

VBA BANKRUPTCY LAW SECTION
BENCH-BAR BROWN BAG LUNCH MEETING
with Hon. Colleen A. Brown, U.S. Bankruptcy Judge
United States Bankruptcy Court, By Zoom
Tuesday, September 1, 2020 ~ 12:00 to 1:00 PM

AGENDA

1. SL MANAGEMENT PROCEDURES FOR VTB J. COHEN, H. COOPER & M. RANALDO
 - **Discussion Item** – will spend about 45 minutes on this topic
 - *Attached: proposed procedures w/ forms and tools summary & materials from StudentLoanify and U.S. Dept of Education / U.S. Attorney's Office*
2. PROPOSED NEW AMENDMENTS TO BK'CY RULES & FORMS PUBLISHED FOR COMMENT JUDGE BROWN
 - Comment period open from August 14, 2020 to February 16, 2020
 - Restyled Rules: 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3017.2
 - New Rules: 3018, 3019, 5005, 7004, and 8023
 - Revised Forms: 101, 122B, 201, 309E-1, 309E-2, 309F-1, 309F-2, 314, 315, and 425A
 - *Attached: PDF of new proposed amendments to these rules and forms*
3. UST ANNOUNCEMENT RE REMOTE 341S LISA PENPRAZE
 - EOUST extended telephonic & video 341s to all cases filed w/in 60 days of termination of the President's Proclamation of Nat'l Emergency re Covid-19 outbreak
4. VLS EXTERN TO START IN SEPTEMBER JUDGE BROWN
 - Katharine (Kay) Flanagan will be starting a fall externship at VTB on 9/14/20
5. UPCOMING SEMINARS
 - CH 12 BANKRUPTCY & TAX PROGRAM J. SENSENICH, D. HAYES & N. GEISE
 - October 21, 2020 8:30 – 10:30 with optional add'l hour for hands on tax instruction
 - How to Save Taxes – and Potentially the Farm – in Farm Transitions: Whether restructuring farm operations, transitioning a farm to different crops, conveying farm land and operations to the next generation, or selling the farm outright, it can be done without paying capital gains tax ... in a Chapter 12 case.
 - HOLIDAY CLE: WILL BE VIA ZOOM D. HAYES & N. GEISE
 - Dec 3, 10, 17, @ 8:30 – 10:30 am each day (w/ time for socializing before and/or after)
 - Speakers needed
 - *Attached: draft agenda*
6. NEW BUSINESS? THE GROUP
 - Questions? Comments? New topics? Observations re use of Zoom in hrs or BB meetings?
7. NEXT MEETING: November 20, 2020 by Zoom

Attached: documents related to items 1, 2 and 4

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

DECEMBER 2020 HOLIDAY CLE – A VIRTUAL EVENT

AGENDA

DRAFT AS OF 8/25/20

Day 1: Dec. 3, 2020 8:30-10:30 am

2 hours of CLE

1.25 hours The Year in Review

0.75 hours Judge's Remarks re State of the Court & VTB Statistics

Day 2: Dec. 10, 2020 8:30-10:30 am

2 hours of CLE

1 hour Mike Kennedy – ethics / practice issues unique to COVID-19 situation and maintaining a healthy work/life balance notwithstanding the stress of the pandemic

1 hour Use of technology in one's law practice, in general, and in bankruptcy cases, in particular

Day 3: Dec. 17, 2020 8:30-10:30 am

2 hours of CLE

Track 1: General Intro to Bankruptcy for the New Bk'cy Practitioner

- How to prepare for a (ch 7 or 13) §341 meeting
- How to prepare for a ch 13 confirmation hearing

Track 2: Small Biz Bankruptcy issues:

- Small biz designation generally
- Subch V (w/ Judge P. Bonapfel treatise as primary set of materials)

**Administrative Procedures For
VTB Student Loan Management Program**

1. **Purpose.** The Student Loan Management (SLM) Program creates a process for debtors to apply for student loan resolution options with their student loan creditor(s). The goal of the SLM Program is to facilitate communication and exchange of information in an efficient and transparent manner, and to encourage the parties to consensually agree to student loan resolution options, which include repayment agreements.
2. **Definitions.** The following definitions shall be applicable to the SLM Program:
 - a. **SL Creditor:** means any student loan creditor that is the holder of an Eligible Loan.
 - b. **Debtor:** means any individual debtor with an open case filed under Chapter 7, 11, 12, or 13 of the Bankruptcy Code, including joint debtors. Where a debtor is represented by an attorney, the term “Debtor” may mean the debtor’s attorney on behalf of the Debtor individually unless the context requires otherwise.
 - c. **Document Preparation Software:** means a secure online program that facilitates the preparation of the Initial SLM Package by completing the Standard SLM Documents (where applicable) and generating a customized checklist of required supporting documents that the SL Creditor and/or the Servicer requires. Non-Federal Loan SL Creditors shall specify to the Portal operator the documents they require to review any Student Loan Resolution Option. The use of the Document Preparation Software increases the likelihood that the initial submission by the Debtor is complete and accurate and should expedite the SL Creditor and/or Servicer’s review. The Court will list approved Document Preparation Software on its website. **Notice is hereby provided that a Debtor with a Federal Loan has the option to apply directly to the U.S. Department of Education, either through their servicer or the U.S. Department of Education’s website at www.studentaid.gov, for free to determine resolution and/or repayment options.**
 - d. **Eligible Loan:** means any educational benefit overpayment or loan made, insured or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit, or for any other educational loan that is a qualified education loan, as defined in § 221(d)(1) of the Internal Revenue Code of 1986, on which the Debtor is an obligor.
 - e. **Federal Loan:** means an Eligible Loan that is funded, guaranteed or insured by the federal government or made under any program funded in whole or in part by a governmental unit.

- f. Initial SLM Package: means any Standard SLM Documents and supporting documentation required to initiate the assessment of the Debtor's Student Loan Resolution Options. SL Creditors and/or Servicers are not required to create new forms, applications or other documents to Participate in and/or for us in the SLM Program.
- g. SLM Program Payment: means a payment a Debtor makes to an SL Creditor pursuant to a Student Loan Resolution Option that the SL Creditor has approved and, in Chapter 11, 12, or 13 cases, it mean a payment included in the Debtor's plan, in compliance with applicable bankruptcy law, unless the Debtor has proposed and the Court and SL Creditor have approved the payment being made directly to the SL Creditor (*i.e.*, "outside the plan"). For purposes of the SLM Program, the SLM Program Payment shall be deemed to include any changes required per the terms of any approved Student Loan Resolution Option and/or any recertification of that Option.
- h. SLM Period: means the time during which the SLM Program is in effect prior to its expiration or termination by Court order.
- i. Portal: means a secure online service that allows SLM Program documents and communications to be submitted, retrieved and tracked between the Required Parties. The Portal shall provide access to the Trustees. Use of the Portal by Debtors and SL Creditors and/or Servicers provides transparency by making information immediately available to all Required Parties through a secure internet website. A Federal Loan creditor and/or servicer will import all such documents and/or communications from the portal to the system used by that SL Creditor and/or Servicer to ensure compliance with requirements of the Privacy Act and federal records retention requirements. The Court will list approved Portals, including the amount of any Portal submission fee, on its website. **Notice is hereby provided that a Debtor who has a Student Loan that is held, guaranteed or insured by the U.S. Department Of Education has the option to apply directly to the Department of Education, either through their servicer or the U.S. Department Of Education's website at www.studentaid.gov, for free, to determine what resolution and/or repayment options are available to that Debtor.**
- j. Required Parties: means (when applicable) the Debtor, Debtor's attorney, SL Creditor, Servicer, and their legal counsel (if any) for these parties.
- k. Servicer: means the servicer of an Eligible Loan.
- l. Standard SLM Documents: means standard applications and/or forms that are generally required by SL Creditors and/or Servicers to review and process a Debtor's request for a

Student Loan Resolution Option. With respect to Federal Loans, the Standard SLM Documents shall mean the standard applications and/or forms developed and used by the United States Department of Education as part of its management of Federal Loans over which it has oversight as may be modified from time to time.

- m. **Student Loan Resolution Option**: means the full range of solutions available to a Debtor with respect to any Eligible Loan including, but not limited to, deferment, forbearance, administrative discharge, rehabilitation, consolidation, any available repayment plan (including income-driven repayment plans). Any Student Loan Resolution Option offered to a Debtor must comply with all applicable laws and regulations. Participation in the SLM Program provides no greater eligibility for any student loan resolution option that the Debtor would have outside the SLM Program and/or bankruptcy.

- 3. **Eligibility**. Any Debtor who has an Eligible Loan and a case pending in the U.S. Bankruptcy Court for the District of Vermont may participate in the SLM Program.
- 4. **Chapter 12 & 13 Trustees**. The Chapter 12 and 13 Trustee may participate in the SLM Program if the Trustee chooses and if the participation is consistent with the Trustee's duties under the Bankruptcy Code.
- 5. **Commencement of SLM Program**. The Debtor may initiate SLM Program participation at any time after the commencement of the bankruptcy case by filing a Notice of Participation in SLM Program (the "Notice of SLM"), the form of which is attached hereto as Exhibit "A" along with the proposed order, the form of which is attached hereto as Exhibit "B."
 - a. Before filing a Notice of SLM, the Debtor must pay their bankruptcy filing fee in full and complete the required Document Preparation Software, except that the Document Preparation Software is not required for a borrower seeking only to file a Notice of SLM to enable communication with the U.S. Department of Education and/or its servicer as detailed in the paragraph immediately following section 14.a.vii.
 - b. Service of the Notice of SLM shall be as set forth in section 6.
- 6. **Service**. For SLM Program documents and/or notices for which service and/or notification outside the Portal is required, including the Notice of SLM, Order Authorizing Participation in SLM Program, and Notice of Resolution / No Resolution, such service and/or notice shall be accomplished as required by Fed. R. Bankr. P. 7004 and as follows.
 - a. Upon the filing the Notice of SLM, the Debtor shall serve a copy by first class mail postage

prepaid on the SL Creditor and Servicer's named officer(s) at the address of each entity's headquarters.

- b. For Federal Loans held by the U.S. Department of Education, copies of the Notice of SLM shall be served upon the U.S. Department of Education in the following manner:

By first class mail to:

Civil Process Clerk
United States Attorney
District of Vermont
11 Elmwood Avenue, 3rd fl.
P.O. Box 570
Burlington, VT 05402-0570

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-001

Office of the General Counsel
U.S. Department of Education
ATTN: Deputy General Counsel
Lyndon Baines Johnson (LBJ) Department of Education Building
400 Maryland Ave, SW
Washington, DC 20202

And by email to:

[email to be provided at later date]

With Subject Line "Bankruptcy SLM Program D VT" to assist in processing

Commented [AMS1]: What about the Order Authorizing Participation in SLM Program and Notice of Resolution / No Resolution?

Commented [AMS2]: Need this email before finalizing

7. **Court's Order.** Upon receipt of the Order Authorizing Participation in SLM Program, the Debtor shall serve the Order upon the Required Parties as set forth in section 6.
8. **SLM Program Duties.** The following duties apply during the SLM Period:
- Good Faith Requirement:** The Required Parties shall act in good faith throughout the SLM Period. Good faith includes, but is not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information.
 - Deadlines:** The Required Parties shall comply with all deadlines in the SLM Program.
 - Communication through Portal:** During the SLM Period, all material communications between the Required Parties and the Trustee, if any, shall occur exclusively through the Portal, unless otherwise authorized by the Court.
9. **Automatic Stay.** The automatic stay under 11 U.S.C. § 362(a) is modified solely to facilitate the SLM Program and to encourage the Required Parties to explore consensual Student Loan

Resolution Options and to execute documents for any option selected, as needed. It shall not be a violation of the automatic stay or other state or federal laws for the SL Creditor or Servicer to send the Debtor normal monthly statements regarding payments due and any other communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and e-mails if the Debtor has agreed to electronic communications under normal processes established by the SL Creditor and/or Servicer. Any allegation by a Debtor that an SL Creditor and/or Servicer has violated the automatic stay while the SLM Period is effective, as to that SL Creditor and/or Servicer, shall be made and served as required under section 6 before any filing with the Court to allow the SL Creditor and/or Servicer to address and/or correct the allegation. The SL Creditor and/or Servicer shall be allowed 21 days from service of such allegation to respond prior to any Court filing by the Debtor.

10. **SLM Procedures.** These procedures shall apply to the SLM Program:
 - a. **Duration:** The SLM Period initially shall be 180 days from the Notice of SLM, unless otherwise agreed to by the Parties or ordered by the Court.
 - b. **No Dismissal:** Required Parties may not require the dismissal of the Debtor's bankruptcy case as a condition precedent to an agreement reached through the SLM Program.
11. **Debtor's Duties in SLM Program.** Debtor's Duties in SLM Program include:
 - a. **Submit Initial SLM Package:** Within seven days after the later of filing the Notice of SLM or the SL Creditor's and/or Servicer's registration on the Portal, Debtor shall (i) upload the Debtor's Initial SLM Package, the Notice of SLM and a copy of this Order to the Portal; and (ii) pay the Portal submission fee directly to the Portal vendor. The Portal will not notify the SL Creditor and/or Servicer of the Debtor's submission and the SL Creditor and/or Servicer will not have access to the Debtor's submission until the Portal fee is paid.
 - b. **Document Submissions:** Upon the SL Creditor's and/or Servicer's request, the Debtor shall promptly provide any additional or corrected documents through the Portal.
 - c. **Conclusion of SLM Program:** Within 14 days of the date when the SL Creditor and/or Servicer and the Debtor conclude the SLM Program process, the Debtor shall file with the Court a Notice of Resolution / No Resolution that either includes the Student Loan Resolution Option to which the Parties have agreed or states that the Parties have not agreed to a Student Loan Resolution Option, a copy of which is attached as Exhibit "C." Such Notice of Resolution / No Resolution shall be served as required under section 6.

12. **SL Creditor and Servicer's Duties in SLM Program.** The SL Creditor and Servicer's duties in the SLM Program include:

- a. **Registration on Portal:** No later than 21 days after a Notice of SLM is filed, the SL Creditor and/or Servicer (if any) shall register on the Portal. Note: A single registration on the Portal is effective as to all Notices of SLM from each borrower who uses that Portal.
- b. **Acknowledgement of Initial SLM Package:** No later than 30 days after a Debtor submits a completed Initial SLM Package on the Portal, the SL Creditor and/or Servicer shall acknowledge receipt of the Initial SLM Package on the Portal.
- c. **Process Debtor's Application:** Within 30 days of receipt of the Debtor's Initial SLM Package, the SL Creditor and/or Servicer shall notify the Debtor if any additional or corrected documentation is needed. Upon receipt of such additional or corrected documentation, the SL Creditor and/or Servicer shall promptly review the documentation and respond to the Debtor's inquiries via the Portal.
- d. **Determination of Debtor's Eligibility:** The SL Creditor and/or Servicer shall determine the Debtor's eligibility for any Student Loan Resolution Option within 60 days of the receipt of the later of the initial SLM Package or, if timely requested, any additional or corrected documentation. Upon such determination, the SL Creditor and/or Servicer shall promptly notify the Debtor if the Debtor qualifies for any Student Loan Resolution Option.

13. **Income Driven Repayment (IDR) Plans in Chapter 13 Cases.** If a Debtor seeks SLM Program in a Chapter 13 case and the Parties reach a consensual resolution, the following apply:

- a. If Debtor's Chapter 13 Plan has not been confirmed, then within 30 days of filing a Notice of Resolution indicating an agreement between Debtor and the SL Creditor and/or Servicer, Debtor shall file an amended Chapter 13 Plan that provides for the SLM Program Payment. If available under local procedures, the Debtor should make the payment directly rather than through the Trustee.
- b. If Debtor's Chapter 13 Plan has been confirmed and the SLM Program Payment reduces by more than 10% either the amount the Trustee will be paying to SL Creditors, or the Debtor's monthly expenses as listed on Schedule J, then the Debtor shall file a motion to modify the confirmed Chapter 13 Plan that provides for separate classification of the Eligible Loan(s) and the SLM Program Payment.
- c. The Debtor may seek enrollment in any Student Loan Resolution Option at any time without approval of the Court, and will not be disqualified from doing so due to the

Commented [AMS3]: What about non-IDR resolutions options in ch 13? (a)–(d) don't appear to be IDR-specific, only (e).

pending bankruptcy case, even if the Required Parties previously agreed to a different Student Loan Resolution Option.

- d. The Debtor may seek to consolidate Eligible Loans without separate approval of the Court, provided the Debtor is eligible for any loan consolidation option sought, under applicable statutes and regulations.
- e. The Debtor's Chapter 13 Plan shall include in the Plan's **Non-Standard Provisions** the following items:
 1. The Debtor is not seeking, nor does this Plan provide for, any discharge, in whole or in Part, of student loan obligations under 11 U.S.C. § 523(a)(8).
 2. The Debtor shall be allowed to seek enrollment in any income-driven repayment ("IDR") plan with for which they are otherwise eligible without further Order of the Court.
 3. The SL Creditor shall not be required to allow the Debtor to enroll in any IDR plan unless the Debtor qualifies for such plan.
 4. The Debtor shall re-enroll in the applicable IDR plan annually or as otherwise required and shall, within 30 days following a determination of the updated payment amount, notify the Chapter 13 Trustee of such payment change. At such time, the Trustee or the Debtor may, if necessary, file a Motion to Modify the Chapter 13 plan to allow such direct Payment of the student loan(s) and adjust the payment to other general unsecured claims as necessary to avoid any unfair discrimination.
 5. It shall not be a violation of the stay or other state or federal laws for the SL Creditor and/or Servicer to send the Debtor normal monthly statements regarding IDR payments due and any other related communications including, without limitation, notices of late payments or delinquency. These communications may expressly include telephone calls and e-mails if the Debtor has agreed to electronic communications under normal processes established by the SL Creditor and/or Servicer.

14. **SLM Program Fees.** The Debtor's attorney may charge or request fees for assisting a Debtor in the SLM Program, subject to Court approval as set forth in Local Bankruptcy Rules 2016-1 and 2016-2, and as follows:

- a. **Presumed Reasonable Fee:** The Debtor's counsel may receive reasonable compensation for all work involved in the SLM Program process and may accept a "presumed reasonable" fee in an amount, reflecting the time spent, not to exceed \$750.00. This fee shall be paid as an administrative expense in addition to other fees and costs incurred in

representing the Debtor in the bankruptcy case. The \$750.00 fee shall include, at a minimum, these tasks:

- i. review of all Student Loan Resolution Options with the Debtor, including repayment options,
- ii. filing of the Notice of SLM,
- iii. preparation of the Initial SLM Package,
- iv. preparation of any additional forms required throughout the SLM Program,
- v. submission of all required documentation through the Portal,
- vi. filing of any other required pleadings, and
- vii. preparation of proposed orders and settlement papers, if applicable.

Provided, however, that any Debtor wishing to avail themselves of the free option provided by the U.S. Department of Education (see section 14.d.) may not be charged a legal fee greater than \$250.00 if the attorney only filed a Notice of SLM to allow the Debtor to communicate with the U.S. Department of Education, either through the Debtor's loan servicer or via the U.S. Department of Education's website at www.studentaid.gov.

- b. **Annual Recertification Fee:** The Debtor's attorney may charge an additional \$250.00 per year to recertify the Debtor's IDR plan, if applicable, but only until such time as the U.S. Department of Education establishes the automatic certification of income for IDR borrowers as allowed under Section 3 of the Fostering Undergraduate Talent by Unlocking Resources for Education Act (FUTURE Act), PL 116-91, December 19, 2019, 133 Stat 1189.
- c. **Additional Compensation:** The Debtor's attorney may seek additional compensation by separate application attaching contemporaneous time records for *extraordinary* services provided during the SLM Program.
- d. **Notice is hereby provided that a Debtor with a Federal Loan has the option to apply directly to the U.S. Department of Education, either through their servicer or via the U.S. Department of Education's website at www.studentaid.gov, for free to determine Student Loan Resolution Options and/or repayment options.**

15. **Modification of Procedures** Upon a showing of good cause, the Debtor's attorney may request a modification or waiver of any aspect of these procedures in a particular case. Any such modification shall be served as required under Section 6.

~ End of Procedures ~

DRAFT

Exhibit A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

_____,
Debtors.

Chapter 13

Case # _____

NOTICE OF PARTICIPATION IN STUDENT LOAN MANAGEMENT (SLM) PROGRAM

The above-named Debtor(s) elect to participate in the District of Vermont Student Loan Management Program ("SLM") and agree to comply with the SLM Procedures, including proper service on all Required Parties.

The Debtor acknowledges the automatic stay established by 11 U.S.C. §362(a) is modified to the extent necessary to facilitate the SLM and requests that the Court enter the attached Form of Order.

Counsel for the Debtor

Dated:

At:

Name

Address

Exhibit B

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

_____,
Debtors.

Chapter 13
Case # _____

ORDER

AUTHORIZING DEBTOR TO PARTICIPATE IN STUDENT LOAN MANAGEMENT (SLM) PROGRAM

After due consideration of the Notice of Participation of Student Loan Management Program filed by the Debtor(s) and upon the Debtor's certification of proper service on all Required Parties, **IT IS HEREBY ORDERED** that:

1. The Debtor and the following SL Creditor(s) and/or Servicer(s): _____ are directed to participate in good faith in the Student Loan Management Program of the United States Bankruptcy Court for the District of Vermont ("SLM").
2. Participating Parties are required to comply with the SLM Procedures.
3. The automatic stay established under 11 U.S.C. §362(a) is modified to the extent necessary to facilitate the SLM.

SO ORDERED.

[Date]
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge

Exhibit C

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

_____,
Debtors.

Chapter 13

Case # _____

NOTICE OF RESOLUTION / NO RESOLUTION
UNDER STUDENT LOAN MANAGEMENT PROGRAM

(Check one)

- ☐ The Debtor and SL Creditor / Servicer: _____ have reached a resolution that includes the following initial monthly payment amount \$ _____.
☐ The Debtor and SL Creditor / Servicer: _____ have not reached a resolution.

Any additional information (optional):

Counsel for the Debtor

Date

Name

SLM Program Tools

(Last Updated 8/17/2020)

THREE TOOLS:

(1) U.S. Department of Education's Website

www.studentaid.gov or nslds.ed.gov

This is a national student loan data system that is part of the Office of the Department of Education and **is free to borrowers**. It allows borrowers to access their federal loan information and apply for loan repayment options. It also offers a “loan simulator” tool to help borrowers find the best repayment plan to meet their needs and goals and to decide whether to consolidate their loans.

Using an FSA ID, you can log on to NSLDS and obtain a list of the borrower's Federal Student Loans, in an easy to read format. By clicking on each individual loan in NSLDS, you can obtain detailed loan information on each loan, including which loan servicer handles each loan.

Although a borrower may initially be assigned to a repayment plan when monthly repayment begins, the borrower can change repayment plans at almost any time – **for free**. Detailed information, including terms and eligibility, about each plan is available at this link <https://studentaid.ed.gov/sa/repay-loans/understand/plans> or from your loan servicer.

To determine which repayment plan(s) you are eligible for, go to the following link: <https://www.studentloans.gov/myDirectLoan/repaymentEstimator.action>. Then, use your FSA ID to pull in your student loan information and you will receive information on which repayment plans you are eligible for and what the monthly repayment will be for each plan. For income driven repayment plan estimates you will need to know your adjusted gross income (AGI) from your latest tax forms, your family size, your state of residence, and your tax filing status if you do not wish to use the IRS Data Retrieval Tool (which pulls the information directly from the IRS into the repayment estimator).

(2) Document Preparation Software – StudentLoanify

<https://studentloanify.com/>

StudentLoanify is the collaborative work of Default Mitigation Management, LLC and Joshua R.I. Cohen, Esq., the Student Loan Lawyer (<https://thestudentloanlawyer.com>), and is owned and operated by Default Mitigation Management, LLC (DMM).

We specialize in helping borrowers understand their federal student loans and preparing the documentation they need to enroll in a repayment plan that works for them. **We are NOT the federal government or loan servicer. We do NOT offer or resolve private student loans.** We do not (and will not) make student loan payments on the borrower's behalf.

Much like a taxpayer can complete their own tax returns, borrowers can complete their Federal student loan applications for free and without any assistance. However, if you find the information overwhelming, cryptic and confusing and just want some help at a very reasonable price, we can help.

StudentLoanify Informational Video: <https://youtu.be/33i8j7iEvzA>

FREE Loan Analysis + Report

Register an account, answer a few questions and receive a free custom report. This will help you to understand your current loans and explain options available to you.

You can't get to where you want to be if you don't understand where you are. So before we do anything, we give you a free custom analysis report. This analysis takes about 3 minutes to complete and will explain: the type of federal student loans you have; the amounts you owe; the interest rates you are being charged; the current status of each loan; and the repayment plans available to you.

Our free analysis report is customized to each borrower's profile giving you a very detailed understanding of your current federal student loan status and how it affects your options going forward. Our proprietary system will sync a borrower's NSLDS data with our systems.

\$49.99 Completed Custom Application

In addition to your Loan Analysis and Report, StudentLoanify will prepare all of the required application materials you need. Simply select the plan that works for you and download your complete custom application. All you'll need to do is print, sign and send.

With a click of a button, our proprietary systems will create your customized applications and instructions needed to obtain the repayment plan selected by you. You only need to print, sign and send the completed applications to the servicer.

Much like TurboTax™ revolutionized tax preparation, StudentLoanify is revolutionizing how federal student loan borrowers take charge of their loans.

Use of StudentLoanify with DMM Portal

The free StudentLoanify report can be carried over to the Default Mitigation Management ("DMM") portal. The borrower can submit applications through DMM and use DMM to communicate with the servicer and track the status of submissions. DMM also gives attorneys access. StudentLoanify instructs DMM Portal users to login to StudentLoanify using their DMM Portal account credentials.

8/17/20 update (based on information provided by Joshua Cohen):

StudentLoanify is similar to Best Case software in that data is input and if wished documents are prepared and "produced." StudentLoanify is in the process of restructuring its fees, which will be as follows:

For attorneys: \$19 fee per report, \$80 for any docs/apps; possible subscription service; \$40 for recertification docs/apps (or possibly less if subscription service); attorneys typically use both report and document preparation services.

For consumers: Deprecating current consumer-sided model (free report, \$49 for apps); probably will not be available except for *pro se* debtors (at same fee structure as attorneys above).

(3) Portal – DMM

www.dmmportal.com or www.dclmwp.com

The DMM Portal is also owned and operated by Default Mitigation Management LLC.

DMM specializes in building online document preparation systems and portals. DMM pioneered online mortgage modification services and is now recognized by dozens of bankruptcy courts as the system of record to help borrowers and mortgage servicers resolve mortgage modifications quickly and easily.

Documentation issues are often the root cause behind loan modification failures. That's because each borrower's package is as unique as the borrower themselves and requires very specific forms and supporting documentation that are time-sensitive. Failure to provide just one document can result in a rejected review. Add to that the ever-evolving documentation requirements and the poor communication and it's no wonder there are issues. DMM believes both borrower and servicer benefit from an accurate package timely delivered. The loan modification process is difficult enough. Document preparation and submission should be easy.

The DMM Portal provides customized packages for each servicer. And with our easy-to-use step-by-step wizards, borrowers know exactly which documents they need. Submissions are as easy as a click of the mouse with documents delivered to the mortgage servicer in real-time. Because every action is carefully tracked and recorded, everyone always knows the exact status of the application. Our Action Center even tells users what's next ensuring that all stakeholders continue to move the application forward. With all of the stakeholders on the same page with access to all of the information in real-time, decisions are made quickly and efficiently.

Note: Use of this Portal in no way commits any of the parties to either offer or accept any loss mitigation solutions. This Portal provides a streamlined means of communication between interested parties. It enables parties interested in mortgage loss mitigation to submit all of the necessary documentation and to communicate with each other throughout the process via a secure web platform.

DMM Portal Informational Video: <https://youtu.be/RluT-0-Lr-4> (mortgage modification service).

Pricing

While pricing is not openly disclosed on the Default Mitigation Management portal website, per the NJ bankruptcy court (which uses this portal for its loss mitigation program), the portal fee is less than typical overnight delivery charges.¹ The current fee for the SLM Program Portal appears to be \$40.00 based on the draft SLM Program procedures.

8/17/20 update (based on information provided by Joshua Cohen):

Portal can be used to submit StudentLoanify docs and everyone can see it, but StudentLoanify docs can also be submitted by mail.

DMM Portal allows attorneys to update apps and makes all payments visible through the portal. The trustee can use portal and become aware if plan needs to be modified.

\$40 portal fee in the FL bankruptcy court's SLM program. May be additional \$40 fee per recertification, but a per case fee may be possible (which would include a single fee for initial application process and any recertifications during bankruptcy case).

¹ See http://www.njb.uscourts.gov/sites/default/files/misc/Web_Portal_presentation_-_General_-_111513.pdf.

WILLIAM D. FORD DIRECT LOAN PROGRAM (“DIRECT LOAN PROGRAM”)

The Basics:

- Established in 1994
- Authorized by title IV, part D of the Higher Education Act (“HEA”), 20 USC 1087a, et seq.
- Regulations at 34 CFR part 685
- Loan Conditions/Terms Same as Federal Family Education Loan Program (FFELP, title IV, Part B) unless specifically stated otherwise in Part D

Loan Characteristics:

- Loans are made by ED and always held by ED.
- Before default, loans are serviced by ED contractors:
 - Prior to July 1, 2010 by ACS/Xerox known as Direct Loan Servicing Center (DLSC)
 - After July 1, 2010 by one of several ED contractors, such as Sallie Mae, PHEAA/AES, and Nelnet
- Defaulted loans are collected by ED in the same manner as other defaulted student loans.
- Loans are made to students and parents:
 - Students: Subsidized Stafford Loans, Unsubsidized Stafford Loans, Consolidation Loans, Grad PLUS
 - Parents: PLUS (parent loans for undergraduate students), Consolidation Loans
- Loans may be administratively discharged by the Secretary on various bases, including the borrower’s death or disability, the closure of the borrower’s school, an unpaid refund, or a school’s false certification of a student’s ability to benefit from the program or use of an unauthorized signature, or identify theft (HEA § 437, 34 CFR 685.212 - 685.216).
- Under certain very limited circumstances, some portion of loans may be eligible for forgiveness based on a borrower’s teaching service or public service.

FEDERAL FAMILY EDUCATION LOAN PROGRAM (“FFELP”)

The Basics:

- Formerly called the Guaranteed Student Loan Program.
- Authorized by title IV, part B of the Higher Education Act (“HEA”), 20 USC 1071, et seq.
- Regulations at 34 CFR part 682
- No new loans were made under the FFELP after July 1, 2010.
- ED is legal holder of a loan only if the loan is in default and guaranty agency has assigned the loan to ED or if ED purchased the loan through a loan purchase program.

Loan Characteristics:

- Loans are made by banks, guaranteed by guaranty agencies and reinsured by ED.
- Loans are made to students and parents:
 - Students: Subsidized Stafford Loans (formerly called Guaranteed Student Loans), Unsubsidized Stafford Loans (formerly called Supplemental Loans for Students (SLS), which before that were called Auxiliary Loan for Students (ALAS)), Consolidation Loans, Grad PLUS
 - Parents: PLUS (parent loans for undergraduate students), Consolidation Loans
- Loans may be administratively discharged by the Secretary on various bases, including the borrower’s death or disability, the closure of the borrower’s school, an unpaid refund, or a school’s false certification of a student’s ability to benefit from the program or use of an unauthorized signature, or identity theft (HEA § 437, 34 CFR 682.402).

CONSOLIDATION LOANS
WILLIAM D. FORD DIRECT LOAN PROGRAM (“DIRECT LOAN PROGRAM”)

The Basics:

- Authorized by title IV, part D of the Higher Education Act (“HEA”), 20 USC 1087a, et seq.
- Regulations at 34 CFR part 685 (specifically 34 CFR 685.220)

Loan Characteristics:

- Loans are made by ED and always held by ED.
- Before default, loans are serviced by ED contractors:
 - Prior to July 1, 2010 by ACS/Xerox known as Direct Loan Servicing Center (DLSC)
 - After July 1, 2010 by one of several ED contractors, such as Sallie Mae, PHEAA/AES, and Nelnet
- ED pays off loans being consolidated, which may include other consolidation loans and loans a borrower obtained for attendance at an institution of higher education, such as Stafford loans or Perkins loans, on the borrower’s behalf.
- A consolidation loan is legally considered a new loan, and upon consolidation, underlying loans are extinguished.
- Loans may be administratively discharged by the Secretary on various bases, including the borrower’s death or disability, the closure of the borrower’s school, an unpaid refund, or a school’s false certification of a student’s ability to benefit from the program or use of an unauthorized signature, or identity theft (HEA § 437, 34 CFR 685.212-216).

CONSOLIDATION LOANS FEDERAL FAMILY EDUCATION LOAN PROGRAM (“FFELP”)

The Basics:

- Authorized by title IV, part B of the Higher Education Act (“HEA”), specifically HEA § 428C, 20 USC 1078-3.
- Regulations at 34 CFR part 682
- No new loans were made under the FFELP after July 1, 2010.
- ED is legal holder of a loan only if the loan is in default and guaranty agency has assigned the loan to ED or if ED purchased the loan through a loan purchase program.

Loan Characteristics:

- Loans are made by banks, guaranteed by guaranty agencies and reinsured by ED.
- The lender pays off loans being consolidated, which may include other consolidation loans and loans a borrower obtained for attendance at an institution of higher education, such as Stafford loans or Perkins loans, on the borrower’s behalf.
- Consolidation loan is legally considered a new loan, and upon consolidation, underlying loans are extinguished.
- Loans may be administratively discharged by the Secretary on various bases, including the borrower’s death or disability, the closure of the borrower’s school, an unpaid refund, or a school’s false certification of a student’s ability to benefit from the program or use of an unauthorized signature, or identity theft (HEA § 437, 34 CFR 682.402).

FEDERAL PERKINS LOANS

The Basics:

- Formerly called the National Direct Student Loans or National Defense Student Loans
- Authorized by title IV, part E of the Higher Education Act (“HEA”), 20 USC 1087aa, et seq.
- Regulations at 34 CFR part 674
- ED is legal holder of a loan only if the loan is in default and school that made the loan has assigned the loan to ED.

Loan Characteristics:

- Loans are made by an institution of higher education from a loan fund capitalized by contributions from ED of federal funds and matching contributions from the institution.
- Loans are repayable to the institution, which is responsible for servicing and collecting the loans. An institution may assign certain defaulted Perkins Loans to ED.
- Loans may be administratively discharged by the Secretary based on the borrower’s death or disability or the school’s closure (HEA § 464, 20 USC 1087dd, 34 CFR 674.61). Loans may also be canceled for teaching or other public service (HEA § 465, 20 USC 1087ee34 CFR 674.52-.60)

LOANS ACQUIRED BY ED THROUGH ONE OF THE LOAN PURCHASE PROGRAMS

The Basics:

- Established in 2008
- Authorized by Ensuring Continued Access to Student Loans Act of 2008 (Pub. L. No. 110-227)
- Loan Conditions/Terms Same as Federal Family Education Loan Program (FFELP, title IV, Part B) unless specifically stated otherwise in Part D

Loan Characteristics:

- Stafford and PLUS loans made by banks, guaranteed by guaranty agencies, and purchased by ED under one of the Loan Purchase programs:
 - Stafford and PLUS Loans made for a loan period that begins on or after, July 1, 2007 and ended on August 31, 2008 and the first disbursement was made on or after May 1, 2007, sold to ED under the 2007-2008 Master Loan Sales Agreement.
 - Stafford and PLUS Loans made for a period that begins July 1, 2008, the first disbursement is made on or after May 1, 2008 but no later than July 1, 2009, and the loan is fully disbursed no later than September 30, 2009, sold to ED under the 2008-2009 Master Loan Sales Agreement.
 - Stafford and PLUS Loans made for loan periods that begin on or after, July 1, 2009, the first disbursement on the Loan is made on or after May 1, 2009 but no later than July 1, 2010, and the Loan is fully disbursed no later than September 30, 2010, sold to ED under the 2009-2010 Master Loan Sales Agreement.
 - Stafford and PLUS loans made between October 1, 2003, and June 30, 2009 sold to Ed under the Asset-Backed Commercial Paper Conduit Program.
- Before sale, loans are serviced by the respective lenders
- After sale, loans are serviced
 - Prior to July 1, 2010 by ACS/Xerox known as Direct Loan Servicing Center (DLSC)
 - After July 1, 2010 by one of several ED contractors, such as Sallie Mae, PHEAA/AES, and Nelnet
- Defaulted loans are collected by ED in the same manner as other defaulted student loans.
- Loans may be administratively discharged by the Secretary on various bases, including the borrower's death or disability, the closure of the borrower's school, an unpaid refund, or a school's false certification of a student's ability to benefit from the program or use of an unauthorized signature, or identify theft (HEA § 437, 34 CFR 685.212 - 685.216).
- Under certain very limited circumstances, some portion of loans may be eligible for forgiveness based on a borrower's teaching service or public service.

Federal Student Loan Repayment Plans

A. STANDARD/EXTENDED/GRADUATED REPAYMENT PLANS (10-30 Years) (FFELP, Direct & Perkins)

- Regulatory Authority: 34 C.F.R. §§ 682.209(a)(7); 209(h)(2) (FFELP); 685.201(b)(1); 208(b)(1); 208(e) & (g)(4) (Direct); 34 C.F.R. 674.33(c) (Perkins)
- Monthly payments can be level or graduated for the payment term
- no payment larger than 3 x any other payment
- Payment Term: generally 10 years
 - FFELP & Direct: for balances over \$30,000, payment period can extend up to 30 years
 - Perkins: if low-income borrower can extend to 20 years

B. INCOME BASED REPAYMENT PLAN (IBR) (FFELP & Direct)

- Regulatory Authority: 34 C.F.R. § 682.215 (FFELP); 685.221 (Direct)
- Loans NOT Eligible: loans in default, PLUS to Parent borrower and Consolidation if Parent PLUS loan included
- Initial Eligibility Requirement: Partial Financial Hardship
 - Calculation of PFH
 - Annual Amount Due All Eligible Loans under 10 Year Repayment > 15% X
 - X= AGI – 150% Poverty Guidelines For Family Size
 - Consent by Borrower for Tax Information
 - Certification of Family Size
- Monthly Payment
 - Maximum 15% of X/12
 - If not all eligible loans are Direct Loans, then payment amount is prorated between loan types (FFEL and Direct)
 - If < \$5 payment is \$0.00
 - If > \$5 but < \$10 payment is \$10

- Payment Application: first to Interest Accrual, then to collection costs, then to late fees and then to principal
- Negative Amortization (Scheduled monthly payment amount doesn't cover the monthly interest accrual): permitted for up to 3 years (doesn't include time in an Economic Hardship Deferment)
- Loan Forgiveness: after 25 year repayment terms AND if meet repayment requirements
 - Public Service Loan Forgiveness (ONLY Direct Loan Program): after ten year repayment term if other requirements met

ED website allows estimate of monthly payments for IBR

<http://studentaid.ed.gov/PORTALSWebApp/students/english/IBRCalc.jsp>

ED website link to two-page PDF IBR Information is at

http://studentaid.ed.gov/students/publications/factsheets/factsheet_IncomeBasedRepayment.pdf

C. INCOME CONTINGENT REPAYMENT PLAN (ICRP) (all Direct except Direct PLUS and Direct PLUS Consolidation) (NOT FFFELP)

ICRP is a **formula-based** approach to tailoring repayment burden to financial ability: available – currently – only under Direct Loan Program, not for FFELP. See 20 U.S.C. § 1087e(d)(1)(D).

- ICRP: borrower's annual repayment amounts are based on the income of the borrower **and, if married, his or her spouse**, and allows for payment over a **term of up to 25 years**. Any amount not paid by end of 25th year is cancelled. Amount cancelled under current view of IRS is taxable income in the year cancelled. HEA § 455(e)(4) directs ED to establish the terms of the income contingent repayment schedules by regulation; the schedules must vary the amount of installment payments required in relation to "the appropriate portion" of the annual income of the borrower and the borrower's spouse. 20 U.S.C. § 1087e(e)(4).
- Under this option, borrowers provide authorization to ED to secure their adjusted gross income data directly from the Internal Revenue Service annually. 20 U.S.C. § 1087e(e)(1).
- ICRP's flexibility was designed to make repayment affordable particularly for borrowers who take "lower-paying community service-type jobs." H.R. Rep. No. 111, 103d Cong. 1st Sess. 112, 121 (1993).
- PLUS loan borrowers (parents of dependent undergraduate students) are not eligible for income contingent repayment.

- ICRP Regulations: The scheduled monthly repayment amount required under income contingent repayment is set annually, in the following manner: (34 C.F.R. § 685.209(b), (c)).

To establish the ICRP installment amount for a loan balance: *the practical way: go to ED website below, select Calculator button on left hand side of screen, and use the ICRP Calculator:*

ED website allows estimate of monthly payments for a Direct Consolidation Loan: <http://www.ed.gov/DirectLoan/index.html>

D. Pay As You Earn Plan (“PAYE”)

- A new kind of income contingent repayment program that Ed first started offering on December 1, 2012. The regulations for PAYE will be effective on July 1, 2013, and will be included with the ICRP regulations in 34 C.F.R. § 685.209. Until that time, more information on the details of the plan is available at <http://studentaid.ed.gov/repay-loans/understand/plans/pay-as-you-earn> or in the Final Rule, 77 FR 66088 (November 1, 2012).

E. Income Sensitive Repayment Plan (FFELP): [“ICRP lite”]

- Payments **not** based on formula (as in ICR), but set by agreement with the holder of the loan; payments may vary, but no payment may be greater than 3 times any other payment
- installment amount adjusted annually, based on borrower’s expected income;
- loan must be repaid within otherwise applicable repayment timeframe, but lender can extend that timeframe for up to 5 years by exercise of forbearance. 34 C.F.R. § 682.209(a)(7), (8).



IDR

INCOME-DRIVEN REPAYMENT (IDR) PLAN REQUEST

For the Revised Pay As You Earn (REPAYE), Pay As You Earn (PAYE), Income-Based Repayment (IBR), and Income-Contingent Repayment (ICR) plans under the William D. Ford Federal Direct Loan (Direct Loan) Program and Federal Family Education Loan (FFEL) Programs

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

OMB No. 1845-0102
Form Approved
Expiration Date:
8/31/2021

SECTION 1: BORROWER INFORMATION

Please enter or correct the following information.

☐ Check this box if any of your information has changed.

SSN _____

Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone - Primary _____

Telephone - Alternate _____

Email (Optional) _____

SECTION 2: REPAYMENT PLAN OR RECERTIFICATION REQUEST

It's faster and easier to complete this form online at StudentLoans.gov. You can learn more at StudentAid.gov/IDR and by reading Sections 9 and 10. It's simple to get repayment estimates at StudentAid.gov/repayment-estimator. If you need help with this form, contact your loan holder or servicer for free assistance. You can find out who your loan holder or servicer is at StudentAid.gov/login. You may have to pay income tax on any loan amount forgiven under an income-driven plan.

1. Select the reason you are submitting this form (Check only one):

- ☐ I want to enter an income-driven plan - Continue to Item 2.
- ☐ I am submitting documentation for the annual recertification of my income-driven payment - Skip to Item 3.
- ☐ I am submitting documentation early to have my income-driven payment recalculated immediately - Skip to Item 3.
- ☐ I want to change to a different income-driven plan - Continue to Item 2.

2. Choose a plan and then continue to Item 3.

- ☐ (Recommended) I want the income-driven repayment plan with the lowest monthly payment.
- ☐ REPAYE ☐ IBR
- ☐ PAYE ☐ ICR

3. Do you have multiple loan holders or servicers?

- ☐ Yes - Submit a request to each holder or servicer. Continue to Item 4.
- ☐ No - Continue to Item 4.

4. Are you currently in deferment or forbearance?

- After answering, continue to Item 5.
- ☐ No.
- ☐ Yes, but I want to start making payments under my plan immediately.
- ☐ Yes, and I do not want to start repaying my loans until the deferment or forbearance ends.

Note: If you have FFEL Program loans, they are only eligible for IBR. However, you can consolidate your loans at StudentLoans.gov to access more beneficial income-driven repayment plans.

SECTION 3: FAMILY SIZE INFORMATION

5. How many children, including unborn children, are in your family and receive more than half of their support from you? _____

6. How many other people, excluding your spouse and children, live with you and receive more than half of their support from you? _____

Note: A definition of "family size" is provided in Section 9. Do not enter a value for you or your spouse. Those values are automatically included in your family size, if appropriate.

Borrower Name _____

Borrower SSN _____

SECTION 4A: MARITAL STATUS INFORMATION

7. What is your marital status?

- ☐ Single - Skip to Item 11.
- ☐ Married - Continue to Item 8.
- ☐ Married, but separated - You will be treated as single. Skip to Item 11.
- ☐ Married, but cannot reasonably access my spouse's income information - You will be treated as single. Skip to Item 11.

8. Does your spouse have federal student loans?

- ☐ Yes - Continue to Item 9.
- ☐ No - Skip to Item 10.

9. Provide the following information about your spouse and then continue to Item 10:

- a. Spouse's SSN** _____
- b. Spouse's Name** _____
- c. Spouse's Date of Birth** _____

10. When you filed your last federal income tax return, did you file jointly with your spouse?

- ☐ Yes - Continue to Item 13.
- ☐ No - Skip to Item 17.

SECTION 4B: INCOME INFORMATION FOR SINGLE BORROWERS AND MARRIED BORROWERS TREATED AS SINGLE

11. Has your income significantly decreased since you filed your last federal income tax return?

For example, have you lost your job, experienced a drop in income, or gotten divorced, or did you most recently file a joint return with your spouse, but you have since become separated or lost the ability to access your spouse's income information?

- ☐ Yes - Continue to Item 12.
- ☐ No - Provide your most recent federal income tax return or transcript. Skip to Section 6.
- ☐ I haven't filed a federal income tax return in the last two years - Continue to Item 12.

12. Do you currently have taxable income?

Check "No" if you do not have any income or receive only untaxed income.

- ☐ Yes - Provide documentation of your income as instructed in Section 5. Skip to that section.
- ☐ No - You are not required to provide documentation of your income. Skip to Section 6.

Note: Remember, any person who knowingly makes a false statement or misrepresentation on this form can be subject to penalties including fines, imprisonment, or both.

SECTION 4C: INCOME INFORMATION FOR MARRIED BORROWERS FILING JOINTLY

13. Has your income significantly decreased since you filed your last federal income tax return?

For example, have you lost your job or experienced a drop in income?

- ☐ Yes - Skip to Item 15.
- ☐ No - Continue to Item 14.
- ☐ We haven't filed a federal income tax return in the last two years - Skip to Item 15.

14. Has your spouse's income significantly decreased since your spouse filed his or her last federal income tax return?

For example, has your spouse lost his or her job or experienced a drop in income?

- ☐ Yes - Continue to Item 15.
- ☐ No - Provide your and your spouse's most recent federal income tax return or transcript. Skip to Section 6.

15. Do you currently have taxable income?

Check "No" if you do not have any income or receive only untaxed income.

- ☐ Yes - You must provide documentation of your income according to the instructions in Section 5. Continue to Item 16.
- ☐ No - You are not required to provide documentation of your income. Continue to Item 16.

16. Does your spouse currently have taxable income?

Check "No" if your spouse does not have any income or receives only untaxed income.

- ☐ Yes - Skip to Section 5 and provide documentation of your spouse's income as instructed in that section.
- ☐ No - You are not required to provide documentation of your spouse's income. If you selected "Yes" to Item 15, skip to Section 5 and document your income. If you selected "No" to Item 15, skip to Section 6.

Note: Remember, any person who knowingly makes a false statement or misrepresentation on this form can be subject to penalties including fines, imprisonment, or both.

SECTION 4D: INCOME INFORMATION FOR MARRIED BORROWERS FILING SEPARATELY**17. Has your income significantly decreased since you filed your last federal income tax return?**

For example, have you lost your job or experienced a drop in income?

- ☐ Yes - Continue to Item 18.
- ☐ No - Provide your most recent federal income tax return or transcript. Skip to Item 19.
- ☐ I haven't filed a federal income tax return in the past two years - Continue to Item 18.

18. Do you currently have taxable income?

Check "No" if you have no taxable income or receive only untaxed income. After answering, continue to Item 19.

- ☐ Yes - You must provide documentation of your income as instructed in Section 5.
- ☐ No.

Note: Remember, any person who knowingly makes a false statement or misrepresentation on this form can be subject to penalties including fines, imprisonment, or both.

19. Has your spouse's income significantly decreased since your spouse filed his or her last federal income tax return?

For example, has your spouse lost a job or experienced a drop in income?

- ☐ Yes - Continue to Item 20.
- ☐ No - Provide your spouse's most recent federal income tax return or transcript. This information will only be used if you are on or placed on the REPAYE Plan. Skip to Section 6.
- ☐ My spouse hasn't filed a federal income tax return in the past two years - Continue to Item 20.

20. Does your spouse currently have taxable income?

Check "No" if your spouse has no taxable income or receives only untaxed income.

- ☐ Yes - Skip to Section 5 and provide documentation of your spouse's income as instructed in that section. This information will only be used if you are on or placed on the REPAYE Plan.
- ☐ No - You are not required to provide documentation of your spouse's income. If you selected "Yes" to Item 18, skip to Section 5 and document your income. If you selected "No" to Item 18, skip to Section 6.

SECTION 5: INSTRUCTIONS FOR DOCUMENTING CURRENT INCOME

You only need to follow these instructions if, based on your answers in Section 4, you and your spouse (if applicable) were instructed to provide documentation of your current income instead of a tax return or tax transcript.

This is the income you must document:

- You must provide documentation of all taxable income you and your spouse (if applicable) currently receive.
- Taxable income includes, for example, income from employment, unemployment income, dividend income, interest income, tips, and alimony.
- Do not provide documentation of untaxed income such as Supplemental Security Income, child support, or federal or state public assistance.

This is how you document your income:

- Documentation will usually include a pay stub or letter from your employer listing your gross pay.
- Write on your documentation how often you receive the income, for example, "twice per month" or "every other week."
- You must provide at least one piece of documentation for each source of taxable income.
- If documentation is not available or you want to explain your income, attach a signed statement explaining each source of income and giving the name and the address of each source of income.
- **The date on any supporting documentation you provide must be no older than 90 days from the date you sign this form.**
- Copies of documentation are acceptable.

After gathering the appropriate documentation, continue to Section 6.

SECTION 6: BORROWER REQUESTS, UNDERSTANDINGS, AUTHORIZATION, AND CERTIFICATION

If I am requesting an income-driven repayment plan or seeking to change income-driven repayment plans, **I request:**

- That my loan holder place me on the plan I selected in Section 2 to repay my eligible Direct Loan or FFEL Program loans held by the holder to which I submit this form.
- If I do not qualify for the plan or plans I requested, or did not make a selection in Item 2, that my loan holder place me on the plan with the lowest monthly payment amount.
- If I selected more than one plan, that my loan holder place me on the plan with the lowest monthly payment amount from the plans that I requested.
- If more than one of the plans that I selected provides the same initial payment amount, or if my loan holder is determining which of the income-driven plans I qualify for, that my loan holder use the following order in choosing my plan: REPAYE (if my repayment period is 20 years), PAYE, REPAYE (if my repayment period is 25 years), IBR, and then ICR.

If I am not currently on an income-driven repayment plan, but I did not complete Item 1 or I incorrectly indicated in Item 1 that I was already in an income-driven repayment plan, **I request** that my loan holder treat my request as if I had indicated in Item 1 that I wanted to enter an income-driven repayment plan.

If I am currently repaying my Direct Loans under the IBR plan and I am requesting a change to a different income-driven plan, **I request** a one-month reduced-payment forbearance in the amount of my current monthly IBR payment or \$5, whichever is greater (unless I request another amount below or I decline the forbearance), to help me move from IBR to the new income-driven plan I requested.

☐ **I request** a one-month reduced-payment forbearance in the amount of: _____ (must be at least \$5).

I understand that:

- If I do not provide my loan holder with this completed form and any other required documentation, I will not be placed on the plan that I requested or my request for recertification or recalculation will not be processed.
- I may choose a different repayment plan for any loans that are not eligible for income-driven repayment.
- If I requested a reduced-payment forbearance of less than \$5 above, my loan holder will grant my forbearance for \$5.
- If I am requesting a change from the IBR Plan to a different income-driven repayment plan, I may decline the one-month reduced payment forbearance described above by contacting my loan holder. If I decline the forbearance, I will be placed on the Standard Repayment Plan and cannot change repayment plans until I make one monthly payment under that plan.
- If I am requesting the ICR plan, my initial payment amount will be the amount of interest that accrues each month on my loan until my loan holder receives the income documentation needed to calculate my payment amount. If I cannot afford the initial payment amount, I may request a forbearance by contacting my loan holder.
- If I am married and I request the ICR plan, my spouse and I have the option of repaying our Direct Loans jointly under this plan. My loan servicer can provide me with information about this option.
- If I have FFEL Program loans, my spouse may be required to give my loan holder access to his or her information in the National Student Loan Data System (NSLDS). If this applies to me, my loan holder will contact me with instructions.
- My loan holder may grant me a forbearance while processing my application or to cover any period of delinquency that exists when I submit my application.

I authorize the entity to which I submit this request and its agents to contact me regarding my request or my loans at any cellular telephone number that I provide now or in the future using automated telephone dialing equipment or artificial or prerecorded voice or text messages.

I certify that all of the information I have provided on this form and in any accompanying documentation is true, complete, and correct to the best of my knowledge and belief and that I will repay my loans according to the terms of my promissory note and repayment schedule.

Borrower's Signature _____

Date _____

Spouse's Signature _____

Date _____

If you are married, your spouse is required to sign this form unless you are separated from your spouse or you're unable to reasonably access your spouse's income information.

SECTION 7: WHERE TO SEND THE COMPLETED FORM

Return the completed form and any documentation to:
(If no address is shown, return to your loan holder.)

If you need help completing this form call:
(If no phone number is shown, call your loan holder.)

SECTION 8: INSTRUCTIONS FOR COMPLETING THE FORM

Type or print using dark ink. Enter dates as month-day-year (mm-dd-yyyy). Example: March 14, 2019 = 03-14-2019. Include your name and account number on any documentation that you are required to submit with this form. **Return the completed form and any required documentation to the address shown in Section 7.**

SECTION 9: DEFINITIONS

COMMON DEFINITIONS FOR ALL PLANS:

Capitalization is the addition of unpaid interest to the principal balance of your loan. This will increase the principal balance and the total cost of your loan.

A **deferment** is a period during which you are entitled to postpone repayment of your loans. Interest is not generally charged to you during a deferment on your subsidized loans. Interest is always charged to you during a deferment on your unsubsidized loans.

The **William D. Ford Federal Direct Loan (Direct Loan) Program** includes Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans.

Family size always includes you and your children (including unborn children who will be born during the year for which you certify your family size), if the children will receive more than half their support from you.

For the PAYE, IBR, and ICR Plans, family size always includes your spouse. For the REPAYE plan, family size includes your spouse unless your spouse's income is excluded from the calculation of your payment amount.

For all plans, family size also includes other people only if they live with you now, receive more than half their support from you now, and will continue to receive this support for the year that you certify your family size. Support includes money, gifts, loans, housing, food, clothes, car, medical and dental care, and payment of college costs. Your family size may be different from the number of exemptions you claim for tax purposes.

The **Federal Family Education Loan (FFEL) Program** includes Federal Stafford Loans (both subsidized and unsubsidized), Federal PLUS Loans, Federal Consolidation Loans, and Federal Supplemental Loans for Students (SLS).

A **forbearance** is a period during which you are permitted to postpone making payments temporarily, allowed an extension of time for making payments, or temporarily allowed to make smaller payments than scheduled.

The **holder** of your Direct Loans is the U.S. Department of Education (the Department). The holder of your FFEL Program loans may be a lender, secondary market, guaranty agency, or the Department. Your loan holder may use a servicer to handle billing, payment, repayment options, and other communications. References to "your loan holder" on this form mean either your loan holder or your servicer.

A **partial financial hardship** is an eligibility requirement for the PAYE and IBR plans. You have a partial financial hardship when the annual amount due on all of your eligible loans (and, if you are required to provide documentation of your spouse's income, the annual amount due on your spouse's eligible loans) exceeds what you would pay under PAYE or IBR.

The annual amount due is calculated based on the greater of **(1)** the total amount owed on eligible loans at the time those loans initially entered repayment, or **(2)** the total amount owed on eligible loans at the time you initially request the PAYE or IBR plan. The annual amount due is calculated using a standard repayment plan with a 10-year repayment period, regardless of loan type. When determining whether you have a partial financial hardship for the PAYE plan, the Department will include any FFEL Program loans that you have into account even though those loans are not eligible to be repaid under the PAYE plan, except for: **(1)** a FFEL Program loan that is in default, **(2)** a Federal PLUS Loan made to a parent borrower, or **(3)** a Federal Consolidation Loan that repaid a Federal or Direct PLUS Loan made to a parent borrower.

The **poverty guideline amount** is the figure for your state and family size from the poverty guidelines published annually by the U.S. Department of Health and Human Services (HHS) at aspe.hhs.gov/poverty-guidelines. If you are not a resident of a state identified in the poverty guidelines, your poverty guideline amount is the amount used for the 48 contiguous states.

The **standard repayment plan** has a fixed monthly payment amount over a repayment period of up to 10 years for loans other than Direct or Federal Consolidation Loans, or up to 30 years for Direct and Federal Consolidation Loans.

SECTION 9: DEFINITIONS (CONTINUED)

DEFINITIONS FOR THE REPAYE PLAN:

The **Revised Pay As You Earn (REPAYE) plan** is a repayment plan with monthly payments that are generally equal to 10% of your discretionary income, divided by 12.

Discretionary income for the REPAYE plan is the amount by which your income exceeds 150% of the poverty guideline amount.

Eligible loans for the REPAYE plan are Direct Loan Program loans other than: **(1)** a loan that is in default, **(2)** a Direct PLUS Loan made to a parent borrower, or **(3)** a Direct Consolidation Loan that repaid a Direct or Federal PLUS Loan made to a parent borrower.

DEFINITIONS FOR THE PAYE PLAN:

The **Pay As You Earn (PAYE) plan** is a repayment plan with monthly payments that are generally equal to 10% of your discretionary income, divided by 12.

Discretionary income for the PAYE plan is the amount by which your income exceeds 150% of the poverty guideline amount.

Eligible loans for the PAYE plan are Direct Loan Program loans other than: **(1)** a loan that is in default, **(2)** a Direct PLUS Loan made to a parent borrower, or **(3)** a Direct Consolidation Loan that repaid a Direct or Federal PLUS Loan made to a parent borrower.

You are a **new borrower for the PAYE plan** if: **(1)** you have no outstanding balance on a Direct Loan or FFEL Program loan as of October 1, 2007 or have no outstanding balance on a Direct Loan or FFEL Program loan when you obtain a new loan on or after October 1, 2007, and **(2)** you receive a disbursement of an eligible loan on or after October 1, 2011, or you receive a Direct Consolidation Loan based on an application received on or after October 1, 2011.

DEFINITIONS FOR THE IBR PLAN:

The **Income-Based Repayment (IBR) plan** is a repayment plan with monthly payments that are generally equal to 15% (10% if you are a new borrower) of your discretionary income, divided by 12.

Discretionary income for the IBR plan is the amount by which your adjusted gross income exceeds 150% of the poverty guideline amount.

Eligible loans for the IBR plan are Direct Loan and FFEL Program loans other than: **(1)** a loan that is in default, **(2)** a Direct or Federal PLUS Loan made to a parent borrower, or **(3)** a Direct or Federal Consolidation Loan that repaid a Direct or Federal PLUS Loan made to a parent borrower.

You are a **new borrower for the IBR plan** if **(1)** you have no outstanding balance on a Direct Loan or FFEL Program loan as of July 1, 2014 or **(2)** have no outstanding balance on a Direct Loan or FFEL Program loan when you obtain a new loan on or after July 1, 2014.

DEFINITIONS FOR THE ICR PLAN:

The **Income-Contingent Repayment (ICR) plan** is a repayment plan with monthly payments that are the lesser of **(1)** what you would pay on a repayment plan with a fixed monthly payment over 12 years, adjusted based on your income or **(2)** 20% of your discretionary income divided by 12.

Discretionary income for the ICR plan is the amount by which your adjusted gross income exceeds the poverty guideline amount for your state of residence and family size.

Eligible loans for the ICR plan are Direct Loan Program loans other than: **(1)** a loan that is in default, **(2)** a Direct PLUS Loan made to a parent borrower, or **(3)** a Direct PLUS Consolidation Loan (based on an application received prior to July 1, 2006 that repaid Direct or Federal PLUS Loans made to a parent borrower). However, a Direct Consolidation Loan made based on an application received on or after July 1, 2006 that repaid a Direct or Federal PLUS Loan made to a parent borrower is eligible for the ICR plan.

SECTION 10: INCOME-DRIVEN PLAN ELIGIBILITY REQUIREMENTS AND GENERAL INFORMATION

Table 1. Income-Driven Plan Eligibility Requirements and General Information

| Plan Feature | REPAYE | PAYE | IBR | ICR |
|---|--|--|--|--|
| Payment Amount | Generally, 10% of discretionary income. | Generally, 10% of discretionary income. | Never more than 15% of discretionary income. | Lesser of 20% of discretionary income or what you would pay under a repayment plan with fixed payments over 12 years, adjusted based on your income. |
| Cap on Payment Amount | None. Your payment may exceed what you would have paid under the 10-year standard repayment plan. | What you would have paid under the 10-year standard repayment plan when you entered the plan. | What you would have paid under the 10-year standard repayment plan when you entered the plan. | None. Your payment may exceed what you would have paid under the 10-year standard repayment plan. |
| Married Borrowers | Your payment will be based on the combined income and loan debt of you and your spouse regardless of whether you file a joint or separate Federal income tax return, unless you and your spouse (1) are separated or (2) you are unable to reasonably access your spouse's income information. | Your payment will be based on the combined income and loan debt of you and your spouse only if you file a joint Federal income tax return, unless you and your spouse (1) are separated or (2) you are unable to reasonably access your spouse's income information. | Your payment will be based on the combined income and loan debt of you and your spouse only if you file a joint Federal income tax return, unless you and your spouse (1) are separated or (2) you are unable to reasonably access your spouse's income information. | Your payment will be based on the combined income of you and your spouse only if you file a joint Federal income tax return, unless you and your spouse (1) are separated or (2) you are unable to reasonably access your spouse's income information. |
| Borrower Responsibility for Interest | On subsidized loans, you do not have to pay the difference between your monthly payment amount and the interest that accrues for your first 3 consecutive years in the plan. On unsubsidized loans after this period and on unsubsidized loans during all periods, you only have to pay half the difference between your monthly payment amount and the interest that accrues. | On subsidized loans, you do not have to pay the difference between your monthly payment amount and the interest that accrues for your first 3 consecutive years in the plan. | On subsidized loans, you do not have to pay the difference between your monthly payment amount and the interest that accrues for your first 3 consecutive years of in the plan. | You are responsible for paying all of the interest that accrues. |
| Forgiveness Period | If you only have eligible loans that you received for undergraduate study, any remaining balance is forgiven after 20 years of qualifying repayment. If you have any eligible loans that you received for graduate or professional study, any remaining balance is forgiven after 25 years of qualifying repayment on all of your loans. Forgiveness may be taxable. | Any remaining balance is forgiven after 20 years of qualifying repayment, and may be taxable. | Any remaining balance is forgiven after no more than 25 years of qualifying repayment, and may be taxable. | Any remaining balance is forgiven after 25 years of qualifying repayment, and may be taxable. |

SECTION 10: INCOME-DRIVEN PLAN ELIGIBILITY REQUIREMENTS AND GENERAL INFORMATION

| Plan Feature | REPAYE | PAYE | IBR | ICR |
|---|---|---|--|---|
| Income Eligibility | None. | You must have a “partial financial hardship”. | You must have a “partial financial hardship”. | None. |
| Borrower Eligibility | You must be a Direct Loan borrower with eligible loans. | You must be a “new borrower” with eligible Direct Loans. | You must be a Direct Loan or FFEL borrower with eligible loans. | You must be a Direct Loan borrower with eligible loans. |
| Recertify Income and Family Size | Annually. Failure to submit documentation by the deadline will result in capitalization of interest and increasing your payment to ensure that your loan is paid in full over the lesser of 10 or the remainder of 20 or 25 years. | Annually. Failure to submit documentation by the deadline may result in the capitalization of interest and will increase the payment amount to the 10-year standard payment amount. | Annually. Failure to submit documentation by the deadline will result in the capitalization of interest and increase in payment amount to the 10-year standard payment amount. | Annually. Failure to submit documentation by the deadline will result in the recalculation of your payment amount to be the 10-year standard payment amount. |
| Leaving the Plan | At any time, you may change to any other repayment plan for which you are eligible. | At any time, you may change to any other repayment plan for which you are eligible. | If you want to leave the plan, you will be placed on the standard repayment plan. You may not change plans until you have made one payment under that plan or a reduced-payment forbearance. | At any time, you may change to any other repayment plan for which you are eligible. |
| Interest Capitalization | Interest is capitalized when you are removed from the plan for failing to recertify your income by the deadline or when you voluntarily leave the plan. | If you are determined to no longer have a “partial financial hardship” or if you fail to recertify your income by the deadline, interest is capitalized until the outstanding principal balance on your loans is 10% greater than it was when you entered the plan. It is also capitalized if you leave the plan. | If you are determined to no longer have a “partial financial hardship”, fail to recertify your income by the deadline, or leave the plan, interest is capitalized. | Interest that accrues when your payment amount is less than accruing interest on your loans is capitalized annually until the outstanding principal balance on your loans is 10% greater than it was when your loans entered repayment. |
| Re-Entering the Plan | Your loan holder will compare the total of what you would have paid under REPAYE to the total amount you were required to pay after you left REPAYE. If the difference between the two shows that you were required to paid less by leaving REPAYE, your new REPAYE payment will be increased. The increase is equal to the difference your loan holder calculated, divided by the number of months remaining in the 20- or 25-year forgiveness period. | You must again show that you have a “partial financial hardship”. | You must again show that you have a “partial financial hardship”. | No restrictions. |

SECTION 11: SAMPLE PAYMENT AMOUNTS

The tables below provide repayment estimates under the traditional and income-driven repayment plans. These figures are estimates based on an interest rate of 6%, the average Direct Loan interest rate for undergraduate and graduate borrowers. The figures also assume a family size of 1, that you live in the continental U.S., and that your income increases 5% each year. Various factors, including your interest rate, your loan debt, your income, if and how quickly your income rises, and when you started borrowing may cause your repayment to differ from the estimates shown in these tables. These figures use the 2016 Poverty Guidelines and Income Percentage Factors.

Table 2. Non-Consolidation, Undergraduate Loan Debt of \$30,000 in Direct Unsubsidized Loans and Starting Income of \$25,000

| Repayment Plan | Initial Payment | Final Payment | Time in Repayment | Total Paid | Loan Forgiveness |
|---------------------------|-----------------|---------------|---------------------|------------|------------------|
| Standard | \$333 | \$333 | 10 years | \$33,967 | N/A |
| Graduated | \$190 | \$571 | 10 years | \$42,636 | N/A |
| Extended-Fixed | Ineligible | - | - | - | - |
| Extended-Graduated | Ineligible | - | - | - | - |
| PAYE | \$60 | \$296 | 20 years | \$38,105 | \$27,823 |
| REPAYE | \$60 | \$296 | 20 years | \$38,105 | \$24,253 |
| IBR | \$90 | \$333 | 21 years, 10 months | \$61,006 | \$0 |
| ICR | \$195 | \$253 | 19 years, 6 months | \$52,233 | \$0 |

Table 3. Non-Consolidation, Graduate Loan Debt of \$60,000 in Direct Unsubsidized Loans and Starting Income of \$40,000

| Repayment Plan | Initial Payment | Final Payment | Time in Repayment | Total Paid | Loan Forgiveness |
|---------------------------|-----------------|---------------|--------------------|------------|------------------|
| Standard | \$666 | \$666 | 10 years | \$79,935 | N/A |
| Graduated | \$381 | \$1,143 | 10 years | \$85,272 | N/A |
| Extended-Fixed | \$437 | \$437 | 25 years | \$130,974 | N/A |
| Extended-Graduated | \$300 | \$582 | 25 years | \$126,168 | N/A |
| PAYE | \$185 | \$612 | 20 years | \$87,705 | \$41,814 |
| REPAYE | \$185 | \$816 | 25 years | \$131,444 | \$0 |
| IBR | \$277 | \$666 | 18 years, 3 months | \$107,905 | \$0 |
| ICR | \$469 | \$588 | 13 years, 9 months | \$89,468 | \$0 |

SECTION 12: IMPORTANT NOTICES

Privacy Act Notice. The Privacy Act of 1974 (5 U.S.C. 552a) requires that the following notice be provided to you:

The authorities for collecting the requested information from and about you are §421 et seq. and §451 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 et seq. and 20 U.S.C. 1087a et seq.), and the authorities for collecting and using your Social Security Number (SSN) are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 1091(a)(4)) and 31 U.S.C. 7701(b). Participating in the Federal Family Education Loan (FFEL) Program or the William D. Ford Federal Direct Loan (Direct Loan) Program and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate.

The principal purposes for collecting the information on this form, including your SSN, are to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the FFEL and/or Direct Loan Programs, to permit the servicing of your loans, and, if it becomes necessary, to locate you and to collect and report on your loans if your loans become delinquent or default. We also use your SSN as an account identifier and to permit you to access your account information electronically.

The information in your file may be disclosed, on a case-by-case basis or under a computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices. The routine uses of this information include, but are not limited to, its disclosure to federal, state, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to consumer reporting agencies, to financial and educational institutions, and to guaranty agencies in order to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan, to permit the servicing or collection of your loans, to enforce the terms of the loans, to investigate possible fraud and to verify compliance with federal student financial aid program regulations, or to locate you if you become delinquent in your loan payments or if you default. To provide default rate calculations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to state agencies. To provide financial aid history information, disclosures may be made to educational institutions.

To assist program administrators with tracking refunds and cancellations, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal or state agencies. To provide a standardized method for educational institutions to efficiently submit student enrollment statuses, disclosures may be made to guaranty agencies or to financial and educational institutions. To counsel you in repayment efforts, disclosures may be made to guaranty agencies, to financial and educational institutions, or to federal, state, or local agencies.

In the event of litigation, we may send records to the Department of Justice, a court, adjudicative body, counsel, party, or witness if the disclosure is relevant and necessary to the litigation. If this information, either alone or with other information, indicates a potential violation of law, we may send it to the appropriate authority for action. We may send information to members of Congress if you ask them to help you with federal student aid questions. In circumstances involving employment complaints, grievances, or disciplinary actions, we may disclose relevant records to adjudicate or investigate the issues. If provided for by a collective bargaining agreement, we may disclose records to a labor organization recognized under 5 U.S.C. Chapter 71. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. Before making any such disclosure, we will require the contractor to maintain Privacy Act safeguards. Disclosures may also be made to qualified researchers under Privacy Act safeguards.

Paperwork Reduction Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection is 1845-0102. Public reporting burden for this collection of information is estimated to average 20 minutes (0.33 hours) per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Individuals are obligated to respond to this collection to obtain a benefit in accordance with 34 CFR 682.215, 685.209, or 685.221.

If you have comments or concerns regarding the status of your individual submission of this form, please contact your loan holder directly (see Section 7).

Chapter 13 Plan Non-Standard Section Template for Student Loan IDR Plans During Bankruptcy

For use by a debtor not in default on Federal student loans who wants to enroll in or remain in an IDR repayment plan while in a Chapter 13 bankruptcy plan.

Part 8 [or Insert Local Chapter 13 Plan Section Number] Nonstandard Plan Provisions

1) Student Loan Debt Non-Dischargeable

In accordance with 11 U.S.C. § 523(a)(8), this Chapter 13 plan of reorganization (“Chapter 13 Plan”) cannot and does not provide for a discharge, in whole or in part, of the Debtor’s federal student loan debt authorized pursuant to Title IV of the Higher Education Act of 1965, as amended (“Federal Student Loan(s”).

2) Identification of Federal Student Loan Debt

- a) Only Federal Student Loans that are currently in an income-driven repayment (“IDR”) plan, or which Debtor is eligible to repay under an IDR plan during the pendency of this Chapter 13 case, are listed in subsection (2)(b), below. Debtor could owe other student loan obligations. The special provisions contained in this ____ [Insert “Part 8” or Plan Section Number] of the Chapter 13 Plan only apply to the Federal Student Loans listed in subsection (2)(b), below.
- b) As of [Insert date bankruptcy petition was filed], the Debtor’s Federal Student Loan debt includes the following Title IV Student Loans:

| Title IV Loan Holder | Date Loan Obtained | Type of Loan (Direct, FFEL, Subsidized, Unsubsidized) | Original Loan Amount |
|----------------------|--------------------|---|----------------------|
| | | | |
| | | | |
| | | | |

- c) The Federal Student Loans identified in subsection (2)(b), above, are held by the United States Department of Education (“Education”) and / or [insert here other Title IV Student Loan Holders if applicable], pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070, et seq. Hereinafter, Education and other Title IV Student Loan Holders are referred to individually and collectively as “Title IV Loan Holder.”

3) Federal Student Loans not in Default

As of [Insert date bankruptcy petition was filed], the Debtor is not in default, as defined in 34 CFR 682.200(b) or 685.102, as applicable, on any Federal Student Loans listed in subsection (2)(b) of this Section.

4) Proof of Claim

The Debtor affirms that a timely proof of claim has been filed with the Bankruptcy Court for each Federal Student Loan listed in subsection (2)(b) of this Section. If a Title IV Loan Holder has not filed a proof of claim for a Federal Student Loan listed by the Debtor in subsection 2(b), the Debtor will file a proof of claim for that Federal Student Loan within fifteen (15) days in advance of the date scheduled for the §1324 confirmation hearing on this Chapter 13 Plan. Such proof of claim is subject to later amendment by the Title IV Loan Holder.

5) Continuation of Pre-Petition Federal Student Loan IDR Plan

a) During the course of this Chapter 13 bankruptcy case until its dismissal or closure, the Debtor may continue participating in the IDR plan in which the Debtor participated pre-petition and for which Debtor otherwise continues to be qualified as determined by the Title IV Loan Holder.

i) The Debtor's monthly IDR plan payment is, as of the date of Debtor's bankruptcy petition, \$ [redacted].

ii) The Debtor's monthly IDR plan payment is due to the Title IV Loan Holder on the [Insert day of the month] day of each month.

b) Debtor's Monthly Payments for Pre-Petition IDR Plan [use if Debtor will make IDR plan payment directly to Title IV Loan Holder]

i. Until confirmation of this Chapter 13 Plan, the Debtor will make full and timely IDR plan payments directly to the Title IV Loan Holder identified in subsection (2)(b) of this Section.

ii. Following confirmation of this Chapter 13 Plan, the Debtor will make full and timely IDR plan payments directly to the Title IV Loan Holder identified in subsection (2)(b) of this Section, outside of the Debtor's scheduled plan payments to the Chapter 13 Trustee.

ALTERNATIVE Subsection 5(b) [use if Debtor will make IDR plan payment through Chapter 13 Trustee's office]

b) Debtor's Monthly Payments for Pre-Petition IDR Plan

- i. Until confirmation of this Chapter 13 Plan, the Debtor will make full and timely IDR plan payments directly to the Title IV Loan Holder identified in subsection (2)(b) of this Section.
- ii. In order for the Chapter 13 Trustee to transfer timely the Debtor's first post-confirmation payment on the IDR plan, the Debtor must remit that IDR plan payment to the Chapter 13 Trustee *in advance* of the first post-confirmation payment due date, and in good funds (money order, bank check, TFS payment, or payroll deduction), so as not to delay the Chapter 13 Trustee's transfer of those funds to the Title IV Loan Holder.
- iii. The Title IV Loan Holder will be paid through the Chapter 13 plan as a Class Creditor.
- iv. Following confirmation of this Chapter 13 Plan and in addition to the Debtor's scheduled Chapter 13 Plan payment to the Chapter 13 Trustee's office, the Debtor will remit to the Chapter 13 Trustee the monthly IDR plan payment. The Chapter 13 Trustee will transfer the IDR plan payment funds to the Title IV Loan Holder.
- v. The Debtor must remit each post-confirmation IDR plan payment to the Chapter 13 Trustee *in advance of the IDR payment due date*, and in good funds (money order, bank check, TFS payment, or payroll deduction), so as not to delay the Chapter 13 Trustee's transfer of the IDR plan payment to the Title IV Loan Holder.
- vi. If the Debtor does not timely or fully remit sufficient funds to the Chapter 13 Trustee for Debtor's monthly IDR plan payment, the Chapter 13 Trustee is not required or responsible to transfer funds to the Title IV Loan Holder from the Debtor's general bankruptcy estate for that monthly payment. The Chapter 13 Trustee is not responsible for the Debtor's late or missing IDR plan payments caused by Debtor's failure to remit funds to the Chapter 13 Trustee for transfer of the IDR plan payment by the Chapter 13 Trustee's office.
- vii. Upon request of the Chapter 13 Trustee, the Debtor will request the Title IV Loan Holder modify Debtor's monthly IDR plan payment due-date to accommodate the Chapter 13 Trustee's disbursement schedule.

- viii. The Chapter 13 Trustee may request the Title IV Loan Holder establish an automated clearinghouse (ACH) account with the Chapter 13 Trustee's office for deposit of the Debtor's monthly IDR plan payment directly into the Title IV Loan Holder's account.

ALTERNATIVE Paragraph 5 (use if Debtor will apply to and enroll in an IDR plan during Debtor's Chapter 13 plan)

5) Initial Participation in an IDR Plan

- a) During the course of this Chapter 13 bankruptcy case until its dismissal or closure, the Debtor may submit an application for participation in any IDR plan for which the Debtor is otherwise qualified to any Title IV Loan Holder pursuant to 34 CFR 685.208, 34 CFR 685.209, 34 CFR 685.221 or 34 CFR 682.215.
- b) The Title IV Loan Holder is not required to place the Debtor in an IDR plan.
- c) The Debtor will provide notice to the United States Bankruptcy Court for the _____ District of _____ ("Bankruptcy Court") and the Chapter 13 Trustee of Debtor's application for participation in an IDR plan.
- d) If the Debtor submits an application for participation in an IDR plan and the Title IV Loan Holder determines the Debtor is qualified under the standard terms for participation specified in 34 CFR 685.208, 34 CFR 685.209 34, CFR 685.221, or 34 CFR 682.215, the Title IV Loan Holder may place the Debtor in an IDR plan while this Chapter 13 case is open.
 - (i) If the Title IV Loan Holder places the Debtor in an IDR plan, it is expressly understood and agreed by the Debtor that the Debtor's monthly IDR plan payments will be due to the Title IV Loan Holder while this Chapter 13 case is open, and will continue to be due monthly for a set period of time that extends beyond the Bankruptcy Court's entry of a Chapter 13 discharge and / or an order closing this Chapter 13 case.
 - (ii) If the Title IV Loan Holder places the Debtor in an IDR plan, it is expressly understood and agreed by the Debtor that the Debtor's full IDR plan monthly payments must be received timely by the Title IV Loan Holder.
- (e) Within thirty (30) days of Debtor's receipt of a notice that the Title IV Loan Holder has determined Debtor's qualification for participation in an IDR plan and calculated

Debtor's monthly IDR plan payment, the Debtor shall notify the Chapter 13 Trustee of the IDR participation and the amount of the IDR plan monthly payment. Debtor is responsible to file with the Bankruptcy Court a motion to modify the Chapter 13 Plan to permit monthly payment under the IDR plan, indicating whether the payments will be made directly by the Debtor or through the Chapter 13 Trustee's office, and adjusting the Chapter 13 plan dividends, if necessary.

(f) [Use for Direct IDR Payment to Title IV Loan Holder]

The Debtor will make full and timely IDR plan payments directly to the Title IV Loan Holder outside of the Debtor's scheduled plan payments to the Chapter 13 Trustee.

ALTERNATIVE SUBSECTION (f)

[Use for IDR Payments Inside the Chapter 13 Plan]

The Debtor will remit to the Chapter 13 Trustee the monthly IDR plan payment for the Chapter 13 Trustee to transfer to the Title IV Loan Holder.

In order for the Chapter 13 Trustee to transfer Debtor's monthly IDR plan payment to the Title IV Loan Holder timely, the Debtor must remit each IDR plan payment in full to the Chapter 13 Trustee *in advance of the IDR payment due date*, and in good funds (money order, bank check, TFS payment, or payroll deduction).

- i. The Title IV Loan Holder will be paid through the Chapter 13 Plan as a Class [redacted] Creditor.
- ii. If the Debtor does not timely or fully remit sufficient funds to the Chapter 13 Trustee for Debtor's monthly IDR plan payment, the Chapter 13 Trustee is not required or responsible to transfer funds to the Title IV Loan Holder from the Debtor's general bankruptcy estate for that monthly payment. The Chapter 13 Trustee is not responsible for the Debtor's late or missing IDR plan payments caused by Debtor's failure to remit funds to the Chapter 13 Trustee for transfer of the IDR plan payment by the Chapter 13 Trustee's office.
- iii. Upon the request of the Chapter 13 Trustee, the Debtor will request the Title IV Loan Holder modify Debtor's monthly IDR plan payment due date in order to accommodate the Chapter 13 Trustee's disbursement schedule.

- iv. The Chapter 13 Trustee may request the Title IV Loan Holder establish an ACH account with the Chapter 13 Trustee's office for deposit of the Debtor's monthly IDR plan payment directly into the Title IV Loan Holder's account.

6) Waivers

- a. Debtor expressly acknowledges and agrees that regarding an application for initial participation and/ or continuing participation in an IDR plan while this Chapter 13 case is open, Debtor waives application of the automatic stay provisions of 11 U.S.C. § 362(a) to all loan servicing, administrative actions, and communications concerning the IDR plan by the Title IV Loan Holder, including but not limited to: determination of qualification for enrollment in an IDR plan; loan servicing; transmittal to the Debtor of monthly loan statements reflecting account balances and payments due; transmittal to the Debtor of other loan and plan documents; transmittal of correspondence (paper and electronic) to the Debtor; requests for documents or information from the Debtor; telephonic and live communications with the Debtor concerning the IDR plan application, payments, or balances due; transmittal to the Debtor of IDR participation documentation; payment information; notices of late payment due and delinquency; default prevention activities; and other administrative communications and actions concerning the Debtor's IDR plan.
- b. Debtor expressly waives any and all causes of action and claims against the Title IV Loan Holder for any alleged violation of the automatic stay under 11 U.S.C. § 362(a) with regard to and in consideration of the benefits of enrollment and participation in an IDR plan.

7) Annual Certification of Income and Family Size

Pursuant to 34 CFR 685.209, 34 CFR 685.221, or 34 CFR 682.215, as applicable, the Debtor shall annually certify (or as otherwise required by the Title IV Loan Holder) the Debtor's income and family size, and shall notify the Chapter 13 Trustee of any adjustment (increase or decrease) to the Debtor's monthly IDR plan payment resulting from annual certification.

- a. Debtor expressly acknowledges and agrees that while this Chapter 13 case is open, Debtor waives application of the automatic stay provisions of 11 U.S.C. § 362(a) to all loan servicing, administrative actions, communications, and determinations concerning the certification of income and family size taken or effected during and for the certification process by the Title IV Loan Holder, including but not limited to: administrative communications and actions from the Title IV Loan Holder for the purpose of initiating certification; requests for documentation from the Debtor; determination of qualification for participation; and any action or communication listed in subsection (6) above, which is incorporated herein by reference.

- b. Debtor expressly waives any and all causes of action and claims against the Title IV Loan Holder for any alleged violation of the automatic stay under 11 U.S.C. § 362(a) associated with the IDR plan certification process, in consideration of the voluntary participation of and benefits to the Debtor of continued participation in an IDR plan.
 - c. If Debtor's annual certification of income and family size for an IDR plan results in changes to the Debtor's required monthly IDR plan payment amount, the Debtor will notify the Chapter 13 Trustee within seven (7) days of Debtor's receipt of notice from the Title IV Loan Holder of the revised monthly IDR plan payment amount. Either the Debtor or the Chapter 13 Trustee may file an 11 U.S.C. §1329(a) motion to modify this Chapter 13 plan to reflect the Debtor's revised monthly IDR plan payment.
 - d. If the Debtor fails to satisfy the requirements for annual certification for continued participation in the IDR plan, the Title IV Loan Holder will recalculate the monthly repayment amount according to the requirements of the IDR program.
 - (i) Debtor expressly acknowledges and agrees that while this Chapter 13 case is open the Title IV Loan Holder's recalculation of the Debtor's repayment amount does not violate the automatic stay provisions of 11 U.S.C. § 362(a) as set forth in subsections (6) and (8) of this Section.
 - (ii) Debtor expressly waives any and all causes of action and claims against the Title IV Loan Holder for any alleged violation of the automatic stay under 11 U.S.C. § 362(a) with regard to the recalculation of Debtor's Federal Student Loan repayment obligation while this Chapter 13 bankruptcy case is open.
- 8) Discontinuation of Participation in IDR
- a. If during the course of this Chapter 13 case the Debtor no longer desires to participate in the IDR plan and seeks administrative forbearance status on the Federal Student Loans identified in subsection (2)(b) of this Section, the Debtor must contact the Title IV Loan Holder in writing by letter to inform the Title IV Loan Holder of this decision.
 - b. If during the course of this Chapter 13 case the Debtor ceases making payments on the Federal Student Loan, Debtor shall contact and inform the Title IV Loan Holder in writing by letter. Based on the Debtor's information, the Title IV Loan Holder will place the Federal Student Loan into an appropriate status, such as administrative forbearance, and will stay collection action until after this Chapter 13 case is closed.
 - c. If during the course of this Chapter 13 case the Debtor ceases making payments on the Federal Student Loan without notice to the Title IV Loan Holder, Debtor will incur a

delinquency and may default on the Federal Student Loan as defined in CFR 34 CFR 682.200(b) and 685.102.

- i. Debtor expressly acknowledges and agrees that while this Chapter 13 case is open the Title IV Loan Holder's administrative communication and actions on the defaulted debt, which are the routine administrative processes that occur upon delinquency and default on Federal Student Loans, do not violate the automatic stay provisions of 11 U.S.C. § 362(a) as set forth in subsections (6) and (8) of this Section.
 - ii. The Title IV Loan Holder's administrative communication and actions do not include any form of active debt collection.
- d. Debtor expressly waives any and all causes of action and claims against the Title IV Loan Holder for any alleged violation of 11 U.S.C. § 362(a) with regard to the default status of Debtor's Federal Student Loan based on Debtor's non-payment while this Chapter 13 case is open, including communications with, correspondence to, or transmittal of statements to the Debtor, and telephonic and email contact with the Debtor, concerning and resulting from Debtor's Federal Student Loan default.

9) Opportunity for Title IV Loan Holder to Cure

Debtor first shall give notice to the Title IV Loan Holder in writing by letter of any alleged action by the Title IV Loan Holder concerning the Federal Student Loans and IDR plan that is contrary to the provisions of this Section and or 11 U.S.C. § 362(a). Debtor shall not institute any action in the Bankruptcy Court against the Title IV Loan Holder under 11 U.S.C. § 362(a) and (d) until after the Title IV Loan Holder has been given a reasonable opportunity to review, and, if appropriate, correct such actions. Notices provided to the Title IV Loan Holder under this subsection must include a description or identification of the actions that Debtor alleges to be in violation of this Section of the Chapter 13 Plan and/or 11 U.S.C. § 362(a).

10) Notice

Any Notice required to be given to the Title IV Loan Holder under this Section must include the Debtors' name(s), Debtor's bankruptcy case number and Chapter 13 designation, and identification of the Federal Student Loans, and must be made in writing by letter to:

[Title IV Loan Holder Name]
c/o The United States Attorney's Office
[DISTRICT of]
[Mailing Address]

VT SLM Program

Guidance for BK Debtors Seeking a Student Loan Repayment Plan Using
Studentaid.gov Website

You Are America's Smartest Investment

The U.S. Department of Education's office of Federal Student Aid provides more than \$120 billion in financial aid to help pay for college or career school each year.

[Log In](#)[Create Account](#)

Considering School

I'm thinking about going to college or a career school.

In School

I'm in the process of earning a degree or certificate.

Parent

I want to help my child pay for college.

In Repayment

I have loans I need to repay.

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I'm thinking about going to college or a career school.

In School

I'm in the process of earning a degree or certificate.

Parent

I want to help my child pay for college.

In Repayment

I have loans I need to repay.

We'll help you manage the repayment process.

Federal student loans offer flexible repayment plans, loan consolidation, forgiveness programs, and more. We can help you manage repayment and answer any questions you have along the way.

POPULAR TOPICS

[Find Out How to Make a Payment](#)

[Use *Loan Simulator*](#)

[Complete Consolidation Loan Application and Promissory Note](#)

[Apply/Recertify/Change Income-Driven Repayment Plan](#)

Try *Loan Simulator*

Loan Simulator is a new tool to help you make decisions about your student loans. Use it to find a repayment plan that meets your needs and goals or to decide whether to consolidate.

i Please note: If you have a federal loan owned by ED, the interest rate for your loans is currently 0% as a result of the *CARES Act*. As a result, repayment plans displayed in the *Loan Simulator* may provide estimates that are lower than they will be once the 0% interest rate ends. If you would like to use different interest rates for your loans, make sure you're not logged in and then use *Loan Simulator* by entering your loans manually. Not sure of your interest rates? Find interest rates by year at [StudentAid.gov/interest](https://studentaid.gov/interest).

Let's get started.

We will guide you through a series of questions based on your selection below.



I Want to Find the Best Repayment Strategy

We will recommend a repayment plan based on your needs and goals and help you explore options like making extra payments or consolidating your loans.

[Log In and Start](#)

[Or Start From Scratch](#)



I'm Struggling With My Payments

Decide whether you want to temporarily stop payments or lower your monthly payment instead.

[Log In and Start](#)

[Or Start From Scratch](#)



I Want to Simulate Borrowing More Money

Find out what happens when you borrow more money to pay for educational expenses, returning to school, or finishing your studies later than expected.

Coming Soon

[Or Start From Scratch](#)

Find the Best Repayment Strategy

A variety of repayment plans are available, including plans based on your income. Consolidation may also be an option. Find the repayment strategy that works for you.

[Skip Guided Questions :](#)



Step 1 of 3

Personal Information

1

Which of the following apply to you? [Why do we ask this?](#)

(Select each tile that applies.)

Note: Some tiles may require information from a paystub and the use of a calculator. If you have a tax return, you can select “Skip Guided Questions,” and enter your information in the Personal Information section.

Find the Best Repayment Plan or Consolidation Option

Options :



INFORMATION NEEDED

In order to simulate a repayment scenario, enter the requested information about your situation in the sidebar.

Guide Me Instead

Personal Information



Loan Information



Repayment Goals



What is your repayment goal?

- ☐ Fastest payoff
- ☐ Lowest monthly payment
- ☒ Lowest total paid over time
- ☐ Monthly payment I chose



INFORMATION NEEDED

In order to simulate a repayment scenario, enter the requested information about your situation in the sidebar.

Guide Me Instead

Personal Information



Tax Filing Status

undefined

Single



Family Size

1



Adjusted Gross Income

\$



State of Residence

Vermont



[Guide me through this section.](#)



INFORMATION NEEDED

In order to simulate a repayment scenario, enter the requested information about your situation in the sidebar.

Guide Me Instead

Personal Information



Loan Information



My Loans

☒ Use my loan data

TOTAL BALANCE

AVG. INTEREST RATE

-

-

You have not added any loans. Use the button below to add your loans. If you [log into](#) your FSA account, your linked loans will be imported here. Note: Logging in will cause you to lose any manually added loan information.

Add Loans

[Log In](#)

☐ Use loan data from my school



INFORMATION NEEDED

In order to simulate a repayment scenario, enter the requested information about your situation in the sidebar.

Guide Me Instead

Personal Information



Loan Information



Repayment Goals



What is your repayment goal?

- ☐ Fastest payoff
- ☐ Lowest monthly payment
- ☒ Lowest total paid over time
- ☐ Monthly payment I chose
- ☐ Total paid by a certain date

Show payment estimated under **Public Service Loan Forgiveness (PSLF)**?



I Want to Find the Best Repayment Strategy

We will recommend a repayment plan based on your needs and goals and help you explore options like making extra payments or consolidating your loans.

[Log In and Start](#)

[Or Start From Scratch](#)



I'm Struggling With My Payments

Decide whether you want to temporarily stop payments or lower your monthly payment instead.

[Log In and Start](#)

[Or Start From Scratch](#)



I Want to Simulate Borrowing More Money

Find out what happens when you borrow more money to pay for educational expenses, returning to school, or finishing your studies later than expected.

Coming Soon

[Or Start From Scratch](#)

I'm Struggling With My Payments

Discover how an income-driven repayment plan can help you get a more manageable payment. If you need short-term relief, deferment or forbearance can help you through a tough time but can affect your long-term repayment journey.

[Skip Guided Questions >](#)



Step 1 of 2

Your Situation

1 What is your yearly salary?

\$

/Year

i **I'm Struggling With My Payments**
In order to simulate a repayment scenario, please enter some information about your situation in the sidebar.

Guide Me Instead

Your Situation



Salary

\$

Family Size

1



Select all that apply to you.

- ☐ I can usually afford my payment, but my expenses are too high.
- ☐ I'm active duty military.
- ☐ I'm enrolled in the Supplemental Nutrition Assistance Program (SNAP).
- ☐ I've been admitted to a rehabilitation training program.



I'm Struggling With My Payments

In order to simulate a repayment scenario, please enter some information about your situation in the sidebar.

Guide Me Instead

Your Situation



Loan Information



My Loans

TOTAL BALANCE

AVG. INTEREST RATE

-

-

You have not added any loans. Use the button below to add your loans. If you [log in to](#) your FSA account, your linked loans will be imported here. Note: Logging in will cause you to lose any manually added loan information.

Add Loans

[Log In](#)

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I want to help my child pay for college.

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I have loans I need to repay.

We'll help you manage the repayment process.

Federal student loans offer flexible repayment plans, loan consolidation, forgiveness programs, and more. We can help you manage repayment and answer any questions you have along the way.

POPULAR TOPICS

[Find Out How to Make a Payment](#)

[Use *Loan Simulator*](#)

[Complete Consolidation Loan Application and Promissory Note](#)

[Apply/Recertify/Change Income-Driven Repayment Plan](#)

INCOME-DRIVEN REPAYMENT (IDR) PLAN REQUEST





You're currently not logged in!

You must log in to complete and submit federal student loan processes.

LOG IN

What is Income-Driven Repayment?

Income-driven repayment (IDR) plans are designed to make your student loan debt more manageable by reducing your monthly payment amount. If you need to make lower monthly payments or if your outstanding federal student loan debt represents a significant portion of your annual income, one of the following income-driven plans may be right for you:

- Revised Pay As You Earn Repayment Plan (REPAYE) [Learn More](#) 
- Pay As You Earn Repayment Plan (PAYE) [Learn More](#) 
- Income-Based Repayment Plan (IBR) [Learn More](#) 
- Income-Contingent Repayment Plan (ICR Plan) [Learn More](#) 

Who should complete this?

What do I need?

Who should complete this?

- Borrowers not currently on an IDR Plan who are seeking a lower monthly payment on their federal student loans and
- Borrowers currently on an IDR Plan who need to re-certify or make changes to their repayment plan.



You can't use this tool if you are in default on all of your federal student loans or if you only have PLUS loans you borrowed as a parent.

Note: There is no application fee to complete an Income-Driven Repayment Plan Request. You may be contacted by private companies that offer to help you apply for Income-Driven Repayment, for a fee. These companies have no affiliation with the U.S. Department of Education (ED) or ED's Federal Loan Servicers.

How many IDR applications do I need?

You will need one IDR application. While you will only need to submit one IDR application to be considered for the IDR plans, you will be required to come back and recertify your income information each year.

What do I need?

- Verified [FSA ID](#)
- [Personal Information](#) 
- [Financial Information](#) 

New Applicants

I am not currently on an income-driven plan and I want to apply

You can apply for an income-driven repayment plan that limits your payments to a percentage of your income.

LOG IN TO START

[Start Demo](#)

Returning IDR Applicants

Submit annual re-certification of my income

To re-certify for your existing income-driven repayment plan you must provide updated information about your income and family size annually.

LOG IN TO START

[Start Demo](#)

Recalculate my monthly payment

If your income or family size has changed you can request that your income-driven payment be re-calculated to reduce your current monthly payment.

LOG IN TO START

[Start Demo](#)



The entire Income-Driven Repayment process must be completed in a single session. Most p

New Applicants

I am not currently o

You can apply for an in

Returning IDR A

Submit annual re-certification of my income

To re-certify for your existing income-driven repayment plan you must provide updated information about your income and family size annually.

Close ✕



You are about to preview a demonstration. The information presented is for information purposes only.
Do you want to continue?

Yes

No

START

[emo](#)

LOG IN TO START

[Start Demo](#)

INCOME-DRIVEN REPAYMENT (IDR) PLAN REQUEST

1 Application Information

2 Income Information

3 Personal Information

4 Review & Sign

You're currently not logged in!

You must log in to complete and submit federal student loan processes.

LOG IN

Reason for Income-Driven Repayment Plan Request:

Select a reason for request

- ☒ I want to enter an income-driven plan.
- ☐ I am submitting documentation for the annual recertification of my income-driven payment.
- ☐ I am submitting documentation early to have my income-driven payment recalculated immediately.
- ☐ I want to change to a different income-driven repayment plan.



For demonstration purposes, you will not be able to access the IRS website to retrieve your income information. Once you are logged in you will be able to link to the IRS website from this page. Once on the IRS website you will need to enter your First Name, Last Name, SSN, DOB, Tax Filing Status, and Address. In the event that the IRS website is in an outage this step will be omitted from the flow.

Access IRS Tax Return Information

You are required to supply income information to determine your eligibility and calculate your monthly payment amount under an income-driven repayment plan. The IRS Data Retrieval Tool allows you to transfer your IRS tax return information directly into your application, eliminating the need to provide additional supporting documentation about your income. On the IRS Web site, enter the requested information to transfer your IRS tax return information. You will be able to return to StudentAid.gov from the IRS Web site.

Note: Your StudentAid.gov session will time out after 30 minutes. If you do not return from the IRS Web site within that time, this request will be cancelled and you will have to start your electronic request from the beginning.

Click on **Link to IRS** below to navigate to the IRS.

1 Application Information ✓

2 Income Information ✓

3 Personal Information

4 Review & Sign

Personal Information

Permanent Address [More Information](#) 

Address (line 1):

Address (line 2):

City:

State:

Zip Code:

Country:

☐ This is my current permanent address. If permanent address information is incorrect, update as needed.

Contact Information

Student Loans

A Basic Overview

Presented by Joshua R.I. Cohen



Topics

- The history of student loans
- Key differences between federal, state, and private student loans
- Federal loan programs and types of loans
- Administrative discharge programs
- Repayment plans
- Public Service Loan Forgiveness
- Default
- Fixing default

History of Student Loans

- G.I. Bill – 48 months of education
- 1965 – Higher Education Act (HEA) created FFEL, a secondary market offering gov't backed loans
- 1976 – bankruptcy discharge allowed only after 5 years of active payments
- 1984 – student loans with non-profit backings included in bankruptcy discharge exception
- 1987 – Brunner test for student loan discharge
- 1990 – bankruptcy discharge active payment requirement raised to 7 years
- 1991 – SOL removed from federal student loans
- 1993 – Student Loan Reform Act created the Federal Direct Loan Program
- 1998 – bankruptcy discharge not allowed; active payment time removed
- 2005 – BAPCPA included private student loans in bankruptcy discharge exception
- 2010 – Health Care and Education Reconciliation Act terminated FFEL

HEA is 20 U.S.C. §1001 et seq.

Federal Student Loans

- **Guaranteed** (FFEL) or **originated** (DL) or **funded** (Perkins) through the U.S Department of Education
- Flexible payment plans based on income and family size (IDR)
- Curable – default can be fixed by right, credit immaterial
- Draconian remedies for default, no lawsuit required, no SOL on enforcement.
 - Administrative Wage Garnishment
 - Federal Benefits Offset, includes SS and SSDI
 - Federal Tax Refund Intercept

Federal Student Loan Programs

Who Originated the loan?

FFEL
Bank
Guarantee Agency

Direct Loans (DL)
Department of
Education

Perkins
School

Private Student Loans

- No involvement by U.S. Department of Education
- Many are insured
- Few if any payment options – pay or don't pay
- No ability to cure once defaulted
 - Bankruptcy triggers default
- Enforcement is the same as any other consumer debt
 - Must be sued before anything can happen
 - subject to SOL
 - State post-judgment remedies available

State Student Loans

- Loan offered by a State agency (quasi legislative entity) = VSAC
 - Available to State residents or non-residents attending schools within the State
- Few if any payment options – pay or don't pay
- No ability to cure once defaulted
- Remedies:
 - Administrative intercept of State tax refund (no SOL)
 - Lawsuit w/ State post-judgment remedies available – subject to SOL

Determining Kind of Loan

- Identify the type of loan (DL, FFEL, Parent PLUS, etc.)
 - 99% of all federal loans are listed on the Dept. of Ed's website – [Studentaid.gov](https://studentaid.gov)
 - Private loan information should be supplied by collection agency, servicer, or loan holder. Credit reports can also be helpful.
 - Co-signer is indicative of private loan

Types of Federal Student Loans

- Stafford
 - Subsidized
 - Unsubsidized
- PLUS
 - Credit matters
 - Parent or Graduate
 - Endorser?
 - Amount based on school's budget
- Perkins
 - Originated by school
 - Paid to school

Federal Administrative Discharge

- Death of borrower or student (Parent PLUS)
- Total and Permanent Disability
- False Certification
 - Student never graduated HS, never received GED, and improper entrance exam (prior to 2012)
 - Student could not meet State min. job requirements
 - ID Theft
 - Unauthorized loan/signature
- Closed School
- Borrower Defense to Repayment

Repayment Plans

Balance Based:

- 10-year standard
- Graduated
- Extended, up to 25 years, based on balance
- Extended graduated

Repayment Examples

| Original Loan Amount | \$25,000 | \$50,000 | \$75,000 | \$100,000 | \$150,000 | \$200,000 |
|----------------------|----------|----------|----------|-----------|-----------|-----------|
| 10-Year Standard | \$246 | \$492 | \$738 | \$984 | \$1,476 | \$1,968 |
| Graduated | \$159 | \$318 | \$477 | \$636 | \$954 | \$1,272 |
| Extended | N/A | \$248 | \$371 | \$495 | \$743 | \$991 |
| Extended Graduated | N/A | \$142 | \$213 | \$283 | \$425 | \$567 |

Assumes a 3.4% interest rate.

Numbers for graduated plans are the introductory payments.

Repayment Plans

Income Driven Repayment (IDR):

- Income Contingent Repayment – ICR
 - Based on income (20%) OR 12-year amortization
- Income Based Repayment – IBR
 - Based ONLY on income (15%)
- PAYE/New IBR/REPAYE
 - Same as IBR, better formula (10%)
 - PAYE – no balance as of October 1, 2007
 - New IBR – no balance as of July 1, 2014

IDR Formulas

- Base formula
 - $\text{AGI} - (\text{Percentage of Poverty Index}) = \text{Discretionary Income}$
 - $\text{DI} \times (\% \text{ formula}) / 12 = \text{Monthly Payment.}$
 - AGI = Adjusted Gross Income from 1040
- $\text{ICR} = (\text{AGI} - 100\% \text{ PI}) \times 20\% / 12$
- $\text{IBR} = (\text{AGI} - 150\% \text{ PI}) \times 15\% / 12$
- $\text{PAYE/New IBR/REPAYE} = (\text{AGI} - 150\% \text{ PI}) \times 10\% / 12$

IBR Payment Chart

| | | Total Household Income | | | | | |
|------------------------|---|------------------------|----------|----------|-----------|---------|-----------|
| Number in Household | | \$25,000 | \$50,000 | \$75,000 | \$100,000 | 150,000 | \$200,000 |
| | 1 | \$100 | \$410 | \$720 | \$1,030 | \$1,660 | \$2,280 |
| | 2 | \$20 | \$330 | \$640 | \$960 | \$1,580 | \$2,210 |
| | 3 | \$0 | \$250 | \$570 | \$880 | \$1,500 | \$2,130 |
| | 4 | \$0 | \$180 | \$490 | \$800 | \$1,430 | \$2,050 |

The numbers above represent the monthly total household payment due. For example, if a couple with no children has a total household income of \$100,000, their monthly federal student loan payments would add up to \$970. The portion each pays would be based on the ratio of their federal loan balances.

Comparison of IDR Plans

| Plan | Term | Formula | DL | FFEL | Parent PLUS | Ignore Spouses' AGI ³ |
|---------|--------------------|---------|----|------|----------------|----------------------------------|
| ICR | 25 | 20% | Y | N | Y ² | Y |
| IBR | 25 | 15% | Y | Y | N | Y |
| PAYE | 20 | 10% | Y | N | N | Y |
| New IBR | 20 | 10% | Y | N | N | Y |
| REPAYE | 20/25 ¹ | 10% | Y | N | N | N |

1: 20 for undergraduate loans, 25 if any graduate loans are included.

2: Only if Parent PLUS loan is part of a DL Consolidation.

3: Through married filing separate status.

Public Service Loan Forgiveness

- Qualifying employer
 - Government – Fed, State, Local
 - Non-profit – 501(c)(3)
- 120 Qualifying payments
 - 10-year Standard, or any IDR
 - Direct Loans only
- Applying for PSLF
 - Form to certify eligible employer
 - Save stubs and proof of payments!

Default Defined

- Federal
 - Delinquency < 270 days late < Default
- Private/State
 - Breach contract - miss one payment

Federal Default Consequences

- Collection calls
 - Up to **25%** collection fee!!
 - 30-40% for Perkins!!!
- Tax refund intercept
- Social security offset -- Includes SSDI, NOT SSI
 - 15% BUT must leave \$750
- Wage garnishment
 - No lawsuit required (administrative)
 - 15% of disposable pay
- Lawsuit

Fixing Federal Default

- Settlement
 - Dept. of Ed.: best offer 10% discount
 - Guarantor: 30% discount, but rarely happens
- Consolidation
 - Process takes 30-90 days
 - Cannot do this if wage garnishment in place
 - Must do this through 1 of 9 servicers
- Rehabilitation
 - Cleans credit of default notation
 - 9 monthly payments required
 - Payment must be reasonable and affordable

Resources

- www.studentaid.gov – federal loan website
- www.IBRinfo.org – free IDR information
- www.studentloanborrowerassistance.org – NCLC site
- www.AnnualCreditReport.com – free credit reports
- www.TheStudentLoanLawyer.com – Joshua Cohen

PRELIMINARY DRAFT

Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure

Request For Comment

Comments are Sought on Amendments to:

| | |
|------------------|--|
| Appellate Rule | 25 |
| Bankruptcy Rules | Restyled Rules Parts I and II; Rules 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3017.2 (new), 3018, 3019, 5005, 7004, and 8023; and Official Forms 101, 122B, 201, 309E-1, 309E-2, 309F-1, 309F-2, 314, 315, and 425A |
| Civil Rules | Rule 12 and Supplemental Rules for Social Security Review Actions Under 42 U.S.C. § 405(g) |
| Criminal Rule | 16 |

Written Comments Due by
February 16, 2021



THE UNITED STATES COURTS

Prepared by the
Committee on Rules of Practice and Procedure
Judicial Conference of the United States

August 2020

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, DC 20544

DAVID G. CAMPBELL
CHAIR

REBECCA A. WOMELDORF
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

MICHAEL A. CHAGARES
APPELLATE RULES

DENNIS R. DOW
BANKRUPTCY RULES

JOHN D. BATES
CIVIL RULES

RAYMOND M. KETHLEDGE
CRIMINAL RULES

DEBRA A. LIVINGSTON
EVIDENCE RULES

MEMORANDUM

TO: The Bench, Bar, and Public

FROM: Honorable David G. Campbell, Chair
Committee on Rules of Practice and Procedure



DATE: August 14, 2020

RE: Request for Comments on Proposed Rules and Forms Amendments

The Judicial Conference Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules have proposed amendments to their respective rules and requested that the proposals be circulated to the bench, bar, and public for comment. The proposed amendments, excerpts from the advisory committees' reports, and other information are attached and posted on the Judiciary's website at:

<http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>

Opportunity for Public Comment

All comments on these proposed amendments will be carefully considered by the advisory committees, which are composed of experienced trial and appellate lawyers, judges, and scholars. Please provide any comments on the proposed amendments, whether favorable, adverse, or otherwise, as soon as possible, but **no later than February 16, 2021**. All comments are made part of the official record and are available to the public.

Comments concerning the proposed amendments must be submitted electronically by following the instructions at:

<http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>

Members of the public who wish to present testimony may appear at public hearings on these proposals. The advisory committees will hold hearings on the proposed amendments on the following dates¹:

- Appellate Rules on October 19, 2020 and January 4, 2021;
- Bankruptcy Rules on January 7, 2021 and January 29, 2021;
- Civil Rules on November 10, 2020 and January 22, 2021; and
- Criminal Rules on November 4, 2020 and January 25, 2021.

If you wish to testify, you must notify the Secretary of the Committee on Rules of Practice and Procedure **at least 30 days before the scheduled hearing** by email: RulesCommittee_Secretary@ao.uscourts.gov. Hearing cancelations, if any, will be posted at: <https://www.uscourts.gov/rules-policies/about-rulemaking-process/open-meetings-and-hearings-rules-committee>.

At this time, the Committee on Rules of Practice and Procedure has approved these proposed amendments only for publication and comment. The proposed amendments have not been submitted to or considered by the Judicial Conference or the Supreme Court. After the public comment period, the advisory committees will decide whether to submit the proposed amendments to the Committee on Rules of Practice and Procedure for approval in accordance with the Rules Enabling Act, 28 U.S.C. §§ 2072-2077.

Under the Rules Enabling Act, any rules amendments approved, with or without revision, by the relevant advisory committee must then be approved by the Committee on Rules of Practice and Procedure, the Judicial Conference, and the Supreme Court. The proposed amendments would become effective on December 1, 2022 absent congressional action.

If you have questions about the rulemaking process or pending rules amendments, please contact the Rules Committee Staff at 202-502-1820 or visit:

<http://www.uscourts.gov/rules-policies>

¹ Due to the Coronavirus Disease 2019 pandemic, the hearings will likely be conducted in a virtual format.

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the Advisory Committee voted to seek publication of amendments to Rule 8023 (Voluntary Dismissal) to conform to amendments being proposed to the parallel appellate rule, FRAP 42.

The action items are organized as follows:

* * * * *

B. Items for Publication

- Restyled Rules Parts I and II;
- Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, new Rule 3017.2, 3018, and 3019 (in response to SBRA);
- Rule 3002(c)(6);
- Rule 5005;
- Rule 7004;
- Rule 8023; and
- Official Forms 101, 122B, 201, 309E-1, 309E-2, 309F-1, 309F-2, 314, 315, and 425A (in response to SBRA).

* * * * *

B. Items for Publication

The Advisory Committee recommends that the following rule amendments be published for public comment in August 2020. The rules in this group appear in Bankruptcy Appendix B.

Action Item 6. Restyled Parts I and II. The restyled rules are the product of intensive and collaborative work between the style consultants, who produced the initial drafts, and the Reporters and Restyling Subcommittee of the Advisory Committee, who provided comments to the style consultants on those drafts. Each set of rules was the subject of several reviews by all parties, including many telephonic and Skype meetings by the Subcommittee to look at drafts while revisions were made and drafting issues discussed.

The Advisory Committee has endorsed the following basic principles to guide the restyling project:

1. *Make No Substantive Changes.* Most of the comments the Reporters and Subcommittee made on the drafts were aimed at preventing an inadvertent substantive change in meaning by the use of a different word or phrase than in the existing rule. The rules are being restyled from the version in effect at the time of publication. Future rules changes unrelated to restyling will be incorporated before the restyled rules are finalized.

2. *Respect Defined Terms.* Any word or phrase that is defined in the Code should appear in the restyled rules exactly as it appears in the Code definition without restyling, despite any possible flaws from a stylistic standpoint. Examples include the unhyphenated terms “equity

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security holder,” “small business case,” “small business debtor,” “health care business,” and “bankruptcy petition preparer.”

On the other hand, when terms are used in the Code but are not defined, they may be restyled in the rules, such as “personal financial-management course,” “credit-counseling statement,” and “patient-care ombudsman.”

3. *Preserve Terms of Art.* When a phrase is used commonly in bankruptcy practice, we have recommended that it not be restyled. Such a phrase that was often used in Part I of the rules was “meeting of creditors.”

4. *Remain Open to New Ideas.* The style consultants suggested some different approaches in the rules, which the Advisory Committee has embraced, including making references to specific forms by form number, and listing recipients of notices by bullet points.

5. *Defer on Matter of Pure Style.* Although the Subcommittee made many suggestions of ways to improve the drafting of the restyled rules, on matters of pure style the Advisory Committee has committed to deferring to the style consultants when they have different views.

The Advisory Committee also decided not to attempt to restyle rules that were enacted by Congress. When Congress passed the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. 98-353, 98 Stat. 357, it included the following provision:

SEC. 321. Rule 2002 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

“(n) In a voluntary case commenced under the Code by an individual debtor whose debts are primarily consumer debts, the clerk, or some other person as the court may direct, shall give the trustee and all creditors notice by mail of the order for relief not more than 20 days after the entry of such order.”

Other Bankruptcy Rules that were enacted by Congress in whole or in part are Rules 2002(f), 3001(g), and 7004(h). The Advisory Committee concluded that, even if it has the authority to restyle statutory rules under the Rules Enabling Act, 28 U.S.C. § 2075, it would not be advisable to challenge Congressional authority in connection with this project.

Although the Advisory Committee requests that the restyled rules be published for public comment in August 2020, none of the restyled rules will be submitted to the Judicial Conference until all of the rules have been restyled and published for comment and given final approval by the Advisory Committee and the Standing Committee.

Action Item 7. SBRA Rules. The interim rules that the Advisory Committee issued in response to the enactment of the Small Business Reorganization Act of 2019 took effect as local rules or standing orders on February 19, 2020, the effective date of the Act. Now the Advisory Committee has begun the process of promulgating national rules governing cases under subchapter V of chapter 11 by seeking publication of the amended and new rules for comment this summer, along with the SBRA form amendments.

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The SBRA rules consist of the following:

- **Rule 1007** (Lists, Schedules, Statements, and Other Documents; Time Limits),
- **Rule 1020** (Small Business Chapter 11 Reorganization Case),
- **Rule 2009** (Trustees for Estates When Joint Administration Ordered),
- **Rule 2012** (Substitution of Trustee or Successor Trustee; Accounting),
- **Rule 2015** (Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status),
- **Rule 3010** (Small Dividends and Payments in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13),
- **Rule 3011** (Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13),
- **Rule 3014** (Election Under § 1111(b) by Secured Creditor in Chapter 9 Municipality or Chapter 11 Reorganization Case),
- **Rule 3016** (Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case),
- **Rule 3017.1** (Court Consideration of Disclosure Statement in a Small Business Case),
- **new Rule 3017.2** (Fixing of Dates by the Court in Subchapter V Cases in Which There Is No Disclosure Statement),
- **Rule 3018** (Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case), and
- **Rule 3019** (Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case).

Because the interim rules had just recently gone into effect when the Advisory Committee met, there had been little experience with them. As a result, the only suggested changes of which the Advisory Committee was aware were a few stylistic changes to Rules 3017.2 and 3019 suggested by the style consultants.

The only concern the Advisory Committee had about the stylistic suggestions was that the proposed change to Rule 3019(c)—changing “MODIFICATION OF” to “MODIFYING”—would make that title inconsistent with the titles of subdivision (a) (MODIFICATION OF PLAN BEFORE CONFIRMATION) and subdivision (b) (MODIFICATION OF PLAN AFTER CONFIRMATION IN INDIVIDUAL DEBTOR CASE). The Committee concluded that the title of (c) should be kept as it is for now and that the style consultants’ change should be made to all of the subdivisions in the restyling process. With that exception, the Advisory Committee approved the SBRA rules for publication with the changes recommended by the style consultants.

Action Item 8. Rule 3002(c)(6) (Time for Filing Proof of Claim). Rule 3002 requires creditors to file proofs of claim for their claims to be allowed, and it specifies in subdivision (c) the deadline for filing those proofs of claim in cases filed under chapter 7, 12 and 13. Rule 3002(c) then provides certain exceptions, including for domestic creditors, in paragraph (6)(A), when “the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because the debtor failed to timely file the list of creditors’ names and addresses required by Rule 1007(a).” Because failure to timely file the list of creditors’ names and addresses required by Rule 1007(a) is grounds for dismissal of a bankruptcy case, the situation described in that

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exception is unlikely to exist. The Advisory Committee therefore proposes amending Rule 3002(c)(6) to allow an extension of time to file proofs of claim for both domestic and foreign creditors if “the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim.” That is the standard now applicable to foreign creditors under Rule 3002(c)(6)(B).

Action Item 9. Rule 5005 (Filing and Transmittal of Papers). Amendments to Rule 9036 that went into effect in December 2019 would allow clerks and parties to provide notices or serve documents (other than those governed by Rule 7004) by means of the court’s electronic-filing system on registered users of that system. The rule also allows service or noticing on any entity by any electronic means consented to in writing by that person.

Transmittal of papers to the U.S. trustee is governed by Rule 5005(b), which requires that such papers be “mailed or delivered to an office of the United States trustee, or to another place designated by the United States trustee” and that the entity transmitting the paper file as proof of transmittal a verified statement. The proposed amendments to Rule 5005(b) conform this U.S. trustee-specific rule to both amended Rule 9036 and current bankruptcy practice under Rule 5005(b). The proposed changes, which are supported by the Executive Office for U.S. Trustees, would allow papers to be transmitted to the U.S. trustee by electronic means, and would eliminate the requirement that the filed statement evidencing transmittal be verified.

Action Item 10. Rule 7004 (Process; Service of Summons, Complaint). The proposed amendments add a new Rule 7004(i) clarifying that service can be made under Rule 7004(b)(3) or Rule 7004(h) by position or title rather than specific name and, if the recipient is named, that the name need not be correct if service is made to the proper address and position or title. The proposed amendments are consistent with an Advisory Committee Note to its predecessor, Rule 704, that explicitly stated:

In serving a corporation or partnership or other unincorporated association by mail pursuant to paragraph (3) of subdivision (c), **it is not necessary for the officer or agent of the defendant to be named in the address so long as the mail is addressed to the defendant’s proper address and directed to the attention of the officer or agent by reference to his position or title.**

(Emphasis supplied).

When the Bankruptcy Rules were revised following the enactment of the Bankruptcy Reform Act of 1978, and Rule 704 became 7004, the original Advisory Committee Note to Rule 704 was no longer included in the published version. The absence of the original Advisory Committee Note has created confusion, and because Advisory Committee Notes cannot be amended without an amendment to the Rule itself, the proposed amendments insert the substance of the former Advisory Committee Note into proposed Rule 7004(i).

Action Item 11. Rule 8023 (Voluntary Dismissal). At the meeting of the Standing Committee on June 25, 2019, the Advisory Committee on Appellate Rules presented proposed amendments to Rule 42(b) dealing with voluntary dismissals. The amended version is intended to

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make dismissal mandatory upon agreement by the parties, as the rule stated prior to its restyling. It also intends to clarify that a court order is required for any action other than a simple dismissal. The rule does not change applicable law requiring court approval of settlements, payments, or other consideration. The revised Rule 42(b) was published for comment last August.¹

Bankruptcy Rule 8023 was modeled on Rule 42(b), and the proposed amendments are intended to make conforming changes to Rule 8023.

Action Item 12. SBRA Forms. The new and amended forms that the Advisory Committee promulgated in response to the enactment of SBRA took effect on February 19, 2020, the effective date of the Act. Unlike the interim SBRA rules, the forms were officially issued—under the Advisory Committee’s delegated authority to make conforming and technical amendments to Official Forms, subject to subsequent approval by the Standing Committee and notice to the Judicial Conference. Nevertheless, the Advisory Committee committed to publishing them for comment this summer, along with the SBRA rule amendments, in order to ensure that the public has a thorough opportunity to review them.

The current SBRA Official Forms consist of the following:

- Official Form 101 (Voluntary Petition for Individuals Filing for Bankruptcy),
- Official Form 201 (Voluntary Petition for Non-Individuals Filing for Bankruptcy),
- Official Form 309E-1 (Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors)),
- Official Form 309E-2 (Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors under Subchapter V)),
- Official Form 309F-1 (Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships)),
- Official Form 309F-2 (Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships under Subchapter V)),
- Official Form 314 (Ballot for Accepting or Rejecting Plan),
- Official Form 315 (Order Confirming Plan), and
- Official Form 425A (Plan of Reorganization for Small Business Under Chapter 11).

The Advisory Committee was aware of only one suggestion for a needed change, and that change is to an additional form. A staff member at the Administrative Office of the Courts pointed out the need to add an exception to the instructions set out at the beginning of Official Form 122B (Chapter 11 Statement of Your Current Monthly Income). It currently begins, “You must file this form if you are an individual and are filing for bankruptcy under Chapter 11.” That statement is incorrect for individuals filing under subchapter V of chapter 11. Section 1191(a) and (b) of the Code make § 1129(a)(15) inapplicable in subchapter V cases. The latter provision makes an individual debtor’s current monthly income generally relevant in chapter 11 cases because it bases

¹ N.B.: Based on discussion at the June 2020 Standing Committee meeting, the proposed amendment to Appellate Rule 42 is not yet moving forward for final approval because the Advisory Committee will study further the amendment’s implications for local circuit provisions that impose additional requirements for dismissal of an appeal. The proposed amendment to Rule 8023 is being published for comment in the meantime.

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projected disposable income on that amount. In subchapter V cases, however, § 1191(d) defines disposable income without reference to current monthly income. Therefore, the instructions to Official Form 122B need to express an exception for subchapter V cases.

The Advisory Committee approved amending the first sentence of those instructions as follows: “You must file this form if you are an individual and are filing for bankruptcy under Chapter 11 (other than under subchapter V).”²

The Advisory Committee unanimously voted to seek publication of the amendment to Official Form 122B and the SBRA forms listed above.

* * * * *

² A similar change was needed for the instruction booklet—Bankruptcy Forms for Individuals. Because those instructions are issued by the Administrative Office of the Courts outside the rulemaking process, Rules Counsel Scott Myers made that correction.

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Bankruptcy Rules Restyling

1000 Series

Preface

This revision is a restyling of the Federal Rules of Bankruptcy Procedure to provide greater clarity, consistency, and conciseness without changing practice and procedure.

| ORIGINAL | REVISION |
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| | |
| Rule 1001. Scope of Rules and Forms; Short Title | Rule 1001. Scope; Title; Citations; References to a Specific Form |
| The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. The rules shall be cited as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms. These rules shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding. | <p>(a) In General. These rules, together with the bankruptcy forms, govern the procedure in cases under the Bankruptcy Code, Title 11 of the United States Code. They must be construed, administered, and employed by both the court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding.</p> <p>(b) Title. These rules should be referred to as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms.</p> <p>(c) Citations. In these rules, the Bankruptcy Code is cited with a section sign and number (§ 101). A rule is cited with “Rule” followed by the rule number (Rule 1001(a)).</p> <p>(d) References to a Specific Form. A reference to a “Form” followed by a number is a reference to an Official Bankruptcy Form.</p> |
| PART I—COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF | PART I. COMMENCING A BANKRUPTCY CASE; THE PETITION AND ORDER FOR RELIEF |

| ORIGINAL | REVISION |
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| Rule 1002. Commencement of Case | Rule 1002. Commencing a Bankruptcy Case |
| (a) PETITION. A petition commencing a case under the Code shall be filed with the clerk. | (a) In General. A bankruptcy case is commenced by filing a petition with the clerk. |
| (b) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall forthwith transmit to the United States trustee a copy of the petition filed pursuant to subdivision (a) of this rule. | (b) Copy to the United States Trustee. The clerk must promptly send a copy of the petition to the United States trustee. |

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| Rule 1003. Involuntary Petition | Rule 1003. Involuntary Petition: Transferred Claims; Joining Other Creditors; Additional Time to Join |
| (a) TRANSFEROR OR TRANSFEREE OF CLAIM. A transferor or transferee of a claim shall annex to the original and each copy of the petition a copy of all documents evidencing the transfer, whether transferred unconditionally, for security, or otherwise, and a signed statement that the claim was not transferred for the purpose of commencing the case and setting forth the consideration for and terms of the transfer. An entity that has transferred or acquired a claim for the purpose of commencing a case for liquidation under chapter 7 or for reorganization under chapter 11 shall not be a qualified petitioner. | (a) Transferred Claims. An entity that has transferred or acquired a claim for the purpose of commencing an involuntary case under Chapter 7 or Chapter 11 is not a qualified petitioner. A petitioner that has transferred or acquired a claim must attach to the petition and to any copy: <ul style="list-style-type: none"> (1) all documents evidencing the transfer, whether it was unconditional, for security, or otherwise; and (2) a signed statement that: <ul style="list-style-type: none"> (A) affirms that the claim was not transferred for the purpose of commencing the case; and (B) sets forth the consideration for the transfer and its terms. |
| (b) JOINDER OF PETITIONERS AFTER FILING. If the answer to an involuntary petition filed by fewer than three creditors avers the existence of 12 or more creditors, the debtor shall file with the answer a list of all creditors with their addresses, a brief statement of the nature of their claims, and the amounts thereof. If it appears that there are 12 or more creditors as provided in § 303(b) of the Code, the court shall afford a reasonable opportunity for other creditors to join in the petition before a hearing is held thereon. | (b) Joining Other Creditors After Filing. If an involuntary petition is filed by fewer than 3 creditors and the debtor's answer alleges the existence of 12 or more creditors as provided in § 303(b), the debtor must attach to the answer: <ul style="list-style-type: none"> (1) the names and addresses of all creditors; and (2) a brief statement of the nature and amount of each creditor's claim. (c) Additional Time to Join. If there appear to be 12 or more creditors, the court must allow a reasonable time for other creditors to join the petition before holding a hearing on it. |

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| Rule 1004. Involuntary Petition Against a Partnership | Rule 1004. Involuntary Petition Against a Partnership |
| <p>After filing of an involuntary petition under § 303(b)(3) of the Code, (1) the petitioning partners or other petitioners shall promptly send to or serve on each general partner who is not a petitioner a copy of the petition; and (2) the clerk shall promptly issue a summons for service on each general partner who is not a petitioner. Rule 1010 applies to the form and service of the summons.</p> | <p>A petitioner who files an involuntary petition against a partnership under § 303(b)(3) must promptly send the petition to—or serve a copy on—each general partner who is not a petitioner. The clerk must promptly issue a summons for service on any general partner who is not a petitioner. Rule 1010 governs the form and service of the summons.</p> |

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| Rule 1004.1. Petition for an Infant or Incompetent Person | Rule 1004.1. Voluntary Petition on Behalf of an Infant or Incompetent Person |
| <p>If an infant or incompetent person has a representative, including a general guardian, committee, conservator, or similar fiduciary, the representative may file a voluntary petition on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.</p> | <p>(a) Represented Infant or Incompetent Person. If an infant or an incompetent person has a representative—such as a general guardian, committee, conservator, or similar fiduciary—the representative may file a voluntary petition on behalf of the infant or incompetent person.</p> <p>(b) Unrepresented Infant or Incompetent Person. If an infant or an incompetent person does not have a representative:</p> <ol style="list-style-type: none"> (1) a next friend or guardian ad litem may file the petition; and (2) the court must appoint a guardian ad litem or issue any other order needed to protect the interests of the infant debtor or incompetent debtor. |

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| Rule 1004.2. Petition in Chapter 15 Cases | Rule 1004.2. Petition in a Chapter 15 Case |
| (a) DESIGNATING CENTER OF MAIN INTERESTS. A petition for recognition of a foreign proceeding under chapter 15 of the Code shall state the country where the debtor has its center of main interests. The petition shall also identify each country in which a foreign proceeding by, regarding, or against the debtor is pending. | (a) Designating the Center of Main Interests. A petition under Chapter 15 for recognition of a foreign proceeding must: <ol style="list-style-type: none"> (1) designate the country where the debtor has its center of main interests; and (2) identify each country in which a foreign proceeding is pending against, by, or regarding the debtor. |
| (b) CHALLENGING DESIGNATION. The United States trustee or a party in interest may file a motion for a determination that the debtor's center of main interests is other than as stated in the petition for recognition commencing the chapter 15 case. Unless the court orders otherwise, the motion shall be filed no later than seven days before the date set for the hearing on the petition. The motion shall be transmitted to the United States trustee and served on the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519 of the Code, all parties to litigation pending in the United States in which the debtor was a party as of the time the petition was filed, and such other entities as the court may direct. | (b) Challenging the Designation. The United States trustee or a party in interest may, by motion, challenge the designation. If the motion is filed by a party in interest, a copy must be sent to the United States trustee. Unless the court orders otherwise, the motion must be filed at least 7 days before the date set for the hearing on the petition. The motion must be served on: <ul style="list-style-type: none"> • the debtor; • all persons or bodies authorized to administer the debtor's foreign proceedings; • all entities against whom provisional relief is sought under § 1519; • all parties to pending United States litigation in which the debtor is a party when the petition is filed; and • any other entity as the court orders. |

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| Rule 1005. Caption of Petition | Rule 1005. Caption of a Petition; Title of the Case |
| <p>The caption of a petition commencing a case under the Code shall contain the name of the court, the title of the case, and the docket number. The title of the case shall include the following information about the debtor: name, employer identification number, last four digits of the social-security number or individual debtor's taxpayer-identification number, any other federal taxpayer-identification number, and all other names used within eight years before filing the petition. If the petition is not filed by the debtor, it shall include all names used by the debtor which are known to the petitioners.</p> | <p>(a) Caption and Title; Required Information. A petition's caption must contain the name of the court, the title of the case, and the docket number. The title must include the following information about the debtor:</p> <ol style="list-style-type: none"> (1) name; (2) employer-identification number; (3) the last 4 digits of the social-security number or individual taxpayer-identification number; (4) any other federal taxpayer-identification number; and (5) all other names the debtor has used within 8 years before the petition was filed. <p>(b) Petition Not Filed by Debtor. A petition not filed by the debtor must include all names that the petitioner knows have been used by the debtor.</p> |

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| Rule 1006. Filing Fee | Rule 1006. Filing Fee |
| <p>(a) GENERAL REQUIREMENT. Every petition shall be accompanied by the filing fee except as provided in subdivisions (b) and (c) of this rule. For the purpose of this rule, “filing fee” means the filing fee prescribed by 28 U.S.C. § 1930(a)(1)–(a)(5) and any other fee prescribed by the Judicial Conference of the United States under 28 U.S.C. § 1930(b) that is payable to the clerk upon the commencement of a case under the Code.</p> | <p>(a) In General. Unless (b) or (c) applies, every petition must be accompanied by:</p> <ol style="list-style-type: none"> (1) the filing fee required by 28 U.S.C. § 1930(a)(1)–(5); and (2) any other fee that the Judicial Conference of the United States requires under 28 U.S.C. § 1930(b) to be paid upon filing. |
| <p>(b) PAYMENT OF FILING FEE IN INSTALLMENTS.</p> <p>(1) Application to Pay Filing Fee in Installments. A voluntary petition by an individual shall be accepted for filing, regardless of whether any portion of the filing fee is paid, if accompanied by the debtor’s signed application, prepared as prescribed by the appropriate Official Form, stating that the debtor is unable to pay the filing fee except in installments.</p> <p>(2) Action on Application. Prior to the meeting of creditors, the court may order the filing fee paid to the clerk or grant leave to pay in installments and fix the number, amount and dates of payment. The number of installments shall not exceed four, and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition.</p> <p>(3) Postponement of Attorney’s Fees. All installments of the filing fee must be paid in full before the debtor or chapter 13 trustee may make further payments to an attorney or any other</p> | <p>(b) Paying by Installment.</p> <ol style="list-style-type: none"> (1) <i>Application to Pay by Installment.</i> The clerk must accept for filing an individual’s voluntary petition, regardless of whether any part of the filing fee is paid, if it is accompanied by a completed and signed application to pay in installments (Form 103A). (2) <i>Court Decision on Installments.</i> Before the meeting of creditors, the court may order payment of the entire filing fee or may order the debtor to pay it in installments, designating the number, amount, and payment dates. The number of payments must not exceed 4, and all payments must be made within 120 days after the petition is filed. The court may, for cause, extend the time to pay an installment, but the last one must be paid within 180 days after the petition is filed. (3) <i>Postponing Other Payments.</i> Until the filing fee has been paid in full, the debtor or Chapter 13 trustee must not make any further payment to an attorney or any other person who provides services to the debtor in connection with the case. |

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| person who renders services to the debtor in connection with the case. | |
| (c) WAIVER OF FILING FEE. A voluntary chapter 7 petition filed by an individual shall be accepted for filing if accompanied by the debtor's application requesting a waiver under 28 U.S.C. § 1930(f), prepared as prescribed by the appropriate Official Form. | (c) Waiving the Filing Fee. The clerk must accept for filing an individual's voluntary Chapter 7 petition if it is accompanied by a completed and signed application to waive the filing fee (Form 103B). |

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| Rule 1007. Lists, Schedules, Statements, and Other Documents; Time Limits | Rule 1007. Lists, Schedules, Statements, and Other Documents; Time to File |
| <p>(a) CORPORATE OWNERSHIP STATEMENT, LIST OF CREDITORS AND EQUITY SECURITY HOLDERS, AND OTHER LISTS.</p> <p>(1) Voluntary Case. In a voluntary case, the debtor shall file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H as prescribed by the Official Forms. If the debtor is a corporation, other than a governmental unit, the debtor shall file with the petition a corporate ownership statement containing the information described in Rule 7007.1. The debtor shall file a supplemental statement promptly upon any change in circumstances that renders the corporate ownership statement inaccurate.</p> <p>(2) Involuntary Case. In an involuntary case, the debtor shall file, within seven days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H as prescribed by the Official Forms.</p> <p>(3) Equity Security Holders. In a chapter 11 reorganization case, unless the court orders otherwise, the debtor shall file within 14 days after entry of the order for relief a list of the debtor's equity security holders of each class showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder.</p> <p>(4) Chapter 15 Case. In addition to the documents required under § 1515</p> | <p>(a) Lists of Names and Addresses.</p> <p>(1) <i>Voluntary Case.</i> In a voluntary case, the debtor must file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H of the Official Bankruptcy Forms. Unless it is a governmental unit, a corporate debtor must:</p> <p>(A) include a corporate-ownership statement containing the information described in Rule 7007.1; and</p> <p>(B) promptly file a supplemental statement if changed circumstances make the original statement inaccurate.</p> <p>(2) <i>Involuntary Case.</i> Within 7 days after the order for relief has been entered in an involuntary case, the debtor must file a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H of the Official Bankruptcy Forms.</p> <p>(3) <i>Chapter 11—List of Equity Security Holders.</i> Unless the court orders otherwise, a Chapter 11 debtor must, within 14 days after the order for relief is entered, file a list of the debtor's equity security holders by class. The list must show the number and type of interests registered in each holder's name, along with the holder's last known address or place of business.</p> <p>(4) <i>Chapter 15—Information Required from a Foreign Representative.</i> If a foreign representative files a petition under Chapter 15 for recognition of a foreign proceeding, the representative</p> |

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| <p>of the Code, a foreign representative filing a petition for recognition under chapter 15 shall file with the petition: (A) a corporate ownership statement containing the information described in Rule 7007.1; and (B) unless the court orders otherwise, a list containing the names and addresses of all persons or bodies authorized to administer foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and all entities against whom provisional relief is being sought under § 1519 of the Code.</p> <p>(5) Extension of Time. Any extension of time for the filing of the lists required by this subdivision may be granted only on motion for cause shown and on notice to the United States trustee and to any trustee, committee elected under § 705 or appointed under § 1102 of the Code, or other party as the court may direct.</p> | <p>must—in addition to the documents required by § 1515—include with the petition:</p> <p>(A) a corporate-ownership statement containing the information described in Rule 7007.1; and</p> <p>(B) unless the court orders otherwise, a list containing the names and addresses of:</p> <p>(i) all persons or bodies authorized to administer the debtor’s foreign proceedings;</p> <p>(ii) all parties to pending United States litigation in which the debtor was a party when the petition was filed; and</p> <p>(iii) all entities against whom provisional relief is sought under § 1519.</p> <p>(5) <i>Extending the Time to File.</i> On motion and for cause, the court may extend the time to file any list required by this Rule 1007(a). Notice of the motion must be given to:</p> <ul style="list-style-type: none"> • the United States trustee; • any trustee; • any committee elected under § 705 or appointed under § 1102; and • any other party as the court orders. |
| <p>(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.</p> <p>(1) Except in a chapter 9 municipality case, the debtor, unless the court orders otherwise, shall file the following schedules, statements, and other documents, prepared as prescribed</p> | <p>(b) Schedules, Statements, and Other Documents.</p> <p>(1) <i>In General.</i> Except in a Chapter 9 case or when the court orders otherwise, the debtor must file—prepared as prescribed by the appropriate Official Form, if any—</p> <p>(A) a schedule of assets and liabilities;</p> |

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| <p>by the appropriate Official Forms, if any:</p> <ul style="list-style-type: none"> (A) schedules of assets and liabilities; (B) a schedule of current income and expenditures; (C) a schedule of executory contracts and unexpired leases; (D) a statement of financial affairs; (E) copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within 60 days before the filing of the petition, with redaction of all but the last four digits of the debtor's social security number or individual taxpayer-identification number; and (F) a record of any interest that the debtor has in an account or program of the type specified in § 521(c) of the Code. <p>(2) An individual debtor in a chapter 7 case shall file a statement of intention as required by § 521(a) of the Code, prepared as prescribed by the appropriate Official Form. A copy of the statement of intention shall be served on the trustee and the creditors named in the statement on or before the filing of the statement.</p> <p>(3) Unless the United States trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, an individual debtor must file a statement of compliance with the credit counseling requirement, prepared as prescribed by the appropriate Official Form which must include one of the following:</p> | <ul style="list-style-type: none"> (B) a schedule of current income and expenditures; (C) a schedule of executory contracts and unexpired leases; (D) a statement of financial affairs; (E) copies of all payment advices or other evidence of payment that the debtor received from any employer within 60 days before the petition was filed—with all but the last 4 digits of the debtor's social-security number or individual taxpayer-identification number deleted; and (F) a record of the debtor's interest, if any, in an account or program of the type specified in § 521(c). <p>(2) <i>Statement of Intention.</i> In a Chapter 7 case, an individual debtor must:</p> <ul style="list-style-type: none"> (A) file the statement of intention required by § 521(a) (Form 108); and (B) before or upon filing, serve a copy on the trustee and the creditors named in the statement. <p>(3) <i>Credit-Counseling Statement.</i> Unless the United States trustee has determined that the requirement to file a credit-counseling statement under § 109(h) does not apply in the district, an individual debtor must file a statement of compliance (included in Form 101). The debtor must include one of the following:</p> <ul style="list-style-type: none"> (A) a certificate and any debt-repayment plan required by § 521(b); (B) a statement that the debtor has received the credit-counseling |

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| <p>(A) an attached certificate and debt repayment plan, if any, required by § 521(b);</p> <p>(B) a statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);</p> <p>(C) a certification under § 109(h)(3); or</p> <p>(D) a request for a determination by the court under § 109(h)(4).</p> <p>(4) Unless § 707(b)(2)(D) applies, an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.</p> <p>(5) An individual debtor in a chapter 11 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.</p> <p>(6) A debtor in a chapter 13 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, a calculation of disposable income made in accordance with § 1325(b)(3), prepared as prescribed by the appropriate Official Form.</p> | <p>briefing required by § 109(h)(1), but does not have a § 521(b) certificate;</p> <p>(C) a certification under § 109(h)(3); or</p> <p>(D) a request for a court determination under § 109(h)(4).</p> <p>(4) <i>Current Monthly Income—Chapter 7.</i> Unless § 707(b)(2)(D) applies, an individual debtor in a Chapter 7 case must:</p> <p>(A) file a statement of current monthly income (Form 122A-1); and</p> <p>(B) if that income exceeds the median family income for the debtor’s state and household size, file the Chapter 7 means-test calculation (Form 122A-2).</p> <p>(5) <i>Current Monthly Income—Chapter 11.</i> An individual debtor in a Chapter 11 case must file a statement of current monthly income (Form 122B).</p> <p>(6) <i>Current Monthly Income—Chapter 13.</i> A debtor in a Chapter 13 case must:</p> <p>(A) file a statement of current monthly income (Form 122C-1); and</p> <p>(B) if that income exceeds the median family income for the debtor’s state and household size, file the Chapter 13 calculation of disposable income (Form 122C-2).</p> <p>(7) <i>Personal Financial-Management Course.</i> Unless an approved provider has notified the court that the debtor has completed a course in personal financial management after filing the petition, an individual debtor in a Chapter 7 or Chapter 13 case—or in a Chapter 11 case in which § 1141(d)(3)</p> |

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| <p>(7) Unless an approved provider of an instructional course concerning personal financial management has notified the court that a debtor has completed the course after filing the petition:</p> <p>(A) An individual debtor in a chapter 7 or chapter 13 case shall file a statement of completion of the course, prepared as prescribed by the appropriate Official Form; and</p> <p>(B) An individual debtor in a chapter 11 case shall file the statement if § 1141(d)(3) applies.</p> <p>(8) If an individual debtor in a chapter 11, 12, or 13 case has claimed an exemption under § 522(b)(3)(A) in property of the kind described in § 522(p)(1) with a value in excess of the amount set out in § 522(q)(1), the debtor shall file a statement as to whether there is any proceeding pending in which the debtor may be found guilty of a felony of a kind described in § 522(q)(1)(A) or found liable for a debt of the kind described in § 522(q)(1)(B).</p> | <p>applies—must file a statement that such a course has been completed (Form 423).</p> <p>(8) <i>Limitation on Homestead Exemption.</i> This Rule 1007(b)(8) applies if an individual debtor in a Chapter 11, 12, or 13 case claims an exemption under § 522(b)(3)(A) in property of the type described in § 522(p)(1) and the property value exceeds the amount specified in § 522(q)(1). The debtor must file a statement about any pending proceeding in which the debtor may be found:</p> <p>(A) guilty of the type of felony described in § 522(q)(1)(A); or</p> <p>(B) liable for the type of debt described in § 522(q)(1)(B).</p> |
| <p>(c) TIME LIMITS. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days after the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who</p> | <p>(c) Time to File.</p> <p>(1) <i>Voluntary Case—Various Documents.</i> Unless (d), (e), (f), or (h) provides otherwise, the debtor in a voluntary case must file the documents required by (b)(1), (b)(4), (b)(5), and (b)(6) with the petition or within 14 days after it is filed.</p> <p>(2) <i>Involuntary Case—Various Documents.</i> In an involuntary case, the debtor must file the documents required by (b)(1) within 14 days after the order for relief is entered.</p> <p>(3) <i>Credit-Counseling Documents.</i> In a voluntary case, the documents required by (b)(3)(A), (C), or (D) must be filed</p> |

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| <p>has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier 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), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.</p> | <p>with the petition. Unless the court orders otherwise, a debtor who has filed a statement under (b)(3)(B) must file the documents required by (b)(3)(A) within 14 days after the order for relief is entered.</p> <p>(4) <i>Financial-Management Course.</i> Unless the court extends the time to file, an individual debtor must file the statement required by (b)(7) as follows:</p> <p>(A) in a Chapter 7 case, within 60 days after the first date set for the meeting of creditors under § 341; and</p> <p>(B) in a Chapter 11 or Chapter 13 case, before the last payment is made under the plan or before a motion for a discharge is filed under § 1141(d)(5)(B) or § 1328(b).</p> <p>(5) <i>Limitation on Homestead Exemption.</i> The debtor must file the statement required by (b)(8) no earlier than the date of the last payment made under the plan, or the date a motion for a discharge is filed under § 1141(d)(5)(B), 1228(b), or 1328(b).</p> <p>(6) <i>Documents in a Converted Case.</i> Unless the court orders otherwise, a document filed before a case is converted to another chapter is considered filed in the converted case.</p> <p>(7) <i>Extending the Time to File.</i> Except as § 1116(3) provides otherwise, the court, on motion and for cause, may extend the time to file a document under this rule. The movant must give notice of the motion to:</p> <ul style="list-style-type: none"> • the United States trustee; • any committee elected under § 705 or appointed under § 1102; and |

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| | <ul style="list-style-type: none"> • any trustee, examiner, and other party as the court directs. <p>If the motion is granted, notice must be given to the United States trustee and to any committee, trustee, and other party as the court orders.</p> |
| <p>(d) LIST OF 20 LARGEST CREDITORS IN CHAPTER 9 MUNICIPALITY CASE OR CHAPTER 11 REORGANIZATION CASE. In addition to the list required by subdivision (a) of this rule, a debtor in a chapter 9 municipality case or a debtor in a voluntary chapter 11 reorganization case shall file with the petition a list containing the name, address and claim of the creditors that hold the 20 largest unsecured claims, excluding insiders, as prescribed by the appropriate Official Form. In an involuntary chapter 11 reorganization case, such list shall be filed by the debtor within 2 days after entry of the order for relief under § 303(h) of the Code.</p> | <p>(d) List of the 20 Largest Unsecured Creditors in a Chapter 9 or Chapter 11 Case. In addition to the lists required by (a), a debtor in a Chapter 9 case or in a voluntary Chapter 11 case must file with the petition a list containing the names, addresses, and claims of the creditors that hold the 20 largest unsecured claims, excluding insiders as prescribed by the appropriate Official Form (Form 104 or 204). In an involuntary Chapter 11 case, the debtor must file the list within 2 days after the order for relief is entered under § 303(h).</p> |
| <p>(e) LIST IN CHAPTER 9 MUNICIPALITY CASES. The list required by subdivision (a) of this rule shall be filed by the debtor in a chapter 9 municipality case within such time as the court shall fix. If a proposed plan requires a revision of assessments so that the proportion of special assessments or special taxes to be assessed against some real property will be different from the proportion in effect at the date the petition is filed, the debtor shall also file a list showing the name and address of each known holder of title, legal or equitable, to real property adversely affected. On motion for cause shown, the court may modify the requirements of this subdivision and subdivision (a) of this rule.</p> | <p>(e) Chapter 9 Lists. In a Chapter 9 case, the court must set the time for the debtor to file a list required by (a). If a proposed plan requires the assessments on real estate to be revised so that the proportion of special assessments or special taxes for some property will be different from the proportion in effect when the petition is filed, the debtor must also file a list that shows—for each adversely affected property—the name and address of each known holder of title, both legal and equitable. On motion and for cause, the court may modify the requirements of this Rule 1007(e) and those of (a).</p> |

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| <p>(f) STATEMENT OF SOCIAL SECURITY NUMBER. An individual debtor shall submit a verified statement that sets out the debtor’s social security number, or states that the debtor does not have a social security number. In a voluntary case, the debtor shall submit the statement with the petition. In an involuntary case, the debtor shall submit the statement within 14 days after the entry of the order for relief.</p> | <p>(f) Social-Security Number. In a voluntary case, an individual debtor must submit with the petition a statement that gives the debtor’s social-security number or states that the debtor does not have one (Form 121). In an involuntary case, the debtor must submit the statement within 14 days after the order for relief is entered.</p> |
| <p>(g) PARTNERSHIP AND PARTNERS. The general partners of a debtor partnership shall prepare and file the list required under subdivision (a), schedules of the assets and liabilities, schedule of current income and expenditures, schedule of executory contracts and unexpired leases, and statement of financial affairs of the partnership. The court may order any general partner to file a statement of personal assets and liabilities within such time as the court may fix.</p> | <p>(g) Partnership Case. The general partners of a debtor partnership must file for the partnership the list required by (a) and the documents required by (b)(1)(A)–(D). The court may order any general partner to file a statement of personal assets and liabilities and may set the deadline for doing so.</p> |
| <p>(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. The duty to file a supplemental schedule in accordance</p> | <p>(h) Interests in Property Acquired or Arising After a Petition Is Filed. After the petition is filed, in a Chapter 7, 11, 12, or 13 case, if the debtor acquires—or becomes entitled to acquire—an interest in property described in § 541(a)(5), the debtor must file a supplemental schedule and include any claimed exemption. Unless the court allows additional time, the debtor must file the schedule within 14 days after learning about the property interest. This duty continues even after the case is closed, except for property acquired after a plan is confirmed in a Chapter 11 case or a discharge is granted in a Chapter 12 or 13 case.</p> |

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| <p>with this subdivision continues notwithstanding the closing of the case, except that the schedule need not be filed in a chapter 11, chapter 12, or chapter 13 case with respect to property acquired after entry of the order confirming a chapter 11 plan or discharging the debtor in a chapter 12 or chapter 13 case.</p> | |
| <p>(i) DISCLOSURE OF LIST OF SECURITY HOLDERS. After notice and hearing and for cause shown, the court may direct an entity other than the debtor or trustee to disclose any list of security holders of the debtor in its possession or under its control, indicating the name, address and security held by any of them. The entity possessing this list may be required either to produce the list or a true copy thereof, or permit inspection or copying, or otherwise disclose the information contained on the list.</p> | <p>(i) Security Holders Known to Others. After notice and a hearing and for cause, the court may direct an entity other than the debtor or trustee to:</p> <ol style="list-style-type: none"> (1) disclose any list of the debtor's security holders in its possession or under its control by: <ol style="list-style-type: none"> (A) producing the list or a copy of it; (B) allowing inspection or copying; or (C) making any other disclosure; and (2) indicate the name, address, and security held by each of them. |
| <p>(j) IMPOUNDING OF LISTS. On motion of a party in interest and for cause shown the court may direct the impounding of the lists filed under this rule, and may refuse to permit inspection by any entity. The court may permit inspection or use of the lists, however, by any party in interest on terms prescribed by the court.</p> | <p>(j) Impounding Lists. On motion of a party in interest and for cause, the court may impound any list filed under this rule and may refuse inspection. But the court may permit a party in interest to inspect or use an impounded list on terms prescribed by the court.</p> |
| <p>(k) PREPARATION OF LIST, SCHEDULES, OR STATEMENTS ON DEFAULT OF DEBTOR. If a list, schedule, or statement, other than a statement of intention, is not prepared and filed as required by this rule, the court may order the trustee, a petitioning creditor, committee, or other party to prepare and file any of these</p> | <p>(k) Debtor's Failure to File a Required Document. If a debtor fails to properly prepare and file a list, schedule, or statement (other than a statement of intention) as required by this rule, the court may order:</p> |

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| papers within a time fixed by the court. The court may approve reimbursement of the cost incurred in complying with such an order as an administrative expense. | <p>(1) that the trustee, a petitioning creditor, a committee, or other party to do so within the time set by the court; and</p> <p>(2) that the cost incurred be reimbursed as an administrative expense.</p> |
| (l) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall forthwith transmit to the United States trustee a copy of every list, schedule, and statement filed pursuant to subdivision (a)(1), (a)(2), (b), (d), or (h) of this rule. | (l) Copies to the United States Trustee. The clerk must promptly send to the United States trustee a copy of every list, schedule, or statement filed under (a)(1), (a)(2), (b), (d), or (h). |
| (m) INFANTS AND INCOMPETENT PERSONS. If the debtor knows that a person on the list of creditors or schedules is an infant or incompetent person, the debtor also shall include the name, address, and legal relationship of any person upon whom process would be served in an adversary proceeding against the infant or incompetent person in accordance with Rule 7004(b)(2). | (m) Infant or Incompetent Person. If a debtor knows that a person named in a list of creditors or in a schedule is an infant or is incompetent, the debtor must include the name, address, and legal relationship of any person on whom process would be served in an adversary proceeding against that person under Rule 7004(b)(2). |

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| Rule 1008. Verification of Petitions and Accompanying Papers | Rule 1008. Requirement to Verify Petitions and Accompanying Documents |
| All petitions, lists, schedules, statements and amendments thereto shall be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746. | A petition, list, schedule, statement, and any amendment must be verified or must contain an unsworn declaration under 28 U.S.C. § 1746. |

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| Rule 1009. Amendments of Voluntary Petitions, Lists, Schedules and Statements | Rule 1009. Amending a Voluntary Petition, List, Schedule, or Statement |
| (a) GENERAL RIGHT TO AMEND. A voluntary petition, list, schedule, or statement may be amended by the debtor as a matter of course at any time before the case is closed. The debtor shall give notice of the amendment to the trustee and to any entity affected thereby. On motion of a party in interest, after notice and a hearing, the court may order any voluntary petition, list, schedule, or statement to be amended and the clerk shall give notice of the amendment to entities designated by the court. | (a) In General. (1) <i>By a Debtor.</i> A debtor may amend a voluntary petition, list, schedule, or statement at any time before the case is closed. The debtor must give notice of the amendment to the trustee and any affected entity. (2) <i>By a Party in Interest.</i> On motion of a party in interest and after notice and a hearing, the court may order a voluntary petition, list, schedule, or statement to be amended. The clerk must give notice of the amendment to entities that the court designates. |
| (b) STATEMENT OF INTENTION. The statement of intention may be amended by the debtor at any time before the expiration of the period provided in § 521(a) of the Code. The debtor shall give notice of the amendment to the trustee and to any entity affected there-by. | (b) Amending a Statement of Intention. A debtor may amend a statement of intention at any time before the time provided in § 521(a)(2) expires. The debtor must give notice of the amendment to the trustee and any affected entity. |
| (c) STATEMENT OF SOCIAL SECURITY NUMBER. If a debtor becomes aware that the statement of social security number submitted under Rule 1007(f) is incorrect, the debtor shall promptly submit an amended verified statement setting forth the correct social security number. The debtor shall give notice of the amendment to all of the entities required to be included on the list filed under Rule 1007(a)(1) or (a)(2). | (c) Incorrect Social-Security Number. If a debtor learns that a social-security number shown on the statement submitted under Rule 1007(f) is incorrect, the debtor must: (1) promptly submit an amended statement with the correct number (Form 121); and (2) give notice of the amendment to all entities required to be listed under Rule 1007(a)(1) or (a)(2). |
| (d) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall promptly transmit to the United States trustee a copy of every amendment filed | (d) Copy to the United States Trustee. The clerk must promptly send a copy of every amendment filed under this rule to the United States trustee. |

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| or submitted under subdivision (a), (b), or (c) of this rule. | |

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| Rule 1010. Service of Involuntary Petition and Summons | Rule 1010. Serving an Involuntary Petition and Summons |
| (a) SERVICE OF INVOLUNTARY PETITION AND SUMMONS. On the filing of an involuntary petition, the clerk shall forthwith issue a summons for service. When an involuntary petition is filed, service shall be made on the debtor. The summons shall be served with a copy of the petition in the manner provided for service of a summons and complaint by Rule 7004(a) or (b). If service cannot be so made, the court may order that the summons and petition be served by mailing copies to the party's last known address, and by at least one publication in a manner and form directed by the court. The summons and petition may be served on the party anywhere. Rule 7004(e) and Rule 4(l) F.R.Civ.P. apply when service is made or attempted under this rule. | (a) In General. After an involuntary petition has been filed, the clerk must promptly issue a summons for service on the debtor. The summons must be served with a copy of the petition in the manner that Rule 7004(a) and (b) provide for service of a summons and complaint. If service cannot be so made, the court may order service by mail to the debtor's last known address, and by at least one publication as the court orders. Service may be made anywhere. Rule 7004(e) and Fed. R. Civ. P. 4(j) govern service. |
| (b) CORPORATE OWNERSHIP STATEMENT. Each petitioner that is a corporation shall file with the involuntary petition a corporate ownership statement containing the information described in Rule 7007.1. | (b) Corporate-Ownership Statement. A corporation that files an involuntary petition must file and serve with the petition a corporate-ownership statement containing the information described in Rule 7007.1. |

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| Rule 1011. Responsive Pleading or Motion in Involuntary Cases | Rule 1011. Responsive Pleading in an Involuntary Case; Effect of a Motion |
| (a) WHO MAY CONTEST PETITION. The debtor named in an involuntary petition may contest the petition. In the case of a petition against a partnership under Rule 1004, a nonpetitioning general partner, or a person who is alleged to be a general partner but denies the allegation, may contest the petition. | (a) Who May Contest a Petition. A debtor may contest an involuntary petition filed against it. In a partnership case under Rule 1004, a nonpetitioning general partner—or a person who is alleged to be a general partner but denies the allegation—may contest the petition. |
| (b) DEFENSES AND OBJECTIONS; WHEN PRESENTED. Defenses and objections to the petition shall be presented in the manner prescribed by Rule 12 F.R.Civ.P. and shall be filed and served within 21 days after service of the summons, except that if service is made by publication on a party or partner not residing or found within the state in which the court sits, the court shall prescribe the time for filing and serving the response. | (b) Defenses and Objections; Time to File. A defense or objection to the petition must be presented as prescribed by Fed. R. Civ. P. 12. It must be filed and served within 21 days after the summons is served. But if service is made by publication on a party or partner who does not reside in—or cannot be found in—the state where the court sits, the court must set the time to file and serve the answer. |
| (c) EFFECT OF MOTION. Service of a motion under Rule 12(b) F.R.Civ.P. shall extend the time for filing and serving a responsive pleading as permitted by Rule 12(a) F.R.Civ.P. | (c) Effect of a Motion. Serving a motion under Fed. R. Civ. P. 12(b) extends the time to file and serve an answer as Fed. R. Civ. P. 12(a) permits. |
| (d) CLAIMS AGAINST PETITIONERS. A claim against a petitioning creditor may not be asserted in the answer except for the purpose of defeating the petition. | (d) Debtor's Claim Against a Petitioning Creditor. A debtor's answer must not assert a claim against a petitioning creditor except to defeat the petition. |
| (e) OTHER PLEADINGS. No other pleadings shall be permitted, except that the court may order a reply to an answer and prescribe the time for filing and service. | (e) Limit on Pleadings. No pleading other than an answer to the petition is allowed, but the court may order a reply to an answer and set the time for filing and service. |
| (f) CORPORATE OWNERSHIP STATEMENT. If the entity responding to the involuntary petition is a | (f) Corporate-Ownership Statement. A corporation that responds to the petition must file a corporate-ownership statement |

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| <p>corporation, the entity shall file with its first appearance, pleading, motion, response, or other request addressed to the court a corporate ownership statement containing the information described in Rule 7007.1.</p> | <p>containing the information described in Rule 7007.1. The corporation must do so with its first appearance, pleading, motion, response, or other first request to the court.</p> |

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| Rule 1012. Responsive Pleading in Cross-Border Cases | Rule 1012. Contesting a Petition in a Chapter 15 Case |
| (a) WHO MAY CONTEST PETITION. The debtor or any party in interest may contest a petition for recognition of a foreign proceeding. | (a) Who May Contest the Petition. A debtor or a party in interest may contest a Chapter 15 petition for recognition of a foreign proceeding. |
| (b) OBJECTIONS AND RESPONSES; WHEN PRESENTED. Objections and other responses to the petition shall be presented no later than seven days before the date set for the hearing on the petition, unless the court prescribes some other time or manner for responses. | (b) Time to File a Response. Unless the court sets a different time, a response to the petition must be filed at least 7 days before the date set for a hearing on the petition. |
| (c) CORPORATE OWNERSHIP STATEMENT. If the entity responding to the petition is a corporation, then the entity shall file a corporate ownership statement containing the information described in Rule 7007.1 with its first appearance, pleading, motion, response, or other request addressed to the court. | (c) Corporate-Ownership Statement. A corporation that responds to the petition must file a corporate-ownership statement containing the information described in Rule 7007.1. The corporation must do so with its first appearance, pleading, motion, response, or other first request to the court. |

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| Rule 1013. Hearing and Disposition of a Petition in an Involuntary Case | Rule 1013. Contested Petition in an Involuntary Case; Default |
| (a) CONTESTED PETITION. The court shall determine the issues of a contested petition at the earliest practicable time and forthwith enter an order for relief, dismiss the petition, or enter any other appropriate order. | (a) Hearing and Disposition. When a petition in an involuntary case is contested, the court must: <ul style="list-style-type: none"> (1) rule on the issues presented at the earliest practicable time; and (2) promptly issue an order for relief, dismiss the petition, or issue any other appropriate order. |
| (b) DEFAULT. If no pleading or other defense to a petition is filed within the time provided by Rule 1011, the court, on the next day, or as soon thereafter as practicable, shall enter an order for the relief requested in the petition. | (b) Default. If the petition is not contested within the time allowed by Rule 1011, the court must issue the order for relief on the next day or as soon as practicable. |
| [(c) ORDER FOR RELIEF] | |

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| Rule 1014. Dismissal and Change of Venue | Rule 1014. Transferring a Case to Another District; Dismissing a Case Improperly Filed |
| <p>(a) DISMISSAL AND TRANSFER OF CASES.</p> <p>(1) Cases Filed in Proper District. If a petition is filed in the proper district, the court, on the timely motion of a party in interest or on its own motion, and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, may transfer the case to any other district if the court determines that the transfer is in the interest of justice or for the convenience of the parties.</p> <p>(2) Cases Filed in Improper District. If a petition is filed in an improper district, the court, on the timely motion of a party in interest or on its own motion, and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, may dismiss the case or transfer it to any other district if the court determines that transfer is in the interest of justice or for the convenience of the parties.</p> | <p>(a) Dismissal or Transfer.</p> <p>(1) <i>Petitions Filed in the Proper District.</i> If a petition is filed in the proper district, the court may transfer the case to another district in the interest of justice or for the parties' convenience. The court may do so:</p> <p>(A) on its own or on timely motion of a party in interest; and</p> <p>(B) only after a hearing on notice to the petitioner, United States trustee, and other entities as the court orders.</p> <p>(2) <i>Petitions Filed in an Improper District.</i> If a petition is filed in an improper district, the court may dismiss the case or may transfer it to another district on the same grounds and under the same procedures as stated in (1).</p> |
| <p>(b) PROCEDURE WHEN PETITIONS INVOLVING THE SAME DEBTOR OR RELATED DEBTORS ARE FILED IN DIFFERENT COURTS. If petitions commencing cases under the Code or seeking recognition under chapter 15 are filed in different districts by, regarding, or against (1) the same debtor, (2) a partnership and one or more of its general partners, (3) two or more general partners, or (4) a debtor and an affiliate, the court in the district in which the first-filed petition is pending may determine, in the interest of justice or</p> | <p>(b) Petitions Involving the Same or Related Debtors Filed in Different Districts.</p> <p>(1) <i>Scope.</i> This Rule 1014(b) applies if petitions commencing cases or seeking recognition under Chapter 15 are filed in different districts by, regarding, or against:</p> <p>(A) the same debtor;</p> <p>(B) a partnership and one or more of its general partners;</p> <p>(C) two or more general partners; or</p> <p>(D) a debtor and an affiliate.</p> |

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| <p>for the convenience of the parties, the district or districts in which any of the cases should proceed. The court may so determine on motion and after a hearing, with notice to the following entities in the affected cases: the United States trustee, entities entitled to notice under Rule 2002(a), and other entities as the court directs. The court may order the parties to the later-filed cases not to proceed further until it makes the determination.</p> | <p>(2) <i>Court Action.</i> The court in the district in which the first petition is filed may determine the district or districts in which the cases should proceed in the interest of justice or for the parties' convenience. The court may do so on timely motion and after a hearing on notice to:</p> <ul style="list-style-type: none"> • the United States trustee; • entities entitled to notice under Rule 2002(a); and • other entities as the court orders. <p>(3) <i>Later-Filed Petitions.</i> The court may order the parties in a case commenced by a later-filed petition not to proceed further until the motion is decided.</p> |

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| Rule 1015. Consolidation or Joint Administration of Cases Pending in Same Court | Rule 1015. Consolidating or Jointly Administering Cases Pending in the Same District |
| (a) CASES INVOLVING SAME DEBTOR. If two or more petitions by, regarding, or against the same debtor are pending in the same court, the court may order consolidation of the cases. | (a) Consolidating Cases Involving the Same Debtor. The court may consolidate two or more cases regarding or brought by or against the same debtor that are pending in its district. |
| (b) CASES INVOLVING TWO OR MORE RELATED DEBTORS. If a joint petition or two or more petitions are pending in the same court by or against (1) spouses, or (2) a partnership and one or more of its general partners, or (3) two or more general partners, or (4) a debtor and an affiliate, the court may order a joint administration of the estates. Prior to entering an order the court shall give consideration to protecting creditors of different estates against potential conflicts of interest. An order directing joint administration of individual cases of spouses shall, if one spouse has elected the exemptions under § 522(b)(2) of the Code and the other has elected the exemptions under § 522(b)(3), fix a reasonable time within which either may amend the election so that both shall have elected the same exemptions. The order shall notify the debtors that unless they elect the same exemptions within the time fixed by the court, they will be deemed to have elected the exemptions provided by § 522(b)(2). | (b) Jointly Administering Cases Involving Related Debtors; Exemptions of Spouses; Protective Orders to Avoid Conflicts of Interest. (1) <i>In General.</i> The court may order joint administration of the estates in a joint case or in two or more cases pending in the court if they are brought by or against: (A) spouses; (B) a partnership and one or more of its general partners; (C) two or more general partners; or (D) a debtor and an affiliate. (2) <i>Potential Conflicts of Interest.</i> Before issuing a joint-administration order, the court must consider how to protect the creditors of different estates against potential conflicts of interest. (3) <i>Exemptions in Cases Involving Spouses.</i> If spouses have filed separate petitions, with one electing exemptions under § 522(b)(2) and the other under § 522(b)(3), and the court orders joint administration, that order must: (A) set a reasonable time for the debtors to elect the same exemptions; and |

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| | (B) advise the debtors that if they fail to do so, they will be considered to have elected exemptions under § 522(b)(2). |
| (c) EXPEDITING AND PROTECTIVE ORDERS. When an order for consolidation or joint administration of a joint case or two or more cases is entered pursuant to this rule, while protecting the rights of the parties under the Code, the court may enter orders as may tend to avoid unnecessary costs and delay. | (c) Protective Orders to Avoid Unnecessary Costs and Delay. When cases are consolidated or jointly administered, the court may issue orders to avoid unnecessary costs and delay while still protecting the parties' rights under the Code. |

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| Rule 1016. Death or Incompetency of Debtor | Rule 1016. Death or Incompetency of a Debtor |
| <p>Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. If a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.</p> | <p>(a) Chapter 7 Case. In a Chapter 7 case, the debtor's death or incompetency does not abate the case. The case continues, as far as possible, as though the death or incompetency had not occurred.</p> <p>(b) Chapter 11, 12, or 13 Case. Upon the debtor's death or incompetency in a Chapter 11, 12, or 13 case, the court may dismiss the case or may continue it if further administration is possible and is in the parties' best interests. If the court chooses to continue, it must do so, as far as possible, as though the death or incompetency had not occurred.</p> |

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| Rule 1017. Dismissal or Conversion of Case; Suspension | Rule 1017. Dismissing a Case; Suspending Proceedings; Converting a Case to Another Chapter |
| (a) VOLUNTARY DISMISSAL; DISMISSAL FOR WANT OF PROSECUTION OR OTHER CAUSE. Except as provided in §§ 707(a)(3), 707(b), 1208(b), and 1307(b) of the Code, and in Rule 1017(b), (c), and (e), a case shall not be dismissed on motion of the petitioner, for want of prosecution or other cause, or by consent of the parties, before a hearing on notice as provided in Rule 2002. For the purpose of the notice, the debtor shall file a list of creditors with their addresses within the time fixed by the court unless the list was previously filed. If the debtor fails to file the list, the court may order the debtor or another entity to prepare and file it. | (a) Dismissing a Case. Except as provided in § 707(a)(3), 707(b), 1208(b), or 1307(b), or in Rule 1017(b), (c), or (e), the court must conduct a hearing on notice under Rule 2002 before dismissing a case for any reason. For the purpose of the notice, a debtor who has not already done so must, before the court’s deadline, file a list of creditors and their addresses. If the debtor fails to timely file the list, the court may order the debtor or another entity to do so. |
| (b) DISMISSAL FOR FAILURE TO PAY FILING FEE. (1) If any installment of the filing fee has not been paid, the court may, after a hearing on notice to the debtor and the trustee, dismiss the case. (2) If the case is dismissed or closed without full payment of the filing fee, the installments collected shall be distributed in the same manner and proportions as if the filing fee had been paid in full. | (b) Dismissing a Case for Failure to Pay an Installment Toward the Filing Fee. If the debtor fails to pay any installment toward the filing fee, the court may dismiss the case after a hearing on notice to the debtor and trustee. If the court dismisses or closes the case without full payment of the filing fee, previous installment payments must be distributed as if full payment had been made. |
| (c) DISMISSAL OF VOLUNTARY CHAPTER 7 OR CHAPTER 13 CASE FOR FAILURE TO TIMELY FILE LIST OF CREDITORS, SCHEDULES, AND STATEMENT OF FINANCIAL AFFAIRS. The court may dismiss a voluntary chapter 7 or chapter 13 case under § 707(a)(3) or § 1307(c)(9) after a hearing on notice served by the United | (c) Dismissing a Voluntary Chapter 7 or Chapter 13 Case for Failure to File a Document on Time. On motion of the United States trustee, the court may dismiss a voluntary Chapter 7 case under § 707(a)(3), or a Chapter 13 case under § 1307(c)(9), for a failure to timely file the information required by § 521(a)(1). But the court may do so only after a hearing on |

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| States trustee on the debtor, the trustee, and any other entities as the court directs. | notice served by the United States trustee on the debtor, trustee, and any other entity as the court orders. |
| (d) SUSPENSION. The court shall not dismiss a case or suspend proceedings under § 305 before a hearing on notice as provided in Rule 2002(a). | (d) Dismissing a Case or Suspending Proceedings Under § 305. The court may dismiss a case or suspend proceedings under § 305 only after a hearing on notice under Rule 2002(a). |
| <p>(e) DISMISSAL OF AN INDIVIDUAL DEBTOR'S CHAPTER 7 CASE, OR CONVERSION TO A CASE UNDER CHAPTER 11 OR 13, FOR ABUSE. The court may dismiss or, with the debtor's consent, convert an individual debtor's case for abuse under § 707(b) only on motion and after a hearing on notice to the debtor, the trustee, the United States trustee, and any other entity as the court directs.</p> <p>(1) Except as otherwise provided in § 704(b)(2), a motion to dismiss a case for abuse under § 707(b) or (c) may be filed only within 60 days after the first date set for the meeting of creditors under § 341(a), unless, on request filed before the time has expired, the court for cause extends the time for filing the motion to dismiss. The party filing the motion shall set forth in the motion all matters to be considered at the hearing. In addition, a motion to dismiss under § 707(b)(1) and (3) shall state with particularity the circumstances alleged to constitute abuse.</p> <p>(2) If the hearing is set on the court's own motion, notice of the hearing shall be served on the debtor no later than 60 days after the first date set for the meeting of creditors under § 341(a). The notice shall set forth all matters to be considered by the court at the hearing.</p> | <p>(e) Dismissing an Individual Debtor's Chapter 7 Case for Abuse; Converting the Case to Chapter 11 or 13.</p> <p>(1) <i>In General.</i> On motion under § 707(b), the court may dismiss an individual debtor's Chapter 7 case for abuse or, with the debtor's consent, convert it to Chapter 11 or 13. The court may do so only after a hearing on notice to:</p> <ul style="list-style-type: none"> • the debtor, • the trustee, • the United States trustee, and • any other entity as the court orders. <p>(2) <i>Time to File.</i> Except as § 704(b)(2) provides otherwise, a motion to dismiss a case for abuse under § 707(b) or (c) must be filed within 60 days after the first date set for the meeting of creditors under § 341(a). On request made within the 60-day period, the court may, for cause, extend the time to file. The motion must:</p> <p>(A) set forth all matters to be considered at the hearing; and</p> <p>(B) if made under § 707(b)(1) and (3), state with particularity the circumstances alleged to constitute abuse.</p> |

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| | <p>(3) <i>Hearing on the Court's Own Motion.</i> If the hearing is set on the court's own motion, the clerk must serve notice on the debtor within 60 days after the first date set for the meeting of creditors under § 341(a). The notice must set forth all matters to be considered at the hearing.</p> |
| <p>(f) PROCEDURE FOR DISMISSAL, CONVERSION, OR SUSPENSION.</p> <p>(1) Rule 9014 governs a proceeding to dismiss or suspend a case, or to convert a case to another chapter, except under §§ 706(a), 1112(a), 1208(a) or (b), or 1307(a) or (b).</p> <p>(2) Conversion or dismissal under §§ 706(a), 1112(a), 1208(b), or 1307(b) shall be on motion filed and served as required by Rule 9013.</p> <p>(3) A chapter 12 or chapter 13 case shall be converted without court order when the debtor files a notice of conversion under §§ 1208(a) or 1307(a). The filing date of the notice becomes the date of the conversion order for the purposes of applying § 348(c) and Rule 1019. The clerk shall promptly transmit a copy of the notice to the United States trustee.</p> | <p>(f) Procedures for Dismissing, Suspending, or Converting a Case.</p> <p>(1) <i>In General.</i> Rule 9014 governs a proceeding to dismiss or suspend a case or to convert it to another chapter—except under § 706(a), 1112(a), 1208(a) or (b), or 1307(a) or (b).</p> <p>(2) <i>Cases Requiring a Motion.</i> Dismissing or converting a case under § 706(a), 1112(a), 1208(b), or 1307(b) requires a motion filed and served as required by Rule 9013.</p> <p>(3) <i>Conversion Date in a Chapter 12 or 13 Case.</i> If the debtor files a conversion notice under § 1208(a) or § 1307(a), the case will be converted without court order, and the filing date of the notice becomes the conversion date in applying § 348(c) or Rule 1019. The clerk must promptly send a copy of the notice to the United States trustee.</p> |

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| <p>Rule 1018. Contested Involuntary Petitions; Contested Petitions Commencing Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings</p> | <p>Rule 1018. Contesting a Petition in an Involuntary or Chapter 15 Case; Vacating an Order for Relief; Applying Part VII Rules</p> |
| <p>Unless the court otherwise directs and except as otherwise prescribed in Part I of these rules, the following rules in Part VII apply to all proceedings contesting an involuntary petition or a chapter 15 petition for recognition, and to all proceedings to vacate an order for relief: Rules 7005, 7008–7010, 7015, 7016, 7024–7026, 7028–7037, 7052, 7054, 7056, and 7062. The court may direct that other rules in Part VII shall also apply. For the purposes of this rule a reference in the Part VII rules to adversary proceedings shall be read as a reference to proceedings contesting an involuntary petition or a chapter 15 petition for recognition, or proceedings to vacate an order for relief. Reference in the Federal Rules of Civil Procedure to the complaint shall be read as a reference to the petition.</p> | <p>(a) Applying Part VII Rules. Unless the court orders or a Part I rule provides otherwise, Rules 7005, 7008–10, 7015–16, 7024–26, 7028–37, 7052, 7054, 7056, and 7062—together with any other Part VII rules as the court may direct—apply to the following:</p> <ul style="list-style-type: none"> (1) a proceeding contesting either an involuntary petition or a Chapter 15 petition for recognition; and (2) a proceeding to vacate an order for relief. <p>(b) References to “Adversary Proceedings.” Any reference to “adversary proceedings” in the rules listed in (a) is a reference to the proceedings listed in (a)(1)–(2).</p> <p>(c) “Complaint” Means “Petition.” For the proceedings described in (a), a reference to the “complaint” in the Federal Rules of Civil Procedure must be read as a reference to the petition.</p> |

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| <p>Rule 1019. Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer’s Debt Adjustment Case, or Chapter 13 Individual’s Debt Adjustment Case to a Chapter 7 Liquidation Case</p> | <p>Rule 1019. Converting or Reconverting a Chapter 11, 12, or 13 Case to Chapter 7</p> |
| <p>When a chapter 11, chapter 12, or chapter 13 case has been converted or reconverted to a chapter 7 case:</p> <p>(1) Filing of Lists, Inventories, Schedules, Statements.</p> <p>(A) Lists, inventories, schedules, and statements of financial affairs theretofore filed shall be deemed to be filed in the chapter 7 case, unless the court directs otherwise. If they have not been previously filed, the debtor shall comply with Rule 1007 as if an order for relief had been entered on an involuntary petition on the date of the entry of the order directing that the case continue under chapter 7.</p> <p>(B) If a statement of intention is required, it shall be filed within 30 days after entry of the order of conversion or before the first date set for the meeting of creditors, whichever is earlier. The court may grant an extension of time for cause only on written motion filed, or oral request made during a hearing, before the time has expired. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.</p> | <p>(a) Papers Previously Filed; New Filing Dates; Statement of Intention.</p> <p>(1) <i>Papers Previously Filed.</i> Unless the court orders otherwise, when a Chapter 11, 12, or 13 case is converted or reconverted to Chapter 7, the lists, inventories, schedules, and statements of financial affairs previously filed are considered filed in the Chapter 7 case. If they have not been previously filed, the debtor must comply with Rule 1007 as if an order for relief had been entered on an involuntary petition on the same date as the order directing that the case continue under Chapter 7.</p> <p>(2) <i>Statement of Intention.</i> A statement of intention, if required, must be filed within 30 days after the conversion order is entered or before the first date set for the meeting of creditors, whichever is earlier. The court may, for cause, extend the time to file only on motion filed—or on oral request made during a hearing—before the time has expired. Notice of an extension must be given to the United States trustee and to any committee, trustee, or other party as the court orders.</p> |
| <p>(2) New Filing Periods.</p> <p>(A) A new time period for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under Rules 1017, 3002,</p> | <p>(b) New Period to File a § 707(b) or (c) Motion, a Proof of Claim, an Objection to a Discharge, or a Complaint to Determine Dischargeability.</p> <p>(1) <i>When a New Period Begins.</i> When a case is converted to Chapter 7, a new</p> |

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| <p>4004, or 4007, but a new time period shall not commence if a chapter 7 case had been converted to a chapter 11, 12, or 13 case and thereafter reconverted to a chapter 7 case and the time for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of the dischargeability of any debt, or any extension thereof, expired in the original chapter 7 case.</p> <p>(B) A new time period for filing an objection to a claim of exemptions shall commence under Rule 4003(b) after conversion of a case to chapter 7 unless:</p> <p>(i) the case was converted to chapter 7 more than one year after the entry of the first order confirming a plan under chapter 11, 12, or 13; or</p> <p>(ii) the case was previously pending in chapter 7 and the time to object to a claimed exemption had expired in the original chapter 7 case.</p> | <p>period begins under Rule 1017, 3002, 4004, or 4007 for filing:</p> <p>(A) a motion under § 707(b) or (c);</p> <p>(B) a proof of claim;</p> <p>(C) a complaint objecting to a discharge; or</p> <p>(D) a complaint to determine whether a specific debt may be discharged.</p> <p>(2) <i>When a New Period Does Not Begin.</i> No new period to file begins when a case is reconverted to Chapter 7 after a previous conversion to Chapter 11, 12, or 13 if the time to file in the original Chapter 7 case has expired.</p> <p>(3) <i>New Period to Object to a Claimed Exemption.</i> When a case is converted to Chapter 7, a new period begins under Rule 4003(b) to object to a claimed exemption unless:</p> <p>(A) more than 1 year has elapsed since the court issued the first order confirming a plan under Chapter 11, 12, or 13, or</p> <p>(B) the case was previously pending in Chapter 7 and time has expired to object to a claimed exemption in the original Chapter 7 case.</p> |
| <p>(3) Claims Filed Before Conversion. All claims actually filed by a creditor before conversion of the case are deemed filed in the chapter 7 case.</p> | <p>(c) Proof of Claim Filed Before Conversion. A proof of claim filed by a creditor before conversion is considered filed in the Chapter 7 case.</p> |
| <p>(4) Turnover of Records and Property. After qualification of, or assumption of duties by the chapter 7 trustee, any debtor in possession or trustee previously acting in the chapter 11, 12, or 13 case shall, forthwith, unless otherwise ordered, turn over to the chapter 7 trustee all records and</p> | <p>(d) Turning Over Records and Property. Unless the court orders otherwise, after a trustee in the Chapter 7 case qualifies or assumes duties, the debtor in possession—or the previously acting trustee in the Chapter 11, 12, or 13 case—must promptly turn over to the Chapter 7 trustee all</p> |

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| property of the estate in the possession or control of the debtor in possession or trustee. | records and property of the estate that are in its possession or control. |
| <p>(5) Filing Final Report and Schedule of Postpetition Debts.</p> <p>(A) Conversion of Chapter 11 or Chapter 12 Case. Unless the court directs otherwise, if a chapter 11 or chapter 12 case is converted to chapter 7, the debtor in possession or, if the debtor is not a debtor in possession, the trustee serving at the time of conversion, shall:</p> <p>(i) not later than 14 days after conversion of the case, file a schedule of unpaid debts incurred after the filing of the petition and before conversion of the case, including the name and address of each holder of a claim; and</p> <p>(ii) not later than 30 days after conversion of the case, file and transmit to the United States trustee a final report and account;</p> <p>(B) Conversion of Chapter 13 Case. Unless the court directs otherwise, if a chapter 13 case is converted to chapter 7,</p> <p>(i) the debtor, not later than 14 days after conversion of the case, shall file a schedule of unpaid debts incurred after the filing of the petition and before conversion of the case, including the name and address of each holder of a claim; and</p> <p>(ii) the trustee, not later than 30 days after conversion of the case, shall file and transmit to the United States trustee a final report and account;</p> <p>(C) Conversion After Confirmation of a Plan. Unless the court</p> | <p>(e) Final Report and Account; Schedule of Unpaid Postpetition Debts.</p> <p>(1) <i>In a Chapter 11 or Chapter 12 Case.</i> Unless the court orders otherwise, when a Chapter 11 or 12 case is converted to Chapter 7, the debtor in possession or, if the debtor is not a debtor in possession, the trustee serving at the time of conversion must:</p> <p>(A) within 14 days after conversion, file a schedule of unpaid debts incurred after the petition was filed but before conversion and include the name and address of each claim holder; and</p> <p>(B) within 30 days after conversion, file and send to the United States trustee a final report and account.</p> <p>(2) <i>In a Chapter 13 Case.</i> Unless the court orders otherwise, when a Chapter 13 case is converted to Chapter 7:</p> <p>(A) within 14 days after conversion, the debtor must file a schedule of unpaid debts incurred after the petition was filed but before conversion and include the name and address of each claim holder; and</p> <p>(B) within 30 days after conversion, the trustee must file and send to the United States trustee a final report and account.</p> <p>(3) <i>Converting a Case to Chapter 7 After a Plan Has Been Confirmed.</i> Unless the court orders otherwise, if a case under Chapter 11, 12, or 13 is converted to a case under Chapter 7</p> |

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| <p>orders otherwise, if a chapter 11, chapter 12, or chapter 13 case is converted to chapter 7 after confirmation of a plan, the debtor shall file:</p> <p>(i) a schedule of property not listed in the final report and account acquired after the filing of the petition but before conversion, except if the case is converted from chapter 13 to chapter 7 and § 348(f)(2) does not apply;</p> <p>(ii) a schedule of unpaid debts not listed in the final report and account incurred after confirmation but before the conversion; and</p> <p>(iii) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition but before conversion.</p> <p>(D) Transmission to United States Trustee. The clerk shall forthwith transmit to the United States trustee a copy of every schedule filed pursuant to Rule 1019(5).</p> | <p>after a plan is confirmed, the debtor must file:</p> <p>(A) a schedule of property that was acquired after the petition was filed but before conversion and was not listed in the final report and account, except when a Chapter 13 case is converted to Chapter 7 and § 348(f)(2) does not apply;</p> <p>(B) a schedule of unpaid debts that were incurred after confirmation but before conversion and were not listed in the final report and account; and</p> <p>(C) a schedule of executory contracts and unexpired leases that were entered into or assumed after the petition was filed but before conversion.</p> <p>(4) <i>Copy to the United States Trustee.</i> The clerk must promptly send to the United States trustee a copy of any schedule filed under this Rule 1019(e).</p> |
| <p>(6) Postpetition Claims; Preconversion Administrative Expenses; Notice. A request for payment of an administrative expense incurred before conversion of the case is timely filed under § 503(a) of the Code if it is filed before conversion or a time fixed by the court. If the request is filed by a governmental unit, it is timely if it is filed before conversion or within the later of a time fixed by the court or 180 days after the date of the conversion. A claim of a kind specified in § 348(d) may be filed in accordance with Rules 3001(a)–(d) and 3002. Upon the filing of the schedule of unpaid debts incurred after commencement of the case and before conversion, the clerk, or some other person as the court may direct, shall give notice to those entities listed on the schedule of the</p> | <p>(f) Postpetition Claims; Preconversion Administrative Expenses.</p> <p>(1) <i>Request to Pay an Administrative Expense; Time to File.</i> A request to pay an administrative expense incurred before conversion is timely filed under § 503(a) if it is filed before conversion or within a time set by the court. A request by a governmental unit is timely if it is filed:</p> <p>(A) before conversion; or</p> <p>(B) within 180 days after conversion or within a time set by the court, whichever is later.</p> <p>(2) <i>Proof of Claim Against the Debtor or the Estate.</i> A proof of claim under § 348(d) against either the debtor or</p> |

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| <p>time for filing a request for payment of an administrative expense and, unless a notice of insufficient assets to pay a dividend is mailed in accordance with Rule 2002(e), the time for filing a claim of a kind specified in § 348(d).</p> | <p>the estate may be filed as specified in Rules 3001(a)–(d) and 3002.</p> <p>(3) <i>Giving Notice of Certain Time Limits.</i> After the filing of a schedule of debts incurred after the case was commenced but before conversion, the clerk, or the court’s designee, must notify the entities listed on the schedule of:</p> <p>(A) the time to request payment of an administrative expense; and</p> <p>(B) the time to file a proof of claim under § 348(d), unless a notice of insufficient assets to pay a dividend has been mailed under Rule 2002(e).</p> |

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| Rule 1020. Small Business Chapter 11 Reorganization Case | Rule 1020. Designating a Chapter 11 Case as a Small Business Case |
| <p>(a) SMALL BUSINESS DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor. 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. Except as provided in subdivision (c), the status of the case as a small business case 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.</p> | <p>(a) In General. In a voluntary Chapter 11 case, the debtor must state in the petition whether the debtor is a small business debtor. In an involuntary case, the debtor must do so in a statement filed within 14 days after the order for relief is entered. Unless (c) applies, the case must proceed in accordance with the debtor's statement, unless and until the court issues an order finding that the debtor's statement is incorrect.</p> |
| <p>(b) OBJECTING TO DESIGNATION. Except as provided in subdivision (c), 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.</p> | <p>(b) Objecting to the Designation. Unless (c) applies, the United States trustee or a party in interest may object to the debtor's designation. The objection must be filed within 30 days after the conclusion of the meeting of creditors held under § 341(a) or within 30 days after an amendment to the designation is filed, whichever is later.</p> |
| <p>(c) APPOINTMENT OF COMMITTEE OF UNSECURED CREDITORS. If a committee of unsecured creditors has been appointed under § 1102(a)(1), the case shall proceed as a small business case only if, and from the time when, the court enters an order determining that the committee has not been sufficiently active and representative to provide effective oversight of the debtor and that the debtor satisfies all the other requirements for being a small business. A request for a determination under this</p> | <p>(c) When a Committee of Unsecured Creditors Has Been Appointed.</p> <p>(1) <i>Determining Whether the Committee Is Active and Representative.</i> If a committee of unsecured creditors has been appointed under § 1102(a)(1), the case may proceed as a small business case only if, and from the time when, the court determines that:</p> <p>(A) the committee is not sufficiently active and representative in</p> |

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| <p>subdivision may be filed by the United States trustee or a party in interest only within a reasonable time after the failure of the committee to be sufficiently active and representative. The debtor may file a request for a determination at any time as to whether the committee has been sufficiently active and representative.</p> | <p>providing effective oversight of the debtor; and</p> <p>(B) the debtor satisfies all other requirements for a small business debtor.</p> <p>(2) <i>Motion for a Court Determination.</i> Within a reasonable time after the committee has become insufficiently active or representative, the United States trustee or a party in interest may move for a determination by the court. The debtor may do so at any time.</p> |
| <p>(d) 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; any committee appointed under § 1102 or its authorized agent, or, if no committee of unsecured creditors has been appointed under § 1102, the creditors included on the list filed under Rule 1007(d); and any other entity as the court directs.</p> | <p>(d) Procedure; Service. An objection or request under this rule is governed by Rule 9014 and must be served on:</p> <ul style="list-style-type: none"> • the debtor; • the debtor’s attorney; • the United States trustee; • the trustee; • any committee appointed under § 1102 or its authorized agent, or, if no unsecured creditors’ committee has been appointed, the creditors on the list filed under Rule 1007(d); and • any other entity as the court orders. |

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| Rule 1021. Health Care Business Case | Rule 1021. Designating a Chapter 7, 9, or 11 Case as a Health Care Business Case |
| (a) HEALTH CARE BUSINESS DESIGNATION. Unless the court orders otherwise, if a petition in a case under chapter 7, chapter 9, or chapter 11 states that the debtor is a health care business, the case shall proceed as a case in which the debtor is a health care business. | (a) In General. If a petition in a Chapter 7, 9, or 11 case designates the debtor as a health care business, the case must proceed in accordance with the designation unless the court orders otherwise. |
| (b) MOTION. The United States trustee or a party in interest may file a motion to determine whether the debtor is a health care business. The motion shall be transmitted to the United States trustee and served on: the debtor; the trustee; any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, the creditors included on the list filed under Rule 1007(d); and any other entity as the court directs. The motion shall be governed by Rule 9014. | (b) Seeking a Court Determination. The United States trustee or a party in interest may move the court to determine whether the debtor is a health care business. Proceedings on the motion are governed by Rule 9014. If the motion is filed by a party in interest, a copy must be sent to the United States trustee. The motion must be served on: <ul style="list-style-type: none"> • the debtor; • the trustee; • any committee elected under § 705 or appointed under § 1102, or its authorized agent; • in a Chapter 9 or Chapter 11 case in which an unsecured creditors' committee has not been appointed under § 1102, the creditors on the list filed under Rule 1007(d); and • any other entity as the court orders. |

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Bankruptcy Rules Restyling

2000 Series

Preface

This revision is a restyling of the Federal Rules of Bankruptcy Procedure to provide greater clarity, consistency, and conciseness without changing practice and procedure.

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| PART II— OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS | PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS AND APPOINTMENTS; FINAL REPORT; COMPENSATION |
| Rule 2001. Appointment of Interim Trustee Before Order for Relief in a Chapter 7 Liquidation Case | Rule 2001. Appointing an Interim Trustee Before the Order for Relief in an Involuntary Chapter 7 Case |
| (a) APPOINTMENT. At any time following the commencement of an involuntary liquidation case and before an order for relief, the court on written motion of a party in interest may order the appointment of an interim trustee under § 303(g) of the Code. The motion shall set forth the necessity for the appointment and may be granted only after hearing on notice to the debtor, the petitioning creditors, the United States trustee, and other parties in interest as the court may designate. | (a) Appointing an Interim Trustee. After an involuntary Chapter 7 case commences but before an order for relief, the court may, on a party in interest’s motion, order the United States trustee to appoint an interim trustee under § 303(g). The motion must set forth the need for the appointment and may be granted only after a hearing on notice to: <ul style="list-style-type: none"> • the debtor; • the petitioning creditors; • the United States trustee; and • other parties in interest as the court orders. |
| (b) BOND OF MOVANT. An interim trustee may not be appointed under this rule unless the movant furnishes a bond in an amount approved by the court, conditioned to indemnify the debtor for costs, attorney’s fee, expenses, and damages allowable under § 303(i) of the Code. | (b) Bond Required. An interim trustee may be appointed only if the movant furnishes a bond, in an amount that the court approves, to indemnify the debtor for any costs, attorney’s fees, expenses, and damages allowable under § 303(i). |
| (c) ORDER OF APPOINTMENT. The order directing the appointment of an interim trustee shall state the reason the appointment is necessary and shall specify the trustee’s duties. | (c) The Order’s Content. The court’s order must state the reason the appointment is needed and specify the trustee’s duties. |
| (d) TURNOVER AND REPORT. Following qualification of the trustee selected under § 702 of the Code, the | (d) The Interim Trustee’s Final Report. Unless the court orders otherwise, after |

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| <p>interim trustee, unless otherwise ordered, shall (1) forthwith deliver to the trustee all the records and property of the estate in possession or subject to control of the interim trustee and, (2) within 30 days thereafter file a final report and account.</p> | <p>qualification of a trustee selected under § 702, the interim trustee must:</p> <ol style="list-style-type: none"> (1) promptly deliver to the trustee all the records and property of the estate that are in the interim trustee's possession or under its control; and (2) within 30 days after the trustee qualifies, file a final report and account. |

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| <p>Rule 2002. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee</p> | <p>Rule 2002. Notices</p> |
| <p>(a) TWENTY-ONE-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of:</p> <p>(1) the meeting of creditors under § 341 or § 1104(b) of the Code, which notice, unless the court orders otherwise, shall include the debtor's employer identification number, social security number, and any other federal taxpayer identification number;</p> <p>(2) a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice;</p> <p>(3) the hearing on approval of a compromise or settlement of a controversy other than approval of an agreement pursuant to Rule 4001(d), unless the court for cause shown directs that notice not be sent;</p> <p>(4) in a chapter 7 liquidation, a chapter 11 reorganization case, or a chapter 12 family farmer debt adjustment case, the hearing on the dismissal of the case or the conversion of the case to another chapter, unless the hearing is under § 707(a)(3) or § 707(b) or is on dismissal of the case for</p> | <p>(a) 21-Day Notices to the Debtor, Trustee, Creditors, and Indenture Trustees. Except as (h), (i), (j), (p), and (q) provide otherwise, the clerk or the court's designee must give the debtor, the trustee, all creditors, and all indenture trustees at least 21 days' notice by mail of:</p> <p>(1) the meeting of creditors under § 341 or § 1104(b), which notice—unless the court orders otherwise—must include the debtor's:</p> <p>(A) employer-identification number;</p> <p>(B) social-security number; and</p> <p>(C) any other federal taxpayer-identification number;</p> <p>(2) a proposal to use, sell, or lease property of the estate other than in the ordinary course of business—unless the court, for cause, shortens the time or orders another method of giving notice;</p> <p>(3) a hearing to approve a compromise or settlement other than an agreement under Rule 4001(d)—unless the court, for cause, orders that notice not be sent;</p> <p>(4) a hearing on a motion to dismiss a Chapter 7, 11, or 12 case or convert it to another chapter—unless the hearing is under § 707(a)(3) or § 707(b) or is on a motion to dismiss the case for failure to pay the filing fee;</p> |

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| <p>failure to pay the filing fee;</p> <p>(5) the time fixed to accept or reject a proposed modification of a plan;</p> <p>(6) a hearing on any entity's request for compensation or reimbursement of expenses if the request exceeds \$1,000;</p> <p>(7) the time fixed for filing proofs of claims pursuant to Rule 3003(c);</p> <p>(8) the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 plan; and</p> <p>(9) the time fixed for filing objections to confirmation of a chapter 13 plan.</p> | <p>(5) the time to accept or reject a proposal to modify a plan;</p> <p>(6) a hearing on a request for compensation or for reimbursement of expenses, if the request exceeds \$1,000;</p> <p>(7) the time to file proofs of claims under Rule 3003(c);</p> <p>(8) the time to file objections to—and the time of the hearing to consider whether to confirm—a Chapter 12 plan; and</p> <p>(9) the time to object to confirming a Chapter 13 plan.</p> |
| <p>(b) TWENTY-EIGHT-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivision (l) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 28 days' notice by mail of the time fixed (1) for filing objections and the hearing to consider approval of a disclosure statement or, under § 1125(f), to make a final determination whether the plan provides adequate information so that a separate disclosure statement is not necessary; (2) for filing objections and the hearing to consider confirmation of a chapter 9 or chapter 11 plan; and (3) for the hearing to consider confirmation of a chapter 13 plan.</p> | <p>(b) 28-Day Notices to the Debtor, Trustee, Creditors, and Indenture Trustees. Except as (j) provides otherwise, the clerk or the court's designee must give the debtor, trustee, all creditors, and all indenture trustees at least 28 days' notice by mail of:</p> <p>(1) the time to file objections and the time of a hearing to:</p> <p>(A) consider approving a disclosure statement; or</p> <p>(B) determine under § 1125(f) whether a plan includes adequate information to make a separate disclosure statement unnecessary;</p> <p>(2) the time to file objections to—and the time of the hearing to consider whether to confirm—a Chapter 9 or 11 plan; and</p> <p>(3) the time of a hearing to consider whether to confirm a Chapter 13 plan.</p> |

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| <p>(c) CONTENT OF NOTICE.</p> <p>(1) <i>Proposed Use, Sale, or Lease of Property.</i> Subject to Rule 6004, the notice of a proposed use, sale, or lease of property required by subdivision (a)(2) of this rule shall include the time and place of any public sale, the terms and conditions of any private sale and the time fixed for filing objections. The notice of a proposed use, sale, or lease of property, including real estate, is sufficient if it generally describes the property. The notice of a proposed sale or lease of personally identifiable information under § 363(b)(1) of the Code shall state whether the sale is consistent with any policy prohibiting the transfer of the information.</p> <p>(2) <i>Notice of Hearing on Compensation.</i> The notice of a hearing on an application for compensation or reimbursement of expenses required by subdivision (a)(6) of this rule shall identify the applicant and the amounts requested.</p> <p>(3) <i>Notice of Hearing on Confirmation When Plan Provides for an Injunction.</i> If a plan provides for an injunction against conduct not otherwise enjoined under the Code, the notice required under Rule 2002(b)(2) shall:</p> <p>(A) include in conspicuous language (bold, italic, or underlined text) a statement that the plan proposes an injunction;</p> <p>(B) describe briefly the nature of the injunction; and</p> <p>(C) identify the entities that would be subject to the injunction.</p> | <p>(c) Content of Notice.</p> <p>(1) <i>Proposed Use, Sale, or Lease of Property.</i> Subject to Rule 6004, a notice of a proposed use, sale, or lease of property under (a)(2) must include:</p> <p>(A) the time and place of any public sale;</p> <p>(B) the terms and conditions of any private sale; and</p> <p>(C) the time to file objections.</p> <p>The notice suffices if it generally describes the property. In a notice of a proposed sale or lease of personally identifiable information under § 363(b)(1), the notice must state whether the sale is consistent with any policy that prohibits transferring the information.</p> <p>(2) <i>Hearing on an Application for Compensation or Reimbursement.</i> A notice under (a)(6) of a hearing on a request for compensation or for reimbursement of expenses must identify the applicant and the amounts requested.</p> <p>(3) <i>Hearing on Confirming a Plan That Proposes an Injunction.</i> If a plan proposes an injunction against conduct not otherwise enjoined under the Code, the notice under (b)(2) must:</p> <p>(A) state in conspicuous language (bold, italic, or underlined text) that the plan proposes an injunction;</p> <p>(B) describe briefly the nature of the injunction; and</p> <p>(C) identify the entities that would be subject to it.</p> |
| <p>(d) NOTICE TO EQUITY SECURITY HOLDERS. In a chapter 11</p> | <p>(d) Notice to Equity Security Holders in a Chapter 11 Case. Unless the court orders</p> |

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| <p>reorganization case, unless otherwise ordered by the court, the clerk, or some other person as the court may direct, shall in the manner and form directed by the court give notice to all equity security holders of (1) the order for relief; (2) any meeting of equity security holders held pursuant to § 341 of the Code; (3) the hearing on the proposed sale of all or substantially all of the debtor's assets; (4) the hearing on the dismissal or conversion of a case to another chapter; (5) the time fixed for filing objections to and the hearing to consider approval of a disclosure statement; (6) the time fixed for filing objections to and the hearing to consider confirmation of a plan; and (7) the time fixed to accept or reject a proposed modification of a plan.</p> | <p>otherwise, in a Chapter 11 case, the clerk or the court's designee must give notice as the court orders to the equity security holders of:</p> <ol style="list-style-type: none"> (1) the order for relief; (2) a meeting of equity security holders under § 341; (3) a hearing on a proposed sale of all, or substantially all, the debtor's assets; (4) a hearing on a motion to dismiss a case or convert it to another chapter; (5) the time to file objections to—and the time of the hearing to consider whether to approve—a disclosure statement; (6) the time to file objections to—and the time of the hearing to consider whether to confirm—a Chapter 11 plan; and (7) the time to accept or reject a proposal to modify a plan. |
| <p>(e) NOTICE OF NO DIVIDEND. In a chapter 7 liquidation case, if it appears from the schedules that there are no assets from which a dividend can be paid, the notice of the meeting of creditors may include a statement to that effect; that it is unnecessary to file claims; and that if sufficient assets become available for the payment of a dividend, further notice will be given for the filing of claims.</p> | <p>(e) Notice of No Dividend in a Chapter 7 Case. In a Chapter 7 case, if it appears from the schedules that there are no assets from which to pay a dividend, the notice of the meeting of creditors may state:</p> <ol style="list-style-type: none"> (1) that fact; (2) that filing proofs of claim is unnecessary; and (3) that further notice of the time to file proofs of claim will be given if enough assets become available to pay a dividend. |
| <p>(f) OTHER NOTICES. Except as provided in subdivision (l) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, all creditors, and indenture trustees</p> | <p>(f) Other Notices.</p> <p>(1) <i>Various Notices to the Debtor, Creditors, and Indenture Trustees.</i> Except as (l) provides otherwise, the clerk, or some other person as the</p> |

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| <p>notice by mail of:</p> <ul style="list-style-type: none"> (1) the order for relief; (2) the dismissal or the conversion of the case to another chapter, or the suspension of proceedings under § 305; (3) the time allowed for filing claims pursuant to Rule 3002; (4) the time fixed for filing a complaint objecting to the debtor's discharge pursuant to § 727 of the Code as provided in Rule 4004; (5) the time fixed for filing a complaint to determine the dischargeability of a debt pursuant to § 523 of the Code as provided in Rule 4007; (6) the waiver, denial, or revocation of a discharge as provided in Rule 4006; (7) entry of an order confirming a chapter 9, 11, or 12 plan; (8) a summary of the trustee's final report in a chapter 7 case if the net proceeds realized exceed \$1,500; (9) a notice under Rule 5008 regarding the presumption of abuse; (10) a statement under § 704(b)(1) as to whether the debtor's case would be presumed to be an abuse under § 707(b); and (11) the time to request a delay in the entry of the discharge under §§ 1141(d)(5)(C), 1228(f), and 1328(h). Notice of the time fixed for accepting or rejecting a plan pursuant to Rule 3017(c) shall be given in accordance with Rule 3017(d). | <p>court may direct, must give the debtor, creditors, and indenture trustees notice by mail of:</p> <ul style="list-style-type: none"> (A) the order for relief; (B) a case's dismissal or conversion to another chapter; (C) a suspension of proceedings under § 305; (D) the time to file a proof of claim under Rule 3002; (E) the time to file a complaint to object to the debtor's discharge under § 727, as Rule 4004 provides; (F) the time to file a complaint to determine whether a debt is dischargeable under § 523, as Rule 4007 provides; (G) a waiver, denial, or revocation of a discharge, as Rule 4006 provides; (H) entry of an order confirming a plan in a Chapter 9, 11, or 12 case; (I) a summary of the trustee's final report in a Chapter 7 case if the net proceeds realized exceed \$1,500; (J) a notice under Rule 5008 regarding the presumption of abuse; (K) a statement under § 704(b)(1) about whether the debtor's case would be presumed to be an abuse under § 707(b); and (L) the time to request a delay in granting the discharge under §§ 1141(d)(5)(C), 1228(f), or 1328(h). <p>(2) <i>Notice of the Time to Accept or Reject a Plan.</i> Notice of the time to accept or reject a plan under</p> |

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| | Rule 3017(c) must be given in accordance with Rule 3017(d). |
| <p>(g) ADDRESSING NOTICES.</p> <p>(1) Notices required to be mailed under Rule 2002 to a creditor, indenture trustee, or equity security holder shall be addressed as such entity or an authorized agent has directed in its last request filed in the particular case. For the purposes of this subdivision—</p> <p>(A) a proof of claim filed by a creditor or indenture trustee that designates a mailing address constitutes a filed request to mail notices to that address, unless a notice of no dividend has been given under Rule 2002(e) and a later notice of possible dividend under Rule 3002(c)(5) has not been given; and</p> <p>(B) a proof of interest filed by an equity security holder that designates a mailing address constitutes a filed request to mail notices to that address.</p> <p>(2) Except as provided in § 342(f) of the Code, if a creditor or indenture trustee has not filed a request designating a mailing address under Rule 2002(g)(1) or Rule 5003(e), the notices shall be mailed to the address shown on the list of creditors or schedule of liabilities, whichever is filed later. If an equity security holder has not filed a request designating a mailing address under Rule 2002(g)(1) or Rule 5003(e), the notices shall be mailed to the address shown on the list of equity security holders.</p> <p>(3) If a list or schedule filed under Rule 1007 includes the name and address of a legal representative of an infant or incompetent person, and a person other than that representative</p> | <p>(g) Addressing Notices.</p> <p>(1) <i>In General.</i> A notice mailed to a creditor, indenture trustee, or equity security holder must be addressed as the entity or its authorized agent provided in its last request filed in the case. The request may be:</p> <p>(A) a proof of claim filed by a creditor or an indenture trustee designating a mailing address (unless a notice of no dividend has been given under (e) and a later notice of a possible dividend under Rule 3002(c)(5) has not been given); or</p> <p>(B) a proof of interest filed by an equity security holder designating a mailing address.</p> <p>(2) <i>When No Request Has Been Filed.</i> Except as § 342(f) provides otherwise, if a creditor or indenture trustee has not filed a request under (1) or Rule 5003(e), the notice must be mailed to the address shown on the list of creditors or schedule of liabilities, whichever is filed later. If an equity security holder has not filed a request, the notice must be mailed to the address shown on the list of equity security holders.</p> <p>(3) <i>Notices to Representatives of an Infant or Incompetent Person.</i> If a list or schedule filed under Rule 1007 includes a name and address of an infant's or an incompetent person's representative, and a person other than that representative files a request or proof of claim designating a different name and mailing address, then unless the court orders otherwise, the notice</p> |

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| <p>files a request or proof of claim designating a name and mailing address that differs from the name and address of the representative included in the list or schedule, unless the court orders otherwise, notices under Rule 2002 shall be mailed to the representative included in the list or schedules and to the name and address designated in the request or proof of claim.</p> <p>(4) Notwithstanding Rule 2002(g)(1)–(3), an entity and a notice provider may agree that when the notice provider is directed by the court to give a notice, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.</p> <p>(5) A creditor may treat a notice as not having been brought to the creditor’s attention under § 342(g)(1) only if, prior to issuance of the notice, the creditor has filed a statement that designates the name and address of the person or organizational subdivision of the creditor responsible for receiving notices under the Code, and that describes the procedures established by the creditor to cause such notices to be delivered to the designated person or subdivision.</p> | <p>must be mailed to both persons at their designated addresses.</p> <p>(4) <i>Using an Address Agreed to Between an Entity and a Notice Provider.</i> Notwithstanding (g)(1)–(3), when the court orders that a notice provider give a notice, the provider may do so in the manner agreed to between the provider and an entity, and at the address or addresses the entity supplies. An address supplied by the entity is conclusively presumed to be a proper address for the notice. But a failure to use a supplied address does not invalidate a notice that is otherwise effective under applicable law.</p> <p>(5) <i>When a Notice Is Not Brought to a Creditor’s Attention.</i> A creditor may treat a notice as not having been brought to the creditor’s attention under § 342(g)(1) only if, before the notice was issued, the creditor has filed a statement:</p> <ul style="list-style-type: none"> (A) designating the name and address of the person or organizational subdivision responsible for receiving notices; and (B) describing the creditor’s procedures for delivering notices to the designated person or organizational subdivision. |
| <p>(h) NOTICES TO CREDITORS WHOSE CLAIMS ARE FILED. In a chapter 7 case, after 90 days following the first date set for the meeting of creditors under § 341 of the Code, the court may direct that all notices required by subdivision (a) of this rule be mailed</p> | <p>(h) Notice to Creditors That Have Filed Proofs of Claim in a Chapter 7 Case.</p> <p>(1) <i>In General.</i> In a Chapter 7 case, after 90 days following the first date set for the meeting of creditors under § 341,</p> |

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| <p>only to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Rule 3002(c)(1) or (c)(2). In a case where notice of insufficient assets to pay a dividend has been given to creditors pursuant to subdivision (e) of this rule, after 90 days following the mailing of a notice of the time for filing claims pursuant to Rule 3002(c)(5), the court may direct that notices be mailed only to the entities specified in the preceding sentence.</p> | <p>the court may order that all notices required by (a) be mailed only to:</p> <ul style="list-style-type: none"> • the debtor; • the trustee; • indenture trustees; • creditors with claims for which proofs of claim have been filed; and • creditors that have received an extension of time under Rule 3002(c)(1) or (2) to file proofs of claim. <p>(2) <i>When a Notice of Insufficient Assets Has Been Given.</i> If notice of insufficient assets to pay a dividend has been given to creditors under (e), after 90 days following the mailing of a notice of the time to file proofs of claim under Rule 3002(c)(5), the court may order that notices be mailed only to those entities listed in (1).</p> |
| <p>(i) NOTICES TO COMMITTEES. Copies of all notices required to be mailed pursuant to this rule shall be mailed to the committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents. Notwithstanding the foregoing subdivisions, the court may order that notices required by subdivision (a)(2), (3) and (6) of this rule be transmitted to the United States trustee and be mailed only to the committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents and to the creditors and equity security holders who serve on the trustee or debtor in possession and file a request that all notices be mailed to them. A committee appointed under § 1114 shall receive copies of all notices required by</p> | <p>(i) Notice to a Committee.</p> <p>(1) <i>In General.</i> Any notice required to be mailed under this Rule 2002 must also be mailed to a committee elected under § 705 or appointed under § 1102, or to its authorized agent.</p> <p>(2) <i>Limiting Notices.</i> The court may order that a notice required by (a)(2), (3), or (6) be:</p> <p>(A) sent to the United States trustee; and</p> <p>(B) mailed only to:</p> <p>(i) the committees elected under § 705 or appointed under § 1102, or to their authorized agents; and</p> |

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| <p>subdivisions (a)(1), (a)(5), (b), (f)(2), and (f)(7), and such other notices as the court may direct.</p> | <p>(ii) those creditors and equity security holders who file—and serve on the trustee or debtor in possession—a request that all notices be mailed to them.</p> <p>(3) <i>Copy to a Committee.</i> A notice required under (a)(1), (a)(5), (b), (f)(1)(B)–(C), or (f)(1)(H)—and any other notice as the court orders—must be sent to a committee appointed under § 1114.</p> |
| <p>(j) NOTICES TO THE UNITED STATES. Copies of notices required to be mailed to all creditors under this rule shall be mailed (1) in a chapter 11 reorganization case, to the Securities and Exchange Commission at any place the Commission designates, if the Commission has filed either a notice of appearance in the case or a written request to receive notices; (2) in a commodity broker case, to the Commodity Futures Trading Commission at Washington, D.C.; (3) in a chapter 11 case, to the Internal Revenue Service at its address set out in the register maintained under Rule 5003(e) for the district in which the case is pending; (4) if the papers in the case disclose a debt to the United States other than for taxes, to the United States attorney for the district in which the case is pending and to the department, agency, or instrumentality of the United States through which the debtor became indebted; or (5) if the filed papers disclose a stock interest of the United States, to the Secretary of the Treasury at Washington, D.C.</p> | <p>(j) Notice to the United States. A notice required to be mailed to all creditors under this Rule 2002 must also be mailed:</p> <p>(1) in a Chapter 11 case in which the Securities and Exchange Commission has filed either a notice of appearance or a request to receive notices, to the SEC at any place it designates;</p> <p>(2) in a commodity-broker case, to the Commodity Futures Trading Commission at Washington, D.C.;</p> <p>(3) in a Chapter 11 case, to the Internal Revenue Service at the address in the register maintained under Rule 5003(e) for the district where the case is pending;</p> <p>(4) in a case for which the papers indicate that a debt (other than for taxes) is owed to the United States, to the United States attorney for the district where the case is pending and to the department, agency, or instrumentality of the United States through which the debtor became indebted; or</p> <p>(5) in a case for which the papers disclose a stock interest of the United States, to the Secretary of the Treasury at Washington, D.C.</p> |

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| <p>(k) NOTICES TO UNITED STATES TRUSTEE. Unless the case is a chapter 9 municipality case or unless the United States trustee requests otherwise, the clerk, or some other person as the court may direct, shall transmit to the United States trustee notice of the matters described in subdivisions (a)(2), (a)(3), (a)(4), (a)(8), (b), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), (f)(8), and (q) of this rule and notice of hearings on all applications for compensation or reimbursement of expenses. Notices to the United States trustee shall be transmitted within the time prescribed in subdivision (a) or (b) of this rule. The United States trustee shall also receive notice of any other matter if such notice is requested by the United States trustee or ordered by the court. Nothing in these rules requires the clerk or any other person to transmit to the United States trustee any notice, schedule, report, application or other document in a case under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et. seq.</p> | <p>(k) Notice to the United States Trustee.</p> <p>(1) <i>In General.</i> Except in a Chapter 9 case or unless the United States trustee requests otherwise, the clerk or the court’s designee must send to the United States trustee notice of:</p> <p>(A) all matters described in (a)(2)–(4), (a)(8), (b), (f)(1)(A)–(C), (f)(1)(E), (f)(1)(G)–(I), and (q);</p> <p>(B) all hearings on applications for compensation or for reimbursement of expenses; and</p> <p>(C) any other matter if the United States trustee requests it or the court orders it.</p> <p>(2) <i>Time to Send.</i> The notice must be sent within the time (a) or (b) prescribes.</p> <p>(3) <i>Exception Under the Securities Investor Protection Act.</i> In a case under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq., these rules do not require any document to be sent to the United States trustee.</p> |
| <p>(l) NOTICE BY PUBLICATION. The court may order notice by publication if it finds that notice by mail is impracticable or that it is desirable to supplement the notice.</p> | <p>(l) Notice by Publication. The court may order notice by publication if notice by mail is impracticable or if it is desirable to supplement the notice.</p> |
| <p>(m) ORDERS DESIGNATING MATTER OF NOTICES. The court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.</p> | <p>(m) Orders Concerning Notices. Except as these rules provide otherwise, the court may designate the matters about which, the entity to whom, and the form and manner in which a notice must be sent.</p> |
| <p>(n) CAPTION. The caption of every notice given under this rule shall comply</p> | <p>(n) Notice of an Order for Relief in a Consumer Case. In a voluntary case</p> |

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| <p>with Rule 1005. The caption of every notice required to be given by the debtor to a creditor shall include the information required to be in the notice by § 342(c) of the Code.</p> | <p>commenced under the Code by an individual debtor whose debts are primarily consumer debts, the clerk, or some other person as the court may direct, shall give the trustee and all creditors notice by mail of the order for relief not more than 20 days after the entry of such order.</p> |
| <p>(o) NOTICE OF ORDER FOR RELIEF IN CONSUMER CASE. In a voluntary case commenced by an individual debtor whose debts are primarily consumer debts, the clerk or some other person as the court may direct shall give the trustee and all creditors notice by mail of the order for relief within 21 days from the date thereof.</p> | <p>(o) Caption. The caption of a notice given under this Rule 2002 must conform to Rule 1005. The caption of a debtor's notice to a creditor must also include the information that § 342(c) requires.</p> |
| <p>(p) NOTICE TO A CREDITOR WITH A FOREIGN ADDRESS.</p> <p>(1) If, at the request of the United States trustee or a party in interest, or on its own initiative, the court finds that a notice mailed within the time prescribed by these rules would not be sufficient to give a creditor with a foreign address to which notices under these rules are mailed reasonable notice under the circumstances, the court may order that the notice be supplemented with notice by other means or that the time prescribed for the notice by mail be enlarged.</p> <p>(2) Unless the court for cause orders otherwise, a creditor with a foreign address to which notices under this rule are mailed shall be given at least 30 days' notice of the time fixed for filing a proof of claim under Rule 3002(c) or Rule 3003(c).</p> <p>(3) Unless the court for cause orders otherwise, the mailing address of a creditor with a foreign address shall be</p> | <p>(p) Notice to a Creditor with Foreign Address.</p> <p>(1) <i>When Notice by Mail Does Not Suffice.</i> At the request of the United States trustee or a party in interest, or on its own, the court may find that a notice mailed to a creditor with a foreign address within the time these rules prescribe would not give the creditor reasonable notice. The court may then order that the notice be supplemented with notice by other means or that the time prescribed for the notice by mail be extended.</p> <p>(2) <i>Notice of the Time to File a Proof of Claim.</i> Unless the court, for cause, orders otherwise, a creditor with a foreign address must be given at least 30 days' notice of the time to file a proof of claim under Rule 3002(c) or Rule 3003(c).</p> <p>(3) <i>Determining a Foreign Address.</i> Unless the court, for cause, orders otherwise, the mailing address of a</p> |

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| determined under Rule 2002(g). | creditor with a foreign address must be determined under (g). |
| <p>(q) NOTICE OF PETITION FOR RECOGNITION OF FOREIGN PROCEEDING AND OF COURT'S INTENTION TO COMMUNICATE WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES.</p> <p>(1) <i>Notice of Petition for Recognition.</i> After the filing of a petition for recognition of a foreign proceeding, the court shall promptly schedule and hold a hearing on the petition. The clerk, or some other person as the court may direct, shall forthwith give the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519 of the Code, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and such other entities as the court may direct, at least 21 days' notice by mail of the hearing. The notice shall state whether the petition seeks recognition as a foreign main proceeding or foreign nonmain proceeding and shall include the petition and any other document the court may require. If the court consolidates the hearing on the petition with the hearing on a request for provisional relief, the court may set a shorter notice period, with notice to the entities listed in this subdivision.</p> <p>(2) <i>Notice of Court's Intention to Communicate with Foreign Courts and Foreign Representatives.</i> The clerk, or some other person as the court may direct, shall give the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being</p> | <p>(q) Notice of a Petition for Recognition of a Foreign Proceeding; Notice of Intent to Communicate with a Foreign Court or Foreign Representative.</p> <p>(1) <i>Timing of the Notice; Who Must Receive It.</i> After a petition for recognition of a foreign proceeding is filed, the court must promptly hold a hearing on it. The clerk or the court's designee must promptly give at least 21 days' notice by mail of the hearing to:</p> <ul style="list-style-type: none"> • the debtor; • all persons or bodies authorized to administer the debtor's foreign proceedings; • all entities against whom provisional relief is being sought under § 1519; • all parties to litigation pending in the United States in which the debtor was a party when the petition was filed; and • any other entities as the court orders. <p>If the court consolidates the hearing on the petition with a hearing on a request for provisional relief, the court may set a shorter notice period.</p> <p>(2) <i>Contents of the Notice.</i> The notice must:</p> <p>(A) state whether the petition seeks recognition as a foreign main proceeding or a foreign nonmain proceeding; and</p> |

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| <p>sought under § 1519 of the Code, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and such other entities as the court may direct, notice by mail of the court's intention to communicate with a foreign court or foreign representative.</p> | <p>(B) include a copy of the petition and any other document the court specifies.</p> <p>(3) <i>Communicating with a Foreign Court or Foreign Representative.</i> If the court intends to communicate with a foreign court or foreign representative, the clerk or the court's designee must give notice by mail of the court's intention to all those listed in (q)(1).</p> |

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| Rule 2003. Meeting of Creditors or Equity Security Holders | Rule 2003. Meeting of Creditors or Equity Security Holders |
| <p>(a) DATE AND PLACE. Except as otherwise provided in § 341(e) of the Code, in a chapter 7 liquidation or a chapter 11 reorganization case, the United States trustee shall call a meeting of creditors to be held no fewer than 21 and no more than 40 days after the order for relief. In a chapter 12 family farmer debt adjustment case, the United States trustee shall call a meeting of creditors to be held no fewer than 21 and no more than 35 days after the order for relief. In a chapter 13 individual's debt adjustment case, the United States trustee shall call a meeting of creditors to be held no fewer than 21 and no more than 50 days after the order for relief. If there is an appeal from or a motion to vacate the order for relief, or if there is a motion to dismiss the case, the United States trustee may set a later date for the meeting. The meeting may be held at a regular place for holding court or at any other place designated by the United States trustee within the district convenient for the parties in interest. If the United States trustee designates a place for the meeting which is not regularly staffed by the United States trustee or an assistant who may preside at the meeting, the meeting may be held not more than 60 days after the order for relief.</p> | <p>(a) Date and Place of the Meeting.</p> <p>(1) <i>Date.</i> Unless § 341(e) applies, the United States trustee must call a meeting of creditors to be held:</p> <p>(A) in a Chapter 7 or 11 case, no fewer than 21 days and no more than 40 days after the order for relief;</p> <p>(B) in a Chapter 12 case, no fewer than 21 days and no more than 35 days after the order for relief; or</p> <p>(C) in a Chapter 13 case, no fewer than 21 days and no more than 50 days after the order for relief.</p> <p>(2) <i>Effect of a Motion or an Appeal.</i> The United States trustee may set a later date for the meeting if there is a motion to vacate the order for relief, an appeal from such an order, or a motion to dismiss the case.</p> <p>(3) <i>Place; Possible Change in the Meeting Date.</i> The meeting may be held at a regular place for holding court. Or the United States trustee may designate any other place in the district that is convenient for the parties in interest. If the designated meeting place is not regularly staffed by the United States trustee or an assistant who may preside, the meeting may be held no more than 60 days after the order for relief.</p> |
| <p>(b) ORDER OF MEETING.</p> <p>(1) Meeting of Creditors. The United States trustee shall preside at the meeting of creditors. The business of the meeting shall include the examination of the debtor under oath and, in a chapter 7 liquidation case, may</p> | <p>(b) Conducting the Meeting; Agenda; Who May Vote.</p> <p>(1) <i>At a Meeting of Creditors.</i></p> <p>(A) <i>Generally.</i> The United States trustee must preside at the meeting of creditors. The meeting must include an examination of the</p> |

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| <p>include the election of a creditors' committee and, if the case is not under subchapter V of chapter 7, the election of a trustee. The presiding officer shall have the authority to administer oaths.</p> <p>(2) Meeting of Equity Security Holders. If the United States trustee convenes a meeting of equity security holders pursuant to § 341(b) of the Code, the United States trustee shall fix a date for the meeting and shall preside.</p> <p>(3) Right To Vote. In a chapter 7 liquidation case, a creditor is entitled to vote at a meeting if, at or before the meeting, the creditor has filed a proof of claim or a writing setting forth facts evidencing a right to vote pursuant to § 702(a) of the Code unless objection is made to the claim or the proof of claim is insufficient on its face. A creditor of a partnership may file a proof of claim or writing evidencing a right to vote for the trustee for the estate of the general partner notwithstanding that a trustee for the estate of the partnership has previously qualified. In the event of an objection to the amount or allowability of a claim for the purpose of voting, unless the court orders otherwise, the United States trustee shall tabulate the votes for each alternative presented by the dispute and, if resolution of such dispute is necessary to determine the result of the election, the tabulations for each alternative shall be reported to the court.</p> | <p>debtor under oath. The presiding officer has the authority to administer oaths.</p> <p>(B) <i>Chapter 7 Cases.</i> In a Chapter 7 case, the meeting may include the election of a creditors' committee; and if the case is not under Subchapter V, the meeting may include electing a trustee.</p> <p>(2) <i>At a Meeting of Equity Security Holders.</i> If the United States trustee convenes a meeting of equity security holders under § 341(b), the United States trustee must set a date for the meeting and preside over it.</p> <p>(3) <i>Who Has a Right to Vote; Objecting to the Right to Vote.</i></p> <p>(A) <i>In a Chapter 7 Case.</i> A creditor in a Chapter 7 case may vote if, at or before the meeting:</p> <ul style="list-style-type: none"> (i) the creditor has filed a proof of claim or a writing setting forth facts evidencing a right to vote under § 702(a); (ii) the proof of claim is not insufficient on its face; and (iii) no objection is made to the claim. <p>(B) <i>In a Partnership Case.</i> A creditor in a partnership case may file a proof of claim or a writing evidencing a right to vote for a trustee for the general partner's estate even if a trustee for the partnership's estate has previously qualified.</p> <p>(C) <i>Objecting to the Amount or Allowability of a Claim for Voting Purposes.</i> Unless the court orders otherwise, if there is an objection to the amount or allowability of a claim for voting purposes, the United States trustee</p> |

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| | <p>must tabulate the votes for each alternative presented by the dispute. If resolving the dispute is necessary to determine the election's result, the United States trustee must report to the court the tabulations for each alternative.</p> |
| <p>(c) RECORD OF MEETING. Any examination under oath at the meeting of creditors held pursuant to § 341(a) of the Code shall be recorded verbatim by the United States trustee using electronic sound recording equipment or other means of recording, and such record shall be preserved by the United States trustee and available for public access until two years after the conclusion of the meeting of creditors. Upon request of any entity, the United States trustee shall certify and provide a copy or transcript of such recording at the entity's expense.</p> | <p>(c) Recording the Proceedings. At the meeting of creditors under § 341(a), the United States trustee must:</p> <ol style="list-style-type: none"> (1) record verbatim—using electronic sound-recording equipment or other means of recording—all examinations under oath; (2) preserve the recording and make it available for public access for 2 years after the meeting concludes; and (3) upon request, certify and provide a copy or transcript of the recording to any entity at that entity's expense. |
| <p>(d) REPORT OF ELECTION AND RESOLUTION OF DISPUTES IN A CHAPTER 7 CASE.</p> <p>(1) Report of Undisputed Election. In a chapter 7 case, if the election of a trustee or a member of a creditors' committee is not disputed, the United States trustee shall promptly file a report of the election, including the name and address of the person or entity elected and a statement that the election is undisputed.</p> <p>(2) Disputed Election. If the election is disputed, the United States trustee shall promptly file a report stating that the election is disputed, informing the court of the nature of the dispute, and listing the name and address of any candidate elected under any alternative presented by the dispute. No later than the date on which the</p> | <p>(d) Reporting Election Results in a Chapter 7 Case.</p> <p>(1) <i>Undisputed Election.</i> In a Chapter 7 case, if the election of a trustee or a member of a creditors' committee is undisputed, the United States trustee must promptly file a report of the election. The report must include the name and address of the person or entity elected and a statement that the election was undisputed.</p> <p>(2) <i>Disputed Election.</i></p> <p>(A) <i>United States Trustee's Report.</i> If the election is disputed, the United States trustee must:</p> <ol style="list-style-type: none"> (i) promptly file a report informing the court of the nature of the dispute and listing the name and address of any candidate elected |

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| <p>report is filed, the United States trustee shall mail a copy of the report to any party in interest that has made a request to receive a copy of the report. Pending disposition by the court of a disputed election for trustee, the interim trustee shall continue in office. Unless a motion for the resolution of the dispute is filed no later than 14 days after the United States trustee files a report of a disputed election for trustee, the interim trustee shall serve as trustee in the case.</p> | <p>under any alternative presented by the dispute; and</p> <p>(ii) no later than the date on which the report is filed, mail a copy to any party in interest that has requested one.</p> <p>(B) <i>Interim Trustee.</i> Until the court resolves the dispute, the interim trustee must continue in office. Unless a motion to resolve the dispute is filed within 14 days after the report is filed, the interim trustee must serve as trustee in the case.</p> |
| <p>(e) ADJOURNMENT. The meeting may be adjourned from time to time by announcement at the meeting of the adjourned date and time. The presiding official shall promptly file a statement specifying the date and time to which the meeting is adjourned.</p> | <p>(e) Adjournment. The presiding official may adjourn the meeting from time to time by announcing at the meeting the date and time to reconvene. The presiding official must promptly file a statement showing the adjournment and the date and time to reconvene.</p> |
| <p>(f) SPECIAL MEETINGS. The United States trustee may call a special meeting of creditors on request of a party in interest or on the United States trustee's own initiative.</p> | <p>(f) Special Meetings of Creditors. The United States trustee may call a special meeting of creditors or may do so on request of a party in interest.</p> |
| <p>(g) FINAL MEETING. If the United States trustee calls a final meeting of creditors in a case in which the net proceeds realized exceed \$1,500, the clerk shall mail a summary of the trustee's final account to the creditors with a notice of the meeting, together with a statement of the amount of the claims allowed. The trustee shall attend the final meeting and shall, if requested, report on the administration of the estate.</p> | <p>(g) Final Meeting of Creditors. If the United States trustee calls a final meeting of creditors in a case in which the net proceeds realized exceed \$1,500, the clerk must give notice of the meeting to the creditors. The notice must include a summary of the trustee's final account and a statement of the amount of the claims allowed. The trustee must attend the meeting and, if requested, report on the administration of the estate.</p> |

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| Rule 2004. Examination | Rule 2004. Examinations |
| (a) EXAMINATION ON MOTION. On motion of any party in interest, the court may order the examination of any entity. | (a) In General. On motion of a party in interest, the court may order the examination of any entity. |
| (b) SCOPE OF EXAMINATION. The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a family farmer's debt adjustment case under chapter 12, an individual's debt adjustment case under chapter 13, or a reorganization case under chapter 11 of the Code, other than for the reorganization of a railroad, the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan. | (b) Scope of the Examination. <p>(1) <i>In General.</i> The examination of an entity under this Rule 2004, or of a debtor under § 343, may relate only to:</p> <ul style="list-style-type: none"> (A) the debtor's acts, conduct, or property; (B) the debtor's liabilities and financial condition; (C) any matter that may affect the administration of the debtor's estate; or (D) the debtor's right to a discharge. <p>(2) <i>Other Topics in Certain Cases.</i> In a Chapter 12 or 13 case, or in a Chapter 11 case that is not a railroad reorganization, the examination may also relate to:</p> <ul style="list-style-type: none"> (A) the operation of any business and the desirability of its continuing; (B) the source of any money or property the debtor acquired or will acquire for the purpose of consummating a plan and the consideration given or offered; and (C) any other matter relevant to the case or to formulating a plan. |
| (c) COMPELLING ATTENDANCE AND PRODUCTION OF DOCUMENTS. The attendance of an entity for examination and for the production of documents, whether the examination is to be conducted within or without the district in which the case is pending, may be compelled as | (c) Compelling Attendance and the Production of Documents. Regardless of the district where the examination will be conducted, an entity may be compelled under Rule 9016 to attend and produce documents. An attorney may issue and sign a subpoena on behalf of the court for the district in which the examination is to be |

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| <p>provided in Rule 9016 for the attendance of a witness at a hearing or trial. As an officer of the court, an attorney may issue and sign a subpoena on behalf of the court for the district in which the examination is to be held if the attorney is admitted to practice in that court or in the court in which the case is pending.</p> | <p>held if the attorney is admitted to practice in that court or in the court where the case is pending.</p> |
| <p>(d) TIME AND PLACE OF EXAMINATION OF DEBTOR. The court may for cause shown and on terms as it may impose order the debtor to be examined under this rule at any time or place it designates, whether within or without the district wherein the case is pending.</p> | <p>(d) Time and Place to Examine the Debtor. The court may, for cause and on terms it may impose, order the debtor to be examined under this Rule 2004 at any designated time and place, in or outside the district.</p> |
| <p>(e) MILEAGE. An entity other than a debtor shall not be required to attend as a witness unless lawful mileage and witness fee for one day's attendance shall be first tendered. If the debtor resides more than 100 miles from the place of examination when required to appear for an examination under this rule, the mileage allowed by law to a witness shall be tendered for any distance more than 100 miles from the debtor's residence at the date of the filing of the first petition commencing a case under the Code or the residence at the time the debtor is required to appear for the examination, whichever is the lesser.</p> | <p>(e) Witness Fees and Mileage.</p> <p>(1) <i>For a Nondebtor Witness.</i> An entity, except the debtor, may be required to attend as a witness only if the lawful mileage and witness fee for 1 day's attendance are first tendered.</p> <p>(2) <i>For a Debtor Witness.</i> A debtor witness must be tendered a mileage fee if required to appear for examination more than 100 miles from the debtor's residence. The fee need cover only the distance exceeding 100 miles from the debtor's residence at the time of the examination or when the first petition was filed, whichever residence is nearer.</p> |

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| Rule 2005. Apprehension and Removal of Debtor to Compel Attendance for Examination | Rule 2005. Apprehending and Removing a Debtor for Examination |
| <p>(a) ORDER TO COMPEL ATTENDANCE FOR EXAMINATION. On motion of any party in interest supported by an affidavit alleging (1) that the examination of the debtor is necessary for the proper administration of the estate and that there is reasonable cause to believe that the debtor is about to leave or has left the debtor's residence or principal place of business to avoid examination, or (2) that the debtor has evaded service of a subpoena or of an order to attend for examination, or (3) that the debtor has willfully disobeyed a subpoena or order to attend for examination, duly served, the court may issue to the marshal, or some other officer authorized by law, an order directing the officer to bring the debtor before the court without unnecessary delay. If, after hearing, the court finds the allegations to be true, the court shall thereupon cause the debtor to be examined forthwith. If necessary, the court shall fix conditions for further examination and for the debtor's obedience to all orders made in reference thereto.</p> | <p>(a) Compelling the Debtor's Attendance.</p> <p>(1) <i>Order to Apprehend the Debtor.</i> On motion of a party in interest, supported by an affidavit, the court may order a marshal or other official authorized by law to bring the debtor before the court without unnecessary delay. The affidavit must allege that:</p> <p>(A) an examination is necessary to properly administer the estate, and there is reasonable cause to believe that the debtor is about to leave or has left the debtor's residence or principal place of business to avoid the examination;</p> <p>(B) the debtor has evaded service of a subpoena or an order to attend the examination; or</p> <p>(C) the debtor has willfully disobeyed a duly served subpoena or order to attend the examination.</p> <p>(2) <i>Ordering an Immediate Examination.</i> If, after hearing, the court finds the allegations to be true, it must:</p> <p>(A) order the immediate examination of the debtor; and</p> <p>(B) if necessary, set conditions for further examination and for the debtor's obedience to any further order regarding it.</p> |
| <p>(b) REMOVAL. Whenever any order to bring the debtor before the court is issued under this rule and the debtor is found in a district other than that of the court issuing the order, the debtor may be taken into custody under the order and removed in accordance with the</p> | <p>(b) Removing a Debtor to Another District for Examination.</p> <p>(1) <i>In General.</i> When an order is issued under (a)(1) and the debtor is found in another district, the debtor may be</p> |

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| <p>following rules:</p> <p>(1) If the debtor is taken into custody under the order at a place less than 100 miles from the place of issue of the order, the debtor shall be brought forthwith before the court that issued the order.</p> <p>(2) If the debtor is taken into custody under the order at a place 100 miles or more from the place of issue of the order, the debtor shall be brought without unnecessary delay before the nearest available United States magistrate judge, bankruptcy judge, or district judge. If, after hearing, the magistrate judge, bankruptcy judge, or district judge finds that an order has issued under this rule and that the person in custody is the debtor, or if the person in custody waives a hearing, the magistrate judge, bankruptcy judge, or district judge shall order removal, and the person in custody shall be released on conditions ensuring prompt appearance before the court that issued the order to compel the attendance.</p> | <p>taken into custody and removed as provided in (2) and (3).</p> <p>(2) <i>Within 100 Miles.</i> A debtor who is taken into custody less than 100 miles from where the order was issued must be brought promptly before the court that issued the order.</p> <p>(3) <i>At 100 Miles or More.</i> A debtor who is taken into custody 100 miles or more from where the order was issued must be brought without unnecessary delay for a hearing before the nearest available United States magistrate judge, bankruptcy judge, or district judge. If, after hearing, the judge finds that the person in custody is the debtor and is subject to an order under (a)(1), or if the person waives a hearing, the judge must order removal, and must release the person in custody on conditions ensuring prompt appearance before the court that issued the order compelling attendance.</p> |
| <p>(c) CONDITIONS OF RELEASE. In determining what conditions will reasonably assure attendance or obedience under subdivision (a) of this rule or appearance under subdivision (b) of this rule, the court shall be governed by the provisions and policies of title 18, U.S.C., § 3146(a) and (b).</p> | <p>(4) <i>Conditions of Release.</i> 18 U.S.C. § 3146(a) and (b) govern the court's determination of what conditions will reasonably assure attendance and obedience under this Rule 2005.</p> |

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| Rule 2006. Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases | Rule 2006. Soliciting and Voting Proxies in a Chapter 7 Case |
| (a) APPLICABILITY. This rule applies only in a liquidation case pending under chapter 7 of the Code. | (a) Applicability. This Rule 2006 applies only in a Chapter 7 case. |
| <p>(b) DEFINITIONS.</p> <p>(1) Proxy. A proxy is a written power of attorney authorizing any entity to vote the claim or otherwise act as the owner’s attorney in fact in connection with the administration of the estate.</p> <p>(2) Solicitation of Proxy. The solicitation of a proxy is any communication, other than one from an attorney to a regular client who owns a claim or from an attorney to the owner of a claim who has requested the attorney to represent the owner, by which a creditor is asked, directly or indirectly, to give a proxy after or in contemplation of the filing of a petition by or against the debtor.</p> | <p>(b) Definitions.</p> <p>(1) Proxy. A “proxy” is a written power of attorney that authorizes an entity to vote the claim or otherwise act as the holder’s attorney-in-fact in connection with the administration of the estate.</p> <p>(2) Soliciting a Proxy. “Soliciting a proxy” means any communication by which a creditor is asked, directly or indirectly, to give a proxy after or in contemplation of a Chapter 7 petition filed by or against the debtor. But such a communication is not considered soliciting a proxy if it comes from an attorney to a claim owner who is a regular client or who has requested the attorney’s representation.</p> |
| <p>(c) AUTHORIZED SOLICITATION.</p> <p>(1) A proxy may be solicited only by (A) a creditor owning an allowable unsecured claim against the estate on the date of the filing of the petition; (B) a committee elected pursuant to § 705 of the Code; (C) a committee of creditors selected by a majority in number and amount of claims of creditors (i) whose claims are not contingent or unliquidated, (ii) who are not disqualified from voting under § 702(a) of the Code and (iii) who were present or represented at a meeting of which all creditors having claims of over \$500 or the 100 creditors having the largest claims had at least seven days’ notice in writing and of which meeting written minutes were kept and are available</p> | <p>(c) Who May Solicit a Proxy. A proxy may be solicited only in writing and only by:</p> <p>(1) a creditor that, on the date the petition was filed, held an allowable unsecured claim against the estate;</p> <p>(2) a committee elected under § 705;</p> <p>(3) a committee elected by creditors that hold a majority of claims in number and in total amount and that:</p> <p>(A) have claims that are not contingent or unliquidated;</p> <p>(B) are not disqualified from voting under § 702(a); and</p> <p>(C) were present or represented at a creditors’ meeting of which:</p> |

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| <p>reporting the names of the creditors present or represented and voting and the amounts of their claims; or (D) a bona fide trade or credit association, but such association may solicit only creditors who were its members or subscribers in good standing and had allowable unsecured claims on the date of the filing of the petition.</p> <p>(2) A proxy may be solicited only in writing.</p> | <p>(i) all creditors with claims over \$500 or the 100 creditors with the largest claims had at least 7 days' written notice; and</p> <p>(ii) written minutes are available that report the voting creditors' names and the amounts of their claims; or</p> <p>(4) a bona fide trade or credit association, which may solicit only creditors who, on the petition date:</p> <p>(A) were its members or subscribers in good standing; and</p> <p>(B) held allowable unsecured claims.</p> |
| <p>(d) SOLICITATION NOT AUTHORIZED. This rule does not permit solicitation (1) in any interest other than that of general creditors; (2) by or on behalf of any custodian; (3) by the interim trustee or by or on behalf of any entity not qualified to vote under § 702(a) of the Code; (4) by or on behalf of an attorney at law; or (5) by or on behalf of a transferee of a claim for collection only.</p> | <p>(d) When Soliciting a Proxy Is Not Permitted. This Rule 2006 does not permit soliciting a proxy:</p> <p>(1) for any interest except that of a general creditor;</p> <p>(2) by the interim trustee; or</p> <p>(3) by or on behalf of:</p> <p>(A) a custodian;</p> <p>(B) any entity not qualified to vote under § 702(a);</p> <p>(C) an attorney-at-law; or</p> <p>(D) a transferee holding a claim for collection purposes only.</p> |
| <p>(e) DATA REQUIRED FROM HOLDERS OF MULTIPLE PROXIES. At any time before the voting commences at any meeting of creditors pursuant to § 341(a) of the Code, or at any other time as the court may direct, a holder of two or more proxies shall file and transmit to the United States trustee a verified list of the proxies to be voted and a verified</p> | <p>(e) Duties of Holders of Multiple Proxies. Before voting begins at any meeting of creditors under § 341(a)—or at any other time the court orders—a holder of 2 or more proxies must file and send to the United States trustee a verified list of the proxies to be voted and a verified statement of the pertinent facts and circumstances regarding each proxy's execution and delivery. The statement must include:</p> |

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| <p>statement of the pertinent facts and circumstances in connection with the execution and delivery of each proxy, including:</p> <p>(1) a copy of the solicitation;</p> <p>(2) identification of the solicitor, the forwarder, if the forwarder is neither the solicitor nor the owner of the claim, and the proxyholder, including their connections with the debtor and with each other. If the solicitor, forwarder, or proxyholder is an association, there shall also be included a statement that the creditors whose claims have been solicited and the creditors whose claims are to be voted were members or subscribers in good standing and had allowable unsecured claims on the date of the filing of the petition. If the solicitor, forwarder, or proxyholder is a committee of creditors, the statement shall also set forth the date and place the committee was organized, that the committee was organized in accordance with clause (B) or (C) of paragraph (c)(1) of this rule, the members of the committee, the amounts of their claims, when the claims were acquired, the amounts paid therefor, and the extent to which the claims of the committee members are secured or entitled to priority;</p> <p>(3) a statement that no consideration has been paid or promised by the proxyholder for the proxy;</p> <p>(4) a statement as to whether there is any agreement and, if so, the particulars thereof, between the proxyholder and any other entity for the payment of any consideration in connection with voting the proxy, or for the sharing of compensation with any entity, other than a member or regular associate of the proxyholder's law firm,</p> | <p>(1) a copy of the solicitation;</p> <p>(2) an identification of the solicitor, the forwarder (if the forwarder is neither the solicitor nor the claim owner), and the proxyholder—including their connections with the debtor and with each other—together with:</p> <p>(A) if the solicitor, forwarder, or proxyholder is an association, a statement that the creditors whose claims have been solicited and the creditors whose claims are to be voted were, on the petition date, members or subscribers in good standing with allowable unsecured claims; and</p> <p>(B) if the solicitor, forwarder, or proxyholder is a committee of creditors, a list stating:</p> <p>(i) the date and place the committee was organized;</p> <p>(ii) that the committee was organized under (c)(1)(B) or (C);</p> <p>(iii) the committee's members;</p> <p>(iv) the amounts of their claims;</p> <p>(v) when the claims were acquired;</p> <p>(vi) the amounts paid for the claims; and</p> <p>(vii) the extent to which the committee members' claims are secured or entitled to priority;</p> <p>(3) a statement that the proxyholder has neither paid nor promised any consideration for the proxy;</p> <p>(4) a statement addressing whether there is any agreement—and, if so, giving its</p> |

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| <p>which may be allowed the trustee or any entity for services rendered in the case, or for the employment of any person as attorney, accountant, appraiser, auctioneer, or other employee for the estate;</p> <p>(5) if the proxy was solicited by an entity other than the proxyholder, or forwarded to the holder by an entity who is neither a solicitor of the proxy nor the owner of the claim, a statement signed and verified by the solicitor or forwarder that no consideration has been paid or promised for the proxy, and whether there is any agreement, and, if so, the particulars thereof, between the solicitor or forwarder and any other entity for the payment of any consideration in connection with voting the proxy, or for sharing compensation with any entity other than a member or regular associate of the solicitor's or forwarder's law firm which may be allowed the trustee or any entity for services rendered in the case, or for the employment of any person as attorney, accountant, appraiser, auctioneer, or other employee for the estate;</p> <p>(6) if the solicitor, forwarder, or proxyholder is a committee, a statement signed and verified by each member as to the amount and source of any consideration paid or to be paid to such member in connection with the case other than by way of dividend on the member's claim.</p> | <p>particulars—between the proxyholder and any other entity to pay any consideration related to voting the proxy or to share with any entity (except a member or regular associate of the proxyholder's law firm) compensation that may be allowed to:</p> <p>(A) the trustee or any entity for services rendered in the case; or</p> <p>(B) any person employed by the estate;</p> <p>(5) if the proxy was solicited by an entity other than the proxyholder—or forwarded to the holder by an entity who is neither a solicitor of the proxy nor the claim owner—a statement signed and verified by the solicitor or forwarder:</p> <p>(A) confirming that no consideration has been paid or promised for the proxy;</p> <p>(B) addressing whether there is any agreement—and, if so, giving its particulars—between the solicitor or forwarder and any other entity to pay any consideration related to voting the proxy or to share with any entity (except a member or regular associate of the solicitor's or forwarder's law firm) compensation that may be allowed to:</p> <p>(i) the trustee or any entity for services rendered in the case; or</p> <p>(ii) any person employed by the estate; and</p> <p>(6) if the solicitor, forwarder, or proxyholder is a committee, a statement signed and verified by each member disclosing the amount and source of any consideration paid or to</p> |

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| | be paid to the member in connection with the case, except a dividend on the member's claim. |
| <p>(f) ENFORCEMENT OF RESTRICTIONS ON SOLICITATION. On motion of any party in interest or on its own initiative, the court may determine whether there has been a failure to comply with the provisions of this rule or any other impropriety in connection with the solicitation or voting of a proxy. After notice and a hearing the court may reject any proxy for cause, vacate any order entered in consequence of the voting of any proxy which should have been rejected, or take any other appropriate action.</p> | <p>(f) Enforcing Restrictions on Soliciting Proxies. On motion of a party in interest or on its own, the court may determine whether there has been a failure to comply with this Rule 2006 or any other impropriety related to soliciting or voting a proxy. After notice and a hearing, the court may:</p> <ul style="list-style-type: none"> (1) reject a proxy for cause; (2) vacate an order entered because a proxy was voted that should have been rejected; or (3) take other appropriate action. |

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| Rule 2007. Review of Appointment of Creditors' Committee Organized Before Commencement of the Case | Rule 2007. Reviewing the Appointment of a Creditors' Committee Organized Before a Chapter 9 or 11 Case Is Commenced |
| (a) MOTION TO REVIEW APPOINTMENT. If a committee appointed by the United States trustee pursuant to § 1102(a) of the Code consists of the members of a committee organized by creditors before the commencement of a chapter 9 or chapter 11 case, on motion of a party in interest and after a hearing on notice to the United States trustee and other entities as the court may direct, the court may determine whether the appointment of the committee satisfies the requirements of § 1102(b)(1) of the Code. | (a) Motion to Review the Appointment. If, in a Chapter 9 or 11 case, a committee appointed by the United States trustee under § 1102(a) consists of the members of a committee organized by creditors before the case commenced, the court may determine whether the committee's appointment satisfies the requirements of § 1102(b)(1). The court may do so on a party in interest's motion and after a hearing on notice to the United States trustee and other entities as the court orders. |
| (b) SELECTION OF MEMBERS OF COMMITTEE. The court may find that a committee organized by unsecured creditors before the commencement of a chapter 9 or chapter 11 case was fairly chosen if: <div data-bbox="240 1234 753 1770" data-label="Text"> <p>(1) it was selected by a majority in number and amount of claims of unsecured creditors who may vote under § 702(a) of the Code and were present in person or represented at a meeting of which all creditors having unsecured claims of over \$1,000 or the 100 unsecured creditors having the largest claims had at least seven days' notice in writing, and of which meeting written minutes reporting the names of the creditors present or represented and voting and the amounts of their claims were kept and are available for inspection;</p> </div> <div data-bbox="240 1791 735 1896" data-label="Text"> <p>(2) all proxies voted at the meeting for the elected committee were solicited pursuant to Rule 2006 and the</p> </div> | (b) Determining Whether the Committee Was Fairly Chosen. The court may find that the committee was fairly chosen if: <div data-bbox="834 1129 1377 1875" data-label="List-Group"> <ol style="list-style-type: none"> (1) it was selected by a majority in number and amount of claims of unsecured creditors who are entitled to vote under § 702(a) and who were present or represented at a meeting of which: <ol style="list-style-type: none"> (A) all creditors with unsecured claims of over \$1,000 or the 100 unsecured creditors with the largest claims had at least 7 days' written notice; and (B) written minutes are available for inspection reporting the voting creditors' names and the amounts of their claims; (2) all proxies voted at the meeting were solicited under Rule 2006; (3) the lists and statements required by Rule 2006(e) have been sent to the United States trustee; and </div> |

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| <p>lists and statements required by subdivision (e) thereof have been transmitted to the United States trustee; and</p> <p>(3) the organization of the committee was in all other respects fair and proper.</p> | <p>(4) the committee's organization was in all other respects fair and proper.</p> |
| <p>(c) FAILURE TO COMPLY WITH REQUIREMENTS FOR APPOINTMENT. After a hearing on notice pursuant to subdivision (a) of this rule, the court shall direct the United States trustee to vacate the appointment of the committee and may order other appropriate action if the court finds that such appointment failed to satisfy the requirements of § 1102(b)(1) of the Code.</p> | <p>(c) Failure to Comply with Appointment Requirements. If, after a hearing on notice under (a), the court finds that a committee appointment fails to satisfy the requirements of § 1102(b)(1), it:</p> <p>(1) must order the United States trustee to vacate the appointment; and</p> <p>(2) may order other appropriate action.</p> |

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| Rule 2007.1. Appointment of Trustee or Examiner in a Chapter 11 Reorganization Case | Rule 2007.1. Appointing a Trustee or Examiner in a Chapter 11 Case |
| (a) ORDER TO APPOINT TRUSTEE OR EXAMINER. In a chapter 11 reorganization case, a motion for an order to appoint a trustee or an examiner under § 1104(a) or § 1104(c) of the Code shall be made in accordance with Rule 9014. | (a) In General. In a Chapter 11 case, a motion to appoint a trustee or examiner under § 1104(a) or (c) must be made in accordance with Rule 9014. |
| <p>(b) ELECTION OF TRUSTEE.</p> <p>(1) <i>Request for an Election.</i> A request to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 reorganization case shall be filed and transmitted to the United States trustee in accordance with Rule 5005 within the time prescribed by § 1104(b) of the Code. Pending court approval of the person elected, any person appointed by the United States trustee under § 1104(d) and approved in accordance with subdivision (c) of this rule shall serve as trustee.</p> <p>(2) <i>Manner of Election and Notice.</i> An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in Rules 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given as provided in Rule 2002. The United States trustee shall preside at the meeting. A proxy for the purpose of voting in the election may be solicited only by a committee of creditors appointed under § 1102 of the Code or by any other party entitled to solicit a proxy pursuant to Rule 2006.</p> <p>(3) <i>Report of Election and Resolution of Disputes.</i></p> <p>(A) <i>Report of Undisputed Election.</i> If no dispute arises out of the</p> | <p>(b) Requesting the United States Trustee to Convene a Meeting of Creditors to Elect a Trustee.</p> <p>(1) <i>In General.</i> A request to the United States trustee to convene a meeting of creditors to elect a trustee must be filed and sent to the United States trustee in accordance with Rule 5005 and within the time prescribed by § 1104(b). Pending court approval of the person elected, any person appointed by the United States trustee under § 1104(d) and approved under (c) below must serve as trustee.</p> <p>(2) <i>Notice and Manner of Conducting the Election.</i> A trustee's election under § 1104(b) must be conducted as Rules 2003(b)(3) and 2006 provide, and notice of the meeting of creditors must be given as Rule 2002 provides. The United States trustee must preside at the meeting. A proxy to vote in the election may be solicited only by a creditors' committee appointed under § 1102 or by another party entitled to solicit a proxy under Rule 2006.</p> <p>(3) <i>Reporting Election Results; Resolving Disputes.</i></p> <p>(A) <i>Undisputed Election.</i> If the election is undisputed, the United States trustee must promptly file a report certifying the election, including</p> |

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| <p>election, the United States trustee shall promptly file a report certifying the election, including the name and address of the person elected and a statement that the election is undisputed. The report shall be accompanied by a verified statement of the person elected setting forth that person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.</p> <p>(B) <i>Dispute Arising Out of an Election.</i> If a dispute arises out of an election, the United States trustee shall promptly file a report stating that the election is disputed, informing the court of the nature of the dispute, and listing the name and address of any candidate elected under any alternative presented by the dispute. The report shall be accompanied by a verified statement by each candidate elected under each alternative presented by the dispute, setting forth the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee. Not later than the date on which the report of the disputed election is filed, the United States trustee shall mail a copy of the report and each verified statement to any party in interest that has made a request to convene a meeting under § 1104(b) or to receive a copy of the report, and to any committee appointed under § 1102 of the Code.</p> | <p>the name and address of the person elected and a statement that the election is undisputed. The report must be accompanied by a verified statement of the person elected setting forth that person's connections with:</p> <ul style="list-style-type: none"> (i) the debtor; (ii) creditors; (iii) any other party in interest; (iv) their respective attorneys and accountants; (v) the United States trustee; or (vi) any person employed in the United States trustee's office. <p>(B) <i>Disputed Election.</i> If the election is disputed, the United States trustee must promptly file a report stating that the election is disputed, informing the court of the nature of the dispute, and listing the name and address of any candidate elected under any alternative presented by the dispute. The report must be accompanied by a verified statement by each such candidate, setting forth the candidate's connections with any entity listed in (A). No later than the date on which the report of the disputed election is filed, the United States trustee must mail a copy of the report and each verified statement to:</p> <ul style="list-style-type: none"> (i) any party in interest that has made a request to convene a meeting under § 1104(b) or to receive a copy of the report; and |

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| | (ii) any committee appointed under § 1102. |
| <p>(c) APPROVAL OF APPOINTMENT. An order approving the appointment of a trustee or an examiner under § 1104(d) of the Code shall be made on application of the United States trustee. The application shall state the name of the person appointed and, to the best of the applicant's knowledge, all the person's connections with the debtor, creditors, any other parties in interest, their respective attorneys and accountants, the United States trustee, or persons employed in the office of the United States trustee. The application shall state the names of the parties in interest with whom the United States trustee consulted regarding the appointment. The application shall be accompanied by a verified statement of the person appointed setting forth the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.</p> | <p>(c) Approving an Appointment. On application of the United States trustee, the court may approve a trustee's or examiner's appointment under § 1104(d). The application must:</p> <ol style="list-style-type: none"> (1) name the person appointed and state, to the best of the applicant's knowledge, all that person's connections with any entity listed in (b)(3)(A); (2) state the names of the parties in interest with whom the United States trustee consulted about the appointment; and (3) be accompanied by a verified statement of the person appointed setting forth that person's connections with any entity listed in (b)(3)(A). |

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| Rule 2007.2. Appointment of Patient Care Ombudsman in a Health Care Business Case | Rule 2007.2. Appointing a Patient-Care Ombudsman in a Health Care Business Case |
| (a) ORDER TO APPOINT PATIENT CARE OMBUDSMAN. In a chapter 7, chapter 9, or chapter 11 case in which the debtor is a health care business, the court shall order the appointment of a patient care ombudsman under § 333 of the Code, unless the court, on motion of the United States trustee or a party in interest filed no later than 21 days after the commencement of the case or within another time fixed by the court, finds that the appointment of a patient care ombudsman is not necessary under the specific circumstances of the case for the protection of patients. | (a) In General. In a Chapter 7, 9, or 11 case in which the debtor is a health care business, the court must order the appointment of a patient-care ombudsman under § 333— unless the court, on motion of the United States trustee or a party in interest, finds that appointing a patient-care ombudsman in that case is not necessary to protect patients. The motion must be filed within 21 days after the case was commenced or at another time set by the court. |
| (b) MOTION FOR ORDER TO APPOINT OMBUDSMAN. If the court has found that the appointment of an ombudsman is not necessary, or has terminated the appointment, the court, on motion of the United States trustee or a party in interest, may order the appointment at a later time if it finds that the appointment has become necessary to protect patients. | (b) Deferred Appointment. If the court has found that appointing an ombudsman is unnecessary, or has terminated the appointment, the court may, on motion of the United States trustee or a party in interest, order an appointment later if it finds that an appointment has become necessary to protect patients. |
| (c) NOTICE OF APPOINTMENT. If a patient care ombudsman is appointed under § 333, the United States trustee shall promptly file a notice of the appointment, including the name and address of the person appointed. Unless the person appointed is a State Long-Term Care Ombudsman, the notice shall be accompanied by a verified statement of the person appointed setting forth the person's connections with the debtor, creditors, patients, any other party in interest, their respective attorneys and accountants, the United States trustee, and any person employed in the office | (c) Giving Notice. When a patient-care ombudsman is appointed under § 333, the United States trustee must promptly file a notice of the appointment, including the name and address of the person appointed. Unless that person is a State Long-Term-Care Ombudsman, the notice must be accompanied by a verified statement of the person appointed setting forth that person's connections with: <ol style="list-style-type: none"> (1) the debtor; (2) creditors; (3) patients; |

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| of the United States trustee. | <p>(4) any other party in interest;</p> <p>(5) their respective attorneys and accountants;</p> <p>(6) the United States trustee; or</p> <p>(7) any person employed in the United States trustee's office.</p> |
| (d) TERMINATION OF APPOINTMENT. On motion of the United States trustee or a party in interest, the court may terminate the appointment of a patient care ombudsman if the court finds that the appointment is not necessary to protect patients. | (d) Terminating an Appointment. On motion of the United States trustee or a party in interest, the court may terminate a patient-care ombudsman's appointment that it finds to be unnecessary to protect patients. |
| (e) MOTION. A motion under this rule shall be governed by Rule 9014. The motion shall be transmitted to the United States trustee and served on: the debtor; the trustee; any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d); and such other entities as the court may direct. | <p>(e) Procedure. Rule 9014 governs any motion under this Rule 2007.2. The motion must be sent to the United States trustee and served on:</p> <ul style="list-style-type: none"> • the debtor; • the trustee; • any committee elected under § 705 or appointed under § 1102, or its authorized agent; and • any other entity as the court orders. <p>In a Chapter 9 or 11 case, if no committee of unsecured creditors has been appointed under § 1102, the motion must also be served on the creditors included on the list filed under Rule 1007(d).</p> |

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| Rule 2008. Notice to Trustee of Selection | Rule 2008. Notice to the Person Selected as Trustee |
| <p>The United States trustee shall immediately notify the person selected as trustee how to qualify and, if applicable, the amount of the trustee's bond. A trustee that has filed a blanket bond pursuant to Rule 2010 and has been selected as trustee in a chapter 7, chapter 12, or chapter 13 case that does not notify the court and the United States trustee in writing of rejection of the office within seven days after receipt of notice of selection shall be deemed to have accepted the office. Any other person selected as trustee shall notify the court and the United States trustee in writing of acceptance of the office within seven days after receipt of notice of selection or shall be deemed to have rejected the office.</p> | <p>(a) Giving Notice. The United States trustee must immediately notify the person selected as trustee how to qualify and, if applicable, the amount of the trustee's bond.</p> <p>(b) Accepting the Position of Trustee.</p> <p>(1) <i>Trustee Who Has Filed a Blanket Bond.</i> A trustee selected in a Chapter 7, 12, or 13 case who has filed a blanket bond under Rule 2010 may reject the office by notifying the court and the United States trustee in writing within 7 days after receiving notice of selection. Otherwise, the trustee will be deemed to have accepted the office.</p> <p>(2) <i>Other Trustees.</i> Any other person selected as trustee may accept the office by notifying the court and the United States trustee in writing within 7 days after receiving notice of selection. Otherwise, the person will be deemed to have rejected the office.</p> |

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| Rule 2009. Trustees for Estates When Joint Administration Ordered | Rule 2009. Trustees for Jointly Administered Estates |
| (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 of the Code. | (a) Creditors' Right to Elect a Single Trustee. Except in a case under Subchapter V of Chapter 7, if the court orders that 2 or more estates be jointly administered under Rule 1015(b), the creditors may elect a single trustee for those estates. |
| (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. | (b) Creditors' Right to Elect a Separate Trustee. Except in a case under Subchapter V of Chapter 7, any debtor's creditors may elect a separate trustee for the debtor's estate under § 702—even if the court orders joint administration under Rule 1015(b). |
| (c) APPOINTMENT OF TRUSTEES FOR ESTATES BEING JOINTLY ADMINISTERED. (1) <i>Chapter 7 Liquidation Cases.</i> Except in a case governed by subchapter V of chapter 7, the United States trustee may appoint one or more interim trustees for estates being jointly administered in chapter 7 cases. (2) <i>Chapter 11 Reorganization Cases.</i> If the appointment of a trustee is ordered, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases. (3) <i>Chapter 12 Family Farmer's Debt Adjustment Cases.</i> The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 12 cases. (4) <i>Chapter 13 Individual's Debt</i> | (c) United States Trustee's Right to Appoint Interim Trustees in Cases with Jointly Administered Estates. (1) Chapter 7. Except in a case under Subchapter V of Chapter 7, the United States trustee may appoint one or more interim trustees for estates being jointly administered in Chapter 7. (2) Chapter 11. If the court orders the appointment of a trustee, the United States trustee may appoint one or more trustees for estates being jointly administered in Chapter 11. (3) Chapter 12 or 13. The United States trustee may appoint one or more trustees for estates being jointly administered in Chapter 12 or 13. |

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| <i>Adjustment Cases.</i> The United States trustee may appoint one or more trustees for estates being jointly administered in chapter 13 cases. | |
| (d) POTENTIAL CONFLICTS OF INTEREST. On a showing that creditors or equity security holders of the different estates will be prejudiced by conflicts of interest of a common trustee who has been elected or appointed, the court shall order the selection of separate trustees for estates being jointly administered. | (d) Conflicts of Interest. On a showing that a common trustee's conflicts of interest will prejudice creditors or equity security holders of jointly administered estates, the court must order the selection of separate trustees for the estates. |
| (e) SEPARATE ACCOUNTS. The trustee or trustees of estates being jointly administered shall keep separate accounts of the property and distribution of each estate. | (e) Keeping Separate Accounts. A trustee of jointly administered estates must keep separate accounts of each estate's property and distribution. |

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| Rule 2010. Qualification by Trustee; Proceeding on Bond | Rule 2010. Blanket Bond; Proceedings on the Bond |
| (a) BLANKET BOND. The United States trustee may authorize a blanket bond in favor of the United States conditioned on the faithful performance of official duties by the trustee or trustees to cover (1) a person who qualifies as trustee in a number of cases, and (2) a number of trustees each of whom qualifies in a different case. | (a) Authorizing a Blanket Bond. The United States trustee may authorize a blanket bond in the United States’ favor, conditioned on the faithful performance of a trustee’s official duties to cover: <ul style="list-style-type: none"> (1) a person who qualifies as trustee in a number of cases; or (2) multiple trustees who each qualifies in a different case. |
| (b) PROCEEDING ON BOND. A proceeding on the trustee’s bond may be brought by any party in interest in the name of the United States for the use of the entity injured by the breach of the condition. | (b) Proceedings on the Bond. A party in interest may bring a proceeding in the name of the United States on a trustee’s bond for the use of the entity injured by the trustee’s breach of the condition. |

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| Rule 2011. Evidence of Debtor in Possession or Qualification of Trustee | Rule 2011. Evidence That a Debtor Is a Debtor in Possession or That a Trustee Has Qualified |
| (a) Whenever evidence is required that a debtor is a debtor in possession or that a trustee has qualified, the clerk may so certify and the certificate shall constitute conclusive evidence of that fact. | (a) The Clerk's Certification. Whenever evidence is required that a debtor is a debtor in possession or that a trustee has qualified, the clerk may issue a certificate to that effect. The certification constitutes conclusive evidence of that fact. |
| (b) If a person elected or appointed as trustee does not qualify within the time prescribed by § 322(a) of the Code, the clerk shall so notify the court and the United States trustee. | (b) Trustee's Failure to Qualify. If a person elected or appointed as trustee does not qualify within the time prescribed by § 322(a), the clerk must so notify the court and the United States trustee. |

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| Rule 2012. Substitution of Trustee or Successor Trustee; Accounting | Rule 2012. Substituting a Trustee in a Chapter 11 or 12 Case; Successor Trustee in a Pending Proceeding |
| (a) TRUSTEE. If a trustee is appointed in a chapter 11 case or the debtor is removed as debtor in possession in a chapter 12 case, the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter. | (a) Substituting a Trustee. If a trustee is appointed in a Chapter 11 case or the debtor is removed as debtor in possession in a Chapter 12 case, the trustee is automatically substituted for the debtor in possession as a party in any pending action, proceeding, or matter. |
| (b) SUCCESSOR TRUSTEE. When a trustee dies, resigns, is removed, or otherwise ceases to hold office during the pendency of a case under the Code (1) the successor is automatically substituted as a party in any pending action, proceeding, or matter; and (2) the successor trustee shall prepare, file, and transmit to the United States trustee an accounting of the prior administration of the estate. | (b) Successor Trustee. When a trustee dies, resigns, is removed, or otherwise ceases to hold office while a bankruptcy case is pending, the successor trustee is automatically substituted as a party in any pending action, proceeding, or matter. The successor trustee must prepare, file, and send to the United States trustee an accounting of the estate's prior administration. |

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| Rule 2013. Public Record of Compensation Awarded to Trustees, Examiners, and Professionals | Rule 2013. Keeping a Public Record of Compensation Awarded by the Court to Examiners, Trustees, and Professionals |
| (a) RECORD TO BE KEPT. The clerk shall maintain a public record listing fees awarded by the court (1) to trustees and attorneys, accountants, appraisers, auctioneers and other professionals employed by trustees, and (2) to examiners. The record shall include the name and docket number of the case, the name of the individual or firm receiving the fee and the amount of the fee awarded. The record shall be maintained chronologically and shall be kept current and open to examination by the public without charge. “Trustees,” as used in this rule, does not include debtors in possession. | (a) In General. The clerk must keep a public record of fees the court awards to examiners and trustees, and to attorneys, accountants, appraisers, auctioneers, and other professionals that trustees employ. The record must include the case name and docket number, the name of the individual or firm receiving the fee, and the amount awarded. The record must be maintained chronologically and be kept current and open for public examination without charge. “Trustee,” as used in this Rule 2013, does not include a debtor in possession. |
| (b) SUMMARY OF RECORD. At the close of each annual period, the clerk shall prepare a summary of the public record by individual or firm name, to reflect total fees awarded during the preceding year. The summary shall be open to examination by the public without charge. The clerk shall transmit a copy of the summary to the United States trustee. | (b) Annual Summary of the Record. At the end of each year, the clerk must prepare a summary of the public record, by individual or firm name, showing the total fees awarded during the year. The summary must be open for public examination without charge. The clerk must send a copy of the summary to the United States trustee. |

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| Rule 2014. Employment of Professional Persons | Rule 2014. Employing Professionals |
| <p>(a) APPLICATION FOR AND ORDER OF EMPLOYMENT. An order approving the employment of attorneys, accountants, appraisers, auctioneers, agents, or other professionals pursuant to § 327, § 1103, or § 1114 of the Code shall be made only on application of the trustee or committee. The application shall be filed and, unless the case is a chapter 9 municipality case, a copy of the application shall be transmitted by the applicant to the United States trustee. The application shall state the specific facts showing the necessity for the employment, the name of the person to be employed, the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee. The application shall be accompanied by a verified statement of the person to be employed setting forth the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.</p> | <p>(a) Order Approving Employment; Application for Employment.</p> <p>(1) <i>Order Approving Employment.</i> The court may approve the employment of an attorney, accountant, appraiser, auctioneer, agent, or other professional under § 327, § 1103, or § 1114 only on the trustee's or committee's application.</p> <p>(2) <i>Application for Employment.</i> The applicant must file the application and, except in a Chapter 9 case, must send a copy to the United States trustee. The application must state specific facts showing:</p> <p>(A) the necessity for the employment;</p> <p>(B) the name of the person to be employed;</p> <p>(C) the reasons for the selection;</p> <p>(D) the professional services to be rendered;</p> <p>(E) any proposed arrangement for compensation; and</p> <p>(F) to the best of the applicant's knowledge, all the person's connections with:</p> <ul style="list-style-type: none"> • the debtor; • creditors; • any other party in interest; • their respective attorneys and accountants; • the United States trustee; and • any person employed in the United States trustee's office. |

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| | <p>(3) <i>Verified Statement.</i> The application must be accompanied by a verified statement of the person to be employed, setting forth that person's connections with any entity listed in (2)(F).</p> |
| <p>(b) SERVICES RENDERED BY MEMBER OR ASSOCIATE OF FIRM OF ATTORNEYS OR ACCOUNTANTS. If, under the Code and this rule, a law partnership or corporation is employed as an attorney, or an accounting partnership or corporation is employed as an accountant, or if a named attorney or accountant is employed, any partner, member, or regular associate of the partnership, corporation, or individual may act as attorney or accountant so employed, without further order of the court.</p> | <p>(b) Services Rendered by a Member or Associate of a Law or Accounting Firm. If a law partnership or corporation is employed as an attorney, or an accounting partnership or corporation is employed as an accountant—or if a named attorney or accountant is employed—then any partner, member, or regular associate may act as so employed, without further court order.</p> |

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| <p>Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status</p> | <p>Rule 2015. Duty to Keep Records, Make Reports, and Give Notices</p> |
| <p>(a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee or debtor in possession shall:</p> <p>(1) in a chapter 7 liquidation case and, if the court directs, in a chapter 11 reorganization case 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;</p> <p>(2) keep a record of receipts and the disposition of money and property received;</p> <p>(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;</p> <p>(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;</p> <p>(5) in a chapter 11 reorganization case, on or before the last day of the month after each calendar quarter</p> | <p>(a) Duties of a Trustee or Debtor in Possession. A trustee or debtor in possession must:</p> <p>(1) in a Chapter 7 case and, if the court so orders, in a Chapter 11 case, file and send to the United States trustee a complete inventory of the debtor's property within 30 days after qualifying as a trustee or debtor in possession, unless such an inventory has already been filed;</p> <p>(2) keep a record of receipts and the disposition of money and property received;</p> <p>(3) file:</p> <p>(A) the reports and summaries required by § 704(a)(8); and</p> <p>(B) if payments are made to employees, a statement of the amounts of deductions for all taxes required to be withheld or paid on the employees' behalf and the place where these funds are deposited;</p> <p>(4) give notice of the case, as soon as possible after it commences, to the following entities, except those who know or have previously been notified of the case:</p> <p>(A) every entity known to be holding money or property subject to the debtor's withdrawal or order, including every bank, savings- or building-and-loan association, public utility company, and</p> |

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| <p>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</p> <p>(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.</p> | <p>landlord with whom the debtor has a deposit; and</p> <p>(B) every insurance company that has issued a policy with a cash-surrender value payable to the debtor;</p> <p>(5) in a Chapter 11 case, on or before the last day of the month after each calendar quarter during which fees must be paid under 28 U.S.C. § 1930(a)(6), file and send to the United States trustee a statement of those fees and any disbursements made during that quarter; and</p> <p>(6) in a Chapter 11 small business case, unless the court, for cause, sets a different schedule, file and send to the United States trustee a report under § 308, using Form 425C, for each calendar month after the order for relief on the following schedule:</p> <ul style="list-style-type: none"> • If the order for relief is within the first 15 days of a calendar month, the report must be filed for the rest of that month. • If the order for relief is after the 15th, the information for the rest of that month must be included in the report for the next calendar month. <p>Each report must be filed within 21 days after the last day of the month following the month that the report covers. The obligation to file reports ends on the date that the plan becomes effective or the case is converted or dismissed.</p> |
| <p>(b) CHAPTER 12 TRUSTEE AND DEBTOR IN POSSESSION. In a chapter 12 family farmer's debt adjustment case, the debtor in</p> | <p>(b) Duties of a Chapter 12 Trustee or Debtor in Possession. In a Chapter 12 case, the debtor in possession must perform the duties prescribed in (a)(2)–(4)</p> |

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| 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 paragraph. | and, if the court orders, file and send to the United States trustee a complete inventory of the debtor’s property within the time the court sets. If the debtor is removed as debtor in possession, the trustee must perform these duties. |
| (c) 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. | (c) Duties of a Chapter 13 Trustee and Debtor. (1) <i>Chapter 13 Business Case.</i> In a Chapter 13 case, a debtor engaged in business must: (A) perform the duties prescribed by (a)(2)–(4); and (B) if the court so orders, file and send to the United States trustee a complete inventory of the debtor’s property within the time the court sets. (2) <i>Other Chapter 13 Case.</i> In a Chapter 13 case in which the debtor is not engaged in business, the trustee must perform the duties prescribed by (a)(2). |
| (d) 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. | (d) Duties of a Chapter 15 Foreign Representative. In a Chapter 15 case in which the court has granted recognition of a foreign proceeding, the foreign representative must file any notice required under § 1518 within 14 days after becoming aware of the subsequent information. |
| (e) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of | (e) Making Reports Available in a Chapter 11 Case. In a Chapter 11 case, the court may order that copies or summaries of annual reports and other reports be |

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| <p>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.</p> | <p>mailed to creditors, equity security holders, and indenture trustees. The court may also order that summaries of these reports be published. A copy of every such report or summary, whether mailed or published, must be sent to the United States trustee.</p> |

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| Rule 2015.1. Patient Care Ombudsman | Rule 2015.1. Patient-Care Ombudsman |
| <p>(a) REPORTS. A patient care ombudsman, at least 14 days before making a report under § 333(b)(2) of the Code, shall give notice that the report will be made to the court, unless the court orders otherwise. The notice shall be transmitted to the United States trustee, posted conspicuously at the health care facility that is the subject of the report, and served on: the debtor; the trustee; all patients; and any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d); and such other entities as the court may direct. The notice shall state the date and time when the report will be made, the manner in which the report will be made, and, if the report is in writing, the name, address, telephone number, email address, and website, if any, of the person from whom a copy of the report may be obtained at the debtor's expense.</p> | <p>(a) Notice of the Report. Unless the court orders otherwise, a patient-care ombudsman must give at least 14 days' notice before making a report under § 333(b)(2).</p> <p>(1) <i>Recipients of the Notice.</i> The notice must be sent to the United States trustee, posted conspicuously at the healthcare facility that is the report's subject, and served on:</p> <ul style="list-style-type: none"> • the debtor; • the trustee; • all patients; • any committee elected under § 705 or appointed under § 1102 or its authorized agent; • in a Chapter 9 or 11 case, the creditors on the list filed under Rule 1007(d) if no committee of unsecured creditors has been appointed under § 1102; and • any other entity as the court orders. <p>(2) <i>Contents of the Notice.</i> The notice must state:</p> <p>(A) the date and time when the report will be made;</p> <p>(B) the manner in which it will be made; and</p> <p>(C) if it will be written, the name, address, telephone number, email address, and any website of the person from whom a copy may be obtained at the debtor's expense.</p> |

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| <p>(b) AUTHORIZATION TO REVIEW CONFIDENTIAL PATIENT RECORDS. A motion by a patient care ombudsman under § 333(c) to review confidential patient records shall be governed by Rule 9014, served on the patient and any family member or other contact person whose name and address have been given to the trustee or the debtor for the purpose of providing information regarding the patient's health care, and transmitted to the United States trustee subject to applicable nonbankruptcy law relating to patient privacy. Unless the court orders otherwise, a hearing on the motion may not be commenced earlier than 14 days after service of the motion.</p> | <p>(b) Authorization to Review Confidential Patient Records.</p> <p>(1) <i>Motion to Review; Service.</i> A patient-care ombudsman's motion under § 333(c) to review confidential patient records is governed by Rule 9014. The motion must:</p> <ul style="list-style-type: none"> (A) be served on the patient; (B) be served on any family member or other contact person whose name and address have been given to the trustee or the debtor to provide information about the patient's healthcare; and (C) be sent to the United States trustee, subject to applicable nonbankruptcy law relating to patient privacy. <p>(2) <i>Time for a Hearing.</i> Unless the court orders otherwise, a hearing on the motion may not commence earlier than 14 days after the motion is served.</p> |

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| Rule 2015.2. Transfer of Patient in Health Care Business Case | Rule 2015.2. Transferring a Patient in a Health Care Business Case |
| <p>Unless the court orders otherwise, if the debtor is a health care business, the trustee may not transfer a patient to another health care business under § 704(a)(12) of the Code unless the trustee gives at least 14 days’ notice of the transfer to the patient care ombudsman, if any, the patient, and any family member or other contact person whose name and address has been given to the trustee or the debtor for the purpose of providing information regarding the patient’s health care. The notice is subject to applicable nonbankruptcy law relating to patient privacy.</p> | <p>Unless the court orders otherwise, if the debtor is a health care business, the trustee may transfer a patient to another health care business under § 704(a)(12) only if the trustee gives at least 14 days’ notice of the transfer to:</p> <ul style="list-style-type: none"> • any patient-care ombudsman; • the patient; and • any family member or other contact person whose name and address have been given to the trustee or the debtor to provide information about the patient’s healthcare. <p>The notice is subject to applicable nonbankruptcy law concerning patient privacy.</p> |

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| Rule 2015.3. Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest | Rule 2015.3. Reporting Financial Information About Entities in Which a Chapter 11 Estate Holds a Substantial or Controlling Interest |
| (a) REPORTING REQUIREMENT. In a chapter 11 case, the trustee or debtor in possession shall file periodic financial reports of the value, operations, and profitability of each entity that is not a publicly traded corporation or a debtor in a case under title 11, and in which the estate holds a substantial or controlling interest. The reports shall be prepared as prescribed by the appropriate Official Form, and shall be based upon the most recent information reasonably available to the trustee or debtor in possession. | (a) Reporting Requirement; Contents of the Report. In a Chapter 11 case, the trustee or debtor in possession must file periodic financial reports of the value, operations, and profitability of each entity in which the estate holds a substantial or controlling interest—unless the entity is a publicly traded corporation or a debtor in a bankruptcy case. The reports must be prepared as prescribed by Form 426 and be based on the most recent information reasonably available to the filer. |
| (b) TIME FOR FILING; SERVICE. The first report required by this rule shall be filed no later than seven days before the first date set for the meeting of creditors under § 341 of the Code. Subsequent reports shall be filed no less frequently than every six months thereafter, until the effective date of a plan or the case is dismissed or converted. Copies of the report shall be served on the United States trustee, any committee appointed under § 1102 of the Code, and any other party in interest that has filed a request therefor. | (b) Time to File; Service. The first report must be filed at least 7 days before the first date set for the meeting of creditors under § 341. Later reports must be filed at least every 6 months, until the date the plan becomes effective or the case is converted or dismissed. A copy of each report must be served on the United States trustee, any committee appointed under § 1102, and any other party in interest that has filed a request for it. |
| (c) PRESUMPTION OF SUBSTANTIAL OR CONTROLLING INTEREST; JUDICIAL DETERMINATION. For purposes of this rule, an entity of which the estate controls or owns at least a 20 percent interest, shall be presumed to be an entity in which the estate has a substantial or controlling interest. An entity in which the estate controls or owns less than a 20 percent interest shall | (c) Presumption of a Substantial or Controlling Interest. (1) <i>When a Presumption Applies.</i> Under this Rule 2015.3, the estate is presumed to have a substantial or controlling interest in an entity of which it controls or owns at least a 20% interest. Otherwise, the estate is presumed not to have a substantial or controlling interest. |

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| <p>be presumed not to be an entity in which the estate has a substantial or controlling interest. Upon motion, the entity, any holder of an interest therein, the United States trustee, or any other party in interest may seek to rebut either presumption, and the court shall, after notice and a hearing, determine whether the estate's interest in the entity is substantial or controlling.</p> | <p>(2) <i>Rebutting the Presumption.</i> The entity, any holder of an interest in it, the United States trustee, or any other party in interest may move to rebut either presumption. After notice and a hearing, the court must determine whether the estate's interest in the entity is substantial or controlling.</p> |
| <p>(d) MODIFICATION OF REPORTING REQUIREMENT. The court may, after notice and a hearing, vary the reporting requirement established by subdivision (a) of this rule for cause, including that the trustee or debtor in possession is not able, after a good faith effort, to comply with those reporting requirements, or that the information required by subdivision (a) is publicly available.</p> | <p>(d) Modifying the Reporting Requirement. After notice and a hearing, the court may vary the reporting requirements of (a) for cause, including that:</p> <ul style="list-style-type: none"> (1) the trustee or debtor in possession is not able, after a good-faith effort, to comply with them; or (2) the required information is publicly available. |
| <p>(e) NOTICE AND PROTECTIVE ORDERS. No later than 14 days before filing the first report required by this rule, the trustee or debtor in possession shall send notice to the entity in which the estate has a substantial or controlling interest, and to all holders—known to the trustee or debtor in possession—of an interest in that entity, that the trustee or debtor in possession expects to file and serve financial information relating to the entity in accordance with this rule. The entity in which the estate has a substantial or controlling interest, or a person holding an interest in that entity, may request protection of the information under § 107 of the Code.</p> | <p>(e) Notice to Entities in Which the Estate has a Substantial or Controlling Interest; Protective Order. At least 14 days before filing the first report under (a), the trustee or debtor in possession must send notice to every entity in which the estate has a substantial or controlling interest—and all known holders of an interest in the entity—that the trustee or debtor in possession expects to file and serve financial information about the entity in accordance with this Rule 2015.3. Any such entity, or person holding an interest in it, may request that the information be protected under § 107.</p> |
| <p>(f) EFFECT OF REQUEST. Unless the court orders otherwise, the pendency of a request under subdivisions (c), (d), or (e) of this rule shall not alter or stay the</p> | <p>(f) Effect of a Request. Unless the court orders otherwise, a pending request under (c), (d), or (e) does not alter or stay the requirements of (a).</p> |

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| requirements of subdivision (a). | |

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| <p>Rule 2016. Compensation for Services Rendered and Reimbursement of Expenses</p> | <p>Rule 2016. Compensation for Services Rendered; Reimbursing Expenses</p> |
| <p>(a) APPLICATION FOR COMPENSATION OR REIMBURSEMENT. An entity seeking interim or final compensation for services, or reimbursement of necessary expenses, from the estate shall file an application setting forth a detailed statement of (1) the services rendered, time expended and expenses incurred, and (2) the amounts requested. An application for compensation shall include a statement as to what payments have theretofore been made or promised to the applicant for services rendered or to be rendered in any capacity whatsoever in connection with the case, the source of the compensation so paid or promised, whether any compensation previously received has been shared and whether an agreement or understanding exists between the applicant and any other entity for the sharing of compensation received or to be received for services rendered in or in connection with the case, and the particulars of any sharing of compensation or agreement or understanding therefor, except that details of any agreement by the applicant for the sharing of compensation as a member or regular associate of a firm of lawyers or accountants shall not be required. The requirements of this subdivision shall apply to an application for compensation for services rendered by an attorney or accountant even though the application is filed by a creditor or other entity. Unless the case is a chapter 9 municipality case, the applicant shall transmit to the United States trustee a copy of the application.</p> | <p>(a) In General.</p> <ul style="list-style-type: none"> (1) <i>Application.</i> An entity seeking from the estate interim or final compensation for services or reimbursement of necessary expenses must file an application showing: <ul style="list-style-type: none"> (A) in detail the amounts requested and the services rendered, time expended, and expenses incurred; (B) all payments previously made or promised for services rendered or to be rendered in connection with the case; (C) the source of the paid or promised compensation; (D) whether any previous compensation has been shared and whether an agreement or understanding exists between the applicant and any other entity for sharing compensation for services rendered or to be rendered in connection with the case; and (E) the particulars of any compensation sharing or agreement or understanding to share, except by the applicant as a member or regular associate of a law or accounting firm. (2) <i>Application for Services Rendered or to be Rendered by Attorney or Accountant.</i> The requirements of (a) apply to an application for compensation for services rendered by an attorney or accountant, even though a creditor or other entity files the application. |

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| | <p>(3) <i>Copy to United States Trustee.</i> Except in a Chapter 9 case, the applicant must send a copy of the application to the United States trustee.</p> |
| <p>(b) DISCLOSURE OF COMPENSATION PAID OR PROMISED TO ATTORNEY FOR DEBTOR. Every attorney for a debtor, whether or not the attorney applies for compensation, shall file and transmit to the United States trustee within 14 days after the order for relief, or at another time as the court may direct, the statement required by § 329 of the Code including whether the attorney has shared or agreed to share the compensation with any other entity. The statement shall include the particulars of any such sharing or agreement to share by the attorney, but the details of any agreement for the sharing of the compensation with a member or regular associate of the attorney’s law firm shall not be required. A supplemental statement shall be filed and transmitted to the United States trustee within 14 days after any payment or agreement not previously disclosed.</p> | <p>(b) Disclosing Compensation Paid or Promised to the Debtor’s Attorney. Within 14 days after the order for relief—or at another time as the court orders—every debtor’s attorney (whether or not applying for compensation) must file and send to the United States trustee the statement required by § 329. The statement must show whether the attorney has shared or agreed to share compensation with any other entity and, if so, the particulars of any sharing or agreement to share, except with a member or regular associate of the attorney’s law firm. Within 14 days after any payment or agreement to pay not previously disclosed, the attorney must file and send to the United States trustee a supplemental statement.</p> |
| <p>(c) DISCLOSURE OF COMPENSATION PAID OR PROMISED TO BANKRUPTCY PETITION PREPARER. Before a petition is filed, every bankruptcy petition preparer for a debtor shall deliver to the debtor, the declaration under penalty of perjury required by § 110(h)(2). The declaration shall disclose any fee, and the source of any fee, received from or on behalf of the debtor within 12 months of the filing of the case and all unpaid fees charged to the debtor. The declaration shall also describe the services performed and</p> | <p>(c) Disclosing Compensation Paid or Promised to a Bankruptcy Petition Preparer.</p> <p>(1) <i>Basic Requirements.</i> Before a petition is filed, every bankruptcy petition preparer for a debtor must deliver to the debtor the declaration under penalty of perjury required by § 110(h)(2). The declaration must:</p> <p>(A) disclose any fee, and its source, received from or on behalf of the debtor within 12 months before the petition’s filing, together with</p> |

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| <p>documents prepared or caused to be prepared by the bankruptcy petition preparer. The declaration shall be filed with the petition. The petition preparer shall file a supplemental statement within 14 days after any payment or agreement not previously disclosed.</p> | <p>all unpaid fees charged to the debtor;</p> <p>(B) describe the services performed and the documents prepared or caused to be prepared by the bankruptcy petition preparer; and</p> <p>(C) be filed with the petition.</p> <p>(2) <i>Supplemental Statement.</i> Within 14 days after any later payment or agreement to pay not previously disclosed, the bankruptcy petition preparer must file a supplemental statement.</p> |

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| Rule 2017. Examination of Debtor's Transactions with Debtor's Attorney | Rule 2017. Examining Transactions Between a Debtor and the Debtor's Attorney |
| (a) PAYMENT OR TRANSFER TO ATTORNEY BEFORE ORDER FOR RELIEF. On motion by any party in interest or on the court's own initiative, the court after notice and a hearing may determine whether any payment of money or any transfer of property by the debtor, made directly or indirectly and in contemplation of the filing of a petition under the Code by or against the debtor or before entry of the order for relief in an involuntary case, to an attorney for services rendered or to be rendered is excessive. | (a) Payments or Transfers to an Attorney Made Before the Order for Relief. On motion of a party in interest, or on its own, the court may, after notice and a hearing, determine whether a debtor's direct or indirect payment of money or transfer of property to an attorney for services rendered or to be rendered was excessive if it was made: <ul style="list-style-type: none"> (1) in contemplation of the filing of a bankruptcy petition by or against the debtor, or (2) before the order for relief is entered in an involuntary case. |
| (b) PAYMENT OR TRANSFER TO ATTORNEY AFTER ORDER FOR RELIEF. On motion by the debtor, the United States trustee, or on the court's own initiative, the court after notice and a hearing may determine whether any payment of money or any transfer of property, or any agreement therefor, by the debtor to an attorney after entry of an order for relief in a case under the Code is excessive, whether the payment or transfer is made or is to be made directly or indirectly, if the payment, transfer, or agreement therefor is for services in any way related to the case. | (b) Payments or Transfers to an Attorney Made After the Order for Relief Is Entered. On motion of the debtor or the United States trustee, or on its own, the court may, after notice and a hearing, determine whether a debtor's payment of money or transfer of property—or agreement to pay money or transfer property—to an attorney after an order for relief is entered is excessive. It does not matter for the determination whether the payment or transfer is made, or to be made, direct or indirect, if the payment, transfer, or agreement is for services related to the case. |

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| Rule 2018. Intervention; Right to Be Heard | Rule 2018. Intervention by an Interested Entity; Right to Be Heard |
| (a) PERMISSIVE INTERVENTION. In a case under the Code, after hearing on such notice as the court directs and for cause shown, the court may permit any interested entity to intervene generally or with respect to any specified matter. | (a) In General. After hearing on such notice as the court orders and for cause, the court may permit an interested entity to intervene generally or regarding any specified matter. |
| (b) INTERVENTION BY ATTORNEY GENERAL OF A STATE. In a chapter 7, 11, 12, or 13 case, the Attorney General of a State may appear and be heard on behalf of consumer creditors if the court determines the appearance is in the public interest, but the Attorney General may not appeal from any judgment, order, or decree in the case. | (b) Intervention by a State Attorney General. In a Chapter 7, 11, 12, or 13 case, a state attorney general may appear and be heard on behalf of consumer creditors if the court determines that the appearance is in the public interest. But the state attorney general may not appeal from any judgment, order, or decree entered in the case. |
| (c) CHAPTER 9 MUNICIPALITY CASE. The Secretary of the Treasury of the United States may, or if requested by the court shall, intervene in a chapter 9 case. Representatives of the state in which the debtor is located may intervene in a chapter 9 case with respect to matters specified by the court. | (c) Intervention by the United States Secretary of the Treasury or a State Representative. In a Chapter 9 case: <ol style="list-style-type: none"> (1) the United States Secretary of the Treasury may—and if requested by the court must—intervene; and (2) a representative of the state where the debtor is located may intervene on matters the court specifies. |
| (d) LABOR UNIONS. In a chapter 9, 11, or 12 case, a labor union or employees' association, representative of employees of the debtor, shall have the right to be heard on the economic soundness of a plan affecting the interests of the employees. A labor union or employees' association which exercises its right to be heard under this subdivision shall not be entitled to appeal any judgment, order, or decree relating to the plan, unless otherwise permitted by law. | (d) Intervention by a Labor Union or an Association Representing the Debtor's Employees. In a Chapter 9, 11, or 12 case, a labor union or an association representing the debtor's employees has the right to be heard on the economic soundness of a plan affecting the employees' interests. Unless otherwise permitted by law, the labor union or employees' association may not appeal any judgment, order, or decree related to the plan. |

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| <p>(e) SERVICE ON ENTITIES COVERED BY THIS RULE. The court may enter orders governing the service of notice and papers on entities permitted to intervene or be heard pursuant to this rule.</p> | <p>(e) Serving Entities Covered by This Rule. The court may issue orders governing the service of notice and papers on entities permitted to intervene or be heard under this Rule 2018.</p> |

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| <p>Rule 2019. Disclosure Regarding Creditors and Equity Security Holders in Chapter 9 and Chapter 11 Cases</p> | <p>Rule 2019. Disclosures by Groups, Committees, and Other Entities in a Chapter 9 or 11 Case</p> |
| <p>(a) DEFINITIONS. In this rule the following terms have the meanings indicated:</p> <p>(1) “Disclosable economic interest” means any claim, interest, pledge, lien, option, participation, derivative instrument, or any other right or derivative right granting the holder an economic interest that is affected by the value, acquisition, or disposition of a claim or interest.</p> <p>(2) “Represent” or “represents” means to take a position before the court or to solicit votes regarding the confirmation of a plan on behalf of another.</p> | <p>(a) Definitions. In this Rule 2019:</p> <p>(1) “disclosable economic interest” means any claim, interest, pledge, lien, option, participation, derivative instrument, or other right or derivative right granting the holder an economic interest that is affected by the value, acquisition, or disposition of a claim or interest; and</p> <p>(2) “represent” or “represents” means to take a position before the court or to solicit votes regarding a plan’s confirmation on another’s behalf.</p> |
| <p>(b) DISCLOSURE BY GROUPS, COMMITTEES, AND ENTITIES.</p> <p>(1) In a chapter 9 or 11 case, a verified statement setting forth the information specified in subdivision (c) of this rule shall be filed by every group or committee that consists of or represents, and every entity that represents, multiple creditors or equity security holders that are (A) acting in concert to advance their common interests, and (B) not composed entirely of affiliates or insiders of one another.</p> <p>(2) Unless the court orders otherwise, an entity is not required to file the verified statement described in paragraph (1) of this subdivision solely because of its status as:</p> <p>(A) an indenture trustee;</p> <p>(B) an agent for one or more other entities under an agreement</p> | <p>(b) Who Must Disclose.</p> <p>(1) <i>In General.</i> In a Chapter 9 or 11 case, a verified statement containing the information listed in (c) must be filed by every group or committee consisting of or representing, and every entity representing, multiple creditors or equity security holders that are:</p> <p>(A) acting in concert to advance their common interests; and</p> <p>(B) not composed entirely of affiliates or insiders of one another.</p> <p>(2) <i>When a Disclosure Statement Is Not Required.</i> Unless the court orders otherwise, an entity need not file the statement described in (1) solely because it is:</p> <p>(A) an indenture trustee;</p> |

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| <p>for the extension of credit;</p> <p>(C) a class action representative; or</p> <p>(D) a governmental unit that is not a person.</p> | <p>(B) an agent for one or more other entities under an agreement to extend credit;</p> <p>(C) a class-action representative; or</p> <p>(D) a governmental unit that is not a person.</p> |
| <p>(c) INFORMATION REQUIRED. The verified statement shall include:</p> <p>(1) the pertinent facts and circumstances concerning:</p> <p>(A) with respect to a group or committee, other than a committee appointed under § 1102 or § 1114 of the Code, the formation of the group or committee, including the name of each entity at whose instance the group or committee was formed or for whom the group or committee has agreed to act; or</p> <p>(B) with respect to an entity, the employment of the entity, including the name of each creditor or equity security holder at whose instance the employment was arranged;</p> <p>(2) if not disclosed under subdivision (c)(1), with respect to an entity, and with respect to each member of a group or committee:</p> <p>(A) name and address;</p> <p>(B) the nature and amount of each disclosable economic interest held in relation to the debtor as of the date the entity was employed or the group or committee was formed; and</p> <p>(C) with respect to each member of a group or committee that claims to represent any entity in addition to the members of the group or committee, other than a committee</p> | <p>(c) Required Information. The verified statement must include:</p> <p>(1) the pertinent facts and circumstances concerning:</p> <p>(A) for a group or committee (except a committee appointed under § 1102 or § 1114), its formation, including the name of each entity at whose instance it was formed or for whom it has agreed to act; or</p> <p>(B) for an entity, the entity's employment, including the name of each creditor or equity security holder at whose instance the employment was arranged;</p> <p>(2) if not disclosed under (1), for each member of a group or committee and for an entity:</p> <p>(A) name and address;</p> <p>(B) the nature and amount of each disclosable economic interest held in relation to the debtor when the group or committee was formed or the entity was employed; and</p> <p>(C) for each member of a group or committee claiming to represent any entity in addition to its own members (except a committee appointed under § 1102 or § 1114), the quarter and year in which each disclosable economic interest was acquired—unless it was acquired more than 1 year before the petition was filed;</p> |

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| <p>appointed under § 1102 or § 1114 of the Code, the date of acquisition by quarter and year of each disclosable economic interest, unless acquired more than one year before the petition was filed;</p> <p>(3) if not disclosed under subdivision (c)(1) or (c)(2), with respect to each creditor or equity security holder represented by an entity, group, or committee, other than a committee appointed under § 1102 or § 1114 of the Code:</p> <p>(A) name and address;</p> <p>and</p> <p>(B) the nature and amount of each disclosable economic interest held in relation to the debtor as of the date of the statement; and</p> <p>(4) a copy of the instrument, if any, authorizing the entity, group, or committee to act on behalf of creditors or equity security holders.</p> | <p>(3) if not disclosed under (1) or (2), for each creditor or equity security holder represented by an entity, group, or committee (except a committee appointed under § 1102 or § 1114):</p> <p>(A) name and address; and</p> <p>(B) the nature and amount of each disclosable economic interest held in relation to the debtor on the statement's date; and</p> <p>(4) a copy of any instrument authorizing the group, committee, or entity to act on behalf of creditors or equity security holders.</p> |
| <p>(d) SUPPLEMENTAL STATEMENTS. If any fact disclosed in its most recently filed statement has changed materially, an entity, group, or committee shall file a verified supplemental statement whenever it takes a position before the court or solicits votes on the confirmation of a plan. The supplemental statement shall set forth the material changes in the facts required by subdivision (c) to be disclosed.</p> | <p>(d) Supplemental Statements. If a fact disclosed in its most recent statement has changed materially, a group, committee, or entity must file a verified supplemental statement whenever it takes a position before the court or solicits votes on a plan's confirmation. The supplemental statement must set forth any material changes in the information specified in (c).</p> |
| <p>(e) DETERMINATION OF FAILURE TO COMPLY; SANCTIONS.</p> <p>(1) On motion of any party in interest, or on its own motion, the court may determine whether there has been a failure to comply with any provision of this rule.</p> | <p>(e) Failure to Comply; Sanctions.</p> <p>(1) <i>Failure to Comply.</i> On a party in interest's motion, or on its own, the court may determine whether there has been a failure to comply with this Rule 2019.</p> |

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| <p>(2) If the court finds such a failure to comply, it may:</p> <p>(A) refuse to permit the entity, group, or committee to be heard or to intervene in the case;</p> <p>(B) hold invalid any authority, acceptance, rejection, or objection given, procured, or received by the entity, group, or committee; or</p> <p>(C) grant other appropriate relief.</p> | <p>(2) <i>Sanctions.</i> If the court finds a failure to comply, it may:</p> <p>(A) refuse to permit the group, committee, or entity to be heard or to intervene in the case;</p> <p>(B) hold invalid any authority, acceptance, rejection, or objection that the group, committee, or entity has given, procured, or received; or</p> <p>(C) grant other appropriate relief.</p> |

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| Rule 2020. Review of Acts by United States Trustee | Rule 2020. Reviewing an Act by a United States Trustee |
| A proceeding to contest any act or failure to act by the United States trustee is governed by Rule 9014. | A proceeding to contest any act or failure to act by a United States trustee is governed by Rule 9014. |

**PROPOSED 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 * * * * *

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

¹ New material is underlined in red; matter to be omitted is lined through.

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. ~~The~~ This duty to file a supplemental schedule ~~in~~
25 ~~accordance with this subdivision~~ continues even after the
26 case is closed, except for property acquired after an order is
27 entered; ~~notwithstanding the closing of the case, except that~~
28 ~~the schedule need not be filed in a chapter 11, chapter 12, or~~
29 ~~chapter 13 case with respect to property acquired after entry~~
30 ~~of the order~~

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

33 (2) discharging the debtor in a chapter 12 case, ~~or a~~
34 chapter 13 case, or a case under subchapter V of
35 chapter 11 in which the plan is confirmed under
36 § 1191(b). * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

1 **Rule 1020. ~~Small-Business~~ Chapter 11 Reorganization**
 2 **Case for Small 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. ~~Except as provided in~~
 12 ~~subdivision (c), the~~ The status of the case as a small business
 13 case or a case under subchapter V of chapter 11 shall be in
 14 accordance with the debtor's statement under this
 15 subdivision, unless and until the court enters an order finding
 16 that the debtor's statement is incorrect.

17 (b) OBJECTING TO DESIGNATION. ~~Except as~~
 18 ~~provided in subdivision (c), the~~ The United States trustee or
 19 a party in interest may file an objection to the debtor's

20 statement under subdivision (a) no later than 30 days after
21 the conclusion of the meeting of creditors held under
22 § 341(a) of the Code, or within 30 days after any amendment
23 to the statement, whichever is later.

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

37 ~~determination at any time as to whether the committee has~~
 38 ~~been sufficiently active and representative.~~

39 (d~~c~~) PROCEDURE FOR OBJECTION OR
 40 DETERMINATION. Any objection or request for a
 41 determination under this rule shall be governed by Rule 9014
 42 and served on: the debtor; the debtor’s attorney; the United
 43 States trustee; the trustee; the creditors included on the list
 44 filed under Rule 1007(d) or, if any a committee has been
 45 appointed under § 1102(a)(3), the committee or its
 46 authorized agent, ~~or, if no committee of unsecured creditors~~
 47 ~~has been appointed under § 1102, the creditors included on~~
 48 ~~the list filed under Rule 1007(d); and any other entity as the~~
 49 court directs.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019 (“SBRA”), Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to include that option and to require a small business debtor to state in its voluntary petition, or in a statement filed within 14 days after the order for relief is

entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions.

Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code.

Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

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 of the Code.

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

19 (1) *Chapter 7 Liquidation Cases.* * * * * *

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 * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.

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

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

10 * * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

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 (~~b~~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 ~~paragraph~~ subdivision (c).

78 (e~~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 (~~d~~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 (~~e~~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.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.

1 **Rule 3010. Small Dividends and Payments in Cases**
 2 **Under Chapter 7 Liquidation, Subchapter V of Chapter**
 3 **11, Chapter 12 Family Farmer's Debt Adjustment, and**
 4 **Chapter 13 Individual's Debt Adjustment Cases**

5 * * * * *

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

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7**
 2 **Liquidation, Subchapter V of Chapter 11, Chapter 12**
 3 **Family Farmer's Debt Adjustment, and Chapter 13**
 4 **Individual's Debt Adjustment Cases**

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

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.

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

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the court.

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.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

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

20

* * * * *

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

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

4 In a case under subchapter V of chapter 11 in which

5 § 1125 does not apply, the court shall:

6 (a) fix a time within which the holders of claims and
 7 interests may accept or reject the plan;

8 (b) fix a date on which an equity security holder or
 9 creditor whose claim is based on a security must be
 10 the holder of record of the security in order to be
 11 eligible to accept or reject the plan;

12 (c) fix a date for the hearing on confirmation; and

13 (d) fix a date for transmitting the plan, notice of the
 14 time within which the holders of claims and interests
 15 may accept or reject it, and notice of the date for the
 16 hearing on confirmation.

Committee Note

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.

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 * * * * *

Committee Note

Subdivision (a) of the rule is amended to take account of the court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

1 **Rule 3019. Modification of Accepted Plan in a Chapter**
 2 **9 Municipality or a Chapter 11 Reorganization Case**

3 * * * * *

4 (b) MODIFICATION OF PLAN AFTER
 5 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If
 6 the debtor is an individual, a request to modify the plan under
 7 § 1127(e) of the Code is governed by Rule 9014. The request
 8 shall identify the proponent and shall be filed together with
 9 the proposed modification. The clerk, or some other person
 10 as the court may direct, shall give the debtor, the trustee, and
 11 all creditors not less than 21 days' notice by mail of the time
 12 fixed to file objections and, if an objection is filed, the
 13 hearing to consider the proposed modification, unless the
 14 court orders otherwise with respect to creditors who are not
 15 affected by the proposed modification. A copy of the notice
 16 shall be transmitted to the United States trustee, together
 17 with a copy of the proposed modification. Any objection to
 18 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.

Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.

1 **Rule 3002. Filing Proof of Claim or Interest**

2 * * * * *

3 (c) TIME FOR FILING. In a voluntary chapter 7
 4 case, chapter 12 case, or chapter 13 case, a proof of claim is
 5 timely filed if it is filed not later than 70 days after the order
 6 for relief under that chapter or the date of the order of
 7 conversion to a case under chapter 12 or chapter 13. In an
 8 involuntary chapter 7 case, a proof of claim is timely filed if
 9 it is filed not later than 90 days after the order for relief under
 10 that chapter is entered. But in all these cases, the following
 11 exceptions apply:

12 * * * * *

13 (6) On motion filed by a creditor before or
 14 after the expiration of the time to file a proof of
 15 claim, the court may extend the time by not more
 16 than 60 days from the date of the order granting the
 17 motion. The motion may be granted if the court finds
 18 that:

19 (A) the notice was insufficient under
20 the circumstances to give the creditor a
21 reasonable time to file a proof of claim
22 ~~because the debtor failed to timely file the list~~
23 ~~of creditors' names and addresses required by~~
24 ~~Rule 1007(a); or~~
25 ~~—— (B) the notice was insufficient under~~
26 ~~the circumstances to give the creditor a~~
27 ~~reasonable time to file a proof of claim, and~~
28 ~~the notice was mailed to the creditor at a~~
29 ~~foreign address.~~

30 * * * * *

Committee Note

Rule 3002(c)(6) is amended to provide a single standard for granting motions for an extension of time to file a proof of claim, whether the creditor has a domestic address or a foreign address. If the notice to such creditor was “insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim,” the court may grant an extension.

1 **Rule 5005. Filing and Transmittal of Papers**

2 * * * * *

3 (b) TRANSMITTAL TO THE UNITED STATES
4 TRUSTEE.

5 (1) The complaints, notices, motions,
6 applications, objections and other papers required to
7 be transmitted to the United States trustee ~~by these~~
8 ~~rules shall be mailed or delivered to an office of the~~
9 ~~United States trustee, or to another place designated~~
10 ~~by the United States trustee, in the district where the~~
11 ~~case under the Code is pending~~ may be sent by filing
12 with the court's electronic-filing system in
13 accordance with Rule 9036, unless a court order or
14 local rule provides otherwise.

15 (2) The entity, other than the clerk,
16 transmitting a paper to the United States trustee other
17 than through the court's electronic-filing system
18 shall promptly file as proof of such transmittal a

19 verified statement identifying the paper and stating
20 the manner by which and the date on which it was
21 transmitted to the United States trustee.

22 (3) Nothing in these rules shall require the
23 clerk to transmit any paper to the United States
24 trustee if the United States trustee requests in writing
25 that the paper not be transmitted.

Committee Note

Subdivision (b)(1) is amended to authorize the clerk or parties to transmit papers to the United States trustee by electronic means in accordance with Rule 9036, regardless of whether the United States trustee is a registered user with the court's electronic-filing system. Subdivision (b)(2) is amended to recognize that parties meeting transmittal obligations to the United States trustee using the court's electronic-filing system need not file a statement evidencing transmittal under Rule 5005(b)(2). The amendment to subdivision (b)(2) also eliminates the requirement that statements evidencing transmittal filed under Rule 5005(b)(2) be verified.

1 **Rule 7004. Process; Service of Summons, Complaint**

2 * * * * *

3 (i) SERVICE OF PROCESS BY TITLE. This
 4 subdivision (i) applies to service on a domestic or foreign
 5 corporation or partnership or other unincorporated
 6 association under Rule 7004(b)(3), or on an officer of an
 7 insured depository institution under Rule 7004(h). The
 8 defendant’s officer or agent need not be correctly named in
 9 the address – or even be named – if the envelope is addressed
 10 to the defendant’s proper address and directed to the
 11 attention of the officer’s or agent’s position or title.

Committee Note

New Rule 7004(i) is intended to reject those cases interpreting Rule 7004(b)(3) and Rule 7004(h) to require service on a named officer, managing or general agent or other agent, rather than use of their titles. Service to a corporation or partnership, unincorporated association or insured depository institution at its proper address directed to the attention of the “Chief Executive Officer,” “President,” “Officer for Receiving Service of Process,” “Managing Agent,” “General Agent,” “Officer,” or “Agent” (or other similar titles) is sufficient.

1 **Rule 8023. Voluntary Dismissal.**

2 (a) STIPULATED DISMISSAL. The clerk of the
3 district court or BAP must dismiss an appeal if the parties
4 file a signed dismissal agreement specifying how costs are
5 to be paid and pay any court fees that are due.

6 (b) APPELLANT’S MOTION TO DISMISS. An
7 appeal may be dismissed on the appellant’s motion on terms
8 agreed to by the parties or fixed by the district court or BAP.

9 (c) OTHER RELIEF. A court order is required for
10 any relief under Rule 8023(a) or (b) beyond the dismissal of
11 an appeal—including approving a settlement, vacating an
12 action of the bankruptcy court, or remanding the case to it.

13 (d) COURT APPROVAL. This rule does not alter
14 the legal requirements governing court approval of a
15 settlement, payment, or other consideration.

Committee Note

The amendment is intended to conform the rule to the revised version of Federal Rule of Appellate Procedure 42(b) on which it was modelled. It clarifies that the fees that must be paid are court fees, not attorney's fees. The Rule does not alter the legal requirements governing court approval of a settlement, payment, or other consideration. See, e.g., Fed. R. Bankr. P. 9019 (requiring court approval of compromise or settlement). The amendment clarifies that any order beyond mere dismissal—including approving a settlement, vacating or remanding—requires a court order.

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?**☐ No. Go to Part 4.☐ Yes. Name and location of 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.

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?**☐ No☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

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

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?

- ☐ 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

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

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

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

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ 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

____ / ____ / ____

Contact phone _____

Cell phone _____

Email address _____

X

Signature of Debtor 2

Date

____ / ____ / ____

Contact phone _____

Cell phone _____

Email address _____

Committee Note

Line 13 is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Line 13 is amended to add a check box for a small business debtor to indicate that it is making that choice, and the existing check box for small business debtors is amended to allow the debtor to indicate that it is not electing to proceed under subchapter V.

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (if known)

☐ Check if this is an amended filing

Official Form 122B

Chapter 11 Statement of Your Current Monthly Income

12/21

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11 (other than under Subchapter V). If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Current Monthly Income

1. **What is your marital and filing status?** Check one only.

- ☐ **Not married.** Fill out Column A, lines 2-11.
- ☐ **Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
- ☐ **Married and your spouse is NOT filing with you.** Fill out Column A, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

Column A
Debtor 1

Column B
Debtor 2

2. **Your gross wages, salary, tips, bonuses, overtime, and commissions** (before all payroll deductions). \$ _____ \$ _____
3. **Alimony and maintenance payments.** Do not include payments from a spouse if Column B is filled in. \$ _____ \$ _____
4. **All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.** Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3. \$ _____ \$ _____

5. **Net income from operating a business, profession, or farm**

Debtor 1 Debtor 2

Gross receipts (before all deductions) \$ _____ \$ _____

Ordinary and necessary operating expenses — \$ _____ — \$ _____

Net monthly income from a business, profession, or farm \$ _____ \$ _____

Copy here →

\$ _____ \$ _____

6. **Net income from rental and other real property**

Debtor 1 Debtor 2

Gross receipts (before all deductions) \$ _____ \$ _____

Ordinary and necessary operating expenses — \$ _____ — \$ _____

Net monthly income from rental or other real property \$ _____ \$ _____

Copy here →

\$ _____ \$ _____

Column A
Debtor 1Column B
Debtor 2

7. Interest, dividends, and royalties

\$ _____

\$ _____

8. Unemployment compensation

\$ _____

\$ _____

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:..... ↓

For you \$ _____

For your spouse \$ _____

9. **Pension or retirement income.** Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.

\$ _____

\$ _____

10. **Income from all other sources not listed above.** Specify the source and amount. Do not include any benefits received under the Social Security Act; payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.

\$ _____

\$ _____

\$ _____

\$ _____

Total amounts from separate pages, if any.

+ \$ _____

+ \$ _____

11. Calculate your total current monthly income.

Add lines 2 through 10 for each column.

Then add the total for Column A to the total for Column B.

| | | | | |
|----------|---|----------|---|----------|
| \$ _____ | + | \$ _____ | = | \$ _____ |
|----------|---|----------|---|----------|

Total current
monthly income

Part 2: Sign Below

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

X

Signature of Debtor 1

X

Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Committee Note

Official Form 122B is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, the initial instruction in the form includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

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

If more than 2 cases, attach a separate list.

Name

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

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

☐ No

☐ Yes.

Debtor Relationship

District When

MM / DD / YYYY

Case number, if known

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

Committee Note

Line 8 of the form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Line 8 is amended to provide a check box for a small business debtor to indicate that it is making that choice.

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 _____] OR
MM / DD / YYYY

Case number: _____

[Date case filed in chapter _____]
MM / DD / YYYYDate case converted to chapter 11 _____
MM / DD / YYYY**Official Form 309E—1 (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 _____] OR
MM / DD / YYYY

Case number: _____

[Date case filed in chapter _____]
MM / DD / YYYYDate case converted to chapter 11 _____
MM / DD / YYYY**Official Form 309E–2 (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 _____ 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 309F—1 (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 _____ 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 309F–2 (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 ►

| | | |
|--|---|------------------|
| <p>7. Meeting of creditors</p> <p>The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.</p> | <p>_____ at _____</p> <p>Date Time</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p> | <p>Location:</p> |
| <p>8. Proof of claim deadline</p> | <p>Deadline for filing proof of claim: [Not yet set. If a deadline is set, the court will send you another notice.] or</p> <p>[date, if set by the court]]</p> <p>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.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> ■ your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; ■ you file a proof of claim in a different amount; or ■ you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>, 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.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.</p> <p>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.</p> | |
| <p>9. Exception to discharge deadline</p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p> | <p>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.</p> <p>Deadline for filing the complaint: _____</p> | |
| <p>10. Creditors with a foreign address</p> | <p>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.</p> | |
| <p>11. Filing a Chapter 11 bankruptcy case</p> | <p>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.</p> | |
| <p>12. Discharge of debts</p> | <p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. 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.</p> | |

Committee Note

Official Forms 309E-2 and 309F-2 are new. They are promulgated in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11.

Because a trustee is always appointed in a subchapter V case, both forms require the name and contact information of the trustee to be provided.

Previously existing Official Forms 309E and 309F have been renumbered 309E-1 and 309F-1, respectively. Other changes are stylistic.

[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]

Committee Note

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The first three paragraphs of the form are amended to place braces around all references to a disclosure statement. Section 1125 of the Code does not apply to subchapter V cases unless the court for cause orders otherwise. See Code § 1181(b). Thus, in most chapter V cases there will not be a disclosure statement, and the language in braces on the form should not be included on the ballot.

[Caption as in 416A]

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

Committee Note

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Citations to the statutory provisions governing confirmation in such cases are added to the form for the court to include as appropriate.

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]

Committee Note

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there will generally not be a disclosure statement in subchapter V cases, § 1190 of the Code provides that plans in those cases must include a brief history of the debtor's business operations, a liquidation analysis, and projections of the debtor's ability to make payments under the plan. Those provisions are added to a new Background section of the form with an indication that they are to be included in plans only in subchapter V cases.

Article 3.02 is amended to reflect a special rule for the treatment of administrative expense claims in subchapter V plans that are confirmed non-consensually. See § 1191(e).

Article 9 of the form is amended to include descriptions of the effect of a discharge in a case under subchapter V. The plan proponent is directed to include in the plan the particular provision that is appropriate for the case.