

TO: Honorable Alicemarie H. Stotler, Chair  
Standing Committee on Rules of Practice  
and Procedure

FROM: Paul Mannes, Chair  
Advisory Committee on Bankruptcy Rules

DATE: May 13, 1996

RE: Report of the Advisory Committee on Bankruptcy Rules

### Introduction

The Advisory Committee on Bankruptcy Rules met on March 21-22, 1996, in Memphis, Tennessee. The Committee considered public comments regarding the proposed amendments to the Bankruptcy Rules that were published in September, 1995. After making several changes, the Committee approved the proposed amendments for presentation to the Standing Committee for final approval. Following the meeting, the Committee added to the package of proposed amendments a technical amendment to Rule 1010 that was not published for comment.

At its March meeting, the Committee also approved a package of proposed amendments to the Official Bankruptcy Forms, and two new Official Bankruptcy Forms, for presentation to the Standing Committee with a request to publish them for comment.

### I. Action Items

- A. Proposed Amendments to Bankruptcy Rules 1010, 1019, 2002, 2007.1, 3014, 3017, 3018, 3021, 8001, 8002, 9011, and 9035, and Proposed New Rules 1020, 3017.1, 8020, and 9015 Submitted for Approval by the Standing Committee and Transmittal to the Judicial Conference.

A preliminary draft of these proposed amendments (except for the proposed amendments to Rule 1010) were published for comment by the bench and bar in September 1995. Only five letters were received during the comment period. Comments were submitted by the following judges, lawyers, and organizations:

- (1) Hon. Geraldine Mund, United States Bankruptcy Judge, Central District of California
- (2) Hon. James E. Yacos, United States Bankruptcy Judge, District of New Hampshire
- (3) James Gadsden, Esq., New York City, New York
- (4) Anthony Michael Sabino, Esq., Chair of the Bankruptcy Section of the Federal Bar

Association (submitting the Bankruptcy  
Section's comments)

- (5) Joseph Patchan, Esq., Director of the  
Executive Office for United States Trustees

These comments are discussed below following the text  
of the relevant proposed amendments.

The public hearing on the preliminary draft of the  
proposed amendments, scheduled to be held in  
Washington, D.C.; on February 9, 1996, was cancelled  
for lack of witnesses.

The proposed amendments to Rule 1010, which were not  
published for comment, are technical and are necessary  
to conform to changes in subdivision designations in  
Civil Rule 4 and in Bankruptcy Rule 7004. The Advisory  
Committee requests that the amendments to Rule 1010 be  
approved and transmitted to the Judicial Conference  
without the need for publication. (Rule 4(d) of the  
Procedures for the Conduct of Business by the Judicial  
Conference Committees on Rules of Practice and  
Procedure provides that "[t]he Standing Committee may  
eliminate the public notice and comment requirement if,  
in the case of a technical or conforming amendment, it  
determines that notice and comment are not appropriate  
or necessary.").

1. Synopsis of Proposed Amendments

(a) Rule 1010, which contains references to  
certain subdivisions of Civil Rule 4 and  
Bankruptcy Rule 7004, is amended solely to conform  
to the 1993 changes in subdivision designations in  
Civil Rule 4 and the 1996 changes in subdivision  
designations in Bankruptcy Rule 7004.

(b) Rule 1019(3) and (5) are amended to delete  
such phrases as "superseded case" and "original  
petition" because they give the erroneous  
impression that conversion of a case to a  
different chapter of the Bankruptcy Code results  
in a new case or a new petition for relief, and to  
make stylistic improvements.

(c) Rule 1020 is added to provide procedures and  
time limits for a small business to elect to be  
considered a small business in a chapter 11 case  
under § 1121(e) and 1125(f) of the Code as amended  
by the Bankruptcy Reform Act of 1994.

(d) Rule 2002(a) is amended to provide for notice of a meeting called for the purpose of electing a chapter 11 trustee under § 1104(b) of the Code as amended by the Bankruptcy Reform Act of 1994.

(e) Rule 2002(n) is amended, consistent with the 1994 amendment to § 342(c) of the Code, to provide for the inclusion of certain information in the caption of every notice required to be given by a debtor to a creditor.

(f) Rule 2007.1 is amended to provide procedures for the election of a chapter 11 trustee under § 1104(b) of the Code as amended by the Bankruptcy Reform Act of 1994.

(g) Rule 3014 is amended to provide a time limit for secured creditors to make an election under § 1111(b) (2) of the Code in a small business chapter 11 case.

(h) Rule 3017 is amended to give the court flexibility in fixing the record date for the purpose of determining the holders of securities who are entitled to receive a disclosure statement, ballot, and other materials in connection with the solicitation of votes on a plan.

(i) Rule 3017.1 is added to provided procedures, consistent with the Bankruptcy Reform Act of 1994, for the conditional and final approval of a disclosure statement in a small business chapter 11 case.

(j) Rule 3018 is amended to give the court flexibility in fixing the record date for the purpose of determining the holders of securities who may vote on a plan.

(k) Rule 3021 is amended (a) to provide flexibility in fixing the record date for the purpose of determining the holders of securities who are entitled to receive distributions under a confirmed plan, (b) to treat the holders of debt securities the same as other creditors by requiring that their claims be allowed in order to receive a distribution, and (c) to clarify that all interest holders (not only those that are "equity security holders") may receive a distribution under a confirmed plan.

(l) Rule 8001(a) is amended to conform to the Bankruptcy Reform Act of 1994 which amended 28 U.S.C. § 158 to permit an appeal as of right from an order extending or reducing the exclusivity period for filing a chapter 11 plan under § 1121.

(m) Rule 8001(e) is amended to provide a procedure for electing under 28 U.S.C. 158(c)(1), as amended by the Bankruptcy Reform Act of 1994, to have an appeal heard by the district court rather than by a bankruptcy appellate panel.

(n) Rule 8002(c) is amended (1) to provide that a request for an extension of time to appeal must be "filed" (rather than "made") within the applicable time period; (2) to give the court discretion -- more than 20 days after the expiration of the time to file a notice of appeal -- to order that a party may file a notice of appeal if the motion for an extension was timely and the notice of appeal is filed not later than ten days after entry of the order extending the time; and (3) to prohibit any extension of time to file a notice of appeal if the appeal is from certain types of orders.

(o) Rule 8020 is added to clarify that a district court hearing an appeal, or a bankruptcy appellate panel, may award damages and costs for a frivolous appeal.

(p) Rule 9011 is amended to conform to the 1993 amendments to Civil Rule 11, except that the safe harbor provision -- prohibiting the filing of a motion for sanctions unless the challenged paper is not withdrawn or corrected within a prescribed time after service of the motion -- does not apply if the challenged paper is a bankruptcy petition.

(q) Rule 9015 is added to provide procedures relating to jury trials in bankruptcy cases and proceedings, including procedures for consenting to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) that was added by the Bankruptcy Reform Act of 1994.

(r) Rule 9035 is amended to clarify that the Bankruptcy Rules do not apply to the extent that they are inconsistent with any federal statutory provision relating to bankruptcy administrators in the judicial districts in North Carolina and Alabama.

2. Text of Proposed Amendments, GAP Report, and Summary of Comments Relating to Particular Rules:

**PROPOSED AMENDMENTS TO THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE\***

**Rule 1010. Service of Involuntary  
Petition and Summons; Petition  
Commencing Ancillary Case**

1           On the filing of an involuntary  
2 petition or a petition commencing a case  
3 ancillary to a foreign proceeding the  
4 clerk shall forthwith issue a summons  
5 for service. When an involuntary  
6 petition is filed, service shall be made  
7 on the debtor. When a petition  
8 commencing an ancillary case is filed,  
9 service shall be made on the parties  
10 against whom relief is sought pursuant  
11 to § 304(b) of the Code and on any other  
12 parties as the court may direct. The  
13 summons shall be served with a copy of  
14 the petition in the manner provided for  
15 service of a summons and complaint by  
16 Rule 7004(a) or (b). If service cannot  
17 be so made, the court may order that the  
18 summons and petition be served by  
19 mailing copies to the party's last known

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20           \*New matter is underlined; matter  
21 to be omitted is lined through.

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22 address, and by at least one publication  
23 in a manner and form directed by the  
24 court. The summons and petition may be  
25 served on the party anywhere. Rule  
26 ~~7004(f)~~ 7004(e) and Rule ~~4(g)~~ and ~~(h)~~  
27 4(l) F.R.Civ.P. apply when service is  
28 made or attempted under this rule.

COMMITTEE NOTE

The amendments to this rule are technical, are promulgated solely to conform to changes in subdivision designations in Rule 4, F.R.Civ.P., and in Rule 7004, and are not intended to effectuate any material change in substance.

In 1996, the letter designation of subdivision (f) of Rule 7004 (Summons; Time Limit for Service) was changed to subdivision (e). In 1993, the provisions of Rule 4, F.R.Civ.P., relating to proof of service contained in Rule 4(g) (Return) and Rule 4(h) (Amendments), were placed in the new subdivision (l) of Rule 4 (Proof of Service). The technical amendments to Rule 1010 are designed solely to conform to these new subdivision designations.

The 1996 amendments to Rule 7004 and the 1993 amendments to Rule 4, F.R.Civ.P., have not affected the

availability of service by first class mail in accordance with Rule 7004(b) for the service of a summons and petition in an involuntary case commenced under § 303 or an ancillary case commenced under § 304 of the Code.

GAP Report on Rule 1010. These amendments, which are technical and conforming, were not published for comment.

**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**

1           When a chapter 11, chapter 12, or  
2 chapter 13 case has been converted or  
3 reconverted to a chapter 7 case:

4                                   \* \* \* \* \*

5           (3) CLAIMS FILED BEFORE CONVERSION  
6 ~~IN SUPERSEDED CASES.~~ All claims  
7 actually filed by a creditor ~~in the~~  
8 ~~superseded case~~ before conversion of the  
9 case are ~~shall be~~ deemed filed in the  
10 chapter 7 case.

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11 \* \* \* \* \*

12 (5) FILING FINAL REPORT AND  
13 SCHEDULE OF POSTPETITION DEBTS.

14 (A) Conversion of Chapter 11  
15 or Chapter 12 Case. Unless the  
16 court directs otherwise, if a  
17 chapter 11 or chapter 12 case is  
18 converted to chapter 7, the debtor  
19 in possession or, if the debtor is  
20 not a debtor in possession, the  
21 trustee serving at the time of  
22 conversion, shall:

23 (i) not later than 15  
24 days after conversion of the  
25 case, file a schedule of  
26 unpaid debts incurred after  
27 the filing of the petition and  
28 before conversion of the case,  
29 including the name and address  
30 of each holder of a claim; and



31                    (ii) not later than 30  
32                    days after conversion of the  
33                    case, file and transmit to the  
34                    United States trustee a final  
35                    report and account;

36                    (B) Conversion of Chapter 13  
37                    Case. Unless the court directs  
38                    otherwise, if a chapter 13 case is  
39                    converted to chapter 7,

40                    (i) the debtor, not  
41                    later than 15 days after  
42                    conversion of the case, shall  
43                    file a schedule of unpaid  
44                    debts incurred after the  
45                    filing of the petition and  
46                    before conversion of the case,  
47                    including the name and address  
48                    of each holder of a claim; and

49                    (ii) the trustee, not  
50                    later than 30 days after

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51 conversion of the case, shall  
52 file and transmit to the  
53 United States trustee a final  
54 report and account;

55 (C) Conversion After  
56 Confirmation of a Plan. Unless the  
57 court orders otherwise, if a  
58 chapter 11, chapter 12, or chapter  
59 13 case is converted to chapter 7  
60 after confirmation of a plan, the  
61 debtor shall file:

62 (i) a schedule of  
63 property not listed in the  
64 final report and account  
65 acquired after the filing of  
66 the petition but before  
67 conversion, except if the case  
68 is converted from chapter 13  
69 to chapter 7 and § 348(f)(2)  
70 does not apply;

71                    (ii) a schedule of  
72                    unpaid debts not listed in the  
73                    final report and account  
74                    incurred after confirmation  
75                    but before the conversion; and  
76                    (iii) a schedule of  
77                    executory contracts and  
78                    unexpired leases entered into  
79                    or assumed after the filing of  
80                    the petition but before  
81                    conversion.

82                    (D) Transmission to United  
83                    States Trustee. The clerk shall  
84                    forthwith transmit to the United  
85                    States trustee a copy of every  
86                    schedule filed pursuant to Rule  
87                    1019(5).

88 ~~Unless the court directs otherwise, each~~  
89 ~~debtor in possession or trustee in the~~  
90 ~~superseded case shall: (A) within 15~~

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91 ~~days following the entry of the order of~~  
92 ~~conversion of a chapter 11 case, file a~~  
93 ~~schedule of unpaid debts incurred after~~  
94 ~~commencement of the superseded case~~  
95 ~~including the name and address of each~~  
96 ~~creditor; and (B) within 30 days~~  
97 ~~following the entry of the order of~~  
98 ~~conversion of a chapter 11, chapter 12,~~  
99 ~~or chapter 13 case, file and transmit to~~  
100 ~~the United States trustee a final report~~  
101 ~~and account. Within 15 days following~~  
102 ~~the entry of the order of conversion,~~  
103 ~~unless the court directs otherwise, a~~  
104 ~~chapter 13 debtor shall file a schedule~~  
105 ~~of unpaid debts incurred after the~~  
106 ~~commencement of a chapter 13 case, and a~~  
107 ~~chapter 12 debtor in possession or, if~~  
108 ~~the chapter 12 debtor is not in~~  
109 ~~possession, the trustee shall file a~~  
110 ~~schedule of unpaid debts incurred after~~

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111 ~~the commencement of a chapter 12 case.~~  
112 ~~If the conversion order is entered after~~  
113 ~~confirmation of a plan, the debtor shall~~  
114 ~~file (A) a schedule of property not~~  
115 ~~listed in the final report and account~~  
116 ~~acquired after the filing of the~~  
117 ~~original petition but before entry of~~  
118 ~~the conversion order; (B) a schedule of~~  
119 ~~unpaid debts not listed in the final~~  
120 ~~report and account incurred after~~  
121 ~~confirmation but before entry of the~~  
122 ~~conversion order; and (C) a schedule of~~  
123 ~~executory contracts and unexpired leases~~  
124 ~~entered into or assumed after the filing~~  
125 ~~of the original petition but before~~  
126 ~~entry of the conversion order. The~~  
127 ~~clerk shall forthwith transmit to the~~  
128 ~~United States trustee a copy of every~~  
129 ~~schedule filed pursuant to this~~  
130 ~~paragraph.~~

\* \* \* \* \*

COMMITTEE NOTE

The amendments to subdivisions (3) and (5) are technical corrections and stylistic changes. The phrase "superseded case" is deleted because it creates the erroneous impression that conversion of a case results in a new case that is distinct from the original case. Similarly, the phrase "original petition" is deleted because it erroneously implies that there is a second petition with respect to a converted case. See § 348 of the Code.

Public Comments on Rule 1019. None.

GAP Report on Rule 1019. No changes to the published draft.

**Rule 1020. Election to be Considered a  
Small Business in a Chapter 11  
Reorganization Case**

1       In a chapter 11 reorganization  
2 case, a debtor that is a small business  
3 may elect to be considered a small  
4 business by filing a written statement  
5 of election not later than 60 days after  
6 the date of the order for relief.

COMMITTEE NOTE

This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994.

Public Comments on Rule 1020:

(1) Mr. Patchan, Director of the Executive Office for U.S. Trustees, made a "minor suggestion" that the deadline for filing an election to be treated as a small business in a chapter 11 case be the first date set for the meeting of creditors under § 341 of the Code (rather than 60 days after the order for relief).

(2) Mr. Sabino of the Federal Bar Association suggested that (a) the rule state that only a debtor that is qualified under the Code as a small business may elect to be treated as a small business, and (b) the rule provide that the court may extend the 60-day period to file an election only "if the debtor seeks such an extension within those original 60 days and the court signs an order granting such extension."

GAP Report on Rule 1020. The phrase "or by a later date as the court, for cause, may fix" at the end of the published draft was deleted. The general provisions on reducing or extending time periods under Rule 9006 will be applicable.

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**Rule 2002. Notices to Creditors,  
Equity Security Holders, United States,  
and United States Trustee**

1 (a) TWENTY-DAY NOTICES TO PARTIES  
2 IN INTEREST. Except as provided in  
3 subdivisions (h), (i), and (l) of this  
4 rule, the clerk, or some other person as  
5 the court may direct, shall give the  
6 debtor, the trustee, all creditors and  
7 indenture trustees at least not less  
8 ~~than~~ 20 days' days notice by mail of:

9 (1) the meeting of creditors  
10 ~~pursuant to~~ under § 341  
11 or § 1104(b) of the  
12 Code;

13 \* \* \* \* \*

14 (n) CAPTION. The caption of every  
15 notice given under this rule shall  
16 comply with Rule 1005. The caption of  
17 every notice required to be given by the  
18 debtor to a creditor shall include the



19 information required to be in the notice  
20 by § 342(c) of the Code.

\* \* \* \* \*

COMMITTEE NOTE

Paragraph (a)(1) is amended to include notice of a meeting of creditors convened under § 1104(b) of the Code for the purpose of electing a trustee in a chapter 11 case. The court for cause shown may order the 20-day period reduced pursuant to Rule 9006(c)(1).

Subdivision (n) is amended to conform to the 1994 amendment to § 342 of the Code. As provided in § 342(c), the failure of a notice given by the debtor to a creditor to contain the information required by § 342(c) does not invalidate the legal effect of the notice.

Public Comments on Rule 2002. None.

GAP Report on Rule 2002. No changes to the published draft.

**Rule 2007.1. Appointment of Trustee  
or Examiner in a Chapter 11  
Reorganization Case**

1 (a) ORDER TO APPOINT TRUSTEE OR  
2 EXAMINER. In a chapter 11 reorganization

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3 case, a motion for an order to appoint a  
4 trustee or an examiner ~~pursuant to~~ under  
5 § 1104(a) or § ~~1104(b)~~ 1104(c) of the  
6 Code shall be made in accordance with  
7 Rule 9014.

8 (b) ELECTION OF TRUSTEE.

9 (1) Request for an Election.

10 A request to convene a meeting of  
11 creditors for the purpose of  
12 electing a trustee in a chapter 11  
13 reorganization case shall be filed  
14 and transmitted to the United  
15 States trustee in accordance with  
16 Rule 5005 within the time  
17 prescribed by § 1104(b) of the  
18 Code. Pending court approval of  
19 the person elected, any person  
20 appointed by the United States  
21 trustee under § 1104(d) and  
22 approved in accordance with

23 subdivision (c) of this rule shall  
24 serve as trustee.

25 (2) Manner of Election and  
26 Notice. An election of a trustee  
27 under § 1104(b) of the Code shall  
28 be conducted in the manner provided  
29 in Rules 2003(b)(3) and 2006.  
30 Notice of the meeting of creditors  
31 convened under § 1104(b) shall be  
32 given as provided in Rule 2002.  
33 The United States trustee shall  
34 preside at the meeting. A proxy  
35 for the purpose of voting in the  
36 election may be solicited only by a  
37 committee of creditors appointed  
38 under § 1102 of the Code or by any  
39 other party entitled to solicit a  
40 proxy pursuant to Rule 2006.

41 (3) Report of Election and  
42 Resolution of Disputes.

43                   (A) Report of Undisputed  
44                   Election. If the election is  
45                   not disputed, the United  
46                   States trustee shall promptly  
47                   file a report of the election,  
48                   including the name and address  
49                   of the person elected and a  
50                   statement that the election is  
51                   undisputed. The United States  
52                   trustee shall file with the  
53                   report an application for  
54                   approval of the appointment in  
55                   accordance with subdivision  
56                   (c) of this rule. The report  
57                   constitutes appointment of the  
58                   elected person to serve as  
59                   trustee, subject to court  
60                   approval, as of the date of  
61                   entry of the order approving  
62                   the appointment.

63                   (B) Disputed Election. If  
64                   the election is disputed, the  
65                   United States trustee shall  
66                   promptly file a report stating  
67                   that the election is disputed,  
68                   informing the court of the  
69                   nature of the dispute, and  
70                   listing the name and address  
71                   of any candidate elected under  
72                   any alternative presented by  
73                   the dispute. The report shall  
74                   be accompanied by a verified  
75                   statement by each candidate  
76                   elected under each alternative  
77                   presented by the dispute,  
78                   setting forth the person's  
79                   connections with the debtor,  
80                   creditors, any other party in  
81                   interest, their respective  
82                   attorneys and accountants, the

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83 United States trustee, and any  
84 person employed in the office  
85 of the United States trustee.  
86 Not later than the date on  
87 which the report of the  
88 disputed election is filed,  
89 the United States trustee  
90 shall mail a copy of the  
91 report and each verified  
92 statement to any party in  
93 interest that has made a  
94 request to convene a meeting  
95 under § 1104(b) or to receive  
96 a copy of the report, and to  
97 any committee appointed under  
98 § 1102 of the Code. Unless a  
99 motion for the resolution of  
100 the dispute is filed not later  
101 than 10 days after the United  
102 States trustee files the

103 report, any person appointed  
104 by the United States trustee  
105 under § 1104(d) and approved  
106 in accordance with subdivision  
107 (c) of this rule shall serve  
108 as trustee. If a motion for  
109 the resolution of the dispute  
110 is timely filed, and the court  
111 determines the result of the  
112 election and approves the  
113 person elected, the report  
114 will constitute appointment of  
115 the elected person as of the  
116 date of entry of the order  
117 approving the appointment.

118 ~~(b)~~ (c) APPROVAL OF APPOINTMENT.  
119 An order approving the appointment of a  
120 trustee elected under § 1104(b) or  
121 appointed under § 1104(d), or the  
122 appointment of an examiner pursuant to

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123 ~~§ 1104(e)~~ under § 1104(d) of the Code,  
124 shall be made ~~only~~ on application of the  
125 United States trustee~~,~~ The application  
126 shall state ~~stating~~ the name of the  
127 person appointed~~,~~ ~~the names of the~~  
128 ~~parties in interest with whom the United~~  
129 ~~States trustee consulted regarding the~~  
130 ~~appointment,~~ and, to the best of the  
131 applicant's knowledge, all the person's  
132 connections with the debtor, creditors,  
133 any other parties in interest, their  
134 respective attorneys and accountants,  
135 the United States trustee, and persons  
136 employed in the office of the United  
137 States trustee. Unless the person has  
138 been elected under § 1104(b), the  
139 application shall state the names of the  
140 parties in interest with whom the United  
141 States trustee consulted regarding the  
142 appointment. The application shall be



143 accompanied by a verified statement of  
144 the person appointed setting forth the  
145 person's connections with the debtor,  
146 creditors, any other party in interest,  
147 their respective attorneys and  
148 accountants, the United States trustee,  
149 and any person employed in the office of  
150 the United States trustee.

COMMITTEE NOTE

This rule is amended to implement the 1994 amendments to § 1104 of the Code regarding the election of a trustee in a chapter 11 case.

Eligibility for voting in an election for a chapter 11 trustee is determined in accordance with Rule 2003(b)(3). Creditors whose claims are deemed filed under § 1111(a) are treated for voting purposes as creditors who have filed proofs of claim.

Proxies for the purpose of voting in the election may be solicited only by a creditors' committee appointed under § 1102 or by any other party entitled to solicit proxies pursuant to Rule 2006. Therefore, a trustee or examiner who has served in the case, or a committee of

equity security holders appointed under § 1102, may not solicit proxies.

The procedures for reporting disputes to the court derive from similar provisions in Rule 2003(d) applicable to chapter 7 cases. An election may be disputed by a party in interest or by the United States trustee. For example, if the United States trustee believes that the person elected is ineligible to serve as trustee because the person is not "disinterested," the United States trustee should file a report disputing the election.

The word "only" is deleted from subdivision (b), redesignated as subdivision (c), to avoid any negative inference with respect to the availability of procedures for obtaining review of the United States trustee's acts or failure to act pursuant to Rule 2020.

Public Comments on Rule 2017.1:

(1) Mr. Patchan, Director of the Executive Office for U.S. Trustees, recommended that the proposed amendments be changed to provide that the U.S. trustee's report of the election of a chapter 11 trustee constitute the appointment of the trustee, rather than requiring the U.S. Trustee to appoint the person elected. That is, rather than the U.S. Trustee *making* the appointment, the U.S. Trustee's report to the court *is* the appointment. He

also suggested that the committee note clarify that (a) scheduled creditors whose claims are deemed filed under § 1111(a) of the Code are treated, for voting purposes, as creditors who have filed proofs of claim, and (2) any examiner or trustee who has served in the case, or an equity security holders' committee, may not solicit proxies for the purpose of the election of a trustee.

(2) Mr. Sabino of the Federal Bar Association suggested that the rule require the U.S. trustee to file a motion asking the court to resolve a disputed election, rather than waiting for a party in interest to file such a motion.

GAP Report on Rule 2017.1. The published draft of proposed new subdivision (b)(3) of Rule 2017.1, and the Committee Note, was substantially revised to implement Mr. Patchan's recommendations (described above), to clarify how a disputed election will be reported, and to make stylistic improvements.

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

- 1 An election of application of
- 2 § 1111(b)(2) of the Code by a class of

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3    secured creditors in a chapter 9 or 11  
4    case may be made at any time prior to  
5    the conclusion of the hearing on the  
6    disclosure statement or within such  
7    later time as the court may fix. If the  
8    disclosure statement is conditionally  
9    approved pursuant to Rule 3017.1, and a  
10   final hearing on the disclosure  
11   statement is not held, the election of  
12   application of § 1111(b) (2) may be made  
13   not later than the date fixed pursuant  
14   to Rule 3017.1(a) (2) or another date the  
15   court may fix. The election shall be in  
16   writing and signed unless made at the  
17   hearing on the disclosure statement.  
18   The election, if made by the majorities  
19   required by § 1111(b) (1) (A) (i), shall be  
20   binding on all members of the class with  
21   respect to the plan.

COMMITTEE NOTE

This amendment provides a deadline for electing application of § 1111(b)(2) in a small business case in which a conditionally approved disclosure statement is finally approved without a hearing.

Public Comment on Rule 3014. Mr. Sabino of the Federal Bar Association suggested that the rule be amended to provide that any extension of time to file a § 1111(b)(2) election may not be extended unless the extension is ordered before the conclusion of the disclosure statement hearing. This comment was unrelated to the proposed amendments to the rule.

GAP Report on Rule 3014. No changes to the published draft.

**Rule 3017. Court Consideration of  
Disclosure Statement in Chapter 9  
Municipality and Chapter 11  
Reorganization Cases**

- 1 (a) HEARING ON DISCLOSURE STATEMENT
- 2 AND OBJECTIONS ~~THERE TO~~. Except as
- 3 provided in Rule 3017.1, after a
- 4 disclosure statement is filed in
- 5 accordance with Rule 3016(b) Following

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6 ~~the filing of a disclosure statement as~~  
7 ~~provided in Rule 3016(e),~~ the court  
8 shall hold a hearing on ~~not less than at~~  
9 least 25 days' days' notice to the  
10 debtor, creditors, equity security  
11 holders and other parties in interest as  
12 provided in Rule 2002 to consider ~~such~~  
13 the disclosure statement and any  
14 objections or modifications thereto.  
15 The plan and the disclosure statement  
16 shall be mailed with the notice of the  
17 hearing only to the debtor, any trustee  
18 or committee appointed under the Code,  
19 the Securities and Exchange Commission,  
20 and any party in interest who requests  
21 in writing a copy of the statement or  
22 plan. Objections to the disclosure  
23 statement shall be filed and served on  
24 the debtor, the trustee, any committee  
25 appointed under the Code, and any such

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26 other entity ~~as may be~~ designated by the  
27 court, at any time before the disclosure  
28 statement is approved ~~prior to approval~~  
29 ~~of the disclosure statement~~ or by ~~such~~  
30 an earlier date as the court may fix.

31 In a chapter 11 reorganization case,  
32 every notice, plan, disclosure  
33 statement, and objection required to be  
34 served or mailed pursuant to this  
35 subdivision shall be transmitted to the  
36 United States trustee within the time  
37 provided in this subdivision.

38 (b) DETERMINATION ON DISCLOSURE  
39 STATEMENT. Following the hearing the  
40 court shall determine whether the  
41 disclosure statement should be approved.

42 (c) DATES FIXED FOR VOTING ON PLAN  
43 AND CONFIRMATION. On or before approval  
44 of the disclosure statement, the court  
45 shall fix a time within which the

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46 holders of claims and interests may  
47 accept or reject the plan and may fix a  
48 date for the hearing on confirmation.

49 (d) TRANSMISSION AND NOTICE TO  
50 UNITED STATES TRUSTEE, CREDITORS, AND  
51 EQUITY SECURITY HOLDERS. Upon ~~On~~  
52 approval of a disclosure statement,  
53 ~~unless -- except to the extent that~~ the  
54 court orders otherwise with respect to  
55 one or more unimpaired classes of  
56 creditors or equity security holders,  
57 ~~--~~ the debtor in possession, trustee,  
58 proponent of the plan, or clerk as  
59 ~~ordered by the court~~ orders shall mail  
60 to all creditors and equity security  
61 holders, and in a chapter 11  
62 reorganization case shall transmit to  
63 the United States trustee,

64 (1) the plan, or a ~~court approved~~  
65 court-approved summary of the



66 plan;

67 (2) the disclosure statement

68 approved by the court;

69 (3) notice of the time within

70 which acceptances and

71 rejections of ~~such~~ the plan

72 may be filed; and

73 (4) any ~~such~~ other information as

74 the court may direct,

75 including any court opinion ~~of~~

76 ~~the court~~ approving the

77 disclosure statement or a

78 ~~court-approved~~ court-approved

79 summary of the opinion.

80 In addition, notice of the time fixed

81 for filing objections and the hearing on

82 confirmation shall be mailed to all

83 creditors and equity security holders in

84 accordance with ~~pursuant to~~ Rule

85 2002(b), and a form of ballot conforming

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86 to the appropriate Official Form shall  
87 be mailed to creditors and equity  
88 security holders entitled to vote on the  
89 plan. ~~In the event~~ If ~~the opinion of~~  
90 ~~the court~~ opinion is not transmitted or  
91 only a summary of the plan is  
92 transmitted, the ~~opinion of the court~~  
93 opinion or the plan shall be provided on  
94 request of a party in interest at the  
95 plan proponent's expense ~~of the~~  
96 ~~proponent of the plan~~. If the court  
97 orders that the disclosure statement and  
98 the plan or a summary of the plan shall  
99 not be mailed to any unimpaired class,  
100 notice that the class is designated in  
101 the plan as unimpaired and notice of the  
102 name and address of the person from whom  
103 the plan or summary of the plan and  
104 disclosure statement may be obtained  
105 upon request and at the plan proponent's

106 expense ~~of the proponent of the plan,~~  
107 shall be mailed to members of the  
108 unimpaired class together with the  
109 notice of the time fixed for filing  
110 objections to and the hearing on  
111 confirmation. For the purposes of this  
112 subdivision, creditors and equity  
113 security holders shall include holders  
114 of stock, bonds, debentures, notes, and  
115 other securities of record on ~~at~~ the  
116 date the order approving the disclosure  
117 statement is was entered or another date  
118 fixed by the court, for cause, after  
119 notice and a hearing.

120 (e) TRANSMISSION TO BENEFICIAL  
121 HOLDERS OF SECURITIES. At the hearing  
122 held pursuant to subdivision (a) of this  
123 rule, the court shall consider the  
124 procedures for transmitting the  
125 documents and information required by

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126 subdivision (d) of this rule to  
127 beneficial holders of stock, bonds,  
128 debentures, notes, and other securities,  
129 ~~and~~ determine the adequacy of the ~~such~~  
130 procedures, and enter any ~~such~~ orders as  
131 the court deems appropriate.

COMMITTEE NOTE

Subdivision (a) is amended to provide that it does not apply to the extent provided in new Rule 3017.1, which applies in small business cases.

Subdivision (d) is amended to provide flexibility in fixing the record date for the purpose of determining the holders of securities who are entitled to receive documents pursuant to this subdivision. For example, if there may be a delay between the oral announcement of the judge's order approving the disclosure statement and entry of the order on the court docket, the court may fix the date on which the judge orally approves the disclosure statement as the record date so that the parties may expedite preparation of the lists necessary to facilitate the distribution of the plan, disclosure statement, ballots, and other related documents.

The court may set a record date

pursuant to subdivision (d) only after notice and a hearing as provided in § 102(1) of the Code. Notice of a request for an order fixing the record date may be included in the notice of the hearing to consider approval of the disclosure statement mailed pursuant to Rule 2002(b).

If the court fixes a record date pursuant to subdivision (d) with respect to the holders of securities, and the holders are impaired by the plan, the judge also should order that the same record date applies for the purpose of determining eligibility for voting pursuant to Rule 3018(a).

Other amendments to this rule are stylistic.

Public Comments on Rule 3017. James Gadsden, Esq., inquired as to the need for the amendments to Rule 3017(d) that will give the court discretion, for cause and after notice and a hearing, to fix a record date -- for the purpose of receiving vote solicitation materials -- that differs from the date on which the order approving the disclosure statement is entered. He believes that the rule works fine as is and that the effect of the amendment could operate as an injunction against transfers of securities without the protections of Rule 7065.

GAP Report on Rule 3017. No changes to the published draft.

Rule 3017.1 Court Consideration of  
Disclosure Statement in a Small  
Business Case

1           (a) CONDITIONAL APPROVAL OF  
2 DISCLOSURE STATEMENT. If the debtor is  
3 a small business and has made a timely  
4 election to be considered a small  
5 business in a chapter 11 case, the court  
6 may, on application of the plan  
7 proponent, conditionally approve a  
8 disclosure statement filed in accordance  
9 with Rule 3016(b). On or before  
10 conditional approval of the disclosure  
11 statement, the court shall:

- 12                   (1) fix a time within which  
13                   the holders of claims  
14                   and interests may accept  
15                   or reject the plan;  
16                   (2) fix a time for filing  
17                   objections to the  
18                   disclosure statement;

19           (3) fix a date for the  
20           hearing on final  
21           approval of the  
22           disclosure statement to  
23           be held if a timely  
24           objection is filed; and

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

27           (b) APPLICATION OF RULE 3017. Rule  
28           3017(a), (b), (c), and (e) do not apply  
29           to a conditionally approved disclosure  
30           statement. Rule 3017(d) applies to a  
31           conditionally approved disclosure  
32           statement, except that conditional  
33           approval is considered approval of the  
34           disclosure statement for the purpose of  
35           applying Rule 3017(d).

36           (c) FINAL APPROVAL.

37           (1) Notice. Notice of the  
38           time fixed for filing objections

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39 and the hearing to consider final  
40 approval of the disclosure  
41 statement shall be given in  
42 accordance with Rule 2002 and may  
43 be combined with notice of the  
44 hearing on confirmation of the  
45 plan.

46 (2) Objections. Objections to  
47 the disclosure statement shall be  
48 filed, transmitted to the United  
49 States trustee, and served on the  
50 debtor, the trustee, any committee  
51 appointed under the Code and any  
52 other entity designated by the  
53 court at any time before final  
54 approval of the disclosure  
55 statement or by an earlier date as  
56 the court may fix.

57 (3) Hearing. If a timely  
58 objection to the disclosure



59 statement is filed, the court shall  
60 hold a hearing to consider final  
61 approval before or combined with  
62 the hearing on confirmation of the  
63 plan.

COMMITTEE NOTE

This rule is added to implement § 1125(f) that was added to the Code by the Bankruptcy Reform Act of 1994.

The procedures for electing to be considered a small business are set forth in Rule 1020. If the debtor is a small business and has elected to be considered a small business, § 1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.

Public Comment on Rule 3017.1.  
Bankruptcy Judge Geraldine Mund recommended that the proposed new rule be expanded to apply to any debtor (rather than being limited to debtors that are small businesses) for whom the court orders conditional approval of a

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disclosure statement and a combined hearing on final approval of the disclosure statement and plan confirmation.

GAP Report on Rule 3017.1. No change to the published draft.

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

1 (a) ENTITIES ENTITLED TO ACCEPT OR  
2 REJECT PLAN; TIME FOR ACCEPTANCE OR  
3 REJECTION. A plan may be accepted or  
4 rejected in accordance with § 1126 of  
5 the Code within the time fixed by the  
6 court pursuant to Rule 3017. Subject to  
7 subdivision (b) of this rule, an equity  
8 security holder or creditor whose claim  
9 is based on a security of record shall  
10 not be entitled to accept or reject a  
11 plan unless the equity security holder  
12 or creditor is the holder of record of  
13 the security on the date the order

14 approving the disclosure statement is  
15 entered or on another date fixed by the  
16 court, for cause, after notice and a  
17 hearing. For cause shown, the court  
18 after notice and hearing may permit a  
19 creditor or equity security holder to  
20 change or withdraw an acceptance or  
21 rejection. Notwithstanding objection to  
22 a claim or interest, the court after  
23 notice and hearing may temporarily allow  
24 the claim or interest in an amount which  
25 the court deems proper for the purpose  
26 of accepting or rejecting a plan.

\* \* \* \* \*

COMMITTEE NOTE

Subdivision (a) is amended to provide flexibility in fixing the record date for the purpose of determining the holders of securities who are entitled to vote on the plan. For example, if there may be a delay between the oral announcement of the judge's decision approving the disclosure statement and

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entry of the order on the court docket, the court may fix the date on which the judge orally approves the disclosure statement as the record date for voting purposes so that the parties may expedite preparation of the lists necessary to facilitate the distribution of the plan, disclosure statement, ballots, and other related documents in connection with the solicitation of votes.

The court may set a record date pursuant to subdivision (a) only after notice and a hearing as provided in § 102(1) of the Code. Notice of a request for an order fixing the record date may be included in the notice of the hearing to consider approval of the disclosure statement mailed pursuant to Rule 2002(b).

If the court fixes the record date for voting purposes, the judge also should order that the same record date shall apply for the purpose of distributing the documents required to be distributed pursuant to Rule 3017(d).

Public Comments on Rule 3018. James Gadsden, Esq., inquired as to the need for the amendments to Rule 3018(a) that will give the court discretion, for cause and after notice and a hearing, to fix a record date -- for the purpose of voting eligibility -- that differs from the date on which the order approving the disclosure statement is entered. He believes that the rule works fine as is and that the effect of the amendment

could operate as an injunction against transfers of securities without the protections of Rule 7065.

GAP Report on Rule 3017. No changes to the published draft.

**Rule 3021. Distribution Under Plan**

1           After confirmation of a plan,  
2 distribution shall be made to creditors  
3 whose claims have been allowed, to  
4 interest holders ~~of stock, bonds,~~  
5 ~~debentures, notes, and other securities~~  
6 ~~of record at the time of commencement of~~  
7 ~~distribution whose claims or equity~~  
8 security whose interests have not been  
9 disallowed, and to indenture trustees  
10 who have filed claims pursuant to Rule  
11 3003(c)(5) ~~and which~~ that have been  
12 allowed. For the purpose of this rule,  
13 creditors include holders of bonds,  
14 debentures, notes, and other debt

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15    securities, and interest holders include  
16    the holders of stock and other equity  
17    securities, of record at the time of  
18    commencement of distribution unless a  
19    different time is fixed by the plan or  
20    the order confirming the plan.

COMMITTEE NOTE

This rule is amended to provide flexibility in fixing the record date for the purpose of making distributions to holders of securities of record. In a large case, it may be impractical for the debtor to determine the holders of record with respect to publicly held securities and also to make distributions to those holders at the same time. Under this amendment, the plan or the order confirming the plan may fix a record date for distributions that is earlier than the date on which distributions commence.

This rule also is amended to treat holders of bonds, debentures, notes, and other debt securities the same as any other creditors by providing that they shall receive a distribution only if their claims have been allowed. Finally, the amendments clarify that distributions are to be made to all interest holders -- not only those that

are within the definition of "equity security holders" under § 101 of the Code -- whose interests have not been disallowed.

Public Comments on Rule 3021. James Gadsden, Esq., inquired as to the need to change the present rule (providing that the record date for distribution purposes is the date on which distributions commence) to provide that the record date for distribution purposes is the date on which distributions commence unless the plan or confirmation order fixes a different date. He believes that the rule works fine as is and that the effect of the amendment could operate as an injunction against transfers of securities without the protections of Rule 7065.

GAP Report on Rule 3021. No changes to the published draft.

**Rule 8001. Manner of Taking Appeal;  
Voluntary Dismissal**

- 1 (a) APPEAL AS OF RIGHT; HOW TAKEN.
- 2 An appeal from a ~~final~~ judgment, order,
- 3 or decree of a bankruptcy judge to a
- 4 district court or bankruptcy appellate
- 5 panel as permitted by 28 U.S.C.
- 6 § 158(a)(1) or (a)(2) shall be taken by

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7 filing a notice of appeal with the clerk  
8 within the time allowed by Rule 8002.  
9 An appellant's failure ~~Failure of an~~  
10 ~~appellant~~ to take any step other than  
11 the timely filing of a notice of appeal  
12 does not affect the validity of the  
13 appeal, but is ground only for such  
14 action as the district court or  
15 bankruptcy appellate panel deems  
16 appropriate, which may include dismissal  
17 of the appeal. The notice of appeal  
18 shall (1) conform substantially to the  
19 appropriate Official Form, (2) shall  
20 contain the names of all parties to the  
21 judgment, order, or decree appealed from  
22 and the names, addresses, and telephone  
23 numbers of their respective attorneys,  
24 and (3) be accompanied by the prescribed  
25 fee. Each appellant shall file a  
26 sufficient number of copies of the



27 notice of appeal to enable the clerk to  
28 comply promptly with Rule 8004.

29 (b) APPEAL BY LEAVE; HOW TAKEN. An  
30 appeal from an interlocutory judgment,  
31 order, or decree of a bankruptcy judge  
32 as permitted by 28 U.S.C. § 158(a)(3)  
33 shall be taken by filing a notice of  
34 appeal, as prescribed in subdivision (a)  
35 of this rule, accompanied by a motion  
36 for leave to appeal prepared in  
37 accordance with Rule 8003 and with proof  
38 of service in accordance with Rule 8008.

39 \* \* \* \* \*

40 (e) ELECTION TO HAVE APPEAL HEARD  
41 BY DISTRICT COURT INSTEAD OF BANKRUPTCY  
42 APPELLATE PANEL. CONSENT TO APPEAL TO  
43 BANKRUPTCY APPELLATE PANEL. Unless  
44 otherwise provided by a rule promulgated  
45 pursuant to Rule 8018, consent to have  
46 an appeal heard by a bankruptcy

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47 ~~appellate panel may be given in a~~  
48 ~~separate statement of consent executed~~  
49 ~~by a party or contained in the notice of~~  
50 ~~appeal or cross appeal. The statement~~  
51 ~~of consent shall be filed before the~~  
52 ~~transmittal of the record pursuant to~~  
53 ~~Rule 8007(b), or within 30 days of the~~  
54 ~~filing of the notice of appeal,~~  
55 ~~whichever is later. An election to have~~  
56 ~~an appeal heard by the district court~~  
57 ~~under 28 U.S.C. § 158(c)(1) may be made~~  
58 ~~only by a statement of election~~  
59 ~~contained in a separate writing filed~~  
60 ~~within the time prescribed by 28 U.S.C.~~  
61 ~~§ 158(c)(1).~~

COMMITTEE NOTE

This rule is amended to conform to the Bankruptcy Reform Act of 1994 which amended 28 U.S.C. § 158. As amended, a party may -- without obtaining leave of the court -- appeal from an interlocutory order or decree of the bankruptcy court issued under § 1121(d) of the Code increasing or reducing the

time periods referred to in § 1121.

Subdivision (e) is amended to provide the procedure for electing under 28 U.S.C. § 158(c)(1) to have an appeal heard by the district court instead of the bankruptcy appellate panel service. This subdivision is applicable only if a bankruptcy appellate panel service is authorized under 28 U.S.C. § 158(b) to hear the appeal.

Public Comments on Rule 8001. Mr. Sabino of the Federal Bar Association commented that the amendments to Rule 8001(e) (election to have appeal heard by district court) are "premature" because the goal of having a bankruptcy appellate panel (BAP) in every circuit is "far from being achieved."

GAP Report on Rule 8001. The heading of subdivision (e) is amended to clarify that it applies to the election to have an appeal heard by the district court instead of the BAP. The final paragraph of the Committee Note is revised to clarify that subdivision (e) is applicable only if a BAP is authorized to hear the appeal.

**Rule 8002. Time for Filing Notice of Appeal**

\* \* \* \* \*

1 (c) EXTENSION OF TIME FOR APPEAL.

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2            (1) The bankruptcy judge may  
3            extend the time for filing the  
4            notice of appeal by any party ~~for a~~  
5            ~~period not to exceed 20 days from~~  
6            ~~the expiration of the time~~  
7            ~~otherwise prescribed by this rule~~ ,  
8            unless the judgment, order, or  
9            decree appealed from:

10            (A) grants relief from an  
11            automatic stay under § 362,  
12            § 922, § 1201, or § 1301;

13            (B) authorizes the sale  
14            or lease of property or the  
15            use of cash collateral under  
16            § 363;

17            (C) authorizes the  
18            obtaining of credit under  
19            § 364;

20            (D) authorizes the  
21            assumption or assignment of an

22 executory contract or  
23 unexpired lease under § 365;

24 (E) approves a disclosure  
25 statement under § 1125, or;

26 (F) confirms a plan under  
27 § 943, § 1129, § 1225, or  
28 § 1325 of the Code.

29 (2) A request to extend the  
30 time for filing a notice of appeal  
31 must be made by written motion  
32 filed before the time for filing a  
33 notice of appeal has expired,  
34 except that such a motion filed not  
35 later request made no more than 20  
36 days after the expiration of the  
37 time for filing a notice of appeal  
38 may be granted upon a showing of  
39 excusable neglect ~~if the judgment~~  
40 ~~or order appealed from does not~~  
41 ~~authorize the sale of any property~~

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42 ~~or the obtaining of credit or the~~  
43 ~~incurring of debt under § 364 of~~  
44 ~~the Code, or is not a judgment or~~  
45 ~~order approving a disclosure~~  
46 ~~statement, confirming a plan,~~  
47 ~~dismissing a case, or converting~~  
48 ~~the case to a case under another~~  
49 ~~chapter of the Code. An extension~~  
50 ~~of time for filing a notice of~~  
51 ~~appeal may not exceed 20 days from~~  
52 ~~the expiration of the time for~~  
53 ~~filing a notice of appeal otherwise~~  
54 ~~prescribed by this rule or 10 days~~  
55 ~~from the date of entry of the order~~  
56 ~~granting the motion, whichever is~~  
57 ~~later.~~

COMMITTEE NOTE

Subdivision (c) is amended to provide that a request for an extension of time to file a notice of appeal must be filed within the applicable time

period. This amendment will avoid uncertainty as to whether the mailing of a motion or an oral request in court is sufficient to request an extension of time, and will enable the court and the parties in interest to determine solely from the court records whether a timely request for an extension has been made.

The amendments also give the court discretion to permit a party to file a notice of appeal more than 20 days after expiration of the time to appeal otherwise prescribed, but only if the motion was timely filed and the notice of appeal is filed within a period not exceeding 10 days after entry of the order extending the time. This amendment is designed to protect parties that file timely motions to extend the time to appeal from the harshness of the present rule as demonstrated in In re Mouradick, 13 F.3d 326 (9th Cir. 1994), where the court held that a notice of appeal filed within the 3-day period expressly prescribed by an order granting a timely motion for an extension of time did not confer jurisdiction on the appellate court because the notice of appeal was not filed within the 20-day period specified in subdivision (c).

The subdivision is amended further to prohibit any extension of time to file a notice of appeal -- even if the motion for an extension is filed before the expiration of the original time to appeal -- if the order appealed from grants relief from the automatic stay,

authorizes the sale or lease of property, use of cash collateral, obtaining of credit, or assumption or assignment of an executory contract or unexpired lease under § 365, or approves a disclosure statement or confirms a plan. These types of orders are often relied upon immediately after they are entered and should not be reviewable on appeal after the expiration of the original appeal period under Rule 8002(a) and (b).

Public Comment on Rule 8002. None.

GAP Report on Rule 8002. No changes to the published draft.

**Rule 8020. Damages and Costs for  
Frivolous Appeal**

1 If a district court or bankruptcy  
2 appellate panel determines that an  
3 appeal from an order, judgment, or  
4 decree of a bankruptcy judge is  
5 frivolous, it may, after a separately  
6 filed motion or notice from the district  
7 court or bankruptcy appellate panel and  
8 reasonable opportunity to respond, award  
9 just damages and single or double costs



10 to the appellee.

COMMITTEE NOTE

This rule is added to clarify that a district court hearing an appeal, or a bankruptcy appellate panel, has the authority to award damages and costs to an appellee if it finds that the appeal is frivolous. By conforming to the language of Rule 38 F.R.App.P., this rule recognizes that the authority to award damages and costs in connection with frivolous appeals is the same for district courts sitting as appellate courts, bankruptcy appellate panels, and courts of appeals.

Public Comment on Rule 8020. None.

GAP Report on Rule 8020. No changes to the published draft.

**Rule 9011. Signing and of Papers;**  
**Representations to the Court;**  
**Sanctions; Verification and Copies of**  
**Papers**

1 (a) SIGNATURE. Every petition,  
2 pleading, written motion, and other  
3 ~~paper served or filed in a case under~~  
4 ~~the Code on behalf of a party~~  
5 ~~represented by an attorney, except a~~

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6 list, schedule, or statement, or  
7 amendments thereto, shall be signed by  
8 at least one attorney of record in the  
9 attorney's individual name. A party who  
10 is not represented by an attorney shall  
11 sign all papers. ~~whose office address~~  
12 ~~and telephone number shall be stated.~~ A  
13 ~~party who is not represented by an~~  
14 ~~attorney shall sign all papers and state~~  
15 ~~the party's address and telephone~~  
16 ~~number.~~ Each paper shall state the  
17 signer's address and telephone number,  
18 if any. ~~The signature of an attorney or~~  
19 ~~a party constitutes a certificate that~~  
20 ~~the attorney or party has read the~~  
21 ~~document; that to the best of the~~  
22 ~~attorney's or party's knowledge,~~  
23 ~~information, and belief formed after~~  
24 ~~reasonable inquiry it is well grounded~~  
25 ~~in fact and is warranted by existing law~~

26 ~~or a good faith argument for the~~  
27 ~~extension, modification, or reversal of~~  
28 ~~existing law; and that it is not~~  
29 ~~interposed for any improper purpose,~~  
30 ~~such as to harass or to cause~~  
31 ~~unnecessary delay or needless increase~~  
32 ~~in the cost of litigation or~~  
33 ~~administration of the case. If a~~  
34 ~~document is not signed, it~~ An unsigned  
35 paper shall be stricken unless it is  
36 ~~signed promptly after the omission of~~  
37 the signature is corrected promptly  
38 after being called to the attention of  
39 ~~the person whose signature is required~~  
40 attorney or party. ~~If a document is~~  
41 ~~signed in violation of this rule, the~~  
42 ~~court on motion or on its own~~  
43 ~~initiative, shall impose on the person~~  
44 ~~who signed it, the represented party, or~~  
45 ~~both, an appropriate sanction, which may~~

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46 ~~include an order to pay to the other~~  
47 ~~party or parties the amount of the~~  
48 ~~reasonable expenses incurred because of~~  
49 ~~the filing of the document, including a~~  
50 ~~reasonable attorney's fee.~~

51 (b) REPRESENTATIONS TO THE COURT.

52 By presenting to the court (whether by  
53 signing, filing, submitting, or later  
54 advocating) a petition, pleading,  
55 written motion, or other paper, an  
56 attorney or unrepresented party is  
57 certifying that to the best of the  
58 person's knowledge, information, and  
59 belief, formed after an inquiry  
60 reasonable under the circumstances, --

61 (1) it is not being presented  
62 for any improper purpose, such as  
63 to harass or to cause unnecessary  
64 delay or needless increase in the  
65 cost of litigation;

66           (2) the claims, defenses, and  
67           other legal contentions therein are  
68           warranted by existing law or by a  
69           nonfrivolous argument for the  
70           extension, modification, or  
71           reversal of existing law or the  
72           establishment of new law;

73           (3) the allegations and other  
74           factual contentions have  
75           evidentiary support or, if  
76           specifically so identified, are  
77           likely to have evidentiary support  
78           after a reasonable opportunity for  
79           further investigation or discovery;  
80           and

81           (4) the denials of factual  
82           contentions are warranted on the  
83           evidence or, if specifically so  
84           identified, are reasonably based on  
85           a lack of information or belief.

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86 (c) SANCTIONS. If, after notice  
87 and a reasonable opportunity to respond,  
88 the court determines that subdivision  
89 (b) has been violated, the court may,  
90 subject to the conditions stated below,  
91 impose an appropriate sanction upon the  
92 attorneys, law firms, or parties that  
93 have violated subdivision (b) or are  
94 responsible for the violation.

95 (1) How Initiated.

96 (A) By Motion. A motion  
97 for sanctions under this rule  
98 shall be made separately from  
99 other motions or requests and  
100 shall describe the specific  
101 conduct alleged to violate  
102 subdivision (b). It shall be  
103 served as provided in Rule  
104 7004. The motion for  
105 sanctions may not be filed

106 with or presented to the court  
107 unless, within 21 days after  
108 service of the motion (or such  
109 other period as the court may  
110 prescribe), the challenged  
111 paper, claim, defense,  
112 contention, allegation, or  
113 denial is not withdrawn or  
114 appropriately corrected,  
115 except that this limitation  
116 shall not apply if the conduct  
117 alleged is the filing of a  
118 petition in violation of  
119 subdivision (b). If  
120 warranted, the court may award  
121 to the party prevailing on the  
122 motion the reasonable expenses  
123 and attorney's fees incurred  
124 in presenting or opposing the  
125 motion. Absent exceptional

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126 circumstances, a law firm  
127 shall be held jointly  
128 responsible for violations  
129 committed by its partners,  
130 associates, and employees.

131 (B) On Court's  
132 Initiative. On its own  
133 initiative, the court may  
134 enter an order describing the  
135 specific conduct that appears  
136 to violate subdivision (b) and  
137 directing an attorney, law  
138 firm, or party to show cause  
139 why it has not violated  
140 subdivision (b) with respect  
141 thereto.

142 (2) Nature of Sanction;  
143 Limitations. A sanction imposed  
144 for violation of this rule shall be  
145 limited to what is sufficient to



146 deter repetition of such conduct or  
147 comparable conduct by others  
148 similarly situated. Subject to the  
149 limitations in subparagraphs (A)  
150 and (B), the sanction may consist  
151 of, or include, directives of a  
152 nonmonetary nature, an order to pay  
153 a penalty into court, or , if  
154 imposed on motion and warranted for  
155 effective deterrence, an order  
156 directing payment to the movant of  
157 some or all of the reasonable  
158 attorneys' fees and other expenses  
159 incurred as a direct result of the  
160 violation.

161 (A) Monetary sanctions  
162 may not be awarded against a  
163 represented party for a  
164 violation of subdivision  
165 (b) (2).

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166 (B) Monetary sanctions  
167 may not be awarded on the  
168 court's initiative unless the  
169 court issues its order to show  
170 cause before a voluntary  
171 dismissal or settlement of the  
172 claims made by or against the  
173 party which is, or whose  
174 attorneys are, to be  
175 sanctioned.

176 (3) Order. When imposing  
177 sanctions, the court shall describe  
178 the conduct determined to  
179 constitute a violation of this rule  
180 and explain the basis for the  
181 sanction imposed.

182 (d) INAPPLICABILITY TO DISCOVERY.  
183 Subdivisions (a) through (c) of this  
184 rule do not apply to disclosures and  
185 discovery requests, responses,

186 objections, and motions that are subject  
187 to the provisions of Rules 7026 through  
188 7037.

189       ~~(b)~~ (e) VERIFICATION. Except as  
190 otherwise specifically provided by these  
191 rules, papers filed in a case under the  
192 Code need not be verified. Whenever  
193 verification is required by these rules,  
194 an unsworn declaration as provided in 28  
195 U.S.C. § 1746 satisfies the requirement  
196 of verification.

197       ~~(e)~~ (f) COPIES OF SIGNED OR  
198 VERIFIED PAPERS. When these rules  
199 require copies of a signed or verified  
200 paper, it shall suffice if the original  
201 is signed or verified and the copies are  
202 conformed to the original.

COMMITTEE NOTE

This rule is amended to conform to the 1993 changes to F.R.Civ.P. 11. For an explanation of these amendments, see

the advisory committee note to the 1993 amendments to F.R.Civ.P. 11.

The "safe harbor" provision contained in subdivision (c)(1)(A), which prohibits the filing of a motion for sanctions unless the challenged paper is not withdrawn or corrected within a prescribed time after service of the motion, does not apply if the challenged paper is a petition. The filing of a petition has immediate serious consequences, including the imposition of the automatic stay under § 362 of the Code, which may not be avoided by the subsequent withdrawal of the petition. In addition, a petition for relief under chapter 7 or chapter 11 may not be withdrawn unless the court orders dismissal of the case for cause after notice and a hearing.

Public Comments to Rule 9011:

(1) Bankruptcy Judge Geraldine Mund observed that subdivision (c)(1)(B) does not give a 21-day safe harbor when the court discovers the wrongful conduct and brings it to light by an order to show cause, asked whether this is intentional, and suggested that the committee "may wish to discuss and clarify" this. Judge Mund also suggested that subdivision (c)(2)(B) should permit the court to order monetary sanctions even if the matter is settled or dismissed.

(2) Bankruptcy Judge Yacos suggested that Rule 9011(a) expressly

provide that unsigned papers will not be accepted for filing by the clerk and that the provision regarding the striking of unsigned papers should apply only with respect to papers that clerks "inadvertently and through a mistake" accept for filing.

GAP Report on Rule 9011. The proposed amendments to subdivision (a) were revised to clarify that a party not represented by an attorney must sign lists, schedules, and statements, as well as other papers that are filed.

Rule 9015. Jury Trials

- 1           (a) APPLICABILITY OF CERTAIN  
2 FEDERAL RULES OF CIVIL PROCEDURE. Rules  
3 38, 39, and 47-51 F.R.Civ.P., and Rule  
4 81(c) F.R.Civ.P. insofar as it applies  
5 to jury trials, apply in cases and  
6 proceedings, except that a demand made  
7 pursuant to Rule 38(b) F.R.Civ.P. shall  
8 be filed in accordance with Rule 5005.  
9           (b) CONSENT TO HAVE TRIAL CONDUCTED  
10 BY BANKRUPTCY JUDGE. If the right to a  
11 jury trial applies, a timely demand has

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12 been filed pursuant to Rule 38(b)  
13 F.R.Civ.P., and the bankruptcy judge has  
14 been specially designated to conduct the  
15 jury trial, the parties may consent to  
16 have a jury trial conducted by a  
17 bankruptcy judge under 28 U.S.C.  
18 § 157(e) by jointly or separately filing  
19 a statement of consent within any  
20 applicable time limits specified by  
21 local rule.

COMMITTEE NOTE

This rule provides procedures relating to jury trials. This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.

Public Comment on Rule 9015. Mr. Sabino of the Federal Bar Association commented that the language of the proposed amendment (speaking of bankruptcy judges being "specially designated") does not comport with the statute. He also suggested that the statement of consent track specific language (he suggested that reference to Civil Rule 38 "might be helpful in this regard as a reference point").

GAP Report on Rule 9015. No changes to the published draft.

**Rule 9035. Applicability of Rules in  
Judicial Districts in Alabama and North  
Carolina**

1           In any case under the Code that is  
2 filed in or transferred to a district in  
3 the State of Alabama or the State of  
4 North Carolina and in which a United  
5 States trustee is not authorized to act,  
6 these rules apply to the extent that  
7 they are not inconsistent with any  
8 federal statute ~~the provisions of title~~  
9 ~~11 and title 28 of the United States~~  
10 Code effective in the case.

COMMITTEE NOTE

Certain statutes that are not codified in title 11 or title 28 of the United States Code, such as § 105 of the Bankruptcy Reform Act of 1994, Pub. L. 103-394, 108 Stat. 4106, relate to bankruptcy administrators in the judicial districts of North Carolina and Alabama. This amendment makes it clear

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that the Bankruptcy Rules do not apply to the extent that they are inconsistent with these federal statutes.

Public Comment on Rule 9035. None.

GAP Report on Rule 9035. No changes to the published draft.



B. Preliminary Draft of Proposed Amendments to Official Bankruptcy Forms 1, 3, 6, 8, 9, 10, 14, 17, and 18, and New Forms 20A and 20B, Submitted for Approval to Publish for Comment by the Bench and Bar

1. The Preliminary Draft of the Proposed Amendments to the Official Bankruptcy Forms, and the Proposed New Official Bankruptcy Forms, and the Committee Notes thereto, are attached as Exhibit A. For the convenience of the Standing Committee, copies of the current forms are attached as Exhibit B.
2. Synopsis of Preliminary Draft of Proposed Amendments to the Official Bankruptcy Forms and Proposed New Forms:
  - (a) Form 1 (Voluntary Petition) is amended to simplify the form and make it easier to complete correctly. Information from bankruptcy clerks regarding frequent errors in completing the form has led to proposed amendments to reduce the amount of information requested, to re-label statistical ranges for reporting assets and liabilities, to reduce the number of places for signatures, and to delete the request for information regarding the filing of a plan. The form also has been redesigned by a graphics expert to make it easier to understand.
  - (b) Form 3 (Application and Order to Pay Filing Fee in Installments) is amended to include an acknowledgement by the debtor of the potential for dismissal of the case if the debtor fails to pay any installment, and to clarify that a debtor is not disqualified under Rule 1006 from paying the fee in installments solely because the debtor has paid money to a bankruptcy petition preparer.
  - (c) Form 6 (Schedules) is amended to add to Schedule F (Creditors Holding Unsecured

Nonpriority Claims) a reference to community claims; this is a technical amendment.

(d) Form 8 (Chapter 7 Individual Debtor's Statement of Intention) is amended to be more consistent with the language of the Bankruptcy Code, and to clarify that debtors may not be limited to the options stated on the form.

(e) Form 9 (Notice of Commencement of Case Under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates) has nine variations (including alternatives for two of them), each designed for a particular type of debtor (individual, partnership or corporation), the particular chapter of the Bankruptcy Code in which the case is pending, and the nature of the estate (assets or no-assets). This form is expanded to two pages to make it easier to read, and the explanatory material is rewritten in plain English. This form also has been redesigned by a graphics expert.

(f) Form 10 (Proof of Claim) is amended to provide definitions and instructions for completing the form. It also has been redesigned by a graphics expert.

(g) Form 14 (Ballot for Accepting or Rejecting Plan) is amended to simplify its format and make it easier to complete correctly. The amended form separates the directions provided to the plan proponent from the text to be transmitted to the creditors and equity security holders who will vote on the plan.

(h) Form 17 (Notice of Appeal under 28 U.S.C. § 158(a) or (b) from a Judgment, Order, or Decree of a Bankruptcy Court) is amended to direct the appellant to provide the addresses and telephone numbers of the attorneys for all parties to the

judgment, order, or decree appealed from, as required by Rule 8001(a).

(i) Form 18 (Discharge of Debtor) is amended to clarify that this form applies only in a chapter 7 case and to delete paragraphs that stated some, but not all, of the effects of the discharge. A comprehensive explanation, in plain English, is added to the back of the form to assist both debtors and creditors to understand the bankruptcy discharge.

(j) Form 20A (Notice of Motion or Objection) and Form 20B (Notice of Objection to Claim) are added to the Official Bankruptcy Forms to provide uniform, plain English explanations to parties as to the procedures they must follow to respond to certain motions or objections that are frequently filed in bankruptcy cases.

## II. Information Items

- A. The Subcommittee on Litigation, which met on February 9, 1996, in Washington, D.C., and on March 23, 1996, in Memphis (following the Advisory Committee meeting), and which will meet again on May 20, 1996, in New York City, has been working on amendments that will substantially revise the rules governing motion practice and other litigation procedures. It is anticipated that the Litigation Subcommittee will present proposals for discussion at the September 1996 meeting of the Advisory Committee.
- B. The Subcommittee on Rule 2014 Disclosure Requirements is working on revising the rule that requires professionals seeking to be retained in a case to disclose all connections with parties in interest. It is anticipated that the Subcommittee will present proposals for discussion at the September 1996 meeting of the Advisory Committee.

- C. The Subcommittee on Rule 7062 is working on proposed revisions dealing with the application of the stay of court orders under Civil Rule 62 and alternative approaches to staying the effectiveness or implementation of court orders in bankruptcy cases. It is anticipated that the Subcommittee will present proposals for discussion at the September 1996 meeting of the Advisory Committee.

Attachments:

- (1) Exhibit A: Preliminary Draft of Proposed Amendments to the Official Bankruptcy Forms
- (2) Exhibit B: Present Official Bankruptcy Forms 1, 3, 6, 8, 9, 10, 14, 17, and 18
- (3) Draft of minutes of the Advisory Committee meeting of March 22-23, 1996

Exhibit "A"

Preliminary Draft of Proposed Amendments

to the

Official Bankruptcy Forms

UNITED STATES BANKRUPTCY COURT \_\_\_\_\_ DISTRICT OF \_\_\_\_\_ **Voluntary Petition**

Name of Debtor (If individual, enter Last, First, Middle):	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the joint debtor in the last 6 years (include married, maiden and trade names):
Soc.Sec./Tax I.D. No. (If more than one, state all):	Soc.Sec./Tax I.D. No. (If more than one, state all):
Street Address of Debtor (No. and Street, City, State and Zip Code):	Street Address of Joint Debtor (No. and Street, City, State and Zip Code):
County of Residence or of the Principal Place of Business:	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	Venue: (Check any applicable box) <input type="checkbox"/> Debtor has been domiciled or has had a residence, 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. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

**Information Regarding the Debtor (Check the Applicable Boxes)**

<b>Type of Debtor (Check any applicable box)</b> <input type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____	<b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b> <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 – Case ancillary to foreign proceeding
<b>Nature of Debts (Check one box)</b> <input type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business	<b>Filing Fee (Check one box)</b> <input type="checkbox"/> Filing Fee is attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.
<b>Small Business (Chapter 11 only)</b> <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)	

**Statistical/Administrative Information (Estimates Only)**

Debtor estimates that funds will be available for distribution to unsecured creditors.  
 Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors						
1-15	16-49	50-99	100-199	200-999	1000-over	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Estimated Assets (Check one box)						
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Debts (Check one box)						
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THIS SPACE IS FOR COURT USE ONLY

**Voluntary Petition**  
*(This page must be completed and filed in every case)*

Name of Debtor(s):

**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed:

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

Case Number:

Date:

Relationship:

District:

Judge:

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.  
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

Telephone Number (if not represented by attorney)  
Date:

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Authorized Individual

X \_\_\_\_\_  
Printed Name of Authorized Individual

Title of Authorized Individual  
Date:

**Signature of Attorney**

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)

Printed Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number  
Date:

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Address

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X \_\_\_\_\_  
Signature of Attorney for Debtor(s) Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document: If more than one person prepared this document, attach additional signed sheets conforming to the appropriate official form for each person.

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer  
Date:

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

**Exhibit "A"**

[If debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11 of the Code, this Exhibit "A" shall be completed and attached to the petition.]

[Caption as in Form 16B]

**Exhibit "A" to Voluntary Petition**

1. If any of the debtor's securities are registered under Section 12 of the Securities Exchange Act of 1934, the SEC file number is \_\_\_\_\_.

2. The following financial data is the latest available information and refers to the debtor's condition on \_\_\_\_\_.

a. Total assets \$ \_\_\_\_\_

b. Total debts \$ \_\_\_\_\_

			Approximate number of holders	
c. Debt securities held by more than 500 holders.				
secured / /	unsecured / /	subordinated / /	\$ _____	_____
secured / /	unsecured / /	subordinated / /	\$ _____	_____
secured / /	unsecured / /	subordinated / /	\$ _____	_____
secured / /	unsecured / /	subordinated / /	\$ _____	_____
secured / /	unsecured / /	subordinated / /	\$ _____	_____
d. Number of shares of preferred stock _____				
e. Number of shares common stock _____				

Comments, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Brief description of debtor's business: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



COMMITTEE NOTE

The form has been substantially amended to simplify its format and make the form easier to complete correctly. The Latin phrase "In re" has been deleted as unnecessary. The amount of information requested in the boxes labeled "Type of Debtor" and "Nature of Debt" has been reduced, and the reporting by a corporation of whether it is a publicly held entity has been moved to Exhibit "A" of the petition. The box labeled "Representation by Attorney" has been deleted; the information it contained is requested in the signature boxes on the second page of the form.

In the statistical information section, the labels on the ranges of estimated assets and liabilities have been rewritten to improve the accuracy of reporting. Requests for information in chapter 11 and chapter 12 cases concerning the number of the debtor's employees and equity security holders have been deleted.

The second page of the form has been simplified so that a debtor need only sign the petition once. The request for information concerning the filing of a plan has been deleted.

Exhibit "A" has been simplified. In addition, the category of chapter 11 debtors required to file Exhibit "A" is modified to include a corporation, partnership, or other entity, but only if the debtor has issued publicly-traded equity securities or debt instruments. Most small corporations will not be required to file Exhibit "A."



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

ORDER

IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor shall not pay any money for services in connection with this case, and the debtor shall not relinquish any property as payment for services in connection with this case.

BY THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*United States Bankruptcy Judge*

COMMITTEE NOTE

The form has been reorganized and the paragraphs numbered. The debtor's certification concerning payment for services in the case has been placed ahead of the statement of proposed terms for installment payment of court fees. Acknowledgement by the debtor of the potential consequences of failure to pay any installment when due has been added. (See 11 U.S.C. § 707(a)(2).) The language of the form also has been changed to conform to Rule 1006 and to clarify that a debtor is not disqualified from paying the filing fee in installments because the debtor has paid money to a bankruptcy petition preparer.

In re \_\_\_\_\_  
 Debtor

Case No. \_\_\_\_\_  
 (If known)

### SCHEDULE F—CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H—Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						

\_\_\_\_\_ continuation sheets attached

Subtotal ▶ \$

Total ▶ \$

(Report total also on Summary of Schedules)

Form 6

COMMITTEE NOTE

The form is amended to add to the column labels a reference to community liability for claims. The amendment is technical and corrects an editorial oversight.

**Form 8. INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**  
*[Caption as in Form 16B]*

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

a. *Property to Be Surrendered.*

Description of Property

Creditor's name

b. *Property to Be Retained.*

*[Check any applicable statement.]*

Description of Property	Creditor's name	Property is claimed as exempt	Property will be redeemed pursuant to § 722	Debt will be reaffirmed pursuant to § 524(c)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

**CERTIFICATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petitioner preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.

\_\_\_\_\_  
Address

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document.

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

Form 8

COMMITTEE NOTE

The form is amended to conform more closely to the language of the Bankruptcy Code. The amendments also make clear that the form is not intended to take a position regarding whether the options stated on the form are the only choices available to the debtor. Compare Lowry Federal Credit Union v. West, 882 F.2d 1543 (10th Cir. 1989), with In re Taylor, 3 F.3d 1512 (11th Cir. 1993).





# EXPLANATIONS

FORM B9A

**Filing of Chapter 7  
Bankruptcy Case**

A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.

**Creditors May Not Take  
Certain Actions**

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

**Meeting of Creditors**

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

**Do Not File a Proof of  
Claim at This Time**

There does not appear to be any property available to the trustee to pay creditors. *You therefore should not file a proof of claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim.

**Discharge of Debts**

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.

**Exempt Property**

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

**Bankruptcy Clerk's  
Office**

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

**Legal Advice**

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9B

**Filing of Chapter 7  
Bankruptcy Case**

A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor listed on the front side, and an order for relief has been entered.

**Creditors May Not Take  
Certain Actions**

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures.

**Meeting of Creditors**

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

**Do Not File a Proof of  
Claim at This Time**

There does not appear to be any property available to the trustee to pay creditors. *You therefore should not file a proof of claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim.

**Bankruptcy Clerk's  
Office**

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts, at the bankruptcy clerk's office.

**Legal Advice**

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9C

## Filing of Chapter 7 Bankruptcy Case

A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File of Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.

## Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

## Liquidation of the Debtor's Property and Payment of Creditors' Claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9D

**Filing of Chapter 7  
Bankruptcy Case**

A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor listed on the front side, and an order for relief has been entered.

**Creditors May Not Take  
Certain Actions**

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures.

**Meeting of Creditors**

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

**Claims**

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File of Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.

**Liquidation of the  
Debtor's Property and  
Payment of Creditors'  
Claims**

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.

**Bankruptcy Clerk's  
Office**

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts, at the bankruptcy clerk's office.

**Legal Advice**

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—





# EXPLANATIONS

FORM B9E

## Filing of Chapter 11 Bankruptcy Case

A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 remain in possession of its property and may continue to operate any business unless a trustee is serving.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.

## Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9E (Alt.)

## Filing of Chapter 11 Bankruptcy Case

A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 remain in possession of its property and may continue to operate any business unless a trustee is serving.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, or you might not be paid any money on your claim against the debtor in the bankruptcy case.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.

## Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9F

## Filing of Chapter 11 Bankruptcy Case

A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 remain in possession of its property and may continue to operate any business unless a trustee is serving.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9F (Alt.)

## Filing of Chapter 11 Bankruptcy Case

A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to recognize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent 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 remain in possession of its property and may continue to operate any business unless a trustee is serving.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is *not* listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all *or* if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File of Proof of Claim" listed on the front side, or you might not be paid any money on your claim against the debtor in the bankruptcy case.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—





## EXPLANATIONS

FORM B9G

### Filing of Chapter 12 Bankruptcy Case

A bankruptcy case under chapter 12 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business unless a trustee is serving.

### Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

### Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

### Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.

### Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.

### Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

### Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

### Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B9H

## Filing of Chapter 12 Bankruptcy Case

A bankruptcy case under chapter 12 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor listed on the front side, and an order for relief has been entered. Chapter 12 allows family farmers to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business unless a trustee is serving.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—



# EXPLANATIONS

FORM B91

## Filing of Chapter 13 Bankruptcy Case

A bankruptcy case under chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust their debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan [is included with this notice] *or* [will be sent to you later], and [the confirmation hearing will be held on the date indicated on the front of this notice] *or* [you will be sent notice of the confirmation hearing]. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.

## Creditors May Not Take Certain Actions

Prohibited collection actions are listed in Bankruptcy Code § 362 and § 1201. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

## Meeting of Creditors

A meeting of creditors is scheduled for the date, time and location listed on the front side. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

## Claims

A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.

## Discharge of Debts

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.

## Exempt Property

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.

## Bankruptcy Clerk's Office

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.

## Legal Advice

The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—

COMMITTEE NOTE

Forms 9A - 9I (and the alternate versions of Forms 9E and 9F) have been amended, redesigned, and rewritten. Minor conforming changes have been made to respond to amendments made in the Bankruptcy Reform Act of 1994: the longer claims filing period for governmental units in section 502(b)(9) of the Code (see Forms 9C, 9D, 9E(Alt.), 9F(Alt.), 9G, 9H, and 9I); and a reference to dischargeability actions under section 523(a)(15) (see Forms 9A, 9C, 9E, and 9E(Alt.), 9G, and 9H). All of the forms have been substantially revised to make them easier to read and understand. The titles have been simplified. Recipients are told why they are receiving the notice. Explanations are provided on the back of the form and are set in larger type. Plain English is used. Deadlines are highlighted on the front of the form. Recipients are told that papers must be received by the bankruptcy clerk's office by the applicable deadline. The box for the trustee has been deleted from the chapter 11 notices (Forms 9E and 9F and the alternates). Various alternatives are set out in brackets in many of the forms, permitting each bankruptcy clerk's office to tailor the forms even more precisely to fit the needs of a particular case.

UNITED STATES BANKRUPTCY COURT \_\_\_\_\_

DISTRICT OF \_\_\_\_\_

**PROOF OF CLAIM**

Name of Debtor \_\_\_\_\_

Case Number \_\_\_\_\_

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property): \_\_\_\_\_

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Name and address where notices should be sent: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Account or other number by which creditor identifies debtor: \_\_\_\_\_

Check here if this claim  replaces a previously filed claim, dated: \_\_\_\_\_  
 amends

**1. Basis for Claim**

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. § 114(a)
- Wages, salaries, and compensation (fill out below)  
 Your SS #: \_\_\_\_\_  
 Unpaid compensation for services performed  
 from \_\_\_\_\_ (date) to \_\_\_\_\_ (date)

**2. Date debt was incurred:** \_\_\_\_\_

**3. If court judgment, date obtained:** \_\_\_\_\_

**4. Classification of Claim.** Under the Bankruptcy Code all claims are classified as one or more of the following:  
 (a) Secured, (b) Unsecured nonpriority,  
 (c) Unsecured priority. It is possible for part of a claim to be in one category and part in another.

Check the appropriate box or boxes that best describe your claim and state the amount of the claim at time case filed:

4a.  **Secured Claim \$** \_\_\_\_\_  
 Brief Description of Collateral: \_\_\_\_\_

Real Estate  Motor Vehicle  Other \_\_\_\_\_  
 Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ \_\_\_\_\_

4b.  **Unsecured nonpriority claim \$** \_\_\_\_\_  
 A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.

- 4c.  **Unsecured priority Claim \$** \_\_\_\_\_  
 Specify the priority of the claim:
- Wages, salaries, or commissions (up to \$4000),\* earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
  - Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
  - Up to \$1,800\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
  - Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
  - Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
  - Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_\_).
- \* Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**5. Total Amount of Claim at Time Case Filed:**

\$ \_\_\_\_\_ (Unsecured Nonpriority)      \$ \_\_\_\_\_ (Secured)      \$ \_\_\_\_\_ (Unsecured Priority)      \$ \_\_\_\_\_ (Total)

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**6. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

**7. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**8. Time-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date \_\_\_\_\_

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): \_\_\_\_\_



## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

### DEFINITIONS

#### Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

#### Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

#### Proof of Claim

A form filed with the clerk of the bankruptcy court where the bankruptcy case was filed, to tell the bankruptcy court how much the debtor owed a creditor when the bankruptcy case was filed (the amount of the creditor's claim).

#### Secured Claim

A claim is a secured claim if the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor owes money to the debtor, the creditor's claim is a secured claim. (See also *Unsecured Claim*, below.)

#### Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

#### Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

### Items to be completed in Proof of Claim form (if not already filled in)

#### Court, Name of Debtor and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

#### Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

#### 1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

#### 2. Date debt incurred:

Fill in the date when the debt first was owed by the debtor.

#### 3. Court judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

#### 4. Classification of Claim:

Check the appropriate place to state whether the claim is a secured claim, an unsecured priority claim, or an unsecured nonpriority claim, and state the amount. If the claim is a secured claim, you must state the type of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above.) A claim may also be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. For partly secured claims or partly priority claims, state the amount of each part in the applicable separate designated section of the form.

#### 5. Total Amount of Claim:

Fill in the total amount of each type of claim included in the proof of claim and the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

#### 6. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

#### 7. Supporting documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

Form 10

COMMITTEE NOTE

Explanatory definitions and instructions for completing the form have been added.

**Form 14. BALLOT FOR ACCEPTING OR REJECTING A PLAN**

*[Caption as in Form 16A]*

**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 has been substantially amended to simplify its format and make it easier to complete correctly.

Directions or blanks for proponent to complete the text of the ballot are in italics and enclosed within brackets. A ballot should include only the applicable language from the alternatives shown on this form and should be adapted to the particular requirements of the case.

If the plan provides for creditors in a class to have the right to reduce their claims so as to qualify for treatment given to creditors whose claims do not exceed a specified amount, the ballot should make provisions for the exercise of that right. See section 1122(b) of the Code.

If debt or equity securities are held in the name of a broker/dealer or nominee, the ballot should require the furnishing of sufficient information to assure that duplicate ballots are not submitted and counted and that ballots submitted by a broker/dealer or nominee reflect the votes of the beneficial holders of such securities. See Rule 3017(e).

In the event that more than one plan of reorganization is to be voted upon, the form of ballot will need to be adapted to permit holders of claims or equity interests (a) to accept or reject each plan being proposed, and (b) to indicate preferences among the competing plans. See section 1129(c) of the Code.

**FORM 17. NOTICE OF APPEAL UNDER 28 U.S.C. § 158(a) or (b)  
FROM A JUDGMENT, ORDER, OR DECREE OF A  
BANKRUPTCY COURT**

*[Caption as in Form 16A, 16B, or 16D, as appropriate]*

**NOTICE OF APPEAL**

\_\_\_\_\_, the plaintiff *[or defendant or other party]* appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy court (describe) entered in this adversary proceeding *[or other proceeding, describe type]* on the \_\_\_\_\_ day of \_\_\_\_\_, (year)\_\_\_\_\_.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

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

Signed: \_\_\_\_\_  
Attorney for Appellant

Attorney Name: \_\_\_\_\_  
(and Identification No., if required)

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_

**If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal.**

Form 17

COMMITTEE NOTE

The form has been amended to conform to Rule 8001(a), which requires the notice to contain the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys. A party filing a notice of appeal pro se should provide equivalent information.

Form 18

**Form 18. DISCHARGE OF DEBTOR  
IN A CHAPTER 7 CASE**

*[Caption as in Form 16A]*

**DISCHARGE OF DEBTOR**

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

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

BY THE COURT

\_\_\_\_\_  
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**



## EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

### Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [*In a case involving community property:*] [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### Debts that are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.) Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts that the bankruptcy court specifically decides, during the bankruptcy case, are not discharged;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

**This information is only a general summary of the bankruptcy discharge and there are exceptions to these general rules. The law is complicated, so you may want to consult an attorney to determine the exact effect of the discharge in your case.**

COMMITTEE NOTE

The discharge order has been simplified by deleting paragraphs which had detailed some, but not all, of the effects of the discharge. These paragraphs have been replaced with a plain English explanation of the discharge. This explanation is to be printed on the reverse of the order, to increase understanding of the bankruptcy discharge among creditors and debtors. The bracketed sentence in the second paragraph should be included when the case involves community property.

Form 20A

Form 20A. Notice of Motion or Objection

[Caption as in Form 16A.]

NOTICE OF [MOTION TO ] [OBJECTION TO ]

\_\_\_\_\_ has filed papers with the court to [relief sought in motion or objection]. Your rights may be affected. You should read these papers carefully and discuss them with your lawyer, if you have one in this bankruptcy case. (If you do not have a lawyer, you may wish to consult one.)

If you do not want the court to [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then by (date), you or your lawyer must:

[File with the court a written request for a hearing {or, if the court requires a written response, an answer explaining your position}, and mail a copy to

{movant's attorney's name and address}

{names and addresses of others to be served}

If you mail your {request} {response} to the court for filing, you must mail it early enough so the court will receive it by the date stated above.]

[Attend the hearing scheduled to be held on (date), (year), at \_\_\_\_\_ a.m./p.m. in Courtroom \_\_\_\_\_, United States Bankruptcy Court, {address}.]

[Other steps required to oppose a motion or objection under local rule or court order.]

If you or your lawyer do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name:

Business Address:

Form 20B. Notice of Objection to Claim

[Caption as in Form 16A.]

NOTICE OF OBJECTION TO CLAIM

\_\_\_\_\_ has filed an objection to your claim in this bankruptcy case. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your lawyer, if you have one.

If you do not want the court to eliminate or change your claim, or (date), you or your lawyer must:

{If required by local rule or court order.} [File with the court a written response to the objection, explaining your position, and mail a copy to

{objector's attorney's name and address}

{names and addresses of others to be served}

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it by the date stated above.]

Attend the hearing on the objection, scheduled to be held on (date), (year), at \_\_\_\_\_ a.m./p.m. in Courtroom \_\_\_\_\_, United States Bankruptcy Court, {address}.

If you or your attorney do not take these steps the court may decide that you do not oppose the objection to your claim.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name:

Business Address:

Forms 20A & 20B

COMMITTEE NOTE

These forms are new. They are intended to provide uniform, plain English explanations to parties regarding what they must do to respond in certain contested matters which occur frequently in bankruptcy cases. Such explanations have been given better in some courts than in others. The forms are intended to make bankruptcy proceedings more fair, equitable, and efficient, by aiding parties, who sometimes do not have counsel, in understanding the applicable rules. It is hoped that use of these forms also will decrease the number of inquiries to bankruptcy clerks' offices.

Form 20A should be used upon the filing of a motion to dismiss or convert a case, a motion to modify a chapter 12 or chapter 13 plan, a motion for relief from the automatic stay, an objection to exemptions, or an objection to confirmation of a chapter 12 or chapter 13 plan. Form 20B should be used when there is an objection to a claim.

These forms are not intended to dictate the specific procedures to be used by different bankruptcy courts. The forms contain optional language that can be used or adapted, depending on local procedures. Similarly, the signature line will be adapted to identify the actual sender of the notice in each circumstance. All adaptations of the form should carry out the intent to give notice of applicable procedures in easily understood language.

Exhibit "B"

Present Official Bankruptcy Forms 1, 3, 6 (Schedule F, only),

8, 9, 10, 14, 17, and 18

FORM 1. VOLUNTARY PETITION

United States Bankruptcy Court

VOLUNTARY  
PETITION

District of \_\_\_\_\_

IN RE (Name of debtor—if individual, enter: Last, First, Middle)

NAME OF JOINT DEBTOR (Spouse) (Last, First, Middle)

ALL OTHER NAMES used by the debtor in the last 6 years  
(include married, maiden, and trade names.)

ALL OTHER NAMES used by the joint debtor in the last 6 years  
(include married, maiden, and trade names.)

SOC. SEC./TAX I.D. NO. (If more than one, state all.)

SOC. SEC./TAX I.D. NO. (If more than one, state all.)

STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)

STREET ADDRESS OF JOINT DEBTOR (No. and street, city, state, and zip code)

COUNTY OF RESIDENCE OR  
PRINCIPAL PLACE OF BUSINESS

COUNTY OF RESIDENCE OR  
PRINCIPAL PLACE OF BUSINESS

MAILING ADDRESS OF DEBTOR (If different from street address)

MAILING ADDRESS OF JOINT DEBTOR (If different from street address)

LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR  
(If different from addresses listed above)

VENUE (Check one box)

- Debtor has been domiciled or has had a residence, 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.
- There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

INFORMATION REGARDING DEBTOR (Check applicable boxes)

TYPE OF DEBTOR (Check one box)

- Individual
- Joint (Husband & Wife)
- Partnership
- Other: \_\_\_\_\_

- Corporation Publicly Held
- Corporation Not Publicly Held
- Municipality

NATURE OF DEBT (Check one box)

- Non-Business/Consumer

- Business—Complete A & B below

A. TYPE OF BUSINESS (Check one box)

- Farming
- Professional
- Retail/Wholesale
- Railroad
- Transportation
- Manufacturing/  
Mining
- Stockbroker
- Commodity Broker
- Construction
- Real Estate
- Other Business

B. BRIEFLY DESCRIBE NATURE OF BUSINESS

CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box)

- Chapter 7
- Chapter 9
- Chapter 11
- Chapter 12
- Chapter 13
- Sec. 304—Case Ancillary to Foreign Proceeding

SMALL BUSINESS (Chapter 11 only)

- Debtor is a small business as defined in 11 U.S.C. § 101.
- Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e). (Optional)

FILING FEE (Check one box)

- Filing fee attached
- Filing fee to be paid in installments. (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b); see Official Form No. 3

NAME AND ADDRESS OF LAW FIRM OR ATTORNEY

Telephone No.

NAME(S) OF ATTORNEY(S) DESIGNATED TO REPRESENT THE DEBTOR  
(Print or Type Names)

- Debtor is not represented by an attorney. Telephone No. of Debtor not represented by an attorney: ( )

STATISTICAL/ADMINISTRATIVE INFORMATION (28 U.S.C. § 604)  
(Estimates only) (Check applicable boxes)

- Debtor estimates that funds will be available for distribution to unsecured creditors.
- Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors

ESTIMATED NUMBER OF CREDITORS

1-15  16-49  50-99  100-199  200-999  1000-Over

ESTIMATED ASSETS (in thousands of dollars)

Under 50  50-99  100-499  500-999  1000-9999  10,000-99,000  100,000-over

ESTIMATED LIABILITIES (in thousands of dollars)

Under 50  50-99  100-499  500-999  1000-9999  10,000-99,000  100,000-over

EST. NO. OF EMPLOYEES—CH. 11 & 12 ONLY

0  1-19  20-99  100-999  1000-over

EST. NO. OF EQUITY SECURITY HOLDERS—CH. 11 & 12 ONLY

0  1-19  20-99  100-999  1000-over

THIS SPACE FOR COURT USE ONLY

Name of Debtor \_\_\_\_\_

Case No. \_\_\_\_\_

(Court use only)

**FILING OF PLAN**

For Chapter 9, 11, 12 and 13 cases only. Check appropriate box.

A copy of debtor's proposed plan dated \_\_\_\_\_ is attached.

Debtor intends to file a plan within the time allowed by statute, rule, or order of the court.

**PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS (If more than one, attach additional sheet)**

Location Where Filed	Case Number	Date Filed
----------------------	-------------	------------

**PENDING BANKRUPTCY CASE FILED BY ANY SPOUSE, PARTNER, OR AFFILIATE OF THIS DEBTOR (If more than one, attach additional sheet.)**

Name of Debtor	Case Number	Date
Relationship	District	Judge

**REQUEST FOR RELIEF**

Debtor is eligible for and requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**SIGNATURES**

**ATTORNEY**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**INDIVIDUAL/JOINT DEBTOR(S)**

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

Signature of Debtor \_\_\_\_\_ Date \_\_\_\_\_

Signature of Joint Debtor \_\_\_\_\_ Date \_\_\_\_\_

**CORPORATE OR PARTNERSHIP DEBTOR**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

Signature of Authorized Individual \_\_\_\_\_

Print or Type Name of Authorized Individual \_\_\_\_\_

Title of Individual Authorized by Debtor to File this Petition \_\_\_\_\_

Date \_\_\_\_\_

If debtor is a corporation filing under chapter 11, Exhibit "A" is attached and made part of this petition.

**TO BE COMPLETED BY INDIVIDUAL CHAPTER 7 DEBTOR WITH PRIMARILY CONSUMER DEBTS (See P.L. 98-353 § 322)**

I am aware that I may proceed under chapter 7, 11, or 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7 of such title.

If I am represented by an attorney, exhibit "B" has been completed.

Signature of Debtor \_\_\_\_\_ Date \_\_\_\_\_

Signature of Joint Debtor \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer \_\_\_\_\_

Social Security Number \_\_\_\_\_

Address \_\_\_\_\_ Tel. No. \_\_\_\_\_

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

Signature of Bankruptcy Petition Preparer \_\_\_\_\_

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both, 11 U.S.C. § 110; 18 U.S.C. § 156.

**EXHIBIT "B"**

(To be completed by attorney for individual chapter 7 debtor(s) with primarily consumer debts.)

I, the attorney for the debtor(s) named in the foregoing petition, declare that I have informed the debtor(s) that (he, she, or they) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under such chapter.

Signature of Attorney \_\_\_\_\_ Date \_\_\_\_\_



**Exhibit "A"**

*[If debtor is a corporation filing under chapter 11 of the Code, this Exhibit "A" shall be completed and attached to the petition.]*

*[Caption as in Form 16B]*

**Exhibit "A" to Voluntary Petition**

1. Debtor's employer identification number is \_\_\_\_\_.
2. If any of debtor's securities are registered under section 12 of the Securities and Exchange Act of 1934, the SEC file number is \_\_\_\_\_.
3. The following financial data is the latest available information and refers to debtor's condition on \_\_\_\_\_.

a. Total assets	\$ _____	
b. Total liabilities	\$ _____	

		Approximate number of holders
Fixed, liquidated secured debt	\$ _____	_____
Contingent secured debt	\$ _____	_____
Disputed secured claims	\$ _____	_____
Unliquidated secured debt	\$ _____	_____

		Approximate number of holders
Fixed, liquidated unsecured debt	\$ _____	_____
Contingent unsecured debt	\$ _____	_____
Disputed unsecured claims	\$ _____	_____
Unliquidated unsecured debt	\$ _____	_____

Number of shares of preferred stock	_____	_____
Number of shares of common stock	_____	_____

Exhibit "A" continued

Comments, if any: \_\_\_\_\_

4. Brief description of debtor's business: \_\_\_\_\_

5. List the name of any person who directly or indirectly owns, controls, or holds, with power to vote, 20% or more of the voting securities of debtor: \_\_\_\_\_

6. List the names of all corporations 20% or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held, with power to vote, by debtor: \_\_\_\_\_

# Form 3. APPLICATION AND ORDER TO PAY FILING FEE IN INSTALLMENTS

[Caption as in Form 16B]

## APPLICATION TO PAY FILING FEES IN INSTALLMENTS

In accordance with Fed. R. Bankr. P. 1006, application is made for permission to pay the filing fee on the following terms:

\$ \_\_\_\_\_ with the filing of the petition, and the balance of  
 \$ \_\_\_\_\_ in \_\_\_\_\_ installments, as follows:  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_

I certify that I am unable to pay the filing fee except in installments. I further certify that I have not paid any money or transferred any property to an attorney or any other person for services in connection with this case or in connection with any other pending bankruptcy case and that I will not make any payment or transfer any property for services in connection with the case until the filing fee is paid in full.

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Attorney for Applicant

### CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.

\_\_\_\_\_

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

### ORDER

IT IS ORDERED that the debtor pay the filing fee in installments on the terms set forth in the foregoing application.

IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor shall not pay, and no person shall accept, any money for services in connection with this case, and the debtor shall not relinquish, and no person shall accept, any property as payment for services in connection with this case.

BY THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

In re \_\_\_\_\_ Debtor \_\_\_\_\_

Case No. \_\_\_\_\_ (If known)

### SCHEDULE F—CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Code debtor," include the entity on the appropriate schedule of creditors, and complete Schedule H—Code debtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured non priority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR HUSBAND, WIFE, OR JOINT	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						
ACCOUNT NO.						

\_\_\_\_\_ continuation sheets attached

Subtotal \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_  
 (Report total also on Summary of Schedules)

**Form 8. INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**  
*[Caption as in Form 16B]*

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

1. I, the debtor, have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.

2. My intention with respect to the property of the estate which secures those consumer debts is as follows:

a. *Property to Be Surrendered.*

Description of Property	Creditor's name
1. _____	_____
2. _____	_____
3. _____	_____

b. *Property to Be Retained.* *[Check applicable statement of debtor's intention concerning reaffirmation, redemption, or lien avoidance.]*

Description of property	Creditor's name	Debt will be reaffirmed pursuant to § 524(e)	Property is claimed as exempt and will be redeemed pursuant to § 722	Lien will be avoided pursuant to § 522(f) and property will be claimed as exempt
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

3. I understand that § 521(2)(B) of the Bankruptcy Code requires that I perform the above stated intention within 45 days of the filing of this statement with the court, or within such additional time as the court, for cause, within such 45-day period fixes.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

**CERTIFICATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petitioner preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.

\_\_\_\_\_  
Address

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document.

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X  
\_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

Form 9. NOTICE OF COMMENCEMENT OF CASE UNDER THE  
BANKRUPTCY CODE, MEETING OF CREDITORS,  
AND FIXING OF DATES

- 9A.....Chapter 7, Individual/Joint, No-Asset Case
- 9B.....Chapter 7, Corporation/Partnership, No-Asset Case
- 9C.....Chapter 7, Individual/Joint, Asset Case
- 9D.....Chapter 7, Corporation/Partnership, Asset Case
- 9E.....Chapter 11, Individual/Joint Case
- 9E (Alt.)..Chapter 11, Individual/Joint Case
- 9F.....Chapter 11, Corporation/Partnership Case
- 9F (Alt.)..Chapter 11, Corporation/Partnership Case
- 9G.....Chapter 12, Individual/Joint Case
- 9H.....Chapter 12, Corporation/Partnership Case
- 9I.....Chapter 13, Individual/Joint Case

# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING DATES (Individual or Joint Debtor No Asset Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### DISCHARGE OF DEBTS

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Types of Debts:**

**AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.**

**COMMENCEMENT OF CASE.** A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**LIQUIDATION OF THE DEBTOR'S PROPERTY.** The trustee will collect the debtor's property and turn any that is not exempt into money. At this time, however, it appears from the schedules of the debtor that there are no assets from which any distribution can be paid to creditors. If at a later date it appears that there are assets from which a distribution may be paid, the creditors will be notified and given an opportunity to file claims.

**EXEMPT PROPERTY.** Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

**DISCHARGE OF DEBTS.** The debtor is seeking discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive any discharge of debts under § 727 of the Bankruptcy Code or that a debt owed to the creditor is not dischargeable under § 523(a) (2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**DO NOT FILE A PROOF OF CLAIM UNLESS YOU RECEIVE A COURT NOTICE TO DO SO**

Address of the Clerk of the Bankruptcy Court	For the Court:
	Clerk of the Bankruptcy Court
	Date

# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_  
**NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7 OF THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND FIXING OF DATES  
(Corporation/Partnership No Asset Case)**

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	

Corporation       Partnership

Name and Address of Attorney for Debtor	Name and Address of Trustee
Telephone Number	Telephone Number

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date)

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.

COMMENCEMENT OF CASE. A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

LIQUIDATION OF THE DEBTOR'S PROPERTY. The trustee will collect the debtor's property, if any, and turn it into money. At this time, however, it appears from the schedules of the debtor that there are no assets from which any distribution can be paid to the creditors. If at a later date it appears that there are assets from which a distribution may be paid, the creditors will be notified and given an opportunity to file claims.

**DO NOT FILE A PROOF OF CLAIM UNLESS YOU RECEIVE A COURT NOTICE TO DO SO**

Address of the Clerk of the Bankruptcy Court	For the Court:
	<i>Clerk of the Bankruptcy Court</i>
	<i>Date</i>



# United States Bankruptcy Court

Case Number \_\_\_\_\_

District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING DATES (Individual or Joint Asset Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DEADLINE TO FILE A PROOF OF CLAIM

For creditors other than governmental units:

For governmental units:

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### DISCHARGE OF DEBTS

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Types of Debts:

**COMMENCEMENT OF CASE:** A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elected a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**LIQUIDATION OF THE DEBTOR'S PROPERTY.** The trustee will collect the debtor's property and turn any that is not exempt into money. If the trustee can collect enough money and property from the debtor, creditors may be paid some or all of the debts owed to them.

**EXEMPT PROPERTY.** Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

**DISCHARGE OF DEBTS.** The debtor is seeking a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive any discharge of debts under § 727 of the Bankruptcy Code or that a debt owed to the creditor is not dischargeable under § 523(a)(2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**PROOF OF CLAIM.** Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to File a Proof of Claim." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

Address of the Clerk of the Bankruptcy Court	For the Court:
	Clerk of the Bankruptcy Court
	Date

# United States Bankruptcy Court

Case Number

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 7 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES (Corporation/Partnership Asset Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos
	Date Case Filed (or Converted)	

Corporation       Partnership

Name and Address of Attorney for Debtor	Name and Address of Trustee
Telephone Number	Telephone Number

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DEADLINE TO FILE A PROOF OF CLAIM

For creditors other than governmental units:

For governmental units.

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

**COMMENCEMENT OF CASE.** A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of the creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such as other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

**LIQUIDATION OF THE DEBTOR'S PROPERTY.** The trustee will collect the debtor's property, if any, and turn it into money. If the trustee can collect enough money and property from the debtor, creditors may be paid some or all of the debts owed to them.

**PROOF OF CLAIM.** Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to File a Proof of Claim." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

Address of the Clerk of the Bankruptcy Court	For the Court:
	<i>Clerk of the Bankruptcy Court</i>
	<i>Date</i>

# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING DATES (Individual or Joint Debtor Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### DISCHARGE OF DEBTS

**Deadline to File a Complaint to Determine Dischargeability of Certain Types of Debts:**

**COMMENCEMENT OF CASE:** A petition for reorganization under chapter 11 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**EXEMPT PROPERTY.** Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

**DISCHARGE OF DEBTS.** The debtor may seek a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive a discharge under § 1141(d)(3)(C) of the Bankruptcy Code, timely action must be taken in the bankruptcy court in accordance with Bankruptcy Rule 4004(a). If a creditor believes that a debt owed to the creditor is not dischargeable under § 523(a)(2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**PROOF OF CLAIM.** Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but it is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedules of creditors has the responsibility for determining that the claim is listed accurately. If the court sets a deadline for filing a proof of claim, you will be notified. The place to file a proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF CHAPTER 11 FILING.** Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

Address of the Clerk of the Bankruptcy Court	For the Court:
	<i>Clerk of the Bankruptcy Court</i>
	Date

# United States Bankruptcy Court

Case Number \_\_\_\_\_

District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES (Individual or Joint Debtor Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Filed (or Converted)	
Addressee:	Address of the Clerk of the Bankruptcy Court	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_

**DEADLINE TO FILE A PROOF OF CLAIM**

For creditors other than governmental units: \_\_\_\_\_ For governmental units: \_\_\_\_\_

[or "If the court sets a deadline, creditors will be notified."]

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### DISCHARGE OF DEBTS

\_\_\_\_\_ is the Deadline to File a Complaint to Determine Dischargeability of Certain Types of Debts.

**COMMENCEMENT OF CASE.** A petition for reorganization under chapter 11 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**EXEMPT PROPERTY.** Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

**DISCHARGE OF DEBTS.** The debtor may seek a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive a discharge under § 1141(d)(3)(C) of the Bankruptcy Code, timely action must be taken in the bankruptcy court in accordance with Bankruptcy Rule 4004(a). If a creditor believes that a debt owed to the creditor is not dischargeable under § 523(a)(2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**PROOF OF CLAIM.** Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. The place to file a proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF CHAPTER 11 filing.** Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

For the Court: \_\_\_\_\_  
Clerk of the Bankruptcy Court

\_\_\_\_\_ Date

# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE, MEETING OF CREDITORS, AND FIXING OF DATES (Corporation/Partnership Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	

Corporation                       Partnership

Name and Address of Attorney for Debtor	Name and Address of Trustee
Telephone Number	Telephone Number

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date)

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

**COMMENCEMENT OF CASE.** A petition for reorganization under chapter 11 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the filing of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor's representative, as specified in Bankruptcy Rule 9001(5) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

**PROOF OF CLAIM.** Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. If the court sets a deadline for filing a proof of claim, you will be notified. The place to file a proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF CHAPTER 11 FILING.** Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

Address of the Clerk of the Bankruptcy Court	For the Court:
	<i>Clerk of the Bankruptcy Court</i>
	<i>Date</i>

# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES (Corporation/Partnership Case)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Filed (or Converted)	

Addressee:	Address of the Clerk of the Bankruptcy Court
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Corporation       Partnership

Name and Address of Attorney for Debtor	Name and Address of Trustee
Telephone Number	Telephone Number

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_

### DEADLINE TO FILE A PROOF OF CLAIM

For creditors other than governmental units: \_\_\_\_\_ For governmental units: \_\_\_\_\_  
[or "If the court sets a deadline, creditors will be notified."]

### DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

**COMMENCEMENT OF CASE.** A petition for reorganization under chapter 11 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the filing of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor's representative, as specified in Bankruptcy Rule 9001(5) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**PROOF OF CLAIM.** Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proof of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. The place to file a proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF CHAPTER 11 FILING.** Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

For the Court: \_\_\_\_\_  
Clerk of the Bankruptcy Court      Date

# United States Bankruptcy Court

Case Number \_\_\_\_\_

District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 12 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES (Individual or Joint Debtor Family Farmer)

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DEADLINE TO FILE A PROOF OF CLAIM

For creditors other than governmental units:

For governmental units:

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### FILING OF PLAN AND DATE, TIME, AND LOCATION OF HEARING ON CONFIRMATION OF PLAN

- The debtor has filed a plan. The plan or a summary of the plan is enclosed. Hearing on confirmation will be held: \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ (Location)
- The debtor has filed a plan. The plan or a summary of the plan and notice of the confirmation hearing will be sent separately.
- A plan has not been filed as of this date. Creditors will be given separate notice of the hearing on confirmation of the plan.

### DISCHARGE OF DEBTS

**Deadline to File a Complaint to Determine Dischargeability of Certain Types of Debts:**

**COMMENCEMENT OF CASE.** A family farmer's debt adjustment case under chapter 12 of the Bankruptcy Code has been filed in this court by the family farmer named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case: All documents filed with the court, including lists of the debtor's property and debts are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. Some protection is also given to certain codebtors of consumer debts. If unauthorized actions are taken by a creditor against a debtor, or a protected codebtor, the court may punish that creditor. A creditor who is considering taking action against the debtor or the property of the debtor, or any codebtor, should review §§ 362 and 1201 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

**EXEMPT PROPERTY.** Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

**DISCHARGE OF DEBTS.** The debtor may seek a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes a specific debt owed to the creditor is not dischargeable under § 523(a)(2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**PROOF OF CLAIM.** Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to File a Proof of Claim." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF A CHAPTER 12 FILING.** Chapter 12 of the Bankruptcy Code enables family farmers to reorganize pursuant to a plan. A plan is not effective unless approved by the bankruptcy court at a confirmation hearing. Creditors will be given notice in the event the case is dismissed or converted to another chapter of the Bankruptcy Code.

Address of the Clerk of the Bankruptcy Court	For the Court:
	Clerk of the Bankruptcy Court
	Date

# United States Bankruptcy Court

Case Number

District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 12 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES (Corporation/Partnership Family Farmer)

In re (Name of Debtor)	Address of Debtor	Soc Sec./Tax Id Nos.
	Date Case Filed (or Converted)	

<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
Name and Address of Attorney for Debtor	Name and Address of Trustee
Telephone Number	Telephone Number

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

**DEADLINE TO FILE A PROOF OF CLAIM**

For creditors other than governmental units: \_\_\_\_\_ For governmental units: \_\_\_\_\_

**DATE, TIME, AND LOCATION OF MEETING OF CREDITORS**

**FILING OF PLAN AND DATE, TIME, AND LOCATION OF HEARING ON CONFIRMATION OF PLAN**

The debtor has filed a plan. The plan or a summary of the plan is enclosed. Hearing on confirmation will be held:  
 \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ (Location)

The debtor has filed a plan. The plan or a summary of the plan and notice of the confirmation hearing will be sent separately.

A plan has not been filed as of this date. Creditors will be given separate notice of the hearing on confirmation of the plan.

**DISCHARGE OF DEBTS**

Deadline to file a Complaint to Determine Dischargeability of Certain Types of Debts: \_\_\_\_\_

**COMMENCEMENT OF CASE:** A family farmer's debt adjustment case under chapter 12 of the Bankruptcy Code has been filed in this court by the family farmer named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. Some protection is also given to certain codebtors of consumer debts. If unauthorized actions are taken by a creditor against a debtor or a protected codebtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor, the property of the debtor, or a codebtor, should review §§ 362 and 1201 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of creditors on the date and at the place set forth above in the box labeled "Date, Time, and Location of Meeting of Creditors" for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

**DISCHARGE OF DEBTS.** The debtor may seek a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes a specific debt owed to the creditor is not dischargeable under § 523(a) (2), (4), (6), or (15) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above in the box labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

**PROOF OF CLAIM.** Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to File a Proof of Claim." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of Claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF A CHAPTER 12 FILING.** Chapter 12 of the Bankruptcy Code enables family farmers to reorganize pursuant to a plan. A plan is not effective unless approved by the bankruptcy court at a confirmation hearing. Creditors will be given notice in the event the case is dismissed or converted to another chapter of the Bankruptcy Code.

Address of the Clerk of the Bankruptcy Court	For the Court:
	Clerk of the Bankruptcy Court
	Date



# United States Bankruptcy Court

Case Number \_\_\_\_\_

\_\_\_\_\_ District of \_\_\_\_\_

## NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 13 OF THE BANKRUPTCY CODE. MEETING OF CREDITORS, AND FIXING OF DATES

In re (Name of Debtor)	Address of Debtor	Soc. Sec./Tax Id. Nos.
	Date Case Filed (or Converted)	
Name and Address of Attorney for Debtor	Name and Address of Trustee	
Telephone Number	Telephone Number	

This is a converted case originally filed under chapter \_\_\_\_\_ on \_\_\_\_\_ (date).

### DEADLINE TO FILE A PROOF OF CLAIM

For creditors other than governmental units:

For governmental units:

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

### FILING OF PLAN AND DATE, TIME, AND LOCATION OF HEARING ON CONFIRMATION OF PLAN

- The debtor has filed a plan. The plan or a summary of the plan is enclosed. Hearing on confirmation will be held: \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ (Location)
- The debtor has filed a plan. The plan or a summary of the plan and notice of the confirmation hearing will be sent separately.
- A plan has not been filed as of this date. Creditors will be given separate notice of the hearing on confirmation of the plan.

**COMMENCEMENT OF CASE.** An individual's debt adjustment case under chapter 13 of the Bankruptcy Code has been filed in this court by the debtor or debtors named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the debtor owes money. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage reductions. Some protection is also given to certain codebtors of consumer debts. If unauthorized actions are taken by a creditor against a debtor, or a protected codebtor, the court may punish that creditor. A creditor who is considering taking action against the debtor or the property of the debtor, or any codebtor, should review §§ 362 and 1301 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

**MEETING OF CREDITORS.** The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above in the box labeled "Date, Time, and Location of Meeting of Creditors" for the purpose of being examined under oath. Attendance by creditors at the meeting is welcome, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time by notice at the meeting, without further written notice to creditors.

**PROOF OF CLAIM.** Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to File a Proof of Claim." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

**PURPOSE OF A CHAPTER 13 FILING.** Chapter 13 of the Bankruptcy Code is designed to enable a debtor to pay debts in full or in part over a period of time pursuant to a plan. A plan is not effective unless approved by the bankruptcy court at a confirmation hearing. Creditors will be given notice in the event the case is dismissed or converted to another chapter of the Bankruptcy Code.

Address of the Clerk of the Bankruptcy Court

For the Court:

Clerk of the Bankruptcy Court

Date

<b>United States Bankruptcy Court</b> District of _____		<h2 style="margin: 0;">PROOF OF CLAIM</h2>
In re (Name of Debtor)		Case Number
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor <i>(The person or other entity to whom the debtor owes money or property)</i>	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Name and Address Where Notices Should be Sent	<input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case.	
Telephone No.	<input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:		THIS SPACE IS FOR COURT USE ONLY
Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated: _____		
<b>1. BASIS FOR CLAIM</b>		
<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other (Describe briefly)	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Your social security number _____ Unpaid compensation for services performed from _____ to _____ <div style="text-align: right;">(date) (date)</div>	
<b>2. DATE DEBT WAS INCURRED</b>		<b>3. IF COURT JUDGMENT, DATE OBTAINED:</b>
<b>4. CLASSIFICATION OF CLAIM.</b> Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT TIME CASE FILED.		
<input type="checkbox"/> SECURED CLAIM \$ _____ Attach evidence of perfection of security interest Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly)	<input type="checkbox"/> Wages, salaries, or commissions (up to \$4000)* earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. § 507(a)(3)	
Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____	<input type="checkbox"/> Contributions to an employee benefit plan—11 U.S.C. § 507(a)(4)	
<input type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$ _____ A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.	<input type="checkbox"/> Up to \$1,800* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(6)	
<input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____ Specify the priority of the claim.	<input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child—11 U.S.C. § 507(a)(7)	
<input type="checkbox"/> Taxes or penalties of governmental units—11 U.S.C. § 507(a)(8)		<input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) _____ *Amounts are subject to adjustment on 4/11/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
<b>5. TOTAL AMOUNT OF CLAIM AT THE TIME CASE FILED:</b>		
(Unsecured) \$ _____	(Secured) \$ _____	(Priority) \$ _____
(Total) \$ _____		\$ _____
<input type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.		
<b>6. CREDITS AND SETOFFS:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.		THIS SPACE IS FOR COURT USE ONLY
<b>7. SUPPORTING DOCUMENTS:</b> <i>Attach copies of supporting documents</i> , such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
<b>8. TIME-STAMPED COPY:</b> To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed enveloped and copy of this proof of claim.		
Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)	

Form 14. BALLOT FOR ACCEPTING OR REJECTING PLAN

[Caption as in Form 16A]

BALLOT FOR ACCEPTING OR REJECTING PLAN

Filed By \_\_\_\_\_  
on [date] \_\_\_\_\_

The plan referred to in this ballot can be confirmed by the court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests in each class voting on the plan. In the event the requisite acceptances are not obtained, the court may nevertheless confirm the plan if the court finds that the plan accords fair and equitable treatment to the class or classes rejecting it and otherwise satisfies the requirements of § 1129(b) of the Code. To have your vote count you must complete and return this ballot.

[If holder of general claim] The undersigned, a creditor of the above-named debtor in the unpaid principal amount of \$ \_\_\_\_\_,

[If bondholder, debenture holder, or other debt security holder] The undersigned, the holder of [state unpaid principal amount] \$ \_\_\_\_\_ of [describe security] \_\_\_\_\_ of the above-named debtor, with a stated maturity date of \_\_\_\_\_, [if applicable] registered in the name of \_\_\_\_\_, [if applicable] bearing serial number(s) \_\_\_\_\_,

[If equity security holder] The undersigned, the holder of [state number] \_\_\_\_\_ shares of [describe type] \_\_\_\_\_ stock of the above named debtor, represented by Certificate(s) No. \_\_\_\_\_, [or held in my/our brokerage Account No. \_\_\_\_\_ at [name of broker-dealer] \_\_\_\_\_,

[Check One Box]

Accepts

Rejects

the plan for the reorganization of the above-named debtor proposed by [name of proponent] \_\_\_\_\_

and [if more than one plan is to be voted on]

Accepts

Rejects

the plan for the reorganization of the above-named debtor proposed by [name of proponent] \_\_\_\_\_

*[If more than one plan is accepted, the following may but need not be completed.]* The undersigned prefers the plans accepted in the following order.

*[Identify plans]*

1. \_\_\_\_\_ .
2. \_\_\_\_\_ .

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

Print or type name: \_\_\_\_\_

Signed: \_\_\_\_\_

*[If appropriate]* By: \_\_\_\_\_

as: \_\_\_\_\_

Address: \_\_\_\_\_

Return this ballot on or before \_\_\_\_\_ (date) to: \_\_\_\_\_ (name)

Address: \_\_\_\_\_

\_\_\_\_\_

**COMMITTEE NOTE**

This form is derived from former Official Form No. 30. The form has been amended to facilitate the voting of a debtor's shares held in "street name." The form may be adapted to designate the class in which each ballot is to be tabulated. It is intended that a separate ballot will be provided for each class in which a holder may vote.

**FORM 17. NOTICE OF APPEAL UNDER 28 U.S.C. § 158(a) or (b)  
FROM A JUDGMENT, ORDER, OR DECREE OF A  
BANKRUPTCY COURT**

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

**NOTICE OF APPEAL**

\_\_\_\_\_, the plaintiff [or defendant or other party] appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy court (describe) entered in this adversary proceeding [or other proceeding, describe type] on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

The parties to the order appealed from and the names of their respective attorneys are as follows:

\_\_\_\_\_  
\_\_\_\_\_

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

Signed: \_\_\_\_\_  
Attorney for Appellant

Address: \_\_\_\_\_  
\_\_\_\_\_

**If a Bankruptcy Appellate Panel is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal.**

**Form 18. DISCHARGE OF DEBTOR**

*[Caption as in 16A]*

**DISCHARGE OF DEBTOR**

It appears that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on \_\_\_\_\_, and that an order for relief was entered under chapter 7, and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained].

**IT IS ORDERED THAT:**

1. The above-named debtor is released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
  - (a) debts dischargeable under 11 U.S.C. § 523;
  - (b) unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4), (6), and (15) of 11 U.S.C. § 523(a);
  - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

**BY THE COURT**

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

\_\_\_\_\_  
United States Bankruptcy Judge