

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

**The purpose of this Bench Bar meeting** is to discuss the CARES Act, and related, new Forms & Orders

1. PROPOSED VTB FORM CV-2 TO SUSPEND OR REDUCE FULL PLAN PMT Judge Brown  
➤ for use in ch 13, for 90-day period, based on COVID pandemic (*attached*)
2. NEW SO 20-11 RE AMENDMENT TO RULE 1020 AND NEW OFFICIAL FORMS Judge Brown  
➤ *attached*
3. USE OF ZOOM FOR VTB COURT HRGS TO BEGIN THIS WEEK Judge Brown  
➤ inviting input from Bar as to when hrsg will be via phone vs when via zoom.
4. HOW 341S AND COURT OPS / HRGS ARE WORKING Judge Brown  
➤ inviting input for the bar and their clients re proceedings in current environment;  
➤ any Qs or issues from bar?
5. PROPOSED OPERATING ORDERS IN CH 11, 12, 13 AND 11-V Judge Brown  
➤ *each attached*
6. PRACTICE POINTERS FROM THE CLERK’S OFFICE Theresa Davidson  
➤ New CM/ECF event for Notice of Forbearance Agmt  
➤ New local form for combined notice / stip between D and T / proposed order soon
7. NEXT MEETING The Group  
➤ Next meeting is set for **June 19, 2020 in Rutland**
  - Any suggestions for agenda items to discuss at that meeting?

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](mailto:maria_dionne@vtb.uscourts.gov) with any questions

**Attachments (6):**

1. Draft Local Form CV-2 (*will be circulated Monday*)
2. Standing Order # 20-11 w/ attachments
3. Draft Chapter 11 Form Operating Order
4. Draft Chapter 12 Form Operating Order
5. Draft Chapter 13 Form Operating Order
6. Draft Chapter 11-V Form Operating Order

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re**

**[Debtor's Name],  
Debtor.**

**Chapter 13**

**Case # \_\_\_\_\_**

**DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]  
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS  
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE  
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

I, \_\_\_\_\_, the attorney for the Debtor in this case, move for an Order granting the Debtor a 90-day [reduction or deferral] of the Debtor's obligation to make full plan payments [and relieve the Trustee of his obligations to file a notice of delinquency and a motion to dismiss this case, in which he makes conduit mortgage payments ("CMPs"), pursuant to Vt LBR 3015-2(d)(5) & (6), for that same 90-day period]. The Debtor is entitled to this relief based on the financial distress the Debtor is experiencing as a result of COVID-19 and the restrictions imposed in response to the pandemic.

I attach the Debtor's affidavit setting forth the COVID-19 related circumstances that make it impossible for the Debtor to make full plan payments at this time.

The granting of this relief is essential to the Debtor obtaining chapter 13 relief, is just, and will not unfairly prejudice any party.

I have conferred with the Trustee and any creditors who have appeared and been active in this case. The Trustee consents to this relief as evidenced by his signature below, and the I expect the following active creditors will file e-consent: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

Respectfully Submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Debtor's attorney]

[ Debtor's attorney's address / contact info]

**Consent to Relief:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jan M. Sensenich, Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re

[Debtor's Name],  
Debtor.

Chapter 13

Case # \_\_\_\_\_

DEBTOR'S AFFIDAVIT IN SUPPORT OF  
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]  
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS  
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE  
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]

I, \_\_\_\_\_, the Debtor in this case, request that the Court grant me a 90-day [reduction or deferral] of my obligation to make full plan payments [and relieve the Trustee of his obligations to file a notice of delinquency and a motion to dismiss this case, in which he makes conduit mortgage payments ("CMPs"), pursuant to Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral the Court grants me]. I believe I am entitled to this relief based on the financial distress I am experiencing as a result of COVID-19 and the restrictions imposed in response to the pandemic.

I affirm the following statements are true and make it impossible for me to make my full plan payments at this time:

1. My confirmed Chapter 13 Plan requires me to make payments of \$\_\_\_\_ per \_\_\_\_, for \_\_ months.
2. As a result of COVID-19 and the restrictions imposed in response to the pandemic, I have suffered the following consequences: \_\_\_\_\_

3. I applied for the following benefits:

- \_\_\_ mortgage deferral of privately backed mortgage (directly)
- \_\_\_ mortgage forbearance of federally backed mortgage (through CARES Act)
- \_\_\_ unemployment
- \_\_\_ other (specify): \_\_\_\_\_

4. I expect to receive benefits of \$\_\_ per \_\_, starting \_\_\_\_, 2020, and continuing for \_\_ months, from \_\_\_\_ [source] in the form of (specify, relief from mortgage payments, cash, etc.): \_\_\_\_\_.
5. Even with these benefits, I will need relief from my plan payment obligations for \_\_ months.
6. Since \_\_, 2020, my net monthly income has dropped from \$\_\_ to \$\_\_\_\_. After payment of my regular monthly living expenses (as set forth on my Schedule J or reduced to \$\_\_), I have net monthly disposable income of \$\_\_\_\_. This not enough for me to make my full plan payments.
7. I will be able to  
 \_\_\_\_ make payments in the amount of \$\_\_ for the foreseeable future OR  
 \_\_\_\_ make no payments until [date] when I will recommence full payments.
8. I was current on my plan payments through \_\_\_\_, 2020.
9. [I also ask for a deferral of my obligation to make payments pursuant to a trial payment plan on my mortgage, to \_\_\_\_, for 90 days, without penalty; or for a 90-day deferral on the loss mitigation mortgage mediation in which I am engaged with creditor, \_\_\_\_.]
10. [I also ask the Court to relieve the Trustee from his obligations to file a notice of delinquency and a motion to dismiss this CMP case, pursuant to Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral.]
11. I will file a motion to modify by \_\_\_\_ [date], which will extend the term of my plan by 90 days to make up for the reduced or deferred payments, so the treatment of my creditors' allowed claims is not diminished by this reduction or deferral of full plan payments.
12. Other circumstances in support of reduction or deferral of my full plan payments:  
 \_\_\_\_\_.
13. My attorney has conferred with the Trustee, the Trustee consents to this relief, and the Trustee's signature is affixed to the Motion.
14. [My attorney has conferred with the attorneys for creditors, \_\_\_\_\_ (who have appeared and been active in my case), and they consent to this relief, and will file e-consent.]

Dated: \_\_\_\_\_

\_\_\_\_\_  
 [Debtor's signature]

Dated: \_\_\_\_\_

\_\_\_\_\_  
 [Co-Debtor's signature, if any]

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

\_\_\_\_\_  
**In re**  
    **[Debtor's Name],**  
    **Debtor.**  
\_\_\_\_\_

**Chapter 13**  
**Case # \_\_\_\_\_**

**CREDITORS' AND PARTIES IN INTEREST'S CONSENT TO  
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]  
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS  
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE  
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

*Optional Alternative to the Filing of E-Consent*

\_\_\_\_\_  
Attorney's name and contact information  
On behalf of \_\_\_\_\_

Dated: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

\_\_\_\_\_

In re

[Debtor's Name],  
Debtor.

Chapter 13  
Case # \_\_\_\_\_

\_\_\_\_\_

[PROPOSED] ORDER

**GRANTING DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]  
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS  
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE  
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

Based on the motion and affidavit the Debtor has filed seeking \_\_\_ a reduction or \_\_\_ deferral of the Debtor's full plan payments, based on circumstances caused by COVID-19, and taking into account the consents filed in support of the Debtor's motion, THE COURT FINDS the Debtor has given adequate notice and demonstrated cause to grant the relief.

Therefore, IT IS HEREBY ORDERED the Debtor's obligation to make full plan payments is temporarily modified as follows: \_\_\_\_\_

\_\_\_\_\_

IT IS FURTHER ORDERED that the Debtor shall appear at a status conference on \_\_\_\_\_, 2020, unless the Debtor files a status report one week before that date, to which the Trustee consents, and the Court cancels the hearing.

[IT IS FURTHER ORDERED the Trustee is relieved of the obligations to file a notice of delinquency and a motion to dismiss this CMP case, imposed by Vt LBR 3015-2(d)(5) & (6), until 30 days after the expiration of this suspension or deferral of full plan payments.]

SO ORDERED.

Dated:  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

\_\_\_\_\_  
**In re**

**[Debtor's Name],  
Debtor.**

**Chapter 13**

**Case # \_\_\_\_\_**

**CERTIFICATE OF SERVICE FOR  
DEBTOR'S MOTION TO TEMPORARILY [REDUCE OR DEFER]  
DEBTOR'S OBLIGATION TO MAKE FULL CHAPTER 13 PLAN PAYMENTS  
[AND TEMPORARILY RELIEVE THE TRUSTEE OF HIS OBLIGATIONS TO FILE  
A NOTICE OF DELINQUENCY AND MOTION TO DISMISS, IN THIS CMP CASE]**

*The Debtor must serve the Trustee, all secured creditors, and any attorneys who have appeared in the case and give them 14 days' notice of the relief sought. The Debtor may use the default procedure with this shortened notice period. Alternatively, the Debtor may file a stipulation executed by those parties.*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re**

**[Debtor's Name],  
Debtor.**

**Chapter 13  
Case # \_\_\_\_\_**

**DEBTOR'S NOTICE OF FORBEARANCE AGREEMENT PURSUANT TO CARES ACT  
WITH PROPOSED ORDER**

NOTICE IS HEREBY GIVEN that

1. On \_\_\_\_\_ [date], the Debtor entered into a forbearance agreement with their mortgage lender \_\_\_\_\_, pursuant to §4022(b) & (c) of P.L 116-136, 134 Stat. 281 (the "CARES Act").
2. A copy of the forbearance agreement (or email, letter, or other evidence of the mortgagee's or servicer's granting of a forbearance) is attached.
3. The forbearance of payments is effective as of the payment due on \_\_\_ [date] and continues through the payment due on \_\_\_ [date] (the "term of forbearance").
4. The Debtor understands they (a) need to reach a final resolution regarding repayment of the payments granted forbearance by the end of the term of forbearance period set forth herein, unless they obtain an extension, and (b) will likely need to file a motion modifying their plan to reflect that agreement.

Respectfully Submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Debtor's attorney]

**[Proposed] ORDER**

Based on the foregoing Notice and attached forbearance agreement, IT IS HEREBY ORDERED the Debtor's forbearance agreement is APPROVED.

IT IS FURTHER ORDERED the Debtor shall appear for a status hearing on \_\_\_\_, 2020 [date 30-40 days before expiration of the forbearance term] to address the Debtor's intention and efforts regarding (i) a final agreement with the mortgage lender or servicer for repayment of the sums subject to the forbearance agreement, by the expiration of the term of forbearance; (ii) modification of the confirmed plan in this chapter 13 case; and (iii) any other relief necessitated by the CARES Act or the pandemic.

[Date]  
Burlington, Vermont  
Notes re Local Form CV-3:

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge



- This is the form that Debtors will need to file with the new CM/ECF event that will be effective this week, for the Notice of Forbearance Agmt.
- No consent of any party is required as long as the D attaches some proof of the forbearance agmt.
- If there is no proof of an agmt, then D will need to have mortgagee's (or servicer's) e-consent.
- The docket entry will appear on the case docket only (will not appear on claims register).
- Attys to fill in all blanks (including setting date for status hearing) – and convert to PDF – prior to uploading.
- If D obtains a 2<sup>nd</sup> forbearance, D will need that forbearance approved as well (and status hrg will be moved to date set in the 2<sup>nd</sup> notice / order).

4/27/20 DRAFT

**SEC. 4022. FORECLOSURE MORATORIUM AND  
CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) **DEFINITIONS.**—In this section:

- (1) **COVID–19 EMERGENCY.**—The term “COVID–19 emergency” means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).
- (2) **FEDERALLY BACKED MORTGAGE LOAN.**—The term “Federally backed mortgage loan” includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4- families that is—
  - (A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);
  - (B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);
  - (C) guaranteed under section 184 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a, 1715z–13b);
  - (D) guaranteed or insured by the Department of Veterans Affairs;
  - (E) guaranteed or insured by the Department of Agriculture;
  - (F) made by the Department of Agriculture; or
  - (G) purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) **FORBEARANCE.**—

- (1) **IN GENERAL.**—During the covered period, a borrower with a Federally backed mortgage loan experiencing a financial hardship due, directly or indirectly, to the COVID–19 emergency may request forbearance on the Federally backed mortgage loan, regardless of delinquency status, by—
  - (A) submitting a request to the borrower's servicer; and
  - (B) affirming that the borrower is experiencing a financial hardship during the COVID–19 emergency.
- (2) **DURATION OF FORBEARANCE.**—Upon a request by a borrower for forbearance under paragraph (1), such forbearance shall be granted for up to 180 days, and shall be extended for an additional period of up to 180 days at the request of the borrower, provided that, at the borrower's request, either the initial or extended period of forbearance may be shortened.
- (3) **ACCRUAL OF INTEREST OR FEES.**—During a period of forbearance described in this subsection, no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract, shall accrue on the borrower's account.

(c) **REQUIREMENTS FOR SERVICERS.**—

- (1) **IN GENERAL.**—Upon receiving a request for forbearance from a borrower under subsection (b), the servicer shall with no additional documentation required other than the borrower's attestation to a financial hardship caused by the COVID–19 \*491 emergency and with no fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract) charged to the borrower in connection with the forbearance, provide the forbearance for up to 180 days, which may be extended for an additional period of up to 180 days at the request of the borrower, provided that, the borrower's request for an extension is made during the covered period, and, at the borrower's request, either the initial or extended period of forbearance may be shortened.
- (2) **FORECLOSURE MORATORIUM.**—Except with respect to a vacant or abandoned property, a servicer of a Federally backed mortgage loan may not initiate any judicial or non-judicial foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020. < 15 USCA § 9057 >

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

---

**In re:**

,

**Debtor.**

---

**Chapter 11  
Case #**

**ORDER  
CONCERNING CHAPTER 11 DEBTOR OPERATING A BUSINESS**

On [REDACTED], 20[REDACTED], the above-referenced debtor-in-possession (the “Debtor”), filed a petition for relief under Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”), and an order for relief was entered. Therefore, pursuant to subsections 1106(a), 1107(a), 704(a)(7), and 105(a) of the Bankruptcy Code, **IT IS ORDERED THAT:**

1. The Debtor shall, as of the petition date, open new books, records, bank accounts, and Federal, State and local business and payroll tax accounts with a new identification number.
2. From the petition date forward, the Debtor shall deposit all gross receipts of the Debtor’s business in demand deposit type bank accounts.
3. The Debtor shall deposit or invest all money of the bankruptcy estate in the manner that will yield the maximum reasonable net return on such money.
4. The Debtor shall only deposit money in depositories that are FDIC insured and shall not deposit more than two hundred fifty thousand dollars (\$250,000.00) of estate money in any given depository without prior Court approval.
5. Commencing with the date of the filing of this case, the Debtor shall prepare and file with the Clerk of the Court monthly reports of the Debtor’s operations (each, an “Operating Report”), using the form promulgated by the U.S. Trustee, unless the Court grants a motion to allow the Debtor to use a different form or frequency (e.g., quarterly), on consent of the U.S. Trustee.
6. The Debtor shall verify each Operating Report and file it no later than twenty-one (21) days after the end of the reporting period.

7. The Debtor shall serve the Operating Reports on the United States (if a party in the case), the Trustee (if any), the U.S. Trustee, the chair of the Creditors' Committee (if any), and all attorneys of record. The Debtor shall mail the original Operating Reports to the U.S. Trustee (see Vt. LBR 4002-1(e)).
8. The Debtor shall file copies of the monthly statement of each bank account with each Operating Report, with the account number redacted to show only the last 4 digits.
9. Unless the Debtor has Court approval or authority under an applicable section of the Bankruptcy Code, the Debtor shall not (a) use, sell, or lease property of the Estate other than in the ordinary course of business; (b) use cash collateral; or (c) obtain secured credit.
10. The Debtor shall not pay to the Debtor, or any partners or corporate officers of the Debtor, any draw or compensation during the pendency of the Chapter 11 case unless and until the Debtor has obtained a Court order approving the services and fixing the amount and terms of such draws or compensation.
11. The Debtor shall segregate and hold separate and apart from all other funds, all monies deducted and withheld from employees or collected from others for taxes under any law of the United States or appropriate State or local authority during the pendency of this case.
12. The Debtor shall (a) make timely and regular payments or deposits with all taxing authorities and agencies; (b) timely pay all tax obligations arising after the date on which this case was filed; (c) timely file all tax reports and returns with all taxing authorities and agencies (or obtain U.S. Trustee approval prior to applying for any extension); and (d) file a statement affirming the Debtor has satisfied these tax obligations for the reporting period, with each Operating Report.
13. The Debtor shall (a) file the Debtor's annual income tax returns with the appropriate taxing authorities, on a timely basis; and (b) deliver copies of those returns to the U.S. Trustee no more than fourteen (14) days after the date the Debtor filed them.
14. The Debtor must also comply with the obligations and duties of a Chapter 11 debtor, as further articulated in Chapter 11, including § 1107, and in Chapters 1, 3, and 5 of the Bankruptcy Code, as well as the Local Bankruptcy Rules for the District of Vermont.
15. The Debtor shall continue to comply with the reporting requirements and tax obligations described in this Operating Order subsequent to the entry of an order confirming the Chapter 11 Plan, and shall do so through the date the Chapter 11 Plan is consummated and a Final Decree is entered, unless the order confirming the Chapter 11 Plan provides otherwise.
16. The Debtor shall, pursuant Federal Rule of Bankruptcy Procedure 3016, file a Chapter 11 Plan and Disclosure Statement within one-hundred-twenty (120) days after filing the Chapter 11 petition,

unless the Debtor has obtained a Court order, prior to that date, enlarging the time for the Debtor to file a plan.

17. The Debtor shall serve copies of the proposed Chapter 11 Plan on the United States (if a party in the case), the Trustee (if any), the U.S. Trustee, all members of the Creditors' Committee (if any), and all attorneys of record.
18. If the Debtor seeks an enlargement of time to file the Plan, then, by 120 days after filing the Chapter 11 petition, the Debtor shall include with that request a Verified Report which: (a) lists the financial condition of the Debtor, including a statement of all liabilities; (b) contains a narrative statement of the operation of the business during that one-hundred-twenty-day (120-day) period, including a statement as to whether all Operating Reports have been duly and timely filed as required by the Court; (c) lists all tax obligations incurred since the petition date, and all payments thereon; (d) states all amounts due but unpaid for services rendered by any person or entity employed pursuant to § 327(a); (e) lists the names and addresses of any entities, creditors, or claimants entitled to payment pursuant to § 503(b), as an administrative expense, who has invoiced the Debtor and has not been paid, such list to include the amount claimed by such entity, the date of the most recent charges, and the reason such claim remains unpaid; and (f) contains a narrative statement of the Debtor's efforts to formulate a Plan, the anticipated date of the filing of the Plan, and the reasons why a Plan and Disclosure Statement have not been filed.
19. If the Debtor fails to fully and timely comply with any of the terms and requirements of this Operating Order, the Debtor may be required to appear and show cause why sanctions should not be imposed, or the case should not be dismissed.

**SO ORDERED.**

\_\_\_\_\_, 2020  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

---

**In re:**

,

**Debtor.**

---

**Chapter 11 (Subchapter V)  
Case #**

**ORDER  
CONCERNING CHAPTER 11 SUBCHAPTER V DEBTOR OPERATING A BUSINESS**

On [REDACTED], 20[REDACTED], [REDACTED], the above-referenced debtor-in-possession (the “Debtor”), filed a petition for relief under Subchapter V of Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”), and an order for relief was entered. Therefore, pursuant to subsections § 1183(b) and 105(a) of the Bankruptcy Code, **IT IS ORDERED THAT:**

1. The Debtor shall, as of the petition date, open new books, records, bank accounts, and Federal, State and local business and payroll tax accounts with a new identification number.
2. From the petition date forward, the Debtor shall deposit all gross receipts of the Debtor’s business in demand deposit type bank accounts.
3. The Debtor shall deposit or invest all money of the bankruptcy estate in the manner that will yield the maximum reasonable net return on such money.
4. The Debtor shall only deposit money in depositories that are FDIC insured and shall not deposit more than two hundred fifty thousand dollars (\$250,000.00) of estate money in any given depository without prior Court approval.
5. Commencing with the date of the filing of this case, the Debtor shall prepare and file with the Clerk of the Court monthly reports of the Debtor’s operations (each, an “Operating Report”), using the form promulgated by the U.S. Trustee, unless the Court grants a motion to allow the Debtor to use a different form or frequency (e.g., quarterly), on consent of the Chapter 11 case trustee (the “Trustee”).
6. The Debtor shall verify each Operating Report and file it no later than twenty-one (21) days after the end of the reporting period.

7. The Debtor shall serve the Operating Reports on the United States (if a party in the case), the Trustee, the U.S. Trustee, the chair of the Creditors' Committee (if any), and all attorneys of record. The Debtor shall mail the original Operating Reports to the U.S. Trustee (see Vt. LBR 4002-1(e)).
8. The Debtor shall file copies of the monthly statement of each bank account with each Operating Report, with the account number redacted to show only the last 4 digits.
9. Unless the Debtor has Court approval or authority under an applicable section of the Bankruptcy Code, the Debtor shall not (a) use, sell, or lease property of the Estate other than in the ordinary course of business; (b) use cash collateral; or (c) obtain secured credit.
10. The Debtor shall not pay to the Debtor, or any partners or corporate officers of the Debtor, any draw or compensation during the pendency of the Chapter 11 case unless and until the Debtor has obtained a Court order approving the services and fixing the amount and terms of such draws or compensation.
11. The Debtor shall segregate and hold separate and apart from all other funds, all monies deducted and withheld from employees or collected from others for taxes under any law of the United States or appropriate State or local authority during the pendency of this case.
12. The Debtor shall (a) make timely and regular payments or deposits with all taxing authorities and agencies; (b) timely pay all tax obligations arising after the date on which this case was filed; (c) timely file all tax reports and returns with all taxing authorities and agencies (or obtain Trustee approval prior to applying for any extension); and (d) file a statement affirming the Debtor has satisfied these tax obligations for the reporting period, with each Operating Report.
13. The Debtor shall (a) file the Debtor's annual income tax returns with the appropriate taxing authorities, on a timely basis; and (b) deliver copies of those returns to the Trustee no more than fourteen (14) days after the date the Debtor filed them.
14. The Debtor must also comply with the obligations and duties of a Chapter 11 debtor, as further articulated in Chapter 11, including § 1184, and in Chapters 1, 3, and 5 of the Bankruptcy Code, as well as the Local Bankruptcy Rules for the District of Vermont.
15. The Debtor shall continue to comply with the reporting requirements and tax obligations described in this Operating Order subsequent to the entry of an order confirming the Chapter 11 Plan, and shall do so through the date the Chapter 11 Plan is consummated and a Final Decree is entered, unless the order confirming the Chapter 11 Plan provides otherwise.
16. The Debtor shall, pursuant to § 1188 of the Bankruptcy Code, file a request for a status conference to be held within sixty (60) days after filing the Chapter 11 petition, and file a report detailing the Debtor's efforts to attain a consensual plan no later than fourteen (14) days prior to that status

conference.

17. The Debtor shall, pursuant § 1189(b) of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 3016, file a Chapter 11 Plan and Disclosure Statement within ninety (90) days after filing the Chapter 11 petition, unless the Debtor has obtained a Court order, prior to that date, enlarging the time for the Debtor to file a plan.
18. The Debtor shall serve copies of the proposed Chapter 11 Plan on the United States (if a party in the case), the Trustee (if any), the U.S. Trustee, all members of the Creditors' Committee (if any), and all attorneys of record.
19. If the Debtor seeks an enlargement of time to file the Plan, then, by 120 days after filing the Chapter 11 petition, the Debtor shall include with that request a Verified Report which: (a) lists the financial condition of the Debtor, including a statement of all liabilities; (b) contains a narrative statement of the operation of the business during that one-hundred-twenty-day (120-day) period, including a statement as to whether all Operating Reports have been duly and timely filed as required by the Court; (c) lists all tax obligations incurred since the petition date, and all payments thereon; (d) states all amounts due but unpaid for services rendered by any person or entity employed pursuant to § 327(a); (e) lists the names and addresses of any entities, creditors, or claimants entitled to payment pursuant to § 503(b), as an administrative expense, who has invoiced the Debtor and has not been paid, such list to include the amount claimed by such entity, the date of the most recent charges, and the reason such claim remains unpaid; and (f) contains a narrative statement of the Debtor's efforts to formulate a Plan, the anticipated date of the filing of the Plan, and the reasons why a Plan and Disclosure Statement have not been filed.
20. If the Debtor fails to fully and timely comply with any of the terms and requirements of this Operating Order, the Debtor may be required to appear and show cause why sanctions should not be imposed, or the case should not be dismissed.

**SO ORDERED.**

\_\_\_\_\_, 2020  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

---

**In re:**

,

**Debtor.**

---

**Chapter 12  
Case #**

**ORDER  
CONCERNING CHAPTER 12 FAMILY FARMER OPERATING A BUSINESS**

On [REDACTED], 20[REDACTED], [REDACTED], the above-referenced debtor (the “Debtor”), filed a petition for relief under Chapter 12 of Title 11, United States Code (the “Bankruptcy Code”), and an order for relief was entered. Therefore, pursuant to subsections 1202(b), 704(a)(7), and 105(a) of the Bankruptcy Code, **IT IS ORDERED THAT:**

1. From the petition date forward, the Debtor shall deposit all gross receipts of the Debtor’s business in demand deposit type bank accounts.
2. The Debtor shall deposit or invest all money of the bankruptcy estate in the manner that will yield the maximum reasonable net return on such money.
3. The Debtor shall only deposit money in depositories that are FDIC insured and shall not deposit more than two hundred fifty thousand dollars (\$250,000.00) of estate money in any given depository without prior Court approval.
4. Commencing with the date of the filing of this case, the Debtor shall prepare and file with the Clerk of the Court monthly reports of the Debtor’s operations (each, an “Operating Report”), using the Chapter 12 form on the VTB website, unless the Court grants a motion to allow the Debtor to use a different form or frequency (e.g., quarterly), on consent of the Chapter 12 standing trustee (the “Trustee”).
5. The Debtor shall verify each Operating Report and file it no later than twenty-one (21) days after the end of the reporting period.

6. The Debtor shall serve the Operating Reports on the United States (if a party in the case), the Trustee, and all attorneys of record. The Debtor is not required to mail originals to the Trustee, but counsel for the Debtor shall retain the original Operating Reports until the case is closed.
7. The Debtor shall deliver to the Trustee, and to any other party in interest who has requested receipt of the same, copies of the monthly statement of each bank account with each Operating Report.
8. Unless the Debtor has Court approval or authority under an applicable section of the Bankruptcy Code or this Operating Order, the Debtor shall not (a) use, sell, or lease property of the Estate other than in the ordinary course of business; (b) use cash collateral; or (c) obtain credit.
9. Unless either this Operating Order or a separate Court order authorizes the Debtor to do so, the Debtor shall not incur any unsecured debt in excess of \$2,500.00
10. The Debtor may incur unsecured debt in excess of \$2,500.00 if it is for expenses related to the Debtor's health and general welfare, and the Debtor follows the procedure set out in Vt. LBR 4001-5(c). If this need arises in an emergency situation, the Debtor shall seek approval as promptly as possible after incurring the debt.
11. The Debtor may incur debt of up to \$18,000 total or \$300 per month, if it is to purchase or lease a motor vehicle during the Debtor's Chapter 12 case, and the Debtor has complied with the procedure set out in Vt. LBR 4001-5(b).
12. If the farm is operated by a corporate entity or partnership, the Debtor shall not pay to itself, or any partners or corporate officers of the farm, any draw or compensation during the pendency of the Chapter 12 case unless and until the Debtor has obtained a Court order approving the services and fixing the amount and terms of such draws or compensation.
13. The Debtor shall segregate and hold separate and apart from all other funds, all monies deducted and withheld from employees or collected from others for taxes under any law of the United States or appropriate State or local authority during the pendency of this case.
14. The Debtor shall (a) make timely and regular payments or deposits with all taxing authorities and agencies; (b) timely pay all tax obligations arising after the date on which this case was filed; (c) timely file all tax reports and returns with all taxing authorities and agencies (or obtain Trustee approval prior to applying for any extension); and (d) file a statement affirming the Debtor has satisfied these tax obligations for the reporting period, with each Operating Report.
15. The Debtor shall (a) file the Debtor's annual income tax returns with the appropriate taxing authorities, on a timely basis; and (b) deliver copies of those returns to the Trustee no more than fourteen (14) days after the date the Debtor filed them.

16. The Debtor must also comply with the obligations and duties of a Chapter 12 debtor, as further articulated in Chapter 12 and in Chapters 1, 3, and 5 of the Bankruptcy Code, as well as the Local Bankruptcy Rules for the District of Vermont.
17. The Debtor shall continue to comply with the reporting requirements and tax obligations described in this Operating Order subsequent to the entry of an order confirming the Chapter 12 Plan, and shall do so through the date the Chapter 12 Plan is consummated and a Final Decree is entered, unless the order confirming the Chapter 12 Plan provides otherwise.
18. The Debtor shall, pursuant to section 1221 of the Bankruptcy Code, file a Chapter 12 Plan no later than ninety (90) days from the date of the order for relief in this case, unless the Debtor has obtained a Court order, prior to that date, enlarging the time for the Debtor to file a plan.
19. The Debtor shall serve copies of any proposed amended Chapter 12 Plan on the United States (if a party in the case), the Trustee, all attorneys of record, and any parties affected by the amendment.
20. If the Debtor is subject to paragraph 13 above (farm is operated by a corporate entity or partnership) and has not yet filed an application for payment of compensation to the persons operating the Debtor's business, the Debtor shall file such an application, or a statement affirming the Debtor will not be seeking compensation for those persons and why, within fourteen (14) days of the date of this Operating Order.
21. If the Debtor fails to fully and timely comply with any of the terms and requirements of this Operating Order, the Debtor may be required to appear and show cause why sanctions should not be imposed or the case should not be dismissed.

**SO ORDERED.**

\_\_\_\_\_, 2020  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

---

**In re:**

,  
**Debtor.**

---

**Chapter 13  
Case #**

**ORDER  
CONCERNING CHAPTER 13 DEBTOR OPERATING A BUSINESS**

On [REDACTED], 20[REDACTED], the above-referenced debtor (the “Debtor”), filed a petition for relief under Chapter 13 of Title 11, United States Code (the “Bankruptcy Code”), and an order for relief was entered. Therefore, pursuant to subsections 1302(b), 704(a)(7), and 105(a) of the Bankruptcy Code, **IT IS ORDERED THAT:**

1. From the petition date forward, the Debtor shall deposit all gross receipts of the Debtor’s business in demand deposit type bank accounts.
2. The Debtor shall deposit or invest all money of the bankruptcy estate in the manner that will yield the maximum reasonable net return on such money.
3. The Debtor shall only deposit money in depositories that are FDIC insured and shall not deposit more than two hundred fifty thousand dollars (\$250,000.00) of estate money in any given depository without prior Court approval.
4. Commencing with the date of the filing of this case, the Debtor shall prepare and file with the Clerk of the Court monthly reports of the Debtor’s operations (each, an “Operating Report”), using the Chapter 13 form on the VTB website, unless the Court grants a motion to allow the Debtor to use a different form or frequency (e.g., quarterly), on consent of the Chapter 13 standing trustee (the “Trustee”).
5. The Debtor shall verify each Operating Report and file it no later than twenty-one (21) days after the end of the reporting period.

6. The Debtor shall serve the Operating Reports on the United States (if a party in the case), the Trustee, and all attorneys of record. The Debtor is not required to mail originals to the Trustee, but counsel for the Debtor shall retain the original Operating Reports until the case is closed.
7. The Debtor shall deliver to the Trustee, and to any other party in interest who has requested receipt of the same, copies of the monthly statement of each bank account with each Operating Report.
8. Unless the Debtor has Court approval or authority under an applicable section of the Bankruptcy Code or this Operating Order, the Debtor shall not (a) use, sell, or lease property of the Estate other than in the ordinary course of business; (b) use cash collateral; or (c) obtain credit.
9. Unless either this Operating Order or a separate Court order authorizes the Debtor to do so, the Debtor shall not incur any unsecured debt in excess of \$2,500.00
10. The Debtor may incur unsecured debt in excess of \$2,500.00 if it is for expenses related to the Debtor's health and general welfare, and the Debtor follows the procedure set out in Vt. LBR 4001-5(c). If this need arises in an emergency situation, the Debtor shall seek approval as promptly as possible after incurring the debt.
11. The Debtor may incur debt of up to \$18,000 total or \$300 per month, if it is to purchase or lease a motor vehicle during the Debtor's Chapter 13 case, and the Debtor has complied with the procedure set out in Vt. LBR 4001-5(b).
12. The Debtor shall segregate and hold separate and apart from all other funds, all monies deducted and withheld from employees or collected from others for taxes under any law of the United States or appropriate State or local authority during the pendency of this case.
13. The Debtor shall (a) make timely and regular payments or deposits with all taxing authorities and agencies; (b) timely pay all tax obligations arising after the date on which this case was filed; (c) timely file all tax reports and returns with all taxing authorities and agencies (or obtain Trustee approval prior to applying for any extension); and (d) file a statement affirming the Debtor has satisfied these tax obligations for the reporting period, with each Operating Report.
14. The Debtor shall (a) file the Debtor's annual income tax returns with the appropriate taxing authorities, on a timely basis; and (b) deliver copies of those returns to the Trustee no more than fourteen (14) days after the date the Debtor filed them.
15. The Debtor must also comply with the obligations and duties of a Chapter 13 debtor, as further articulated in Chapter 13 and in Chapters 1, 3, and 5 of the Bankruptcy Code, as well as the Local Bankruptcy Rules for the District of Vermont.
16. The Debtor shall continue to comply with the reporting requirements and tax obligations described in this Operating Order subsequent to the entry of an order confirming the Chapter 13 Plan, and

shall do so through the date the Chapter 13 Plan is consummated and a Final Decree is entered, unless the order confirming the Chapter 13 Plan provides otherwise.

17. The Debtor shall, pursuant Federal Rule of Bankruptcy Procedure 3015(b), file a Chapter 13 Plan within fourteen (14) days after filing the Chapter 13 petition, unless the Debtor has obtained a Court order, prior to that date, enlarging the time for the Debtor to file a plan.
18. The Debtor shall serve copies of any proposed amended Chapter 13 Plan on the United States (if a party in the case), the Trustee, all attorneys of record, and any parties affected by the amendment.
19. If the Debtor fails to fully and timely comply with any of the terms and requirements of this Operating Order, the Debtor may be required to appear and show cause why sanctions should not be imposed or the case should not be dismissed.

**SO ORDERED.**

\_\_\_\_\_, 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**

**BY ADOPTION OF**

**STANDING ORDER # 20-11**

**INTERIM BANKRUPTCY RULES  
RELATING TO SBRA INTERIM RULES,  
WITH REVISIONS NECESSITATED  
BY THE CARES ACT;**

**AND NOTICE OF AMENDED OFFICIAL FORMS**

---

In Standing Order # 20-01, this Court adopted Interim Rules (including an Interim Rule 1020) relating to the Small Business Reorganization Act of 2019 (SBRA). On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law, and that legislation requires a revision of Interim Rule 1020.<sup>1</sup> The previously adopted SBRA-related Interim Rules, with the revision of Interim Rule 1020 necessitated by the CARES Act, are attached hereto.<sup>2</sup>

---

<sup>1</sup> A copy of the amendment to the Interim Rule 1020 showing the CARES Act-related changes can be found at:

<https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>

The amendment to the Bankruptcy Code (11 U.S.C.) by the CARES Act that has necessitated the amendment of Interim Rule 1020 will terminate one year after the date of enactment of the CARES Act.

<sup>2</sup> The attached Interim Rules include an **Interim Rules 1007** reflecting a needed changed in light of SBRA which ought not be confused with **Interim Rules 1007-I**. The National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-428, as amended by the Public Law No. 116-53, provides a temporary exclusion from the bankruptcy means test for certain reservists and members of the National Guard. **Interim Rule 1007-I** implemented that provision, and it was adopted as Local Bankruptcy Rule 1007-6.2


The changes incorporated therein need to be in place long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. The Judicial Conference has authorized distribution of these Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by SBRA and CARES Act.

**THEREFORE**, 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, **IT IS HEREBY ORDERED** the attached SBRA-related Interim Rules, with the revision of Interim Rule 1020 necessitated by the CARES Act are adopted in their entirety without change by this Court to be effective April 23, 2020. This Standing Order # 20-11 revises Standing Order # 20-01 only to add the change, effective April 23, 2020, to Interim Rule 1020 necessitated by the CARES Act. In other words, Standing Order #20-01 remains effective as to filings made before April 23, 2020.<sup>3</sup>

**IT IS FURTHER ORDERED** that notice is given that the Judicial Conference’s Advisory Committee on Bankruptcy Rules has approved conforming one-year technical changes to five bankruptcy forms (Official Forms 101, 122A-1, 122B, 122C-1, and 201) in light of CARES Act amendments to the Bankruptcy Code.<sup>4</sup> The Official Forms are posted at: <https://www.uscourts.gov/forms/bankruptcy-forms> and the Committee Notes to the Official Forms explain the significant changes to these forms.

**SO ORDERED.**

April 22, 2020  
Burlington, Vermont

  
\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

---

<sup>3</sup> The Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court, except to the extent inconsistent with these Interim Rules, continue to apply to cases and proceedings in this Court.

<sup>4</sup> The CARES Act modifies the definition of “debtor” in 11 U.S.C. § 1182(1); and modifies the definitions of “current monthly income” in 11 U.S.C. §101 (10A) and of “disposable income” in U.S.C. § 1325(b)(2) to exclude certain payments under the CARES act. These amendments to the Bankruptcy Code will terminate one year after the date of enactment of the CARES Act.



**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

---

<sup>1</sup> 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.

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

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

(2) discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).

\* \* \* \* \*

**Rule 1020. Chapter 11 Reorganization Case for Small Business Debtors or Debtors Under Subchapter V**

(a) DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

(b) OBJECTING TO DESIGNATION. The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

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

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

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

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

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

\* \* \* \* \*

(2) *Chapter 11 Reorganization Cases.* If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

\* \* \* \* \*

**Rule 2012. Substitution of Trustee or Successor****Trustee; Accounting**

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

\* \* \* \* \*



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

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

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

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

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

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

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

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

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

(6) in a chapter 11 small business case, unless the court, for cause, sets another reporting interval, file and transmit to the United States trustee for each calendar month after the order for relief, on the appropriate Official Form, the report required by § 308. If the order for relief is within the first 15 days of a calendar month, a report shall be filed for the portion of the month that follows the order for relief. If the order for relief is after the 15th day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month. Each report shall be filed no later than 21 days after the last day of the calendar month following the month covered by the report. The

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

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

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

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

(d) CHAPTER 13 TRUSTEE AND DEBTOR.

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

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

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

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

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

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

\* \* \* \* \*

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

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

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



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

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

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

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

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

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

\* \* \* \* \*

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

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

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

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

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

\* \* \* \* \*

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

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

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

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

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



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

\* \* \* \* \*

**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

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

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