

ADVISORY COMMITTEE ON BANKRUPTCY RULES

Meeting of October 18, 1969

Washington, D.C.

The Advisory Committee on Bankruptcy Rules met at 9 a.m. in the Sixth Floor Conference Room of the Administrative Office of the United States Courts. The following members were present:

District Judge Lloyd D. George, Chairman
Circuit Judge Edward Leavy
District Judge Thomas A. Wiseman, Jr.
District Judge Joseph L. McGlynn, Jr.
Bankruptcy Judge James J. Barta
Bankruptcy Judge Paul Mannes
Ralph R. Mabey, Esquire
Joseph G. Patchan, Esquire
Herbert P. Minkel, Jr., Esquire
Harry D. Dixon, Esquire
Bernard Shapiro, Esquire
Professor Lawrence P. King
Professor Alan N. Resnick, Reporter

The following additional persons also attended the meeting:

James E. Macklin, Jr., Secretary to the Committee on Rules of Practice and Procedure and Deputy Director of the Administrative Office
Peter G. McCabe, Assistant Director for Program Management, Administrative Office
Patricia S. Channon, Attorney, Bankruptcy Division, Administrative Office
Richard G. Heltzel, Clerk, U.S. Bankruptcy Court for the Eastern District of California
Gordon Bermant, Research Division, Federal Judicial Center
Barbara G. O'Connor, Senior Counsel, Executive Office for United States Trustees, U.S. Department of Justice

The following observers attended the meeting:

Thomas C. Hnatowski, Office of the Assistant Director for Program Management, Administrative Office
James H. Wannamaker, Attorney, Bankruptcy Division, Administrative Office
Charles W. Summers, Records Management Section, Contracts and Services Division, Administrative Office
Abel J. Mattos, Attorney, Court Administration Division, Administrative Office

The following summary of matters discussed at the meeting should be read in conjunction with the various memoranda and other written materials referred to, all of which are on file in

the office of the Secretary to the Committee on Rules of Practice and Procedure.

Votes and other action taken by the Advisory Committee and assignments by the Chairman appear in bold.

Future Meetings and Publication Dates

The Committee approved the following schedule for completion and publication of the proposed revisions of the Official Bankruptcy Forms:

November 18, 1989	Style Committee meeting in Washington, D.C., to review Preliminary Draft Forms
December 8, 1989	Preliminary Draft Forms complete Transmit Preliminary Draft to standing Rules Committee, or its chairman, for approval for publication
December 15, 1989	Transmit Preliminary Draft to Ann Gardner for publication
(by) January 2, 1990	Publication of Preliminary Draft for written comments (only) (Three month comment period)
April 2, 1990	Close of public comment period
May 14-15, 1990	Advisory Committee meeting in St. Louis to evaluate comments
June 1990	Proposed Draft Forms complete; Proposed Draft Forms, transmittal letter, and "gap" memorandum transmitted to standing Rules Committee
July 1990	Consideration of Proposed Draft Forms by standing Rules Committee
September 1990	Approval of Proposed Draft Forms by Judicial Conference; Revised Official Forms to become effective with the amended Bankruptcy Rules on August 1, 1991

Proposed Revisions to the Official Bankruptcy Forms

General Provisions

The Committee considered the following matters concerning the proposed revisions of the Official Bankruptcy Forms as a whole.

It was recommended that the signature line for orders included in the Proposed Draft Forms should state "United States Bankruptcy Judge," instead of "Bankruptcy Judge." It was suggested that this would show appropriate deference to the position. The committee voted unanimously to accept the recommendation.

The Committee discussed the warning at the bottom of the involuntary petition and the schedules several times during the meeting. (The warning states the maximum penalty for bankruptcy crimes.) Several committee members indicated that they believe the warnings are unnecessary. It was moved to delete the warning set out at the bottom of page 2 of the involuntary petition. The motion failed on a 4-5 vote. It was moved to delete the warning at the bottom of the Summary of Schedules. The motion died for the lack of a second. Judge Leavy moved to delete the penalty language from all of the forms. The motion failed on a 3-7 vote.

Professor King urged that the only place the penalty language should be included in the schedules is on the signature page. The Committee accepted his recommendation and also agreed to eliminate the warning from Form 5, Involuntary Petition.

Several members indicated that the text of the Proposed Draft Forms would be difficult to read if the forms were published in 9 by 6 inch format used for the Preliminary Draft of Proposed Amendments. Patricia Channon indicated that the size could be changed because the Proposed Draft Forms do not need to be submitted to Congress for approval. The Committee agreed that the Proposed Draft Forms should be printed on standard letter size paper, 8 1/2 by 11 inches.

It was suggested that the debtor's name and the case number be placed on the left side of each caption, not the right. This would follow existing usage. The title of the form could be placed below the debtor's name and the case number or to the right, as space permits. The Committee accepted the suggestion.

It was noted that the Committee Notes accompanying the Proposed Draft Forms should not state that Rule 1008 requires petitions, lists, and schedules to be verified. The rule also permits the use of an unsworn declaration. The Committee agreed to revise the Committee Notes accordingly.

It was noted that the Statement of Financial Affairs and some other forms refer to "the filing of this bankruptcy case." It was suggested that the phrase "the commencement of this case" would be closer to the statutory language and avoid stigmatizing debtors as bankrupts. **The Committee agreed to the change.**

Barbara O'Connor discussed the cross references in the Committee Notes to the Proposed Draft Forms and the former Official Forms. Patricia Channon recommended that the abbreviation "No." be retained in references to the former Official Forms but deleted in cross references to the Proposed Draft Forms. This would be consistent with the captions of the new forms. **The Committee voted unanimously to accept the recommendation.**

Consideration of Specific Forms

Form 1, Voluntary Petition. Richard Heltzel asked that one of the categories on page 1 for the number of creditors begin with "200." Many bankruptcy courts require that the debtor give notice of the meeting of creditors or submit a computerized list of the addresses of creditors if the debtor schedules 200 or more creditors. **The committee agreed to the change if it could be accommodated by the Statistical Analysis and Reports Division.**

The Reporter indicated that the term "any immediate family member" is not defined in the Bankruptcy Code or Rules. The term is used in the block on page 2 for information on pending bankruptcy cases. It was moved that the term "any immediate family member" be defined in the Committee Note as "parents, children, spouses, brothers, and sisters." **The Committee agreed by a unanimous vote.**

Judge Mannes suggested that the blank in the second line of the Statement by Individual Chapter 7 Debtor (on page 2 of the petition) be deleted and the number "7" inserted because only chapter 7 debtors complete the statement. **The Committee agreed.**

Barbara O'Connor recommended breaking the margin lines before the Statement by Individual Chapter 7 Debtor in order to set off the statement. **The Committee agreed.**

Joseph Patchan indicated that many attorneys complete Exhibit B on page 2 even if they do not represent an individual chapter 7 debtor with primarily consumer debts. The Reporter suggested that the phrase "for an individual chapter 7 debtor with primarily consumer debts" be added to the phrase "to be completed by attorney." Patricia Channon suggested deleting the

line above the words "Exhibit B." The committee accepted both suggestions.

It was suggested that the caption for Exhibit A to Form 1 be deleted and the phrase "[Caption as in Form 16A]" be substituted. The Committee agreed. The Reporter asked if the "Secured" line was intended to be a total for secured liabilities. Barbara O'Connor said it was printed the same way on the existing form. The Committee agreed that the line should be for a total.

The Committee discussed the wording and purpose of the questions on Exhibit A on secured liabilities. It was stated that the question on public debt securities was included in the existing form at the request of the Securities and Exchange Commission. Action on the matter was deferred until later in the day.

When the Committee resumed its discussion of Exhibit A, Herbert Minkel proposed separate subquestions on secured and unsecured public debt. The Chairman assigned Mr. Minkel to prepare a new, more detailed draft of the form.

Judge Leavy moved to delete the following bracketed phrase from Exhibit A: "set forth here all names including trade names used by Debtor within last 6 years." The Committee discussed the requirement in Rule 1005 that the title of the case include all names used by the debtor within six years before filing. Several members indicated that all of the names generally are needed only on the petition, not on subsequent case papers. The motion passed on a 5-0 vote.

Judge Barta discussed the desirability of the petition, schedules, and statement of financial affairs being submitted on forms printed on one side of the paper only. It was indicated that it would help the clerk's office if the debtor punched holes at the top of petitions, schedules, and statements before filing them. Ralph Mabey suggested that the following addition to the Committee Note for Form 1: "All official forms are printed on one side of the paper only and are punched with two holes at the top to accommodate the clerk." The Committee agreed to the addition.

It was noted that the reference to 11 U.S.C. § 727(a)(9) in the fifth paragraph of the Committee Note should be a reference to 11 U.S.C. § 727(a)(8) or (a)(9).

The Committee approved proposed Form 1 and the Committee Note as revised by a 5-0 vote.

Form 2, Unsworn Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership. The Committee approved proposed Form 2 and the Committee Note.

Form 3, Application and Order to Pay Filing Fee in Installments. The Reporter proposed indenting the last four lines of Form 3 beginning with dollar signs. Herbert Minkel recommended amending the first two blank lines of the application, deleting the words "the balance of." It was suggested that the deletion would imply that no payment need be made with the filing of the petition. It was moved to approve proposed Form 3 with the indentation of the last four lines beginning with dollar signs. The Committee voted 5-1 to approve proposed Form 3 and the Committee Note as revised.

Form 4, List of Creditors Holding 20 Largest Unsecured Claims. Judge Mannes moved to delete the clause "or (3) governmental units, not within the definition of 'person' in 11 U.S.C. § 101(35)" from the first paragraph and to insert "or" after the first clause. Herbert Minkel stated that the list is used for noticing pursuant to Rule 4001(b)(1) as well as for the appointment of the unsecured creditors' committee. Several committee members indicated that the deletion was needed to conform to the language of Rule 1007(d). They said there was no need to exclude government agencies from the list because the United States trustee is aware of the restriction on their appointment to the committee. The motion carried unanimously.

It was noted that the cross reference to insiders in the third line should be to 11 U.S.C. § 101(30), not § 101(25). Barbara O'Connor recommended eliminating the word "those" from the third line. The Reporter suggested deleting the words "type of judgement," from column 3. The Committee agreed to accept the recommendation and suggestion.

The Reporter proposed that the Committee Note should state that the reference to governmental units was eliminated from the form to conform with a change in Rule 1007(d) and in recognition of the notice function served by this list under Rule 4001. The Committee agreed with the proposal.

The Committee approved proposed Form 4 and the Committee Note as revised.

Form 5, Involuntary Petition. The Reporter moved to substitute the following language for the first allegation on the bottom of page 1: "Petitioners are eligible to file this petition pursuant to 11 U.S.C. § 303(b)." Several committee members indicated that the allegations should not attempt to

paraphrase the statutory language. The allegations should either track the exact language or, if that would be too lengthy, refer to the statute. The motion carried on a 4-3 vote.

The Reporter suggested that the third allegation should track the language of 11 U.S.C. § 303(h). Herbert Minkel moved to include the exact statutory language and delete the phrase "as indicated by the following:" He suggested that the allegation should refer to "undisputed debts." After a discussion of what constitutes a "bona fide dispute" of a debt and of the practice of alleging that all of the alleged debtor's debts are disputed, the Reporter suggested the following language:

- [] The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute; or

- [] Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

Mr. Minkel moved to substitute the Reporter's language for his own motion. The Chairman broke the 4-4 tie by voting yes on the substitute motion.

It was suggested that the designation on page 1 of the chapter under which the petition was filed should be in a separate box. The Committee accepted the suggestion.

Herbert Minkel suggested adding an allegation that the petitioners are aware of the language of 11 U.S.C. § 303(i). Judge Leavy stated that he was opposed to "guardianship" language. Mr. Minkel said his addition was intended as a warning for laymen, not for attorneys. The Committee did not accept the change.

The Committee approved proposed Form 5 and the Committee Note as revised.

Form 6, Schedules.

Form 6, Summary Page. The committee discussed why there should be a summary of the schedules. It was explained that the summary is utilized to make the initial determination of whether the case is an asset one. The information on the number of pages in each schedule is used to confirm that the debtor has filed as

many pages as it intended. It was also indicated that the summaries are used by reporters, by some creditors and parties, and by others reviewing the court's pending caseload.

Herbert Minkel proposed deleting the Exempt Property column from the Summary of Schedules and the blank for the dollar total of executory contracts and unexpired leases. The Committee accepted the proposal.

Form 6, Schedule A, Real Property. It was recommended that the Current Market Value column include a total line and the notation: "To be recorded on Summary of Schedules." The Committee accepted the recommendation.

Form 6, Schedule B, Personal Property. The Reporter recommended deleting the words "tickets and memberships" from line 17 of Schedule B. He explained that they could be included with other personal property on line 33. The Committee accepted the recommendation. The same deletion is to be made in the Committee Note for Schedule B. It was suggested that the words "in an estate of a decedent" be substituted for "as a beneficiary of a will, estate of decedent" in line 19. The Committee accepted the suggestion.

It was recommended that a total line be added to the Current Market Value column below line 33 with the notation: "To be recorded on Summary of Schedules." The Committee accepted the recommendation.

Form 6, Schedule C, Property Claimed as Exempt by an Individual Debtor. Ralph Mabey moved to add the words "By an Individual Debtor" to the title of the form. This would indicate that the Schedule of Property Claimed as Exempt applies only to individual debtors and need not be included in the package of schedules filed by other debtors. The motion carried unanimously.

Form 6, Schedule D, Creditors Holding Secured Claims. Judge Mannes asked why the form includes a column captioned "Unsecured Portion, If Any" when the schedule already includes the amount of the claim and the value of the collateral. After a discussion of undersecured and oversecured claims, Judge Barta moved to delete the "Value" box, and substitute the words "Value of the Collateral" for the caption of the final column. The motion carried on a vote of 6-1.

Barbara O'Connor recommended amending the first line of the instructions on page 1 of the form by replacing the words "secured claims against the debtor or property of the debtor" with "claims secured by the property of the debtor." The Committee agreed.

The Committee discussed whether the unsecured portion of undersecured claims and the unsecured claims of creditors who hold multiple claims (some of which are secured) should be included on Schedule F. The second sentence of the instructions on Schedule F states: "Do not include creditors listed in Schedules D and E." Ralph Mabey moved to retain the existing instruction for Schedule F and to restore the original caption of the last column of Schedule D. The motion carried on a 3-2 vote.

Mr. Mabey moved to add a total line at the bottom of the "Amount of Claim" column with the notation, "To be recorded on Summary of Schedules." The Committee agreed.

Form 6, Schedule E, Creditors Holding Unsecured Priority Claims. It was suggested that the title of continuation sheet for Schedule E be changed to "Creditors Holding Unsecured Priority Claims" in order to conform with the title of page 1 of the form. The Committee accepted the suggestion.

Form 6, Schedule F, Creditors Holding Unsecured, Nonpriority Claims. Judge Mannes and Professor King recommended substituting the word "claims" for the word "creditors" on the second line of the instructions. This would permit the scheduling of multiple claims by a single creditor on the appropriate schedules. The Committee accepted the recommendation.

Patricia Channon stated that the phrase "If claim is subject to setoff, so state" appears on Schedule F but not on the other schedules of liabilities. The Committee agreed to leave the phrase on Schedule F.

Form 6, Schedule G, Executory Contracts and Unexpired Leases. The Committee discussed the Note in the instructions for Schedule G which states: "Any party to a lease or contract who is a creditor as of the date of the petition is filed must be listed also on the appropriate schedule of creditors." It was noted that the parties to an executory contract or lease are not necessarily on the mailing matrix because Rule 1007(a) only requires that the debtor file a list of creditors. The Committee discussed whether the instructions for other schedules should be changed to include parties to leases and contracts. It was moved to delete the note from Schedule G. The motion failed on a vote of 3-5.

Harry Dixon moved to include the following substitute language: "Note: A party listed on this schedule will not receive notice of the filing of the bankruptcy case unless that party is otherwise scheduled as a creditor." The motion passed on a 5-0 vote.

The Committee discussed whether a notation of "None" under Schedule G on the Summary of Schedules would be sufficient or whether the debtor should prepare a Schedule G even if the debtor did not have any executory contracts or unexpired leases. The Committee referred the issue to the Style Committee.

Form 6, Schedule H, Codebtors. The Committee made no changes in Proposed Schedule H.

Form 6, Schedule I, Current Income of Individual Debtor(s). Patricia Channon indicated that the instruction should be revised to clarify that only married debtors are required to complete the "Spouse" column of the schedule in chapter 12 and chapter 13 cases. She proposed the following substitute:

Unless the spouses are separated and only a single petition is filed, the column labeled "Spouse" must be completed in all cases filed by joint debtors and by married debtors in all chapter 12 and 13 cases whether or not a joint petition is filed.

The Committee agreed to the change.

Form 6, Schedule J, Current Expenditures of Individual Debtor(s). It was suggested that the second sentence of the instruction also should refer to prorating bi-weekly payments. The Committee agreed.

Form 6, Committee Note. The Chairman assigned Patricia Channon to revise the Committee Note to reflect the actions taken today and to submit a written draft to the Committee.

The committee approved proposed Form 6 as revised.

Form 7, Statement of Financial Affairs. It was suggested that the words "for the purpose of this form" be inserted in the definition of "In business" on Page 1. It was suggested that managing directors of affiliates of the debtor be added to the definition of an "Insider." It was suggested to add the words "in the aggregate" to the beginning of the third line of Question 7. It was suggested that the time periods in Questions 16 - 20 should be in bold type. The Committee accepted the suggestions.

It was moved to change the time period in Question 20(c) from two years to one year. Several committee members discussed the need for Question 20(c). Judge Mannes indicated that the information could be used by the trustee in investigating possible insider trading, fraudulent conveyances, and preferences to persons who did not appear to be insiders. A substitute motion to delete Question 20(c) carried on a vote of 6-0.

The Reporter suggested deleting the last sentence of the third paragraph of the Committee Note. Ralph Mabey so moved. The motion carried on a vote of 6-0.

The Committee approved proposed Form 7 and the Committee Note as revised.

Form 8, Chapter 7 Individual Debtor's Statement of Intention. It was suggested to strike the words "If applicable" in part B of Question 2 and the second sentence of the Committee Note. It was noted that the cross-reference in the Committee Note should be to Official Form 8A, not Official Form 6A. The Committee accepted both suggestions and the correction.

It was recommended that the phrase "within such additional time as the court, for cause, within such 45-day period fixes" be substituted for the phrase "within any extension of the 45 day period which the court may grant" in Question 3. It was explained that this would avoid indicating that the extension could be granted after the expiration of the 45-day period. The committee accepted the recommendation.

The Committee approved proposed Form 8 and the Committee Note as revised.

Form 9, Notice of Filing under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates. Professor King moved to amend the title of Form 9A to read as follows: "Notice of Commencement of Chapter 7 Case under Bankruptcy Code, . . ." The motion carried on a vote of 6-0. It was recommended that similar changes be made in the captions of Forms 9B through 9I. The Committee accepted the recommendation. It was suggested that the text of the notices should be changed from "FILING OF CASE. A . . . under the Bankruptcy Code . . ." to "COMMENCEMENT OF CASE. A . . . under Chapter -- of the Bankruptcy Code . . ." The Committee accepted the suggestion.

Professor King noted that Form 9 does not include an order for the debtor to attend the meeting of creditors. The form, which is to be signed by the clerk of the bankruptcy court, is a notice of the meeting and the commencement of the case. He stated that this is a change from the practice under the Bankruptcy Act. Professor King said that the change would make it impossible to find the debtor in contempt of court for failing to attend the meeting because there is no longer a court order to attend.

Ralph Mabey noted that 11 U.S.C. § 343 requires that the debtor attend. It was noted that the debtor could not be denied a discharge pursuant to 11 U.S.C. § 727(a)(6)(A) for failing to

attend the meeting unless there is a court order to attend. It was indicated that dismissal of the case, not denial of discharge, is the usual sanction for failing to attend.

Judge Barta explained the procedure utilized in the Eastern District of Missouri. If the debtor fails to appear, the trustee continues the meeting and requests a show cause order for the dismissal of the case. The show cause order is issued and set for hearing seven days after the continued meeting. If the debtor appears at the continued meeting, the show cause order is stricken and the hearing cancelled. If the debtor fails to appear at the continued meeting, the case usually is dismissed.

Barbara O'Connor suggested that, because only a debtor can file a chapter 12 or chapter 13 plan, Forms 9G, 9H, and 9I should use the active voice to indicate whether or not the debtor has filed a plan. The Committee accepted the suggestion.

It was suggested that Forms 9G, 9H, and 9I provide, as an option, a statement that the plan will be mailed separately. Professor King noted that Rule 3015 requires that a copy or summary of the plan be included with the notice of the confirmation hearing. The Reporter proposed the following language: "[] A plan has been filed. The plan or a summary of the plan and the notice of the confirmation hearing will be sent separately." The Committee accepted the suggestion.

The Committee approved proposed Form 9 and the Committee Note as revised.

Form 10, Proof of Claim. It was moved to delete the following language at the top of the form: "[] Check box and attach copy of assignment if claim has been assigned to you." The motion carried on a 6-0 vote.

It was suggested that the fifth line of section 1 be revised to read as follows: "[] Personal injury/wrongful death". The Committee accepted the suggestion.

It was moved that section 5 of the form, Credits and Setoffs, be revised to read as follows: "The claimant is not aware of any credits or rights of setoff against this claim." Several committee members indicated that the proposed language would place an unreasonable burden on the claimant. As a substitute motion, the following language was offered as a replacement for the second sentence of section 5: "In filing this claim, claimant has deducted all amounts that claimant owes to the debtor." The Committee passed the substitute motion on a 4-2 vote.

The Committee declined to approve the third paragraph of the Committee Note because it dealt with technical issues of tax law which are beyond the proper scope of a Committee Note.

The Committee approved proposed Form 10 and the Committee Note as revised.

Forms 11A, General Power of Attorney, and 11B, Special Power of Attorney. The Committee approved proposed Forms 11A and 11B and the Committee Notes.

Form 12, Order and Notice for Hearing on Disclosure Statement. It was recommended that the third numbered paragraph be revised to read as follows: "Within _____ days after entry of this order, copies of the disclosure statement and plan shall be transmitted in accordance with Rule 3017(a)." The Committee accepted the recommendation.

The Committee declined to approve the final sentence of the first paragraph of the Committee Note. It was suggested that the first sentence of the second paragraph of the Committee Note be revised to read as follows: "Objections to the disclosure statement may be filed." The Committee accepted the suggestion.

The Committee approved proposed Form 12 and the Committee Note as revised.

Form 13, Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof. It was moved to revise the title of the form by striking the phrase "Combined with Notice Thereof". The Committee rejected the motion by a vote of 4-1. It was suggested that the last two lines of Paragraph C should be revised to read as follows: "[or statements], and a ballot conforming to Official Form 14 shall be mailed to creditors, equity security holders, and other parties in interest, and shall be transmitted to the United States trustee, as provided in Rule 3017(d)." The Committee accepted the suggestion.

The Committee approved proposed Form 13 and the Committee Note as revised.

Form 14, Ballot for Accepting or Rejecting Plan. The Committee discussed the format of the form, including the possibility of rearranging the last three paragraphs so that the one to be completed by a general claim holder would be followed by the ones for bondholders and equity security holders. The Chair directed the Ralph Mabey, Patricia Channon, and the

Reporter to revise the form and to submit a draft to the Committee for approval within 15 days.

Harry Dixon asked why the ballot did not include language on the effect of confirmation, as the meeting of creditors notice does on the effect of a discharge. Patricia Channon explained that the creditors voting on a chapter 11 plan are a smaller, more sophisticated audience than the creditors in a chapter 7 case. Furthermore, the effect of the confirmation of a chapter 11 plan depends on whether the debtor is an individual and whether the debtor continues in business after consummation.

Form. 15, Order Confirming Plan. It was moved that two separate forms be created, a Form 15A, Order Confirming Plan, and Form 15B, Notice of Entry of Order Confirming Plan. It was noted that, in many courts, copies of the confirmation order are mailed to creditors and other parties in interest as the notice of the entry of the confirmation order required by Rules 2002(f) and 3020. The motion was defeated.

It was suggested that the Committee Note should explain that the Bankruptcy Rules require only that notice of the entry of the confirmation order be given to creditors and other parties in interest, not that copies of the confirmation order be mailed. The Committee accepted the suggestion.

The Committee approved proposed Form 15 and the Committee Note as revised.

Forms 16A, Caption; 16B, Caption (Short Title); and 16C, Caption of Adversary Proceedings. The Committee discussed the use of a shorter form of the caption after the initial petition for relief. It was noted that the meeting of creditors notice is not a problem because it is produced by computer and the computer is programmed to include the debtor's trade names and all other names used within six years. The Committee agreed that the Committee Note should be revised to indicate that a short caption including only the name of the debtor or joint debtors may be used except for the petition and the meeting of creditors notice.

The Committee approved proposed Forms 16A and 16B and the Committee Note as revised.

Form 17, Notice of Appeal to a District Court or Bankruptcy Appellate Panel from a Judgment or Other Final Order of a Bankruptcy Court. The Committee approved proposed Form 17 and the Committee Note with minor changes in spacing to conform the proposed form with other proposed forms approved earlier.

Form 18, Discharge of Debtor. The Committee approved proposed Form 18 and the Committee Note with a minor change in the signature block to conform the proposed form with other proposed forms approved earlier.

Other Business

Preface and Transmittal Letter. The Committee reviewed the draft preface to the proposed revisions of the Official Forms and the draft transmittal letter. The word "be" was inserted in the final line of the second page of the preface, the word "of" in the first line of the Acknowledgments, and the word "foreseeable" in the final line of page 5. The second "the" was deleted from the fifth line of the Acknowledgments. The Committee agreed that Mr. Peter McCabe should be acknowledged by name for his work with the Forms Task Force. The preface and transmittal letter were submitted to the Style Committee for a final review.

Schedules. The Committee discussed Rules 1007(a)(1) and (a)(2), which refer to the "schedule of liabilities," and Rule 4003, which refers to the "schedule of assets." Proposed Form 6 includes multiple schedules of assets and liabilities. The Committee agreed that the matter could be treated in the Committee Note. The note could state that the schedules shall constitute the "schedule" of assets and liabilities.

Final Meeting Notice. The Committee discussed whether to conform the (\$250) amount of assets which triggers noticing of any final meeting called by the United States trustee under new Rule 2003(g) to the (\$1,500) amount which triggers the mailing of the summary of the trustee's final account under Rule 2002(f) as amended. The Committee agreed to defer further consideration of the matter until after the public comment period on the proposed amendments to the Bankruptcy Rules.

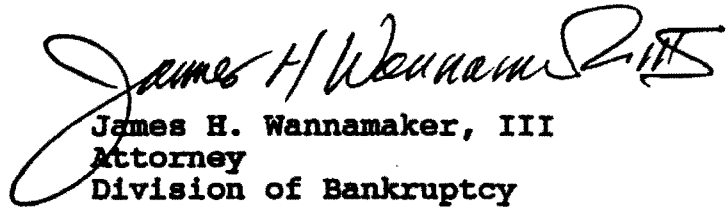
The Committee deferred consideration of the remaining items on the agenda until future meetings.

Adjournment and Next Meeting

The Chairman adjourned the meeting at 5 p.m., October 18, 1989.

The next meeting of the committee will be held on January 18, 1990, following a public hearing on the proposed amendments to the Bankruptcy Rules at the United States Bankruptcy Court in San Francisco, California.

Respectfully submitted,


James H. Wannamaker, III
Attorney
Division of Bankruptcy