

REPORT
OF THE
ADVISORY COMMITTEE
ON
BANKRUPTCY RULES
TO THE
COMMITTEE
ON
RULES OF PRACTICE AND PROCEDURE

Asheville, North Carolina
December 17 - 19, 1992

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

ROBERT E. KEETON
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SAM C. POINTER, JR.
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WILLIAM TERRELL HODGES
CRIMINAL RULES

EDWARD LEAVY
BANKRUPTCY RULES

TO: Hon. Robert E. Keeton, Chair
Standing Committee on Rules of Practice and Procedure

FROM: Hon. Edward Leavy, Chair
Advisory Committee on Bankruptcy Rules

RE: Proposed Amendments to the Federal Rules of
Bankruptcy Procedure

DATE: November 16, 1992

On behalf of the Advisory Committee on Bankruptcy Rules, I have the honor to submit proposals to amend Rules 8002(b) and 8006 of the Federal Rules of Bankruptcy Procedure.

(1) Rule 8002. Time for filing Notice of Appeal

At its meeting in September of this year, the Advisory Committee adopted a proposal to amend Bankruptcy Rule 8002(b) to conform to the proposed amendments to F.R.App.P. 4(a)(4) in two respects: (1) to add a motion for relief from a judgment or order pursuant to F.R.Civ.P. 60 (made applicable by Bankruptcy Rule 9024) to the list of postjudgment motions that toll the time for filing a notice of appeal, and (2) to provide that a notice of appeal filed prior to disposition of a postjudgment motion does not become a nullity, but is suspended until such disposition.

The proposed amendments to Bankruptcy Rule 8002(b) differ from the proposed amendments to Appellate Rule 4(a)(4) in one respect that is worth noting. Instead of requiring that the motion for relief from a judgment under Rule 9024 be "served" within 10 days after entry of the judgment in order to toll the appeal time, the proposed amendment to Bankruptcy Rule 8002(b) requires that it be "filed" within that 10-day period. The reason for recommending this difference is that a requirement that the motion be filed will enable any party to determine with certainty, by looking at the docket on the morning of the eleventh day, whether such a motion is pending. This certainty is more important in bankruptcy cases, where there is only a 10-day appeal period and parties often rely on finality of orders

before closing transactions, than it is in district court civil actions where the time to appeal is 30 days.

(2) Rule 8006. Record and Issues on Appeal.

The proposed amendment to Rule 8006 is related to the proposed amendment to Rule 8002(b). The purpose of the amendment is to suspend the 10-day period for filing and serving a designation of the record and statement of the issues if a timely postjudgment motion is made that suspends the time for filing a notice of appeal under Rule 8002(b).

Publication for Comment.

The Advisory Committee requests that the proposed amendments to Rules 8002(b) and 8006 be circulated to the bench and bar and that views and comments be solicited. However, the Advisory Committee recommends that the publication period be limited so that the deadline for submitting comments is no later than April 15, 1993, and that there be no public hearings. The Advisory Committee believes that a shortened comment period is necessary to permit it to consider comments in time to make a final recommendation to the Standing Committee in June 1993. If the Standing Committee is unable to act on these rules at its June 1993 meeting, it will delay the effectiveness of any amendments until late 1995.

The Advisory Committee is concerned that, if the proposed amendments to Appellate Rules 4(a)(4) and 6 are promulgated by the Supreme Court and become effective on December 1, 1993, a delay in the effectiveness of the proposed amendments to Bankruptcy Rule 8002(b) may, after December 1, 1993, create a trap for practitioners who become familiar with Appellate Rules 4(a)(4) and 6 (as amended). In essence, the rules applicable to appeals to the court of appeals will provide that a postjudgment motion merely suspends a filed notice of appeal so that there is no need to file a new one after the motion is decided, but the rule applicable to appeals from the bankruptcy court will still provide that the filed notice of appeal becomes a nullity so that a new one must be filed after disposition of the postjudgment motion.

The Advisory Committee believes that a shortened comment period without public hearings is justified because only two rules are being amended and the proposed amendments to Rule 8002(b) conform substantially to proposed amendments to the Appellate Rules that have been approved by the Standing Committee and the Judicial Conference earlier this year. In addition, the Committee's recommendation regarding these rules is unanimous and it is highly unlikely that the proposed amendments will be controversial.

Copies of the relevant rules showing the proposed amendments and Advisory Committee Notes are enclosed.

1 Rule 8002. Time For Filing Notice of Appeal

2 * * * * *

3 (b) EFFECT OF MOTION ON TIME FOR APPEAL. If any party makes
4 a timely motion of a type specified immediately below, the time
5 for appeal for all parties runs from the entry of the order
6 disposing of the last such motion outstanding. This provision
7 applies to a timely motion; is filed by any party:

8 (1) ~~under Rule 7052(b) to amend or make additional findings of fact~~
9 under Rule 7052, whether or not an alteration of granting the
10 motion would alter the judgment would be required if the motion is
11 granted;

12 (2) ~~under Rule 9023 to alter or amend the judgment under Rule 9023;~~
13 er

14 (3) ~~under Rule 9023 for a new trial under Rule 9023; or~~

15 (4) for relief under Rule 9024 if the motion is filed within 10
16 days after the entry of judgment, the time for appeal for all
17 parties shall run from the entry of the order denying a new trial
18 or granting or denying any other such motion. A notice of appeal
19 filed before the disposition of any of the above motions shall have
20 no effect; a new notice of appeal must be filed.

21 A notice of appeal filed after announcement or entry of the
22 judgment, order, or decree but before disposition of any of the
23 above motions is ineffective to appeal from the judgment, order,
24 or decree, or part thereof, specified in the notice of appeal,
25 until the date of the entry of the order disposing of the last such
26 motion outstanding. Appellate review of an order disposing of any
27 of the above motions requires the party, in compliance with Rule

28 8001. to amend a previously filed notice of appeal. A party
29 intending to challenge an alteration or amendment of the judgment,
30 order, or decree shall file an amended notice of appeal within the
31 time prescribed by this Rule 8002 measured from the entry of the
32 order disposing of the last such motion outstanding. No additional
33 fees shall will be required for such filing an amended notice.

* * * * *

COMMITTEE NOTE

1 These amendments are intended to conform to the 1993
2 amendments to F.R.App.P. 4(a)(4) and 6(b)(2)(i).
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4 This rule as amended provides that a notice of appeal
5 filed before the disposition of a specified postjudgment
6 motion will become effective upon disposition of the motion.
7 A notice filed before the filing of one of the specified
8 motions or after the filing of a motion but before disposition
9 of the motion is, in effect, suspended until the motion is
10 disposed of, whereupon, the previously filed notice
11 effectively places jurisdiction in the district court or
12 bankruptcy appellate panel.
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14 Because a notice of appeal will ripen into an effective
15 appeal upon disposition of a postjudgment motion, in some
16 instances there will be an appeal from a judgment that has
17 been altered substantially because the motion was granted in
18 whole or in part. The appeal may be dismissed for want of
19 prosecution when the appellant fails to meet the briefing
20 schedule. But, the appellee may also move to strike the
21 appeal. When responding to such a motion, the appellant would
22 have an opportunity to state that, even though some relief
23 sought in a postjudgment motion was granted, the appellant
24 still plans to pursue the appeal. Because the appellant's
25 response would provide the appellee with sufficient notice of
26 the appellant's intentions, the rule does not require an
27 additional notice of appeal in that situation.
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29 The amendment provides that a notice of appeal filed
30 before the disposition of a postjudgment tolling motion is
31 sufficient to bring the judgment, order, or decree specified
32 in the original notice of appeal to the district court or
33 bankruptcy appellate panel. If the judgment is altered upon
34 disposition of a postjudgment motion, however, and if a party
35 wishes to appeal from the disposition of the motion, the party
36 must amend the notice to so indicate. When a party files an

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amended notice, no additional fees are required because the notice is an amendment of the original and not a new notice of appeal.

Subdivision (b) is also amended to include, among motions that extend the time for filing a notice of appeal, a motion under Rule 9024 that is filed within 10 days after entry of judgment. The addition of this motion conforms to a similar amendment to F.R.App.R. 4(a)(4) made in 1993, except that a Rule 9024 motion does not toll the time to appeal unless it is filed within the ten-day period. This amendment eliminates the difficulty of determining whether a postjudgment motion made within 10 days after entry of the judgment is a Rule 9023 motion, which tolls the time for filing an appeal, or a Rule 9024 motion, which historically has not tolled the time.

1 **Rule 8006. Record and Issues on Appeal**

2 Within 10 days after filing the notice of appeal as provided
3 in Rule 8001(a), or entry of an order granting leave to appeal,
4 or entry of an order disposing of the last timely motion
5 outstanding of a type specified in Rule 8002(b), whichever is
6 later, the appellant shall file with the clerk and serve on the
7 appellee a designation of the items to be included in the record
8 on appeal and a statement of the issues to be presented. Within
9 10 days after the service of the statement of the appellant the
10 appellee may file and serve on the appellant a designation of
11 additional items to be included in the record on appeal and, if
12 the appellee has filed a cross appeal, the appellee as cross
13 appellant shall file and serve a statement of the issues to be
14 presented on the cross appeal and a designation of additional
15 items to be included in the record. A cross appellee may, within
16 10 days of service of the statement of the cross appellant, file
17 and serve on the cross appellant a designation of additional
18 items to be included in the record. The record on appeal shall
19 include the items so designated by the parties, the notice of
20 appeal, the judgment, order, or decree appealed from, and any
21 opinion, findings of fact, and conclusions of law of the court.
22 Any party filing a designation of the items to be included in the
23 record shall provide to the clerk a copy of the items designated
24 or, if the party fails to provide the copy, the clerk shall
25 prepare the copy at the expense of the party. If the record
26 designated by any party includes a transcript of any proceeding
27 or a part thereof, the party shall immediately after filing the

28 designation deliver to the reporter and file with the clerk a
29 written request for the transcript and make satisfactory
30 arrangements for payment of its cost. All parties shall take any
31 other action necessary to enable the clerk to assemble and
32 transmit the record.

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COMMITTEE NOTE

34 This amendment is made together with the amendment to
35 Rule 8002(b) which provides, in essence, that certain
36 specified postjudgment motions have the effect of suspending
37 a filed notice of appeal until the disposition of the last
38 of such motions. The purpose of this amendment is to
39 suspend the 10-day period for filing and serving a
40 designation of the record and statement of the issues if a
41 timely postjudgment motion is made and a notice of appeal is
42 suspended under Rule 8002(b). The 10-day period set forth
43 in the first sentence of this rule begins to run when the
44 order disposing of the last of such postjudgment motions
45 outstanding is entered.

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TO: Honorable Robert E. Keeton, Chairman
Standing Committee on Rules of Practice and Procedure

FROM: Honorable Edward Leavy, Chairman
Advisory Committee on Bankruptcy Rules

RE: Proposed Amendments to the Official Bankruptcy Forms

DATE: November 20, 1992

On behalf of the Advisory Committee on Bankruptcy Rules, I submit proposals to amend several of the Official Bankruptcy Forms.

The proposed amendments consist of conforming amendments required by a recent statutory enactment, clarifications of instructions, and changes designed to facilitate the administration of cases. In view of the technical and conforming nature of the proposed amendments to the forms, the Advisory Committee recommends that they be made without publication for comment by the bench and bar.

The complex format of the forms makes it impractical to show deletions and additions in the manner customarily used when presenting proposed amendments to the rules. Providing the attached hand-marked copies of the present forms showing the proposed changes, however, seems to be an effective way to indicate to the Standing Committee the proposed amendments.

In addition to amending the title page of the Official Bankruptcy Forms for the purpose of conforming the listing of Form No. 9 to the headings used on Forms 9A - 9I, the proposed amendments include the following:

(1) Form 1 (Voluntary Petition). This form is amended to require that the debtor not represented by an attorney provide the debtor's telephone number so that court personnel, the

trustee, other parties in the case, and their attorneys can contact the debtor concerning matters in the case.

(2) Form 4 (List of Creditors Holding 20 Largest Unsecured Claims). This form is amended to delete reference to the specific subsection of § 101 of the Code in connection with the definition of the term "insider." Section 101 is the general definition section of the Code and is amended from time to time to add definitions. This amendment to the form will avoid the necessity of further amendments to the form whenever § 101 is amended in the future.

(3) Form 6E (Schedule E -- Creditors Holding Unsecured Priority Claims). This form is amended to conform to the recent statutory amendment to § 507(a) that added a new priority for claims arising from a commitment to maintain the capital of an insured depository institution.

(4) Form 7 (Statement of Financial Affairs). Administrative proceedings have been added to the types of legal actions to be disclosed in Question 4. In addition, the second paragraph of the instructions is amended for clarification.

(5) The title page to Form 9 (Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates). The title page to Form 9 is amended to conform to the headings used on the Forms 9A - 9E. In addition, the title page to Form 9 is amended to add references to two new alternative versions of Form 9E and Form 9F.

(6) Form 9E(Alt.) (Notice of Commencement of Case Under Chapter 11 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates (Individual or Joint Debtor Case)), and Form 9F(Alt.) (Notice of Commencement of Case Under Chapter 11 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates (Corporation/Partnership Case)). These new alternative versions of Form 9E and 9F have been added for use in courts that, prior to the time that the notice is mailed to creditors, fix the time for filing claims in a chapter 11 case. The alternative versions provide a box labeled "Filing Claims" so that the deadline for filing claims may be indicated.

(7) Form 10 (Proof of Claim). This form has been amended to conform to the recent statutory amendment to § 507(a) that added a new priority for claims based on a commitment to maintain the capital of an insured depository institution, and to clarify that only prepetition arrearages and charges are to be included in the amount of the claim.

Copies of the relevant Official Bankruptcy Forms showing the proposed amendments, and the proposed Advisory Committee Notes, are attached.

OFFICIAL BANKRUPTCY FORMS

1. Voluntary Petition
2. Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership
3. Application and Order to Pay Filing Fee in Installments
4. List of Creditors Holding 20 Largest Unsecured Claims
5. Involuntary Petition
6. Schedules
7. Statement of Financial Affairs
8. Chapter 7 Individual Debtor's Statement of Intention
9. Notice of ^{Commencement of Case} Filing under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates
10. Proof of Claim
- 11A. General Power of Attorney
- 11B. Special Power of Attorney
12. Order and Notice for Hearing on Disclosure Statement
13. Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof
14. Ballot for Accepting or Rejecting Plan
15. Order Confirming Plan
- 16A. Caption
- 16B. Caption (Short Title)
- 16C. Caption of Adversary Proceeding
17. Notice of Appeal to a District Court or Bankruptcy Appellate Panel from a Judgment or Other Final Order of a Bankruptcy Court.
18. Discharge of Debtor

Official Forms

[NOTE: These official forms should be observed and used with such alterations as may be appropriate to suit the circumstances. See Rule 9009.]

COMMITTEE NOTE

The list of Official Bankruptcy Forms has been amended to conform the title of Form 9 to the headings used on Forms 9A -9I.

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 affairs, general partner, or partnership pending in this District.

INFORMATION REGARDING DEBTOR (Check applicable boxes)

TYPE OF DEBTOR

- Individual
- Joint (Husband & Wife)
- Partnership
- Other: _____

- Corporation Publicly Held
- Corporation Not Publicly Held
- Municipality

NATURE OF DEBT

- 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 8
- Chapter 11
- Chapter 12
- Chapter 13
- Sec. 304 - Case Ancillary to Foreign Proceeding

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 1005(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)

THIS SPACE FOR COURT USE 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

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 20-99 100-499 500-Over

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

SIGNATURES

ATTORNEY

X _____
Signature Date

INDIVIDUAL/JOINT DEBTOR(S)

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

X _____
Signature of Debtor

_____ Date

X _____
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 the filing of this petition on behalf of the debtor has been authorized.

X _____
Signature of Authorized Individual

_____ Print or Type Name of Authorized Individual

_____ Title of Individual Authorized by Debtor to File this Petition

_____ Date

EXHIBIT "A" (To be completed if debtor is a corporation requesting relief under chapter 11.)

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

TO BE COMPLETED BY INDIVIDUAL CHAPTER 7 DEBTOR WITH PRIMARILY CONSUMER DEBTS (See P.L. 96-353 § 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.

X _____ Date

Signature of Debtor

X _____ Date

Signature of Joint Debtor

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 each such chapter.

X _____ Date
Signature of Attorney

COMMITTEE NOTE

The form has been amended to require a debtor not represented by an attorney to provide a telephone number so that court personnel, the trustee, other parties in the case, and their attorneys can contact the debtor concerning matters in the case.

Form 4. LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

[Caption as in Form 16B]

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101(33), or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims.

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim (if secured also state value of security)</i>

Date: _____

Debtor

[Declaration as in Form 2]

COMMITTEE NOTE

The form has been amended to delete reference to the specific subsection of 11 U.S.C. § 101 in connection with the definition of the term "insider." Section 101 of the Bankruptcy Code contains numerous definitions, and statutory amendments from time to time have resulted in the renumbering of many of its subsections. The more general reference will avoid the necessity to amend the form further in the event of future amendments to § 101.

In re _____
Debtor

Case No. _____
(if known)

SCHEDULE E—CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

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 an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

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

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

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of \$2000 per employee, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Certain farmers and fishermen

Claims of certain farmers and fishermen, up to a maximum of \$2000 per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

Deposits by individuals

Claims of individuals up to a maximum of \$900 for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(7).

Commitments To Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to _____ continuation sheets attached maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(8).

COMMITTEE NOTE

Schedule 6E (Creditors Holding Unsecured Priority Claims) has been amended to conform to the statutory amendment that added subsection (a)(8) to § 507 of the Bankruptcy Code. Pub. L. No. 101-647 (Crime Control Act of 1990). The Code amendment created a new priority for claims based on certain commitments to maintain the capital of an insured depository institution.

FORM 7. STATEMENT OF FINANCIAL AFFAIRS

UNITED STATES BANKRUPTCY COURT

District of _____

In Re: _____

(Name)

Debtor

Case No. _____
(If Known)

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 15 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 16 - 21. ~~Each question must be answered.~~ If the answer to any question is "None," or the question is not applicable, mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the two years immediately preceding the filing of the this bankruptcy case, any of the following: an officer, director, managing executive, or person in control of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any person in control of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101(30).

1. Income from employment or operation of business

None

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE (if more than one)

2. Income other than from employment or operation of business

None State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT SOURCE

3. Payments to creditors

None a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR DATES OF PAYMENTS AMOUNT PAID AMOUNT STILL OWING

None b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR DATE OF PAYMENT AMOUNT PAID AMOUNT STILL OWING

4. Suits, executions, garnishments and attachments

None a. List all suits, ^{and administrative proceedings} executions, garnishments and attachments, ^{and administrative proceedings} to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER NATURE OF PROCEEDING COURT AND LOCATION ^{← OR AGENCY} STATUS OR DISPOSITION

THERE ARE NO CHANGES TO THE
REMAINING 8 PAGES OF THIS FORM

COMMITTEE NOTE

The form has been amended in two ways. In the second paragraph of the instructions, the third sentence has been deleted to clarify that only a debtor that is or has been in business as defined in the form should answer Questions 16 - 21. In addition, administrative proceedings have been added to the types of legal actions to be disclosed in Question 4.a.

COMMENCEMENT OF CASE
Form 9. NOTICE OF ~~FILING~~ 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
- 9E.....Chapter 11, Individual/Joint Case
- 9F.....Chapter 11, Corporation/Partnership Case
- 9G.....Chapter 12, Individual/Joint Case
- 9H.....Chapter 12, Corporation/Partnership Case
- 9I.....Chapter 13, Individual/Joint Case

← 9E (Alt.)... Chapter 11,
Individual/Joint Case

← 9F (Alt.)... Chapter 11,
Corporation/Partnership
Case

FORM 89E (Rev. 11-81) United States Bankruptcy Court District of _____ Case Number: _____		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.
Addressess:		Address of the Clerk of the Bankruptcy Court	
Name and Address of Attorney for Debtor <div style="text-align: right; border: 1px solid black; padding: 2px; width: fit-content; margin-left: auto;">Telephone Number</div>		Name and Address of Trustee <div style="text-align: right; border: 1px solid black; padding: 2px; width: fit-content; margin-left: auto;">Telephone Number</div>	
This is a converted case originally filed under chapter _____ on _____			
FILING CLAIMS			
DATE, TIME, AND LOCATION OF MEETING OF CREDITORS			
DISCHARGE OF DEBTS _____ is the Deadline to File a Complaint Objecting to the Discharge of the Debtor or to Determine Dischargeability of Certain Types of Debts.			
<p>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.</p> <p>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.</p> <p>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 the creditors.</p> <p>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.</p> <p>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), or (6) 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.</p> <p>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 schedules 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.</p> <p>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.</p>			
For the Courts _____ Clerk of the Bankruptcy Court		_____ Date	

NEW BOX

FORM 89F (AR) United States Bankruptcy Court District of _____ Case Number: _____		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	
Addresses:		Address of the Clerk of the Bankruptcy Court	
		[] 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 _____

FILING CLAIMS

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

NEW BOX

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 9001.1(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. (Close Space)

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

COMMITTEE NOTE

The title of Form 9 has been amended to conform to the headings used on Forms 9A - 9I. Alternate versions of Form 9E and Form 9F have been added for use in chapter 11 cases by those courts that, prior to the time that the notice is mailed to creditors, fix the time for filing claims. When a creditor receives the alternate form in a case, the box labeled "Filing Claims" will contain information about the time within which proofs of claim may be filed as follows: "Dead line for filing a claim: (date) ." If no deadline is set in a particular case, either the court will use Form 9E or Form 9F, as appropriate, or the alternate form will be used with the following sentence appearing in the box labeled "Filing Claims": "When the court sets a deadline for filing claims, creditors will be notified."

FORM 10. PROOF OF CLAIM

United States Bankruptcy Court District of _____		PROOF OF CLAIM	
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. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.	
Name and Address Where Notices Should be Sent			
Telephone No. _____			
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: _____		Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated: _____	
1. BASIS FOR CLAIM			
<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 compensations (Fill out below) Your social security number _____ 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: (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) _____ Amount of arrearage and other charges included in secured claim above, if any \$ _____		<input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____ Specify the priority of the claim. <input type="checkbox"/> Wages, salaries, or commissions (up to \$ 2000), 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) <input type="checkbox"/> Contributions to an employee benefit plan - U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$ 900 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"/> Taxes or penalties of governmental units - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Other - <i>Specify applicable paragraph of 11 U.S.C. § 507(a)</i> _____	
5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$ _____ (Unsecured) \$ _____ (Secured) \$ _____ (Priority) \$ _____ (Total)			
<input type="checkbox"/> Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.			
6. CREDITS AND SETOFFS: 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	
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, 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.			
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) _____	

COMMITTEE NOTE

This form has been amended to accommodate inclusion of the priority afforded in § 507(a)(8) of the Code, which was added by Pub. L. No. 101-647 (Crime Control Act of 1990), and to avoid the necessity of further amendment to the form if other priorities are added to § 507(a) in the future. In addition, sections 4 and 5 of the form have been amended to clarify that only prepetition arrearages and charges are to be included in the amount of the claim.