

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In re: ADOPTION OF
INTERIM REVISED BANKRUPTCY RULES,
NATIONAL BANKRUPTCY FORMS,
AND LOCAL BANKRUPTCY FORMS
AS TO CASES FILED ON OR AFTER OCTOBER 17, 2005**

Standing Order # 05-02

WHEREAS, on April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Act") was enacted into law; and

WHEREAS most provisions of the Act are effective on October 17, 2005; and

WHEREAS the Advisory Committee on Bankruptcy Rules has prepared Interim Rules designed to implement the substantive and procedural changes mandated by the Act; and

WHEREAS the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has approved these Interim Rules and recommends that all bankruptcy courts adopt the Interim Rules to provide uniform procedures for implementing the Act; and

WHEREAS there was not sufficient time between the enactment date and the general effective date of the Act to give the requisite public notice, allow the appropriate comment period and promulgate rules; and

WHEREAS the Interim Rules have been revised from time to time over the last several months; and

WHEREAS the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has also approved national forms to implement the provisions of the Act and recommends that all bankruptcy courts adopt the national forms to provide uniform procedures for implementing the Act;

NOW THEREFORE, effective October 17, 2005, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim Revised Rules are adopted in their entirety, to conform with the Act. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply. The Interim Revised Rules shall remain in effect until further Order of the Court. The national forms, except as provided below, are adopted, as of October 17, 2005, to conform with the Act.


To minimize the disruption with current local practice, and effectuate other Standing Orders entered in connection with the Act, the Court adopts and prefers that attorneys practicing in this Court use the following Local Forms:

- Form B3B, Application for Waiver of Chapter 7 Filing Fee;
- Form B 200, Required Lists, Schedules, Statements and Fees;
- Form B 201, Notice to Individual Consumer Debtor;
- Form B 240, Reaffirmation Agreement;
- Form B 240M, Motion for Approval of Reaffirmation Agreement;
- Form B 240O, Order Approving Reaffirmation Agreement;
- Certification #1, required under § 362(1)(5)(B) (to be filed with the petition);
- Certification #2, required under § 362(1)(2) (to be filed within 30 days of the filing of the petition);
- and
- Request for Copy of Tax Returns Under 11 U.S. C. § 521(e)(2).

These forms are available on the Court's website at <http://www.vtb.uscourts.gov> and should be used until otherwise ordered by the Court.

SO ORDERED.

October 20, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge

United States Bankruptcy Court District of Vermont

Interim Revised Rules Adopted Pursuant to Standing Order 05-02 (Effective in Cases filed on or after October 17, 2005)

PART I. COMMENCEMENT OF CASE: PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

- Rule 1006. Filing Fee
- Rule 1007. Lists, Schedules and Statements; Time Limits
- Rule 1009. Amendments of Voluntary Petitions, Lists, Schedules and Statements
- Rule 1010. Service of Involuntary Petition and Summons; Petition Commencing Ancillary Case
- Rule 1017. Dismissal or Conversion of Case; Suspension
- Rule 1019. Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case
- Rule 1020. Election to be Considered a Small Business in a Chapter 11 Reorganization Case
- Rule 1021 Health Care Business Case

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

- Rule 2002. Notices to Creditors, Equity Security Holders, United States, and United States Trustee
- Rule 2003. Meeting of Creditors or Equity Security Holders
- Rule 2007.1. Appointment of Trustee or Examiner in a Chapter 11 Reorganization Case
- Rule 2007.2 Appointment of Patient Care Ombudsman in a Health Care Business Case
- Rule 2015. Duty to Keep Records, Make Reports, and Give Notice of Case
- Rule 2015.1 Patient Care Ombudsman

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

- Rule 3002. Filing Proof of Claim or Interest
- Rule 3003. Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases
- 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
- Rule 3019. Modification of Accepted Plan Before Confirmation in a Chapter 9 Municipality or Chapter 11 Reorganization Case

PART IV. THE DEBTOR: DUTIES AND BENEFITS

- Rule 4002. Duties of Debtor
- Rule 4003. Exemptions
- Rule 4004. Grant or Denial of Discharge
- Rule 4006. Notice of No Discharge
- Rule 4007. Determination of Dischargeability of a Debt
- Rule 4008. Discharge and Reaffirmation Hearing

PART V. BANKRUPTCY COURTS AND CLERKS

- Rule 5003. Records Kept By the Clerk
- Rule 5008. Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors
- Rule 5012 Communication and Cooperation with Foreign Courts and Foreign Representatives

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

- Rule 6004. Use, Sale, or Lease of Property
- Rule 6011 Disposal of Patient Records in Health Care Business Case

PART VII. ADVERSARY PROCEEDINGS

- No changes

PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

- Rule 8001. Manner of Taking Appeal; Voluntary Dismissal
- Rule 8003. Leave to Appeal

PART IX. GENERAL PROVISIONS

- Rule 9006. Time
- Rule 9009. Forms