019 meeting, the Advisory Committee on Bankruptcy Rules (the “Advisory Committee”) recommended amendments to nine Federal Bankruptcy Rules and seven Official Bankruptcy Forms, as well as the adoption of two new Official Bankruptcy Forms, to implement the SBRA. Because the SBRA will take effect long before the rulemaking process can run its course under the Rules Enabling Act, the proposed amended rules will first be issued as interim bankruptcy rules (Interim Rules) for adoption by each judicial district. The Advisory Committee has recommended final approval of the following Interim Rules and Official Forms: Interim Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019, and Official Forms 101, 201, 309E1, 309E2, 309F1, 309F2, 314, 315, and 425A, and further recommended each court adopt the Interim Rules and pending Official Forms, on a temporary basis, until these documents obtain final approval.


Based on this guidance, IT IS HEREBY ORDERED, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the following attached Interim Rules and Official Forms are adopted in their entirety:

Interim Rules: 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019; and

Official Forms 101, 201, 309E1, 309E2, 309F1, 309F2, 314, 315, and 425A.

IT IS FURTHER ORDERED these Interim Rules and Official Forms are adopted effective February 19, 2020.

February 12, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attached: Interim Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019; and
Official Forms 101, 201, 309E1, 309E2, 309F1, 309F2, 314, 315, and 425A.

**INTERIM AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 Rule 1007. Lists, Schedules, Statements, and Other

2 Documents; Time Limits

3 * * * * *

4 (b) SCHEDULES, STATEMENTS, AND OTHER
5 DOCUMENTS REQUIRED.

6 * * * * *

7 (5) An individual debtor in a chapter 11 case
8 (unless under subchapter V) shall file a statement of
9 current monthly income, prepared as prescribed by
10 the appropriate Official Form.

11 * * * * *

¹ These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

12 (h) INTERESTS ACQUIRED OR ARISING
13 AFTER PETITION. If, as provided by § 541(a)(5) of the
14 Code, the debtor acquires or becomes entitled to acquire any
15 interest in property, the debtor shall within 14 days after the
16 information comes to the debtor's knowledge or within such
17 further time the court may allow, file a supplemental
18 schedule in the chapter 7 liquidation case, chapter 11
19 reorganization case, chapter 12 family farmer's debt
20 adjustment case, or chapter 13 individual debt adjustment
21 case. If any of the property required to be reported under
22 this subdivision is claimed by the debtor as exempt, the
23 debtor shall claim the exemptions in the supplemental
24 schedule. This duty to file a supplemental schedule
25 continues even after the case is closed, except for property
26 acquired after an order is entered:

27 (1) confirming a chapter 11 plan (other than one
28 confirmed under § 1191(b)); or

33 * * * * *

1 **Rule 1020. Chapter 11 Reorganization Case for Small**
2 **Business Debtors**

3 (a) SMALL BUSINESS DEBTOR
4 DESIGNATION. In a voluntary chapter 11 case, the debtor
5 shall state in the petition whether the debtor is a small
6 business debtor and, if so, whether the debtor elects to have
7 subchapter V of chapter 11 apply. In an involuntary chapter
8 11 case, the debtor shall file within 14 days after entry of the
9 order for relief a statement as to whether the debtor is a small
10 business debtor and, if so, whether the debtor elects to have
11 subchapter V of chapter 11 apply. The status of the case as
12 a small business case or a case under subchapter V of chapter
13 11 shall be in accordance with the debtor's statement under
14 this subdivision, unless and until the court enters an order
15 finding that the debtor's statement is incorrect.

16 (b) OBJECTING TO DESIGNATION. The United
17 States trustee or a party in interest may file an objection to
18 the debtor's statement under subdivision (a) no later than 30

19 days after the conclusion of the meeting of creditors held
20 under § 341(a) of the Code, or within 30 days after any
21 amendment to the statement, whichever is later.

22 (c) PROCEDURE FOR OBJECTION OR
23 DETERMINATION. Any objection or request for a
24 determination under this rule shall be governed by Rule 9014
25 and served on: the debtor; the debtor's attorney; the United
26 States trustee; the trustee; the creditors included on the list
27 filed under Rule 1007(d) or, if a committee has been
28 appointed under § 1102(a)(3), the committee or its
29 authorized agent and any other entity as the court directs.

1 **Rule 2009. Trustees for Estates When Joint**
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR
4 ESTATES BEING JOINTLY ADMINISTERED. If the
5 court orders a joint administration of two or more estates
6 under Rule 1015(b), creditors may elect a single trustee for
7 the estates being jointly administered, unless the case is
8 under subchapter V of chapter 7 or subchapter V of chapter
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT
11 SEPARATE TRUSTEE. Notwithstanding entry of an order
12 for joint administration under Rule 1015(b), the creditors of
13 any debtor may elect a separate trustee for the estate of the
14 debtor as provided in § 702 of the Code, unless the case is
15 under subchapter V of chapter 7 or subchapter V of chapter
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR
18 ESTATES BEING JOINTLY ADMINISTERED.

19

* * * * *

20

(2) *Chapter 11 Reorganization Cases.* If the

21

appointment of a trustee is ordered or is required by

22

the Code, the United States trustee may appoint one

23

or more trustees for estates being jointly

24

administered in chapter 11 cases.

25

* * * * *

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter
4 11 case (other than under subchapter V), or the debtor is
5 removed as debtor in possession in a chapter 12 case or in a
6 case under subchapter V of chapter 11, the trustee is
7 substituted automatically for the debtor in possession as a
8 party in any pending action, proceeding, or matter.

9 * * * * *

1 **Rule 2015. Duty to Keep Records, Make Reports, and**
2 **Give Notice of Case or Change of Status**

3 (a) TRUSTEE OR DEBTOR IN POSSESSION. A
4 trustee or debtor in possession shall:

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

12 (2) keep a record of receipts and the
13 disposition of money and property received;

14 (3) file the reports and summaries required by
15 § 704(a)(8) of the Code, which shall include a
16 statement, if payments are made to employees, of the
17 amounts of deductions for all taxes required to be

18 withheld or paid for and in behalf of employees and
19 the place where these amounts are deposited;

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

32 (5) in a chapter 11 reorganization case (other
33 than under subchapter V), on or before the last day
34 of the month after each calendar quarter during
35 which there is a duty to pay fees under 28 U.S.C.

36 § 1930(a)(6), file and transmit to the United States
37 trustee a statement of any disbursements made
38 during that quarter and of any fees payable under 28
39 U.S.C. § 1930(a)(6) for that quarter; and
40 (6) in a chapter 11 small business case, unless
41 the court, for cause, sets another reporting interval,
42 file and transmit to the United States trustee for each
43 calendar month after the order for relief, on the
44 appropriate Official Form, the report required by
45 § 308. If the order for relief is within the first 15 days
46 of a calendar month, a report shall be filed for the
47 portion of the month that follows the order for relief.
48 If the order for relief is after the 15th day of a
49 calendar month, the period for the remainder of the
50 month shall be included in the report for the next
51 calendar month. Each report shall be filed no later
52 than 21 days after the last day of the calendar month
53 following the month covered by the report. The

54 obligation to file reports under this subparagraph
 55 terminates on the effective date of the plan, or
 56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND
 58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF
 59 CHAPTER 11. In a case under subchapter V of chapter 11,
 60 the debtor in possession shall perform the duties prescribed
 61 in (a)(2)–(4) and, if the court directs, shall file and transmit
 62 to the United States trustee a complete inventory of the
 63 debtor’s property within the time fixed by the court. If the
 64 debtor is removed as debtor in possession, the trustee shall
 65 perform the duties of the debtor in possession prescribed in
 66 this subdivision (b). The debtor shall perform the duties
 67 prescribed in (a)(6).

68 (c) CHAPTER 12 TRUSTEE AND DEBTOR IN
 69 POSSESSION. In a chapter 12 family farmer’s debt
 70 adjustment case, the debtor in possession shall perform the
 71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the
73 United States trustee a complete inventory of the property of
74 the debtor within the time fixed by the court. If the debtor is
75 removed as debtor in possession, the trustee shall perform
76 the duties of the debtor in possession prescribed in this
77 subdivision (c).

78 (d) CHAPTER 13 TRUSTEE AND
79 DEBTOR.

80 (1) *Business Cases.* In a chapter 13
81 individual's debt adjustment case, when the debtor is
82 engaged in business, the debtor shall perform the
83 duties prescribed by clauses (2)–(4) of subdivision
84 (a) of this rule and, if the court directs, shall file and
85 transmit to the United States trustee a complete
86 inventory of the property of the debtor within the
87 time fixed by the court.

88 (2) *Nonbusiness Cases.* In a chapter 13
89 individual's debt adjustment case, when the debtor is

90 not engaged in business, the trustee shall perform the
91 duties prescribed by clause (2) of subdivision (a) of
92 this rule.

93 (e) FOREIGN REPRESENTATIVE. In a case in
94 which the court has granted recognition of a foreign
95 proceeding under chapter 15, the foreign representative shall
96 file any notice required under § 1518 of the Code within 14
97 days after the date when the representative becomes aware
98 of the subsequent information.

99 (f) TRANSMISSION OF REPORTS. In a chapter
100 11 case the court may direct that copies or summaries of
101 annual reports and copies or summaries of other reports shall
102 be mailed to the creditors, equity security holders, and
103 indenture trustees. The court may also direct the publication
104 of summaries of any such reports. A copy of every report or
105 summary mailed or published pursuant to this subdivision
106 shall be transmitted to the United States trustee.

1 **Rule 3010. Small Dividends and Payments in Cases**
2 **Under Chapter 7, Subchapter V of Chapter 11, Chapter**
3 **12, and Chapter 13**

4 * * * * *

5 (b) CASES UNDER SUBCHAPTER V OF
6 CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a
7 case under subchapter V of chapter 11, chapter 12, or chapter
8 13, no payment in an amount less than \$15 shall be
9 distributed by the trustee to any creditor unless authorized
10 by local rule or order of the court. Funds not distributed
11 because of this subdivision shall accumulate and shall be
12 paid whenever the accumulation aggregates \$15. Any funds
13 remaining shall be distributed with the final payment.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7,**
2 **Subchapter V of Chapter 11, Chapter 12, and Chapter**
3 **13**

4 The trustee shall file a list of all known names and
5 addresses of the entities and the amounts which they are
6 entitled to be paid from remaining property of the estate that
7 is paid into court pursuant to § 347(a) of the Code.

1 Rule 3014. Election Under § 1111(b) by Secured
2 Creditor in Chapter 9 Municipality or Chapter 11
3 Reorganization Case

4 An election of application of § 1111(b)(2) of the
5 Code by a class of secured creditors in a chapter 9 or 11 case
6 may be made at any time prior to the conclusion of the
7 hearing on the disclosure statement or within such later time
8 as the court may fix. If the disclosure statement is
9 conditionally approved pursuant to Rule 3017.1, and a final
10 hearing on the disclosure statement is not held, the election
11 of application of § 1111(b)(2) may be made not later than the
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the
13 court may fix. In a case under subchapter V of chapter 11 in
14 which § 1125 of the Code does not apply, the election may
15 be made not later than a date the court may fix. The election
16 shall be in writing and signed unless made at the hearing on
17 the disclosure statement. The election, if made by the

18 INTERIM RULES OF BANKRUPTCY PROCEDURE

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding
- 19 on all members of the class with respect to the plan.

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

4 (a) IDENTIFICATION OF PLAN. Every proposed
5 plan and any modification thereof shall be dated and, in a
6 chapter 11 case, identified with the name of the entity or
7 entities submitting or filing it.

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

17 * * * * *

18 (d) STANDARD FORM SMALL BUSINESS
19 DISCLOSURE STATEMENT AND PLAN. In a small
20 business case or a case under subchapter V of chapter 11, the
21 court may approve a disclosure statement and may confirm
22 a plan that conform substantially to the appropriate Official
23 Forms or other standard forms approved by the court.

1 **Rule 3017.1. Court Consideration of Disclosure**
2 **Statement in a Small Business Case or in a Case Under**
3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF
5 DISCLOSURE STATEMENT. In a small business case or
6 in a case under subchapter V of chapter 11 in which the court
7 has ordered that § 1125 applies, the court may, on
8 application of the plan proponent or on its own initiative,
9 conditionally approve a disclosure statement filed in
10 accordance with Rule 3016. On or before conditional
11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and
13 interests may accept or reject the plan;
14 (2) fix a time for filing objections to the disclosure
15 statement;
16 (3) fix a date for the hearing on final approval of the
17 disclosure statement to be held if a timely objection
18 is filed; and

22 INTERIM RULES OF BANKRUPTCY PROCEDURE

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

20 * * * * *

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**
2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which
4 § 1125 does not apply, the court shall:

- 5 (a) fix a time within which the holders of claims
6 and interests may accept or reject the plan;
- 7 (b) fix a date on which an equity security holder
8 or creditor whose claim is based on a security must
9 be the holder of record of the security in order to be
10 eligible to accept or reject the plan;
- 11 (c) fix a date for the hearing on confirmation; and
- 12 (d) fix a date for transmission of the plan, notice
13 of the time within which the holders of claims and
14 interests may accept or reject the plan, and notice of
15 the date for the hearing on confirmation.

1 Rule 3018. Acceptance or Rejection of Plan in a Chapter
2 9 Municipality or a Chapter 11 Reorganization Case

3 (a) ENTITIES ENTITLED TO ACCEPT OR
 4 REJECT PLAN; TIME FOR ACCEPTANCE OR
 5 REJECTION. A plan may be accepted or rejected in
 6 accordance with § 1126 of the Code within the time fixed by
 7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject
 8 to subdivision (b) of this rule, an equity security holder or
 9 creditor whose claim is based on a security of record shall
 10 not be entitled to accept or reject a plan unless the equity
 11 security holder or creditor is the holder of record of the
 12 security on the date the order approving the disclosure
 13 statement is entered or on another date fixed by the court
 14 under Rule 3017.2, or fixed for cause after notice and a
 15 hearing. For cause shown, the court after notice and hearing
 16 may permit a creditor or equity security holder to change or
 17 withdraw an acceptance or rejection. Notwithstanding
 18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an
20 amount which the court deems proper for the purpose of
21 accepting or rejecting a plan.

22 * * * * *

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

* * * * *

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

19 debtor, the proponent of the modification, the trustee, and
20 any other entity designated by the court, and shall be
21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a
24 case under subchapter V of chapter 11, a request to modify
25 the plan under § 1193(b) or (c) of the Code is governed by
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____

Case number (If known): _____ Chapter you are filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an
amended filing

Official Form 101**Voluntary Petition for Individuals Filing for Bankruptcy**

02/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself**About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

First name _____

Middle name _____

Last name _____

Suffix (Sr., Jr., II, III) _____

First name _____

Middle name _____

Last name _____

Suffix (Sr., Jr., II, III) _____

2. All other names you have used in the last 8 years

Include your married or maiden names.

First name _____

Middle name _____

Last name _____

First name _____

Middle name _____

Last name _____

First name _____

Middle name _____

Last name _____

First name _____

Middle name _____

Last name _____

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

XXX - XX - _____

OR

9 XX - XX - _____

XXX - XX - _____

OR

9 XX - XX - _____

About Debtor 1:**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

Include trade names and
doing business as names

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

About Debtor 2 (Spouse Only in a Joint Case):

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

Number Street

City State ZIP Code

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City State ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Part 2: Tell the Court About Your Bankruptcy Case**7. The chapter of the Bankruptcy Code you are choosing to file under**

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13

8. How you will pay the fee

- ☐ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

- ☐ No
- ☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

- ☐ No
- ☐ Yes. Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY
- Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY

11. Do you rent your residence?

- ☐ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor**12. Are you a sole proprietor of any full- or part-time business?**

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

☐ No. Go to Part 4.

☐ Yes. Name and location of business

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above
13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ No. I am not filing under Chapter 11.

☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.

☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.
Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention**14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

☐ No

☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number

Street

City

State

ZIP Code

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes**16. What kind of debts do you have?**

16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.
☐ Yes. Go to line 17.

16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?

☐ No. I am not filing under Chapter 7. Go to line 18.

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No
☐ Yes

18. How many creditors do you estimate that you owe?

- | | | |
|----------------------------------|--|--|
| <input type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

19. How much do you estimate your assets to be worth?

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

20. How much do you estimate your liabilities to be?

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Part 7: Sign Below**For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, 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.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

X

Signature of Debtor 1

Executed on _____
 MM / DD / YYYY

X

Signature of Debtor 2

Executed on _____
 MM / DD / YYYY

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X

Signature of Attorney for Debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned.

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

☐ No

☐ Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

☐ No

☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

☐ No

☐ Yes. Name of Person _____

Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

X

Signature of Debtor 1

Date

MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

X

Signature of Debtor 2

Date

MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number (if known): _____ Chapter _____

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

02/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN)

____ - ____ - _____

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

Number Street

Number Street

P.O. Box

City State ZIP Code

City State ZIP Code

Location of principal assets, if different from principal place of business

County

Number Street

City State ZIP Code

5. Debtor's website (URL)

6. Type of debtor

- ☐ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
- ☐ Partnership (excluding LLP)
- ☐ Other. Specify: _____

7. Describe debtor's business

- A. Check one:
- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above
- B. Check all that apply:
- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))
- C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes> .
- ____

8. Under which chapter of the Bankruptcy Code is the debtor filing?

- Check one:
- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11. Check all that apply:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and it chooses to proceed under Subchapter V of Chapter 11.
- ☐ 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).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- ☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No
- ☐ Yes. District _____ When _____ Case number _____

MM / DD / YYYY
- District _____ When _____ Case number _____

MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☐ No
☐ Yes. Debtor Relationship
District When
Case number, if known

List all cases. If more than 1, attach a separate list.

MM / DD / YYYY

11. Why is the case filed in this district?

Check all that apply:
☐ Debtor has had its domicile, 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.
☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☐ No
☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number

Street

City

State ZIP Code

Is the property insured?

☐ No
☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:
☐ Funds will be available for distribution to unsecured creditors.
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

☐ 1-49
☐ 50-99
☐ 100-199
☐ 200-999

☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000

☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

15. Estimated assets	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

16. Estimated liabilities	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
MM / DD / YYYY

X

Signature of authorized representative of debtor

Printed name

Title

18. Signature of attorney

X

Signature of attorney for debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number

Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

Information to identify the case:Debtor 1
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN _____

EIN _____

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN _____

EIN _____

United States Bankruptcy Court for the: _____ District of _____
(State)

[Date case filed for chapter 11 _____ MM / DD / YYYY] OR

Case number: _____

[Date case filed in chapter _____ MM / DD / YYYY]

Date case converted to chapter 11 _____
MM / DD / YYYY**Official Form 309E1 (For Individuals or Joint Debtors)****Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 10 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .		Hours open _____ Contact phone _____

For more information, see page 2 ►

6. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location:

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

7. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:**You must file a complaint:**

- if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or
- if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

First date set for hearing on confirmation of plan. The court will send you a notice of that date later.

Filing deadline for dischargeability complaints: _____**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a 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.

Deadline to object to exemptions:

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

Filing deadline: 30 days after the *conclusion* of the meeting of creditors

8. Creditors with a foreign address

If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

9. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive 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 property and may continue to operate the debtor's business.

10. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.

11. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.

Information to identify the case:

Debtor 1	First Name _____	Middle Name _____	Last Name _____	Last 4 digits of Social Security number or ITIN _____	EIN _____ - _____
Debtor 2 (Spouse, if filing)	First Name _____	Middle Name _____	Last Name _____	Last 4 digits of Social Security number or ITIN _____	EIN _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)				[Date case filed for chapter 11 _____ MM / DD / YYYY] OR [Date case filed in chapter _____ MM / DD / YYYY] Date case converted to chapter 11 _____ MM / DD / YYYY]	
Case number: _____					

Official Form 309E2 (For Individuals or Joint Debtors under Subchapter V)**Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1:	About Debtor 2:
1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____

For more information, see page 2 ►

6. Bankruptcy clerk's office

Documents in this case may be filed at this address.
You may inspect all records filed in this case at this office or online at www.pacer.gov.

Hours open _____

Contact phone _____

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.
Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date.
If so, the date will be on the court docket.

8. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:

You must file a complaint:

- ☐ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or
- ☐ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

First date set for hearing on confirmation of plan. The court will send you a notice of that date later.

Filing deadline for dischargeability complaints: _____

Deadline for filing proof of claim:

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- ☐ your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- ☐ you file a proof of claim in a different amount; or
- ☐ you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a 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.

Deadline to object to exemptions:

The law permits debtors to keep certain property as exempt.

If you believe that the law does not authorize an exemption claimed, you may file an objection.

Filing deadline: 30 days after the *conclusion* of the meeting of creditors

9. Creditors with a foreign address

If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. The debtor will generally remain in possession of the property and may continue to operate the debtor's business.

For more information, see page 3 ►

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

Information to identify the case:

Debtor _____ Name _____ EIN _____ - - - - -

United States Bankruptcy Court for the: _____ District of _____
(State) [Date case filed for chapter 11 _____ MM / DD / YYYY OR

Case number: _____ [Date case filed in chapter _____ MM / DD / YYYY

Date case converted to chapter 11 _____ MM / DD / YYYY

Official Form 309F1 (For Corporations or Partnerships)**Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name**2. All other names used in the last 8 years****3. Address****4. Debtor's attorney**

Name and address

Contact phone _____

Email _____

5. Bankruptcy clerk's office

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at www.pacer.gov.

Hours open _____

Contact phone _____

6. Meeting of creditors

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

For more information, see page 2 ►

7. **Proof of claim deadline**

Deadline for filing proof of claim:

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court)]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a 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.

8. **Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint: _____

9. **Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. **Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive 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 property and may continue to operate its business.

11. **Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

Information to identify the case:

Debtor _____ EIN _____
Name _____

United States Bankruptcy Court for the: _____ District of _____
(State) [Date case filed for chapter 11 _____ MM / DD / YYYY OR

Case number: _____ [Date case filed in chapter _____ MM / DD / YYYY

Date case converted to chapter 11 _____ MM / DD / YYYY

Official Form 309F2 (For Corporations or Partnerships under Subchapter V)

Notice of Chapter 11 Bankruptcy Case

02/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 12 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	
Hours open _____ Contact phone _____	

For more information, see page 2 ►

7. Meeting of creditors

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

_____ at _____

Location:

Date

Time

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Proof of claim deadline

Deadline for filing proof of claim:

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a 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.

9. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint:

10. Creditors with a foreign address

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. The debtor will generally remain in possession of the property and may continue to operate the debtor's business.

12. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

[Caption as in 416A]

Class [] Ballot for Accepting or Rejecting Plan of Reorganization

[Proponent] filed a plan of reorganization dated [Date] (the Plan) for the Debtor in this case. {The Court has [conditionally] approved a disclosure statement with respect to the Plan (the Disclosure Statement). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]}

{Court approval of the Disclosure Statement does not indicate approval of the Plan by the Court.}

You should review {the Disclosure Statement and} the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

[At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives:]

[If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

The undersigned, the holder of a Class [] claim against the Debtor in the unpaid amount of Dollars (\$)

[or, if the voter is the holder of a bond, debenture, or other debt security:]

The undersigned, the holder of a Class [] claim against the Debtor, consisting of Dollars (\$) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [] equity interest in the Debtor, consisting of _____ shares or other interests of [describe equity interest] in the Debtor

[In each case, the following language should be included:]

Check one box only

☐ **Accepts the plan**

☐ **Rejects the plan**

Dated: _____

Print or type name: _____

Signature: _____ Title (if corporation or partnership) _____

Address: _____

Return this ballot to:

[Name and address of proponent's attorney or other appropriate address]

Order Confirming Plan

The plan under chapter 11 of the Bankruptcy Code filed by _____, on _____ [if applicable, as modified by a modification filed on _____], or a summary thereof, having been transmitted to creditors and equity security holders; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1129(a) [or, if appropriate, 11 U.S.C. § 1129(b), 1191(a), or 1191(b)] have been satisfied;

IT IS ORDERED that:

The plan filed by _____, on _____, [If appropriate, include dates and any other pertinent details of modifications to the plan] is confirmed. [If the plan provides for an injunction against conduct not otherwise enjoined under the Code, include the information required by Rule 3020.]

A copy of the confirmed plan is attached.

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

Fill in this information to identify the case:

Debtor Name _____

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number: _____

☐ Check if this is an amended filing

Official Form 425A

Plan of Reorganization for Small Business Under Chapter 11

02/20

[Name of Proponent]'s Plan of Reorganization, Dated [Insert Date]

[If this plan is for a small business debtor under Subchapter V, 11 U.S.C. § 1190 requires that it include "(A) a brief history of the business operations of the debtor; (B) a liquidation analysis; and (C) projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization." The Background section below may be used for that purpose. Otherwise, the Background section can be deleted from the form, and the Plan can start with "Article 1: Summary"]

Background for Cases Filed Under Subchapter V

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. 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 the Plan as Exhibit ____.

C. 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 and operate the debtor's business.

The Plan Proponent has provided projected financial information as Exhibit ____.

The Plan Proponent's financial projections show that the Debtor will have projected disposable income (as defined by § 1191(d) of the Bankruptcy Code) for the period described in § 1191(c)(2) 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.

Article 1: 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 priority claims;
 classes of secured claims;
 classes of non-priority unsecured claims; and
 classes of equity security holders.

Non-priority 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.

All creditors and equity security holders should refer to Articles 3 through 6 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 2: Classification of Claims and Interests

- 2.01 **Class 1** All allowed claims entitled to priority under § 507(a) 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)).
 [Add classes of priority claims, if applicable]
- 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 non-priority unsecured claims allowed under § 502 of the Code.
 [Add other classes of unsecured claims, if any.]
- 2.04 **Class 4** Equity interests of the Debtor. [If the Debtor is an individual, change this heading to *The interests of the individual Debtor in property of the estate.*]

Article 3: Treatment of Administrative Expense Claims, Priority Tax Claims, and Quarterly and Court Fees

- 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, in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor.
 Or
 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 [specify terms of treatment, including the form, amount, and timing of distribution, consistent with section 1191(e) of the

Code].

[Note: the second provision is appropriate only in a subchapter V plan that is confirmed non-consensually under section 1191(b).]

- 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 **Statutory fees** All fees required to be paid under 28 U.S.C. § 1930 that are owed on or before the effective date of this Plan have been paid or will be paid on the effective date.
- 3.05 **Prospective quarterly fees** All quarterly fees required to be paid under 28 U.S.C. § 1930(a)(6) or (a)(7) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code.

Article 4: 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 excluding those in Article 3	<input type="checkbox"/> Impaired <input type="checkbox"/> 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, or the date on which such claim is allowed by a final non-appealable order. Except: _____."] [Add classes of priority claims if applicable]
Class 2 – Secured claim of [Insert name of secured creditor.]	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of secured claim in this Class, including the form, amount and timing of distribution, if any.] [Add classes of secured claims if applicable]
Class 3 – Non-priority unsecured creditors	<input type="checkbox"/> Impaired <input type="checkbox"/> 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	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of equity security holders in this Class, including the form, amount and timing of distribution, if any.]

Article 5: 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 6: Provisions for Executory Contracts and Unexpired Leases

6.01 Assumed executory contracts and unexpired leases

(a) The Debtor assumes, and if applicable assigns, the following executory contracts and unexpired leases as of the effective date:

[List assumed, or if applicable assigned, executory contracts and unexpired leases.]

(b) Except for executory contracts and unexpired leases that have been assumed, and if applicable assigned, before the effective date or under section 6.01(a) of this Plan, or that are the subject of a pending motion to assume, and if applicable assign, the Debtor will be conclusively deemed to have rejected all executory contracts and unexpired leases as of the effective 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 7: Means for Implementation of the Plan

[Insert here provisions regarding how the plan will be implemented as required under § 1123(a)(5) of the Code. For example, provisions may include those that set out how the plan will be funded, including any claims reserve to be established in connection with the plan, as well as who will be serving as directors, officers or voting trustees of the reorganized Debtor.]

Article 8: General Provisions**8.01 Definitions and rules of construction**

The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions:

[Insert additional definitions if necessary].

8.02 Effective date

The effective date of this Plan is the first business day following the date that is 14 days after the entry of the confirmation order. If, however, a stay of the confirmation order is in effect on that date, the effective date will be the first business day after the date on which the stay expires or is otherwise terminated.

8.03 Severability

If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

8.04 Binding effect

The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

8.05 Captions

The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

[8.06 Controlling effect

Unless a rule of law or procedure is supplied by federal law (including the Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.]

[8.07 Corporate governance

[If the Debtor is a corporation include provisions required by § 1123(a)(6) of the Code.]

[8.08 Retention of Jurisdiction

Language addressing the extent and the scope of the bankruptcy court's jurisdiction after the effective date of the plan.]

Article 9: Discharge

[Include the appropriate provision in the Plan]

[No Discharge -- Section 1141(d)(3) IS applicable.]

In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

[Discharge -- Section 1141(d)(3) IS NOT applicable; use one of the alternatives below]

*[The following 3 alternatives apply to cases in which a discharge is applicable and the Debtor **DID NOT** elect to proceed under Subchapter V of Chapter 11.]*

[Discharge if the Debtor is an individual and did not proceed under Subchapter V]

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.

[Discharge if the Debtor is a partnership and did not proceed under Subchapter V]

On the effective date of this Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, 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.

[Discharge if the Debtor is a corporation and did not proceed under Subchapter V]

On the effective date of this Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, 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; or
- (ii) to the extent provided in § 1141(d)(6).

*[The following 3 alternatives apply to cases in which the Debtor **DID** elect to proceed under Subchapter V of Chapter 11.]*

[Discharge if the Debtor is an individual under Subchapter V]

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code. The Debtor will not be discharged from any debt:

- (i) imposed by this Plan; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

If the Debtor's Plan is confirmed under § 1191(b), confirmation of the Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

[Discharge if the Debtor is a partnership under Subchapter V]

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, 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.

If the Debtor's Plan is confirmed under § 1191(b), confirmation of the Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

[Discharge if the Debtor is a corporation under Subchapter V]

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, 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; or
- (ii) to the extent provided in § 1141(d)(6).

If the Debtor's Plan is confirmed under § 1191(b), 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 due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

Article 10: Other Provisions

[Insert other provisions, as applicable.]

--

Respectfully submitted,

Debtor Name _____

Case number _____

x

[Signature of the Plan Proponent]

[Printed Name]

x

[Signature of the Attorney for the Plan Proponent]

[Printed Name]

UNITED STATES BANKRUPTCY COURT
REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES
Voluntary Chapter 7 Case

- ☐ **Filing Fee of \$245.** If the fee is to be paid in installments or the debtor requests a waiver of the fee, the debtor must be an individual and must file a signed application for court approval. Official Form 103A or 103B and Fed.R.Bankr.P. 1006(b), (c).
- ☐ **Administrative fee of \$75 and trustee surcharge of \$15.** If the debtor is an individual and the court grants the debtor's request, these fees are payable in installments or may be waived.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201); **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 707(a)(3). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement About Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122A). Required if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of assets and liabilities** (Official Forms 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b),(c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Your Income and Your Expenses** (Schedules I and J of Official Form 106). If the debtor is an individual, Schedules I and J of Official Form 106 must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of financial affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by the debtor from any employer within 60 days before the filing of the petition. Required if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Intention for Individuals Filing Under Chapter 7** (Official Form 108). Required ONLY if the debtor is an individual and the schedules of assets and liabilities contain debts secured by property of the estate or personal property subject to an unexpired lease. Must be filed within 30 days or by the date set for the Section 341 meeting of creditors, whichever is earlier. 11 U.S.C. §§ 362(h) and 521(a)(2).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030). Required if the debtor is represented by an attorney. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Required if the debtor is an individual, unless the course provider has notified the court that the debtor has completed the course. Must be filed within 60 days of the first date set for the meeting of creditors. 11 U.S.C. § 727(a)(11) and Fed.R.Bankr.P. 1007(b)(7), (c).

REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

Voluntary Chapter 11 Case

- ☐ **Filing fee of \$1,167.** If the fee is to be paid in installments, the debtor must be an individual and must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$550.** If the debtor is an individual and the court grants the debtor's request, this fee is payable in installments.
- ☐ **United States Trustee quarterly fee.** The debtor, or trustee if one is appointed, is required also to pay a fee to the United States trustee at the conclusion of each calendar quarter until the case is dismissed or converted to another chapter. The calculation of the amount to be paid is set out in 28 U.S.C. § 1930(a)(6). As authorized by 28 U.S.C. § 1930(a)(7), the quarterly fee is paid to the clerk of court in chapter 11 cases in Alabama and North Carolina.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201); **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 1112(e). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement About Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122B). Required if the debtor is an individual unless the case is filed under subchapter V. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **For Individual Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders** (Official Form 104) or **Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders** (Official Form 204). Must be filed WITH the petition. Fed.R.Bankr.P. 1007(d).
- ☐ **Names and addresses of equity security holders of the debtor.** Must be filed with the petition or within 14 days, unless the court orders otherwise. Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Schedules of Assets and Liabilities** (Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures.** If the debtor is an individual, Schedules I and J of Official Form 106 must be used for this purpose. Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by debtor from any employer within 60 days before the filing of the petition. Required if the debtor is an individual. Must be filed WITH the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Required if the debtor is represented by an attorney. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Required if the debtor is an individual and § 1141(d)(3) applies, unless the course provider has notified the court that the debtor has completed the course. Must be filed no later than the date of the last payment under the plan or the filing of a motion for a discharge under § 1141(d)(5)(B). 11 U.S.C. § 1141(d)(3) and Fed.R.Bankr.P. 1007(b)(7), (c).
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor is an individual and has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1141(d)(5)(B). 11 U.S.C. § 1141(d)(5)(C) and Fed.R.Bankr.P. 1007(b)(8), (c).

* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

Chapter 12 Case

- ☐ **Filing Fee of \$200.** If the fee is to be paid in installments, the debtor must be an individual and must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$75.** If the debtor is an individual and the court grants the debtor's request, this fee is payable in installments.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201). **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the court in a timely manner. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement of Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Schedules of Assets and Liabilities** (Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures.** If the debtor is an individual, Schedule I and J of Official Form 106 must be used for this purpose. Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices** or other evidence of payment received by the debtor from any employer within 60 days before the filing of the petition if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Chapter 12 Plan.** Must be filed within 90 days. 11 U.S.C. § 1221.
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor is an individual and has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1228(b). 11 U.S.C. § 1228(f) and Fed.R.Bankr.P. 1007(b)(8), (c).

* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

Chapter 13 Case

- ☐ **Filing fee of \$235.** If the fee is to be paid in installments, the debtor must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$75.** If the court grants the debtor's request, this fee is payable in installments.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101). **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 1307(c)(9). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement of Social Security Number** (Official Form 121). Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122C). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007.
- ☐ **Schedules of Assets and Liabilities** (Official Form 106). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures** (Schedules I and J of Official Form 106). Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by the debtor from any employer within 60 days before the filing of the petition. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Chapter 13 Plan.** (Official Form 113), or local form plan (check with your local court for required plan version). Fed.R.Bankr.P. 3015.1. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 3015.
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1328(b), unless the course provider has notified the court that the debtor has completed the course. 11 U.S.C. § 1328(g)(1) and Fed.R.Bankr.P. 1007(b)(7), (c).
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1328(b). 11 U.S.C. § 1328(h) and Fed.R.Bankr.P. 1007(b)(8), (c).

* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

TO CREATE LOCAL RULES 3002.1-1, 3002.1-2 AND 3002.1-3

STANDING ORDER # 20-02

**REGARDING NEW PROCEDURES FOR HELOC
CREDITORS TO FILE PAYMENT CHANGE NOTICES
ANNUALLY, AMOUNT OF PAYMENT TO BE MADE
AFTER A PAYMENT CHANGE NOTICE WHILE AN
OBJECTION IS PENDING, AND CONTENT OF MOTIONS
AND PROPOSED ORDERS SEEKING A DECLARATION
THE DEBTOR IS CURRENT ON MORTGAGE**

Federal Rule of Bankruptcy Procedure 3002.1 (“Rule 3002.1”) generally requires the holder of a claim secured by a chapter 13 debtor’s personal residence to file and serve a notice each time the amount of the mortgage payment on its claim changes. Subpart (b)(1) states, “If the claim arises from a home-equity line of credit, this requirement may be modified by court order.” After this question was raised by an attorney who represents holders of secured claims based on home-equity lines of credit (“HELOCs”) and investigated by a Task Force, and after input from the Vermont Bankruptcy Bar at Bench Bar meetings in 2019, the Court determined fairness required the general rule be modified in this District, and further determined it would adopt the procedure recommended by the ABI Commission. See FINAL REPORT OF THE ABI COMMISSION ON CONSUMER BANKRUPTCY, § 2.07 (2017–19), available at <https://consumercommission.abi.org/commission-report>.

New Vt. LBR 3002.1-1

To implement this modification of the generally applicable requirement set forth in Rule 3002.1, when the secured claim arises from a HELOC, IT IS HEREBY ORDERED that the following Local Rule is enacted:

VT. LBR 3002.1-1 – HELOC CREDITORS’ NOTICES OF MORTGAGE PAYMENT CHANGE

Notwithstanding the general requirement of Bankruptcy Rule 3002.1(b)(1) that secured creditors whose claims are secured by a chapter 13 debtor’s personal residence must file and serve a notice each time the amount of the mortgage payment on its claim changes, if the secured claim is based on a home-equity line of credit (a “HELOC”), the holder of that claim (the “HELOC Creditor”) shall be excused from complying with that requirement if

- (a) the monthly payment amount does not increase or decrease by more than \$10 in any single month,
- (b) the HELOC Creditor sends an annual statement, within the same one-month period each year, and
- (c) the annual statement includes
 - (1) a reconciliation statement showing the amounts of any monthly over- or under-payments over the course of the prior year,
 - (2) if there was a net over-payment for the prior year, the amount and application of the over-payment, the current balance the HELOC Creditor is holding, the location of the funds, and how the HELOC Creditor proposes to apply it against the current year’s amounts due, and
 - (3) if there was a net under-payment for the prior year, an invoice for the amount needed to satisfy that under-payment.

If the HELOC Creditor chooses to send an annual statement in lieu of notices of each payment change, it may not assess any late fee, or declare the debtor to be in default, as a result of any shortfall in a monthly payment, as long as the debtor’s payment was at least as much as was set forth on the last annual statement or any subsequent separate notices of payment change.

New Vt. LBR 3002.1-2

Rule 3002.1 provides that the holder of a claim secured by a security interest in the debtor’s principal residence (the “Mortgage Creditor”) must serve any notice of payment change no later than 21 days before a payment in the new amount is due, and that the new payment shall go into effect the day the proposed new payment is due, unless an objection is filed by that date or the court orders otherwise, see Rule 3002.1(b)(1) and (2). Rule 3002.1 does not specifically address, however, at what point the debtor must begin making the new payment when an objection has been filed. Since, in this District, the chapter 13 trustee (the “Trustee”) makes the mortgage payments on any mortgage that was in default on the date the petition was filed (known as a conduit mortgage payment or “CMP”), this raises the question of whether the Trustee has authority to make the pre-notice payment in CMP cases until the objection to the notice of payment change has been resolved. To clarify the amount of the payment a debtor or the Trustee must make during the time an objection to a notice of payment change is pending, IT IS HEREBY ORDERED that the following new Local Rule is enacted:

VT. LBR 3002.1-2 – AMOUNT OF PAYMENT THE TRUSTEE OR DEBTOR MUST MAKE AFTER FILING AN OBJECTION TO A NOTICE OF PAYMENT CHANGE

- (a) If, pursuant to Fed. R. Bankr. P. 3002.1(b), the debtor or Trustee files a timely objection to a notice of payment change filed by the holder of a claim secured by a security interest in the debtor's principal residence (the "Mortgage Creditor"), in a Conduit Mortgage Payment (as that term is defined in Vt. LBR 3015-6(a)(1)) case, then
 - (1) the debtor is not required to increase the plan payment, and neither the debtor nor the Trustee is required to increase the monthly disbursement to the Mortgage Creditor, until the Court enters an Order ruling on that objection;
 - (2) if the Court enters an Order overruling the objection, and allowing the payment change, then, within 14 days of entry of that Order, the debtor must file a motion to modify the plan and confirmation order with a proposed modified plan curing any post-petition mortgage default, increasing the monthly mortgage payment going forward, and adjusting the terms of the plan and amount of plan payments accordingly; and
 - (3) if the Court enters an Order sustaining the objection, and denying the payment change, the docket and claims register will reflect that ruling.
- (b) The Mortgage Creditor may not declare a default, or seek to enforce its rights against the debtor, based on the debtor or Trustee's failure to make the new mortgage payment during the time an objection to that Mortgage Creditor's notice of payment change is pending, or while the debtor's motion to modify is pending, as long as the debtor or Trustee timely filed the objection, and the debtor timely filed any required motion to modify.
- (c) If the debtor chooses to increase plan payments based on the notice of payment change, notwithstanding the debtor or Trustee's filing of a timely objection, then
 - (1) the Trustee shall retain those additional sums and continue to make pre-notice payment amounts until the Court rules on the objection; and
 - (2) if the Court sustains the objection, the Trustee will apply any such funds the Trustee is holding either (A) as sums due under the confirmed plan (thus reducing the term of the plan) or (B) to the funds to be distributed to the general unsecured creditors (thus increasing the dividend to that class of creditors), as the debtor elects.

New Vt. LBR 3002.1-3

After considering input from the Vermont Bankruptcy Bar, the Court has also determined that a new Local Rule related to Rule 3002.1 is necessary to specify the contents of a motion and proposed order to declare a debtor current, see Rule 3002.1(f). In order for the Court to establish the status of the loan, and permit the homeowner to monitor the status of the loan, after the Debtor has completed all payments under the confirmed plan, the Court has concluded Rule 3002.1 orders declaring the Debtor current must include certain information. Thus, IT IS HEREBY ORDERED that the following Local Rule is enacted:


VT. LBR 3002.1-3 – CONTENT OF MOTION AND PROPOSED ORDER DECLARING DEBTOR CURRENT ON MORTGAGE, AFTER CONCLUSION OF CHAPTER 13 PLAN PAYMENTS

- (a) Every motion filed to comply with the requirement of Rule 3002.1(f) and (h) shall:

- (1) inform the holder of a claim secured by a security interest in the debtor's principal residence (the "Mortgage Creditor") of its obligation to file and serve a response under Rule 3002.1(g) that includes the information specified in paragraph (b) of this Local Rule, and
 - (2) include in the proposed order a directive to enter on the Mortgage Creditor's (or its servicer's) books an entry reflecting the date and content of the Court order, including any corrective entry necessary to align its books with the Court order.
- (b) Every response filed by a Mortgage Creditor or its servicer to comply with the requirements of Rule 3002.1(g) shall contain the following information:
- (1) whether it agrees the debtor has paid in full the amount required to cure the pre-petition default,
 - (2) whether the debtor is otherwise current on all post-petition payments, including all fees, charges, escrow, expenses, and costs with the mortgage loan due through the date of the response,
 - (3) any unpaid principal balance owed as of that date,
 - (4) any escrow account balance as of that date,
 - (5) any suspense or other unapplied account balances as of that date, and
 - (6) any fees, expenses, and charges allowable but unpaid as of that date.
- (c) In this District, the duty to file a motion to declare a debtor current under Rule 3002.1 is on the chapter 13 trustee in Conduit Mortgage Payment (as that term is defined in Vt. LBR 3015-6(a)(1), "CMP") cases and on the debtor's counsel (or the debtor, if there is no debtor's counsel), in non-CMP cases, *i.e.*, where the debtor has made the mortgage payments directly to the mortgagee or its servicer during the chapter 13 case.

IT IS FURTHER ORDERED these new Local Rules are effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULE 4001-2

STANDING ORDER # 20-03

**TO CLARIFY THE PROCEDURE A DEBTOR MUST FOLLOW
TO RETAIN POSSESSORY RIGHTS IN LEASED PREMISES
WHEN LANDLORD OBTAINED PRE-PETITION
JUDGMENT OF POSSESSION FOR THOSE PREMISES,
PURSUANT TO 11 U.S.C. § 362(B)(22) AND § 362(L)**

The automatic stay that goes into effect upon the filing of a bankruptcy petition does not prohibit a lessor who obtained a judgment for possession with respect to the debtor's leasehold interest in real property, pre-petition, from exercising their rights under state law, pursuant to 11 U.S.C. § 362(b)(22), unless the debtor complies with the specific requirements of § 362(l). Since neither those statutes nor the Court's current Local Rule on the subject, see Vt. LBR 4001-2, provide sufficient procedural guidance with respect to the payments the debtor must deliver to the Clerk, the Court deems it necessary to revise that Local Rule to clarify the procedural steps required, in this District, for a debtor to retain possession of their leased premises, after entry of a pre-petition judgment of possession.

Accordingly, after due consideration, and input from the Vermont Bankruptcy bar, IT IS HEREBY ORDERED that Vt. LBR 4001-2 is revised to read as follows, with the changes noted in red:

VT. LBR 4001-2. AUTOMATIC STAY – DEBTOR’S ASSERTION OF EXCEPTION FOR LEASE OF RESIDENTIAL PROPERTY UNDER § 362(L).

(a) Filing of the Initial Certification, Official Form 101A, and Delivery of Payment for One Month’s Rent.

- (1) ~~Where~~ If a state court judgment of eviction has been entered against a debtor pre-petition, the debtor resides in that property as of the petition date, and the debtor seeks the benefit of the automatic stay with regard to wishes to remain in that residential leased property post-petition, and the debtor resides in that property as of the petition date, the debtor must include with their bankruptcy petition:
- (A) an Official Form 101A (“Initial Statement About an Eviction Judgment Against You”) with the “Certification About Applicable Law and Deposit of Rent” section of the form completed,
 - (B) a copy of the pre-petition judgment of eviction, ~~and~~
 - (C) a copy of the lease (or rental agreement), or an affidavit from the debtor specifying the monthly rent amount, and
 - ~~(C)~~ (D) a sum equal to the monthly rental ~~obligations~~ due under the applicable rental agreement, payable to the debtor’s lessor (i.e., the landlord), in the form of a bank check, attorney trust account check, or money order.

~~(2)(1) If a debtor delivers the rent payment to the Clerk, but fails to file either a copy of the judgment of eviction or Official Form 101A, the Clerk will return the rent payment to the debtor with a notice informing the debtor that the Clerk will not accept or process the rent payment unless and until it is accompanied by the judgment of eviction and Official Form 101A.~~

(2) When a debtor’s case is filed electronically, the rent payment must be delivered to the Clerk by hand delivery, first-class mail, or private courier service within 3 business days after filing the petition. If the Clerk receives the rent payment within ~~the~~ that 3-day period, the Clerk will treat the rent payment as if received with the petition (provided Official Form 101A and a copy of the judgment of eviction were filed with the petition).

(3) If a debtor timely delivers the rent payment to the Clerk, but the filing is deficient due to the debtor’s

(A) failure to file either a copy of the judgment of eviction,

(B) failure to file ~~or~~ Official Form 101A,

(C) delivery of a rent payment in the wrong amount, or

(D) delivery of a rent payment which is not valid tender (e.g., a check that is not signed or not payable to the lessor);

then, the Clerk will note this deficiency on the docket and immediately return the rent payment to the debtor with a deficiency notice informing the debtor that the Clerk will not accept or process the rent payment unless the debtor cures the filing deficiency, by filing the required documents or delivering the proper payment, within 7 days of the petition date and until it is accompanied by the judgment of eviction and Official Form 101A.

~~(3)~~

~~(4) If the debtor fails to timely deliver the rent payment, as specified above, the Clerk will note this filing deficiency on the docket. Thereafter, the Clerk will promptly serve upon both the debtor and the lessor a certified copy of the docket entry indicating the debtor’s failure to make the requisite rent deposit and indicating the applicability of the exception to the stay under § 362(b)(22) of the Code. (There is no fee due for the issuance and service of these certified copies.)~~

(b) Clerk's Notification upon Receipt of Official Form 101A and Payment for One Month's Rent.

When the Clerk receives Official Form 101A together with the required copy of the judgment of eviction and the proper rent payment, the Clerk will

- (1) issue a notice to the lessor, stating that the Clerk has received (A) the debtor's Official Form 101A, (B) a copy of the judgment of eviction, and (C) rent payment, and enclose copies of each with the notice;
- (2) set a deadline of 7 days after service of notice to the lessor within which time the lessor may either (A) consent to the inapplicability of the stay exception under § 362(b)(22) of the Code, or (B) object to an averment made by the debtor in Official Form 101A and request the entry of an order stating that the § 362(b)(22) exception does apply; and
- (3) notify the lessor that if the lessor files its consent, the Clerk will promptly transmit the rent payment to the lessor.

...

(d) Filing of the Second Certification, Official Form 101B.

- (1) Within 30 days of filing the petition, the debtor must file with the Clerk, and serve on the lessor, Official Form 101B ("Statement About Payment of an Eviction Judgment Against You") indicating the debtor has cured, under applicable non-bankruptcy law, the entire monetary default that was the basis of the issuance of the judgment of eviction. The debtor must file Official Form 101B regardless of whether the lessor objected to Official Form 101A.
- (2) However, if the lessor is a public housing entity, the debtor does not need to file Official Form 101B.


...

(f) Debtor's Failure to Timely Deliver Payment for One Month's Rent or Timely File Official Form 101A or 101B.

If a debtor fails to timely deliver the proper rent payment or timely file Official Form 101A along with all required and completed documents, as specified in paragraph (a) of this Rule, the petition, or fails to timely file Official Form 101B as specified in paragraph (d) of this Rule, then within 30 days of filing the petition, the Clerk will note that filing deficiency on the docket. Thereafter, the Clerk will promptly serve upon the debtor and the lessor a certified copy of the docket entry indicating the absence of the form(s) and indicating the debtor failed to comply with the applicable statute and applicability of the exception to declaring the exception to the automatic stay specified in under § 362(b)(22) of the Bankruptcy Code applies. See also 11 U.S.C. § 362(l)(4)(A). (No fee will be due for these certified copies.)

IT IS FURTHER ORDERED this revision to the Local Rule is effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULES 5005-2, 5005-3, 5005-4, AND 9011-2

STANDING ORDER # 20-04

**TO CLARIFY THE PROCEDURES AVAILABLE TO *PRO SE* PARTIES
WHO WISH TO FILE DOCUMENTS ELECTRONICALLY**

It has come to the Court's attention that the procedures for *pro se* parties to file documents electronically in this Court are not clear. Since *pro se* parties are generally unfamiliar with legal requirements, it is essential that procedures designed for *pro se* parties be easy to understand. Accordingly, after due consideration and input from the Vermont Bankruptcy bar, IT IS HEREBY ORDERED that Local Rules 5005-2, 5005-3, 5005-4, and 9011-2 are revised to read as follows, with the changes noted in red:

VT. LBR 5005-2. FILING DOCUMENTS – GENERALLY.

(a) CM/ECF.

~~Parties~~ Attorneys are strongly encouraged to file all petitions, pleadings, and other documents by electronic means directly into CM/ECF. Instructions and procedures for electronic filing via CM/ECF are posted on the Court's website, <http://www.vtb.uscourts.gov>, and are available from the Clerk's Office upon request. All documents filed electronically must be filed, signed, and verified in accordance with these Rules. See also Vt. LBR 1002-1(a); Vt. LBR 9011-2(c); Vt. LBR 9011-4.

...

VT. LBR 5005-3. FILING DOCUMENTS VIA CM/ECF – REGISTRATION REQUIREMENTS.

(a) Registration and Passwords for Electronic Filings.

...

- (2) Non-Attorneys. ~~Upon Court approval, and after being trained by a member of the Clerk's staff, a party to a pending case, proceeding, or motion who is *pro se* may register to use CM/ECF in that particular matter. Registration is in the form prescribed by the Clerk and requires identification of the case, proceeding, or motion in which the party seeks to participate electronically, as well as the party's name, address, e-mail address, and telephone number. If, during the course of the case, proceeding, or motion, the party retains an attorney who appears on the party's behalf, the attorney must file a notice of appearance.~~ Non-attorneys may file electronically by means other than CM/ECF. See Vt. LBR 5005-4.
- (3) Limited Appearance Exception. Any party or attorney may file a notice of appearance, request for notice in a case, proof of claim, motion to redact a proof of claim, notice of transfer of claim, withdrawal of claim, or motion for relief from stay without registering to use CM/ECF. See also Vt. LBR 2090-1(b)(6).

Vt. LBR 5005-4. FILING DOCUMENTS VIA OTHER ELECTRONIC MEANS.

(a) Filing Documents by E-Mail.

- (1) The Clerk accepts documents by e-mail for filing. ~~However, The Court prefers attorneys file documents filing~~ via CM/ECF is preferred and requires non-attorneys who wish to file documents electronically to do so via e-mail. The appropriate e-mail address to use for ~~this purpose e-mail filing~~ is efiling@vtb.uscourts.gov.
- (2) If a *pro se* debtor files a petition, schedule, or statement by e-mail, the debtor must affix the required signature as specified in Vt. LBR 9011-4(c).
- (3) Documents e-mailed to the Clerk for filing must be PDF attachments to the transmittal e-mail and, whenever possible, be in a searchable format. Parties who submit documents for filing ~~by via~~ e-mail are required to simultaneously serve all parties in interest via e-mail and immediately thereafter e-mail a certificate of service (as a PDF attachment) to the Clerk. Exhibits to pleadings, motions, and other documents that are submitted for filing ~~by via~~ e-mail must be clearly marked as exhibits. If documents are e-mailed, the original of those documents should not be transmitted to the Clerk by any other means.
- (4) Court fees that are due at the time of filing must be paid pursuant to the provisions set forth in paragraph (c) of this Rule.
- (5) *Pro se* parties who transmit documents for filing via e-mail must call the Clerk's Office, either immediately before or immediately after the e-mail transmission, to notify that office of the e-mail filing. This is important because documents are not deemed filed until the Clerk's Office enters them on the docket.

See also Vt. LBR 1002-1(b); Vt. LBR 9011-4(d).

...

Vt. LBR 9011-2. *PRO SE* PARTIES – REQUIREMENTS, RETENTION OF DOCUMENTS, USE OF CM/ECF.

...

(c) *Pro Se* ~~Use of CM/ECF~~ Electronic Filing Options.

See Vt. LBR 5005-3(a)(2); see also Vt. LBR 5005-4(a)(5).

IT IS FURTHER ORDERED this revision to the Local Rules is effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULES 1007-1(L) AND 3070-1(A)

STANDING ORDER # 20-05

**TO EXPAND THE PLAN PAYMENT OPTIONS
AVAILABLE TO CHAPTER 13 DEBTORS**

Chapter 13 debtors in this District are currently required to make their plan payments to the chapter 13 trustee (the “Trustee”) via wage withholding unless they obtain an order waiving that requirement, pursuant to Local Rules 1007-1(l) and 3070-1(a). It has come to the Court’s attention that many chapter 13 debtors have regular income from an employer but seek a waiver of the wage withholding requirement due to concern about their employer’s reaction to their chapter 13 filing or the burden of processing a wage reduction order. The Trustee also reports he frequently has difficulty initiating the wage withholding process at the outset of a case, or discontinuing the wage withholding process at the conclusion of a case, or upon conversion or dismissal of the case, due to communication issues with employers. To resolve these plan payment obstacles, and at the recommendation of the Trustee, the Court has determined it would improve this District’s chapter 13 process to permit debtors to make plan payments via eWage Deduction through the TFS Billpay system. In this way, the amount necessary to make the plan payment will be deducted automatically from the debtor’s wages, and transmitted directly to the Trustee, without the employer’s involvement or knowledge. Moreover, eWage Deduction via the TFS Billpay system is designed to work effectively in chapter 13 cases, and can be initiated and monitored by the debtor’s attorney.

For these reasons, the Court concludes it would improve chapter 13 practice in this District to authorize chapter 13 debtors to make their plan payments through an electronic TFS wage deduction.

Accordingly, after due consideration and input from the Vermont bankruptcy bar, IT IS HEREBY ORDERED that Local Rules 1007-1(l) and 3070-1(a) are revised to read as follows, with the changes noted in red:

Vt. LBR 1007-1. LISTS, SCHEDULES, STATEMENTS, AND OTHER REQUIRED DOCUMENTS; TIME LIMITS.

...

(l) Electronic Transmission of Chapter 13 Plan Payments~~Wage Withholding~~.

- (1) Each chapter 13 debtor must file the following documents with the chapter 13 plan:
 - (A) Vt. LB Form Y-8, consenting to the Court's entry of an order instituting either (i) direct wage withholding, or eWage deduction via the TFS Billpay system, if the debtor has income from an employer, or (ii) automatic debits from a bank account, if the debtor does not have income from an employer, and authorizing the trustee, without further or separate authorization or order, to modify or terminate the withholding or automatic debits to comport with any modification or amendment of the plan approved by the Court; or
 - (B) a motion ~~to for~~ waiver ~~of the wage withholding electronic payment~~ requirement, setting forth cause for that waiver. See Vt. LBR 3070-1(a).

...

Vt. LBR 3070-1. PLAN PAYMENTS IN CHAPTER 13.

(a) Payments to the Chapter 13 Trustee.

- (1) Chapter 13 debtors are required to (A) make plan payments through direct wage deductions, TFS eWage deductions, automated clearing house (ACH) payments, electronic funds transfer (EFT), or a similar payment method that results in an electronic credit to the chapter 13 trustee's account, unless the debtor obtains a Court order waiving the requirement for cause based upon exigent circumstances; and (B) specify the form of payment in Part 2.2 of the plan and Form Y-8, unless the debtor obtains a Court order waiving the requirement for cause based upon exigent circumstances.
- (2) Unless the Court waives this requirement, a debtor must obtain an order implementing a direct wage withholding, a TFS eWage deduction, or a direct debit to be eligible for plan confirmation.
- (3) Until a payment order is in effect, the debtor must make all plan payments in the form of a cashier's check, certified check, bank draft, or money order payable to the "Chapter 13 Trustee," and mail the payments directly to the chapter 13 trustee at the address that the trustee designates.
- (4) The face of the payment instrument, as well as any electronic payment, must include the debtor's name and case number.

...

IT IS FURTHER ORDERED that as of this date, debtors shall use the revised Local Form Y-8, a copy of which is attached and posted on the Court's website.

IT IS FURTHER ORDERED this revision to the Local Rule and the attached revised Local Form are effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attached: Revised Vt. LB Form Y-8

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Case # xx-xxxxx
Chapter 13

Debtor(s).

Plan Payment Authorization
for Wage Withholding, E-Wage Withholding, or Automatic Debits from Bank Account

Part A: Authorization for Direct Wage Withholding - Debtor

Debtor's Name: _____ Does Debtor have income from employment? ____ yes ____ no

If no, proceed to Part C Automatic Debits from Bank Account. If yes, complete the following or Part B

Amount employer is to deduct per pay period: \$ _____

Debtor's Employer: _____ Telephone #: _____

Employer's Address: _____

I hereby consent to the Court's entry of an order instituting wage withholding from my/our employer(s) for the purpose of making Chapter 13 plan payments during the term of the plan confirmed in this case.

I authorize the Chapter 13 Trustee, Jan M. Sensenich, to contact the employer(s) who is/are withholding wages to modify the amount of the withholding to comport with any modification or amendment of the plan approved by the Court, without our further and separate authorization or Order, provided that the Chapter 13 Trustee provides our attorney with notice at the same time as he communicates that request to the employer(s).

Debtor's signature: _____ Date: _____

Authorization for Direct Wage Withholding – Joint Debtor

Joint Debtor's Name _____ Income from Employment? ____ Yes ____ No

If no, proceed to Part C Automatic Debits from Bank Account. If yes, complete the following or Part B.

Amount employer is to deduct per pay period: \$ _____

Joint Debtor's Employer: _____ Telephone #: _____

Employer's Address: _____

I hereby consent to the Court's entry of an order instituting wage withholding from my/our employer(s) for the purpose of making Chapter 13 plan payments during the term of the plan confirmed in this case.

I authorize the Chapter 13 Trustee, Jan M. Sensenich, to contact the employer(s) who is/are withholding wages to modify the amount of the withholding to comport with any modification or amendment of the plan approved by the Court, without our further and separate authorization or Order, provided that the Chapter 13 Trustee provides our attorney with notice at the same time as he communicates that request to the employer(s).

Joint Debtor's signature: _____

Date: _____

Part B: Authorization for eWage Deduction, Through TFS Billpay

I/we prefer not to use direct wage withholding because I/we have concerns about if and how my/our employer(s) may respond. I/we are comfortable, however, having my/our plan payment come directly from my/our wages if it can be done without notifying my/our employer.

Therefore, I/we hereby agree to make plan payments in the amount of \$_____ per month by eWage Deduction through the TFS Billpay system, and to establish this account within one week. I/we understand the Court will enter an order directing that plan payments be made via eWage Deduction through the TFS Billpay system, until the Trustee notifies TFS to stop the deductions.

I/we will provide the Chapter 13 Trustee with the TFS eWage account number within one week of the date of this form.

Debtor's signature: _____

Date: _____

Joint Debtor's signature: _____

Date: _____

Part C Automatic Debits from Bank Account

I am/we are not able to authorize direct wage withholding or TFS because I/we ____ do not have income from an employer.

I/we hereby agree to make plan payments in the amount of \$_____ per month by automatic debit from a bank account using ACH transfer or similar means, and understand that the Court will enter an order directing that plan payments be made by automatic debit from a bank account. I/we will contact the Chapter 13 Trustee for the pertinent bank routing information within one week of the date of this form.

Debtor's signature: _____

Date: _____

Joint Debtor's signature: _____

Date: _____

The Debtor(s) must file this form with their Chapter 13 plan. See Vt. LBR 1007-1(l).

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULE 4001-3

STANDING ORDER # 20-06

**TO ESTABLISH THE PROCEDURE FOR SEEKING TO
CONTINUE OR IMPOSE THE AUTOMATIC STAY,
PURSUANT TO 11 U.S.C. § 362(C)(3) AND (4)**

When a debtor files a bankruptcy case within one year of when they had a previous bankruptcy case pending, the stay otherwise imposed by 11 U.S.C. § 362(a) does not automatically apply to the current case: if the debtor had one case pending during the prior year, the automatic stay is only effective for thirty (30) days, see § 362(c)(3), and if the debtor had more than one case pending during that prior year, no stay comes into effect upon the filing of the current case, see § 362(c)(4), unless and until the Court determines a stay for the pendency of the case is warranted.

Since the timeframe for filing a motion to continue or impose the stay in these repeat-filer cases is short, the statutory prerequisites to obtain the benefits of the stay are substantial, and the thoroughness of the motion can be determinative of the results achieved, this Court, after considering input from the Vermont bankruptcy bar, has decided to modify the Local Rules, and to create new Local Forms, in order to streamline the process for determining whether a repeat-filer debtor is entitled to have the stay continued or imposed in their current case.

Thus, IT IS HEREBY ORDERED that Vt. LBR 4001-3 is revised to read as follows, with the changes noted in red:

Vt. LBR 4001-3. AUTOMATIC STAY – CONTINUATION; IMPOSITION; VERIFICATION.

(a) Motion for Continuation of Automatic Stay.

A party in interest seeking to continue the automatic stay pursuant to § 362(c)(3) of the Bankruptcy Code must file a motion for that relief within 14 days of the filing of the petition and contact the courtroom deputy to schedule an evidentiary hearing with 7 days' notice (Vt. LB Form A-1). See Vt. LBR 9014-1(b)(2). The movant must serve the motion and notice of hearing on the debtor, the debtor's attorney (if any), the case trustee, the United States trustee, and all creditors. ~~The movant and a~~Any other party in interest who wishes to join or oppose the motion must file a Fed. R. Bankr. P. 9014(e) notice of evidentiary hearing (Vt. LB Form V) no later than 3 business days before the hearing.

(b) Motion for Imposition of Automatic Stay.

A party in interest seeking to impose the automatic stay pursuant to § 362(c)(4) of the Bankruptcy Code must file a motion for that relief ~~within 30 days of as soon as possible~~ after the filing of the petition and contact the courtroom deputy to schedule an evidentiary hearing with 7 days' notice (Vt. LB Form A-2). See Vt. LBR 9014-1(b)(2). The movant must serve the motion and notice of hearing on the debtor, the debtor's attorney (if any), the case trustee, the United States trustee, and all creditors.) ~~The movant and a~~Any other party in interest who wishes to join or oppose the motion must file a Fed. R. Bankr. P. 9014(e) notice of evidentiary hearing (Vt. LB Form V), no later than 3 business days before the hearing.

...

IT IS FURTHER ORDERED new Local Forms for a motion, certificate of service, notice of motion, and proposed order for continuing the stay, under § 362(c)(3), as well as a motion, certificate of service, notice of motion, and proposed order for imposing the stay, under § 362(c)(4), are attached and posted on the Court's website.

IT IS FURTHER ORDERED this revision to the Local Rule and the attached new Local Forms are effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attached: New Vt. LB Form A-1 and A-2.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT

In re:

_____,
Debtor(s)

Case # xx-xxxxx

Chapter ____

DEBTOR'S EMERGENCY MOTION TO CONTINUE THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(c)(3)
WITH CERTIFICATE OF SERVICE AND NOTICE OF MOTION

The Debtor, _____, by counsel, _____, files this motion seeking an extension of the automatic stay in a repeat-filer case, pursuant to 11 U.S.C. § 362(c)(3)(B).

In support of this relief, the Debtor alleges the following:

A. Pertinent procedural history:

1. Filing date and chapter of the prior bankruptcy case(s): _____
2. Docket number of the prior bankruptcy case(s): _____
3. Date the prior bankruptcy case(s) were dismissed: _____
4. Reasons for dismissal(s) of the Debtor's prior bankruptcy case(s): _____

5. Did the Court attach any conditions to the prior dismissals? If so, specify docket # and conditions:

6. The creditors to whom the Debtor seeks to have the automatic stay apply in the current, new bankruptcy case:
☐ All creditors
☐ Only the following creditors:

B. The substantial changes in the Debtor's financial or personal affairs since the Debtor's most recent previous bankruptcy case was dismissed [*if additional space is needed, attach additional pages and/or affidavit as an exhibit*]:

C. Any other facts or circumstances that support extension of the automatic stay in this case:

D. Evidentiary Hearing¹

- ☐ The Debtor **is** requesting an evidentiary hearing at this time and attaches a Notice of Evidentiary Hearing pursuant to Vt. LBR 9014-1(b)(2).
- ☐ The Debtor **is not** requesting an evidentiary hearing at this time and will file that separately, at least 7 days prior to the hearing as required by Vt. LBR 9014-1(b)(2).

E. Prayer for Relief

WHEREFORE, the Debtor prays that the Court grant this motion and extend the automatic stay, with respect to [name creditors], for the pendency of this case.

[Date filed]
_____, Vermont

Name of attorney
[address, telephone email of attorney]

Certificate of Service

[pursuant to Fed. R. Bankr. Proc. 7004(a)–(h)]

The undersigned hereby certifies they have served a copy of this pleading and any attachments on the entire mailing matrix (which is attached to this motion as an exhibit), by serving it electronically to all parties who accept service through the ECF system and on paper to the following parties, using the following methods:

- (i) via U.S. first class mail, postage prepaid to the following parties on [date]:

OR:

- (ii) via certified or priority overnight mail, return receipt requested, postage prepaid to the following parties on [date]:

OR:

- (iii) via personal delivery, fax transmission or e-mail to the following parties on [date]:

[Date filed]

*[name, address, telephone, email of
the person signing this certificate]*

Attachment: list of all parties on master mailing list who were served electronically

¹ When a debtor files a bankruptcy case within one year of when they had a previous bankruptcy case pending, the stay otherwise imposed by 11 U.S.C. § 362(a) does not automatically apply to the current case: if the Debtor had one case pending during the prior year, the automatic stay is only effective for thirty (30) days, unless and until the Debtor demonstrates cause to grant a stay for the pendency of the instant bankruptcy case. See 11 U.S.C. § 362(c)(3).

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

In re:

_____,
Debtor(s)

Case # xx-xxxxx

Chapter ____

**NOTICE OF MOTION
REGARDING DEBTOR'S EMERGENCY MOTION TO CONTINUE THE AUTOMATIC STAY
UNDER 11 U.S.C. § 362(c)(3)**

NOTICE IS HEREBY GIVEN to all parties entitled to notice that a motion has been filed seeking an order continuing the automatic stay in this bankruptcy case under 11 U.S.C. § 362(c)(3).

IF YOU OPPOSE THE MOTION you must file a written opposition with the Clerk of the Court, by [date], and serve a copy of your opposition on the movant, the movant's counsel, the U.S. trustee, and the case trustee. Addresses for those parties are set forth below.

IF AN OPPOSITION IS TIMELY FILED, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [*indicate Rutland or Burlington location*].

IF NO OPPOSITION IS TIMELY FILED, the Court may issue an order granting the Motion and directing the parties to proceed with the mortgage mediation without further notice or hearing.

Dated: _____

By: _____
[Signature]
[typed name, with address, email
address, and telephone number]

[Name] Case Trustee
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

Counsel for Other Party to Mortgage
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

[Debtor's Name]
[Street Address or P.O. Box]
[City, State, Zip Code]

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

In re:

_____,
Debtor(s)

Case # xx-xxxxx
Chapter ____

[PROPOSED] ORDER

GRANTING DEBTOR'S MOTION TO CONTINUE THE AUTOMATIC STAY, PURSUANT TO § 362(C)(3)

The Debtor filed a motion on *[date]*, by counsel *[attorney's name]*, seeking an extension of the automatic stay in this repeat-filer case, pursuant to 11 U.S.C. § 362(c)(3)(B).

The Court has considered the Debtor's motion, any objections that were filed, the testimony and arguments made at the hearing held on *[date]*, as well as the evidence admitted at that hearing, in support of the Debtor's motion. Based on that record, **THE COURT FINDS**

1. the Debtor has satisfied the time requirements of this statute;
2. the Debtor has demonstrated a substantial change in the Debtor's financial or personal affairs since the Debtor's most recent previous bankruptcy case was dismissed, and
3. the Debtor has demonstrated cause to extend the stay in this case as to:

☐ all creditors

☐ only the following creditors: _____

THEREFORE, **IT IS HEREBY ORDERED** that the automatic stay imposed by 11 U.S.C. § 362(a) is extended, as to the specified creditors, for the pendency of this case.

SO ORDERED.

Date:
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT

In re:

_____,
Debtor(s)

Case # xx-xxxxx

Chapter ____

DEBTOR'S EMERGENCY MOTION TO IMPOSE THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(c)(4)
WITH CERTIFICATE OF SERVICE AND NOTICE OF MOTION

The Debtor, _____, by counsel, _____, files this motion seeking imposition of the automatic stay in a repeat-filer case, pursuant to 11 U.S.C. § 362(c)(4)(B).

In support of this relief, the Debtor alleges the following:

A. Pertinent procedural history:

1. Filing date and chapter of the prior bankruptcy cases: _____
2. Docket number of each of Debtor's prior bankruptcy cases: _____
3. Dates each of the prior bankruptcy cases were dismissed: _____
4. Reasons for dismissal of each of the Debtor's prior bankruptcy cases: _____

5. Did the Court attach any conditions to the prior dismissals? If so, specify docket # and conditions: _____

6. The creditors to whom the Debtor seeks to have the automatic stay apply in the current bankruptcy case:

☐ All creditors

☐ Only the following creditors: _____

B. The substantial changes in the Debtor's financial or personal affairs since the Debtor's most recent previous bankruptcy case was dismissed [*if additional space is needed, attach additional pages and/or affidavit as an exhibit*]:

C. Any other facts or circumstances that support imposition of the automatic stay in this case:

D. Evidentiary Hearing¹

- ☐ The Debtor **is** requesting an evidentiary hearing at this time and attaches a Notice of Evidentiary Hearing pursuant to Vt. LBR 9014-1(b)(2).
- ☐ The Debtor **is not** requesting an evidentiary hearing at this time and will file that separately, at least 7 days prior to the hearing as required by Vt. LBR 9014-1(b)(2).

E. Prayer for Relief

WHEREFORE, the Debtor prays that the Court grant this motion and impose the automatic stay, with respect to *[name creditors]*, for the pendency of this case.

[Date filed]
_____, Vermont

Name of attorney
[address, telephone email of attorney]

Certificate of Service

[pursuant to Fed. R. Bankr. Proc. 7004(a)–(h)]

The undersigned hereby certifies they have served a copy of this pleading and any attachments on the entire mailing matrix (which is attached to this motion as an exhibit), by serving it electronically to all parties who accept service through the ECF system and on paper to the following parties, using the following methods:

- (i) via U.S. first class mail, postage prepaid to the following parties on *[date]*:

OR:

- (iv) via certified or priority overnight mail, return receipt requested, postage prepaid to the following parties on *[date]*:

OR:

- (v) via personal delivery, fax transmission or e-mail to the following parties on *[date]*:

[Date filed]

*[name, address, telephone, email of
the person signing this certificate]*

Attachment: list of all parties on master mailing list who were served electronically

¹ When a debtor files a bankruptcy case within one year of when they had a previous bankruptcy case pending, the stay otherwise imposed by 11 U.S.C. § 362(a) does not automatically apply to the current case: if the Debtor had more than one case pending during that prior year, no stay comes into effect upon the filing of the current case, unless and until the Debtor demonstrates cause to grant a stay for the pendency of the instant bankruptcy case. See 11 U.S.C. § 362(c)(4).

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

In re:

_____,
Debtor(s)

Case # xx-xxxxx

Chapter ____

**NOTICE OF MOTION
REGARDING DEBTOR'S EMERGENCY MOTION TO CONTINUE THE AUTOMATIC STAY
UNDER 11 U.S.C. § 362(c)(4)**

NOTICE IS HEREBY GIVEN to all parties entitled to notice that a motion has been filed seeking an order imposing the automatic stay in this bankruptcy case under 11 U.S.C. § 362(c)(4).

IF YOU OPPOSE THE MOTION you must file a written opposition with the Clerk of the Court, by [date], and serve a copy of your opposition on the movant, the movant's counsel, the U.S. trustee, and the case trustee. Addresses for those parties are set forth below.

IF AN OPPOSITION IS TIMELY FILED, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [*indicate Rutland or Burlington location*].

IF NO OPPOSITION IS TIMELY FILED, the Court may issue an order granting the Motion and directing the parties to proceed with the mortgage mediation without further notice or hearing.

Dated: _____

By: _____
[Signature]
[typed name, with address, email
address, and telephone number]

[Name] Case Trustee
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

Counsel for Other Party to Mortgage
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

[Debtor's Name]
[Street Address or P.O. Box]
[City, State, Zip Code]

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

In re:

_____,
Debtor(s)

Case # xx-xxxxx

Chapter ____

[PROPOSED] ORDER

GRANTING DEBTOR'S MOTION TO IMPOSE THE AUTOMATIC STAY, PURSUANT TO § 362(C)(4)

The Debtor filed a motion on *[date]*, by counsel *[attorney's name]*, seeking an extension of the automatic stay in this repeat-filer case, pursuant to 11 U.S.C. § 362(c)(4)(B).

The Court has considered the Debtor's motion, any objections that were filed, the testimony and arguments made at the hearing held on *[date]*, as well as the evidence admitted at that hearing, in support of the Debtor's motion. Based on that record, **THE COURT FINDS**

1. the Debtor has satisfied the time requirements of this statute;
2. the Debtor has demonstrated a substantial change in the Debtor's financial or personal affairs since the Debtor's most recent previous bankruptcy case was dismissed, and
3. the Debtor has demonstrated cause to extend the stay in this case as to:

☐ all creditors

☐ only the following creditors: _____

THEREFORE, **IT IS HEREBY ORDERED** that the automatic stay of 11 U.S.C. § 362(a) is imposed, as to the specified creditors, for the pendency of this case.

SO ORDERED.

Date:
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

TO CREATE LOCAL RULE 2015-1

STANDING ORDER # 20-07

**SPECIFYING THE TYPE OF OPERATING REPORT
CHAPTER 12 DEBTORS MUST FILE,
AND ESTABLISH THE PROCEDURE FOR WAIVER OR
MODIFICATION OF OPERATING REPORT REQUIREMENT**

After consultation with the 2019 Local Rules Task Force and the Vermont bankruptcy bar, the Court has determined it would be most efficient, and expedite determinations of feasibility and plan confirmation in chapter 12 cases, to require all chapter 12 debtors to file monthly operating reports, using the form promulgated by the United States Trustee (the “UST Ch 12 Op Rept Form”), with local form addenda addressing livestock inventory and accrued expenses in greater detail, unless the debtor (or other party in interest) shows good cause to either (a) waive the operating report requirement or (b) modify the content or frequency of the report required. Therefore, the Court is creating a new Local Rule to specify this requirement, and creating the following new local forms: (i) PDF and Excel versions of the UST Ch 12 Op Rept Form, (ii) PDF and Excel versions of two local addenda to the UST Ch 12 Op Rept Form, and (iii) a motion for a waiver or modification of the operating report requirement.

Thus, IT IS HEREBY ORDERED that the following Local Rule is enacted:

**VT. LBR 2015-1. DEBTOR-IN-POSSESSION – DEBTORS’ OPERATING ORDERS IN
CHAPTER 12.**

Every debtor who files a chapter 12 case shall be required to file monthly operating reports, commencing in the month following the filing of the petition, unless the debtor demonstrates good cause to waive or modify this requirement, within 7 days of the filing of the petition.


An Operating Order will be entered in every chapter 12 case, describing the debtor's duties generally, including the duty to file monthly operating reports and applicable local addenda, on Local Forms S-3, S-4, and S-5. A debtor may file a motion seeking a waiver of this requirement, or a modification of the content or frequency of the reports to be filed, using Local Form S-6.

Failure of a chapter 12 debtor to file complete and timely operating reports may constitute cause for dismissal of the case, under 11 U.S.C. § 1208.

IT IS FURTHER ORDERED that Chapter 12 debtors shall use the UST Ch 12 Op Rept Form with the new Local Form addenda for their operating reports, and use the new Local Form motion to waive or modify the operating report requirement, all of which are attached and posted on the Court's website.

IT IS FURTHER ORDERED this new Local Rule and the attached new Local Forms are effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attached: New Vt. LB Form S-3, S-4, S-5, and S-6.

CHAPTER 12 MONTHLY OPERATING REPORT

Month:
Year:

NAME OF DEBTOR:
CASE NO:

MONTHLY CASH RECEIPTS AND DISBURSEMENTS

(Report on a cash basis, unless you keep financial records on an accrual basis)

I.		CASH RECEIVED DURING MONTH (ITEMIZE):	
	Item and Quantity Sold	Amount	
			\$0.00
			\$0.00
			\$0.00
	New Loan received this month (if any):		\$0.00
	Wages earned from outside work:		\$0.00
	Other receipts:		\$0.00
	TOTAL CASH RECEIPTS		\$0.00
II.		EXPENSES PAID:	
	Total amount paid for household or living expense:	\$	-
	Operating Expenses Paid (itemize):	\$	-
	Item	\$	-
		\$	-
		\$	-
		\$	-
		\$	-
	Plan payments made to Chapter 12 Trustee	\$	-
	TOTAL EXPENSES PAID DURING MONTH	\$	-
	Losses due to crop failure or damage	\$	-
		\$	-
		\$	-
	Losses due to death or disease of livestock or poultry	\$	-
		\$	-
	SUBTOTAL	\$	-
	PROFIT (OR LOSS) FOR MONTH	\$	-

III.	CASH RECONCILIATION:		
	Cash and Bank Accounts Balance at Beginning of Month:	\$	-
	Income (or Loss) During Month:	\$	-
	Cash and Bank Account Balance at End of Month:	\$	-

IV.	EXPENSES CHARGED BUT NOT PAID DURING MONTH (ITEMIZE):	
	Expense:	Amount:

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DATE

DEBTOR/OFFICER OF DEBTOR

TAX DEPOSIT STATEMENT

Month:

Year:

NAME OF DEBTOR:

CASE NO:

SUMMARY

FEDERAL WITHHOLDING TAX

Beginning Withholding Tax Payable	\$	-
Withheld or Accrued	\$	-
Disbursements to Tax Account	\$	-

Ending Withholding Tax Payable	\$	-
--------------------------------	----	---

STATE WITHHOLDING TAX

Beginning Withholding Tax Payable	\$	-
Withheld or Accrued		
Disbursements to Tax Account and/or check	\$	-

Deposit Receipt and/or
check numbers

Ending Withholding Tax Payable	\$	-
--------------------------------	----	---

FICA WITHHOLDING TAX (include both employer and employee share:

Beginning FICA Tax Payable	\$	-
----------------------------	----	---

Withheld or Accrued	\$	-
---------------------	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Deposit Receipt and/or
check numbers

Ending FICA Tax Payable	\$	-
-------------------------	----	---

SALES TAX

Beginning Sales Tax Payable	\$	-
-----------------------------	----	---

New Sales Tax Payable	\$	-
-----------------------	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Deposit Receipt and/or
check numbers

Ending Sales Tax Payable	\$	-
--------------------------	----	---

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE

Sign:

Print Name:

DEBTOR/OFFICER OF THE DEBTOR

TAX DEPOSIT STATEMENT

Month:

Year:

NAME OF DEBTOR:

CASE NO:

FEDERAL WITHHOLDING TAX

Beginning Withholding Tax Payable	\$	-
-----------------------------------	----	---

Withheld or Accrued	\$	-
---------------------	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Ending Withholding Tax Payable	\$	-
--------------------------------	----	---

STATE WITHHOLDING TAX

Beginning Withholding Tax Payable Withheld or Accrued	\$	-
--	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Deposit Receipt and/or
check numbers

Ending Withholding Tax Payable	\$	-
--------------------------------	----	---

FICA WITHHOLDING TAX (include both employer and employee share:

Beginning FICA Tax Payable	\$	-
----------------------------	----	---

Withheld or Accrued	\$	-
---------------------	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Deposit Receipt and/or
check numbers

Ending FICA Tax Payable	\$	-
-------------------------	----	---

SALES TAX

Beginning Sales Tax Payable	\$	-
-----------------------------	----	---

New Sales Tax Payable	\$	-
-----------------------	----	---

Disbursements to Tax Account	\$	-
------------------------------	----	---

Deposit Receipt and/or
check numbers

Ending Sales Tax Payable	\$	-
--------------------------	----	---

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DATE
DEBTOR/OFFICER OF THE DEBTOR

Sign: _____
Print Name: _____

UNITED STATES BANKRUPTCY COURT

DISTRICT OF VERMONT

In Re: Chapter 12

Debtor Name:

Case No.:

Month:

Year:

INDIVIDUAL CHAPTER 12 REPORT OF CURRENT INCOME
AND CURRENT EXPENDITURES

Complete this form by giving the amount of money received each month or expenses each month and by answering each of the other questions. If your answer is "none" or "not applicable", so state.

1. Debtor's marital status is:

The name of the debtor's spouse is:

2. The name, relationship and age of the debtor's dependents
other than spouse are:

- a.
- b.
- c.
- d.

3. Employment and Occupation

a. Debtor is employed by:
as a:

b. Debtor is self-employed and the debtor's place of business is

c. Spouse is employed by:
as a:

d. Spouse is self-employed and the spouse's place of business is:

4. Income

a. Debtor, give your current monthly income.

1. Take-home pay
Calculated as follows:

(a) Gross wages, salary, or commissions	\$	-
LESS		
(b) Payroll taxes (including Social Security)	\$	-
(c) Insurance	\$	-
(d) Union Dues	\$	-

(e) Other (specify)	\$	-
2. Regular income from operation of business or profession	\$	-
3. Social Security	\$	-
4. Pension and other retirement income	\$	-
5. Income from ownership of real or personal property	\$	-
6. Investment income (interest and dividends)	\$	-
7. Alimony or support payable to the debtor for the debtor's use	\$	-
8. Support payable to the debtor for the support of another (specify for whom)	\$	-

Page 3

Money provided by debtor's spouse to the debtor (exclude amounts listed in (8))	\$	-
--	----	---

Other monthly incomes (specify)

(a)	\$	-
(b)	\$	-
(c)	\$	-

TOTAL	\$	-
--------------	-----------	----------

b.

Spouse, give the current monthly of your spouse.

1. Spouse's take-home pay	\$	-
2. Total of all other income received by your spouse (include all sources of income listed in 4a(2) through 4a(10))	\$	-
TOTAL	\$	-

5 Expenses, give current monthly expenses of debtor or family. (Exclude payments on debts owed as of the date you filed a case under the Bankruptcy Code, unless, the debt is specifically listed below).

Home mortgage	\$	-
a. amount of mortgage payment used for taxes or insurance	\$	-
Routine home maintenance	\$	-

Rent (include condominium fee or lot rental for trailer)	\$	-
Utilities:	\$	-
a. electricity	\$	-
b. heat	\$	-
c. water	\$	-
d. telephone	\$	-
e. other	\$	-
5. Food	\$	-
6. Clothing	\$	-
7. Laundry and cleaning	\$	-
8. Newspapers, periodicals and books (including school books)	\$	-
9. Medical, dental and drug expenses	\$	-
10. Insurance (not deducted from wages)	\$	-
a. auto	\$	-
b. life	\$	-
c. medical	\$	-
d. homeowners or renters	\$	-
e. other	\$	-
11. Transportation (not including auto payments)	\$	-
12. Recreation	\$	-
13. Dues, union, professional, social or otherwise (not deducted from wages)	\$	-
14. Taxes (not deducted from wages or included in mortgage payments)	\$	-
15. Alimony, maintenance or support payments	\$	-
16. Other payments for support of dependents not living at home	\$	-

17. Religious and other charitable	\$	-
18. Other (explain)	\$	-
TOTAL	\$	-
19. Installment Payments		
a. auto	\$	-
b. home improvement	\$	-
c. other	\$	-
TOTAL	\$	-

Total Income	\$	-
Total Expenses	\$	-
Surplus (deficiency)	\$	-

U.S. BANKRUPTCY COURT DISTRICT OF VERMONT

CHAPTER 12 MONTHLY LIVESTOCK TOTALS REPORT

CASE NAME: _____

CASE NUMBER: _____

REPORT FOR MONTH OF: _____

TOTALS FOR	BEGINNING OF MONTH	END OF MONTH
BULLS		
DRY COWS		
MILKING COWS		
PREGNANT COWS		
OPEN HEIFERS		
BRED HEIFERS		
CALVES		
OTHER (specify) _____		
TOTALS		

ANIMALS ADDED THIS MONTH

TYPE	NUMBER	SOURCE	COST
TOTALS			

ANIMALS LOST/CULLED/SOLD THIS MONTH

TYPE	NUMBER	LOST/CULLED/SOLD	DETAILS

TOTALS

ENCLOSURE 2.1

(TO BE USED IN LIEU OF ENCLOSURE 2 ITEM IV)

CASE NO. _____

CASE NAME: _____

MONTH OF _____

EXPENSES CHARGED OR ACCRUED, BUT NOT PAID DURING THE MONTH

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

[illegible]POST-PETITION EXPENSES CHARGED OR ACCRUED IN A PRIOR MONTH,
STILL UNPAID

VENDOR	DESCRIPTION	AMOUNT
--------	-------------	--------

[illegible]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

_____,
Debtor(s).

Case # xx-xxxxx
Chapter 12

Motion to Waive or Modify Chapter 12 Debtor's Obligation to File Operating Reports

Pursuant to Vt. LBR 2015-1, chapter 12 debtors must file monthly operating reports, using the Vt. LB Form S-3, S-4, and S-5, as applicable, unless the Court grants the debtor a waiver of this requirement or modifies the content or frequency of the reports the debtor must file.

The Debtor in this case seeks (check one):

___ a waiver of the requirement to file operating reports.

___ modification of the content / form of the operating report the Debtor must file, as follows:

___ modification of the duty to file reports monthly, requesting reports be due ___ quarterly / ___ annually.

In support of this request, the Debtor states:

1. ____
2. ____
3. ____
4. ____

The chapter 12 trustee and the Debtor's primary creditors [*named here*] will be filing consent to this Motion, and if they do not do so within seven (7) days of the filing of this Motion, the Debtor will file a notice of motion setting a hearing on this Motion, on 14 days' notice to the trustee and all secured and priority unsecured creditors listed in the debtor's bankruptcy schedules, and any attorneys who have filed a notice of appearance.

The Debtor understands if the Court grants this request, the relief may be revoked, and the requirement reinstated, on a showing of good cause (e.g., a change in the debtor's circumstances, a determination the affirmations in this Motion are incomplete or misleading, or the need for closer monitoring of the debtor's financial circumstances).

Dated: _____, 20__

Attorney for Debtor(s)
[Name, address, tel #, email]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re:
MODIFICATION OF THE LOCAL RULES
OF PRACTICE AND PROCEDURE
IN THE U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT**

REVISING LOCAL RULE 2015-2

STANDING ORDER # 20-08

**TO SPECIFY THE TYPE OF OPERATING REPORT
BUSINESS CHAPTER 13 DEBTORS MUST FILE,
AND ESTABLISH THE PROCEDURE FOR WAIVER OR
MODIFICATION OF OPERATING REPORT REQUIREMENT**

After consultation with the 2019 Local Rules Task Force and the Vermont bankruptcy bar, the Court has determined it would be most efficient, and expedite determinations of feasibility and plan confirmation in business chapter 13 cases, to require all chapter 13 debtors with business or rental income to file monthly operating reports, using a standard local form, unless the debtor (or other party in interest) shows good cause to either (a) waive the operating report requirement or (b) modify the content or frequency of the report required. Therefore, the Court is modifying the Local Rule to specify this requirement, revising the Local Form for the chapter 13 operating report, and creating a Local Form motion for a waiver or modification of the operating report requirement.

Accordingly, IT IS HEREBY ORDERED that Vt. LBR 2015-2 is revised to read as follows, with the changes noted in red:

**VT. LBR 2015-2. DEBTOR-IN-POSSESSION –
BUSINESS DEBTORS’ OPERATING ORDERS IN CHAPTER 13.**

Every ~~debtor-individual~~ who files a business chapter 13 case, and (a) designates their bankruptcy case to be a business chapter 13 case, on their petition, or (b) discloses income from rental property or from operating a business, profession, or farm, on

their schedules (cumulatively referred to herein as a “Chapter 13 Business Debtor”) or is operating a business, shall be required to file monthly operating reports, commencing in the month following the filing of the petition, unless the Chapter 13 Business Debtor demonstrates good cause to waive or modify this requirement within 724 days of the filing of the petition.

An Operating Order will be entered in every Chapter 13 Business Debtor’s case, describing the debtor’s duties generally, including the duty to file monthly operating reports, on Local Form S-1. A Chapter 13 Business Debtor may file a motion seeking a waiver of this requirement, or a modification of the content or frequency of the reports to be filed, using Local Form S-2.


Failure of a Chapter 13 Business Debtor to file complete and timely operating reports may constitute cause for dismissal of the case, under 11 U.S.C. § 1307.

~~The trustee or other party in interest who seeks an order directing the chapter 13 debtor to file operating reports shall file a proposed order setting forth (1) how frequently the reports should be filed (monthly, quarterly, or at some other interval); (2) what information should be included in each operating report, and (3) what documents should be attached to the operating reports or served on the parties entitled to receipt of the operating reports.~~

IT IS FURTHER ORDERED that Chapter 13 debtors shall use the new Local Forms for their operating reports and any motion to waive or modify the operating report requirement, both of which are attached and posted on the Court’s website.

IT IS FURTHER ORDERED this revision to the Local Rule and the attached new Local Forms are effective upon entry of this Order.

February 25, 2020
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Attached: New Vt. LB Form S-1 and S-2.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF VERMONT

In re:

_____,
Debtor.

Case # xx-xxxxx
Chapter 13

DEBTOR'S MONTHLY OPERATING REPORT
For [Reporting Period]

Name of Debtor's Business: _____

Nature of Debtor's Business: _____

____ The Debtor attaches reports from Quicken or Quickbooks. (*May skip Parts I and II*)

I. GROSS INCOME:

Source	Amount
_____	_____
_____	_____
_____	_____
Total Gross Income:	_____

II. EXPENSES:

Item	Description	Amount
Advertising	_____	_____
Car/ Truck	_____	_____
Commission/ Fees	_____	_____
Contract Labor	_____	_____
Insurance	_____	_____
➤ Specify types		

Interest, Mortgage	_____	_____
Interest, Other	_____	_____
Legal / Professional	_____	_____
Office Expenses	_____	_____
Rent, Vehicle	_____	_____
Rent, Equipment	_____	_____
Rent, Other	_____	_____
Repairs/Maintenance	_____	_____
Supplies	_____	_____
Taxes and Licenses	_____	_____
Travel, Meals	_____	_____
Travel, Other	_____	_____
Utilities		
➤ Electric	_____	_____
➤ Heat	_____	_____
➤ Internet	_____	_____
➤ Telephone	_____	_____
➤ Trash	_____	_____
➤ Water/ Sewer	_____	_____
➤ Other	_____	_____
Other Expenses	_____	_____
Total Expenses:		_____

III. PROFIT/LOSS:

Gross Income	_____
Less Total Expenses	_____
Net Profit/Loss	_____

IV. FEDERAL AND STATE TAX COMPLIANCE:
(attach copy of form/voucher and check/electronic receipt)

Federal Estimated Tax Payments:

Type/Form	Amount	Date of Payment	Method of Payment
_____	_____	_____	_____

Federal Employment Tax Deposits:

Type/Form	Amount	Date of Payment	Method of Payment
_____	_____	_____	_____

State Tax Payments:

Type/Form	Amount	Date of Payment	Method of Payment
_____	_____	_____	_____

V. ASSETS/INVENTORY/GOODS: specify all changes from last report

**VI. LIABILITIES / UNPAID BILLS: specify any bills incurred and not paid during this period
as well as the status of all unpaid bills described in the last report.**

VII. QUESTIONNAIRE: (attach any required explanations as Exhibit A)

For this reporting period,	Yes	No
1. Any change in the number of employees you have since last period? - If yes, state current number and explain the change	_____	_____
2. Have you paid all your employees on time? - If no, explain how many were not, and why	_____	_____

- | | | |
|--|-------|-------|
| 3. Have you withheld and paid employment and other taxes on time? | _____ | _____ |
| - If no, explain | | |
| 4. Have you paid all of your bills on time? | _____ | _____ |
| - If no, explain | | |
| 5. Have you timely paid all of your insurance premiums? | _____ | _____ |
| - If no, explain | | |
| 6. Did any insurance company cancel your policy? | _____ | _____ |
| - If yes, explain | | |
| 7. Have you sold or transferred any assets other than inventory? | _____ | _____ |
| - If yes, state what was it, to whom, for how much and why? | | |
| 8. Did you have any unusual or significant unanticipated expenses? | _____ | _____ |
| - If yes, state what they are and why they were unanticipated | | |
| 9. Have you borrowed money from anyone, or has anyone made any payments on your behalf, or has anyone made an investment in your business? | _____ | _____ |
| - If yes, state name of lender / investor, date and amount | | |
| 10. Have you paid any bills you owed before you filed bankruptcy? | _____ | _____ |
| - If yes, state name of creditor paid, amount and date paid, and the reason for payment of that debt post-petition | | |

VIII. Certification and Signature (required)

I, _____, Debtor/Authorized Individual, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing report and attached documents are true and correct to the best of my knowledge and belief.

_____ Debtor's Signature Owner [or ____] in Business	Date: _____
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

_____,
Debtor(s).

Case # xx-xxxxx
Chapter 13

Motion to Waive or Modify Chapter 13 Business Debtor's Obligation to File Operating Reports

Pursuant to Vt. LBR 2015-2, chapter 13 debtors who have income from the operation of a business, or the rental of property, must file monthly operating reports, using the Vt. LB Form S-1, unless the Court grants the debtor a waiver or modifies the content or frequency of the reports the debtor must file.

The Debtor in this case seeks (check one):

___ a waiver of the requirement to file operating reports.

___ modification of the content / form of the operating report the Debtor must file, as follows:

_____.

___ modification of the duty to file reports monthly, requesting reports be due ___ quarterly / ___ annually.

In support of this request, the Debtor states:

1. ____
2. ____
3. ____
4. ____

The chapter 13 trustee and the Debtor's primary creditors [*named here*] will be filing consent to this Motion, and if they do not do so within seven (7) days of the filing of this Motion, the Debtor will file a notice of motion setting a hearing on this Motion, on 14 days' notice to the trustee and all secured and priority unsecured creditors listed in the debtor's bankruptcy schedules, and any attorneys who have filed a notice of appearance.

The Debtor understands if the Court grants this request, the relief may be revoked, and the requirement reinstated, on a showing of good cause (e.g., a change in the debtor's circumstances, a determination the affirmations in this Motion are incomplete or misleading, or the need for closer monitoring of the debtor's financial circumstances).

Dated: _____, 20__

Attorney for Debtor(s)
[Name, address, tel #, email]