

**NOTICE OF COMMENCEMENT OF CASE UNDER THE BANKRUPTCY CODE,
MEETING OF CREDITORS, AND FIXING OF DATES**

General Information

Official Form 9 is used to give notice to creditors, equity security holders, and other interested parties of the filing of the bankruptcy case, the time, date, and location of the meeting of creditors, the time for filing various documents in the case, instructions for filing proofs of claim, and other information concerning the case.

Official Form 9 consists of several variations, numbered 9A through 9I, created to meet the specialized notice requirements for cases filed under chapters 7, 11, 12, and 13 of the Bankruptcy Code. The form to be used is determined by the chapter under which the bankruptcy petition was filed and the type of debtor – individual, joint, corporation, or partnership. In addition, Forms 9A, 9B, 9C and 9D – used only for chapter 7 cases, – vary based on whether there are assets available to pay creditors. The versions of Official Form 9 are listed below:

- 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

Generally, the clerk will complete this form and mail (or transmit electronically) a copy to the creditors and other entities whose names and addresses appear on the mailing list or matrix filed by the debtor. Sometimes, the court delegates the noticing function to a chapter 13 trustee or, in a large chapter 11 case, to the debtor or a private notice provider. The information and instructions given here for completing the form are intended primarily for information and reference, as few individuals ever are called upon to complete this form.

Applicable Law and Rules

1. Rule 2002(a)(1) of the Federal Rules of Bankruptcy Procedure requires the bankruptcy clerk (or some other person as the court may direct) to give the debtor, the trustee, all creditors and indenture trustees at least 20 days' notice of the meeting of creditors.

2. Unless the court orders otherwise, Rule 2002(a)(1) requires that the notice include the debtor's and joint debtor's full employer-identification numbers, social-security numbers, and any other federal taxpayer identification numbers. All federal taxpayer-identification numbers used by the debtor and the joint debtor, if any, should be included.
3. The copy of the notice included in the court records must be redacted to include just the last four digits of the debtor's and joint debtor's social-security or individual taxpayer-identification numbers. Rule 9037(a). The debtor's and joint debtor's full employer-identification numbers, if any, should be displayed.

Instructions

Notice preparers should select the appropriate version of Official Form 9. Only one form should be completed and transmitted at the commencement of the case. Another form may be completed and transmitted later if the case is converted to a different chapter and another notice is sent to all parties in interest.

1. United States Bankruptcy Court

The preparer should identify the Judicial District in which the petition has been filed, for example, "Eastern District of California."

2. Date Case Filed (or Converted)

The date the bankruptcy case was filed should be placed in the space provided at the top of the form. If the case has been converted from another chapter, the date and chapter under which the case was originally filed should be included as well as the date that the order or notice of conversion was filed.

3. Debtor's Name and Address

The preparer should place the debtor's name and address (including zip code) in the box provided. If joint debtors filed the case, include the information for both debtors.

4. Other names used by the Debtor in the last eight years

The preparer should place all other names used by the debtor or the joint debtors within the last eight years in the box provided. Include married, maiden, and trade names.

5. Name, Address, and Telephone Number of Debtor's Attorney

The preparer should insert the name, address, and telephone number of the attorney or law firm representing the debtor. If a law firm is representing the debtor, the preparer

should also include the name of the individual attorney who actually is handling the case. (The name inserted here should be the same as that of the attorney who signs the bankruptcy petition.) If the debtor does not have an attorney, the preparer should place "N/A" in the space provided.

6. Case Number

The preparer should place the bankruptcy case number in the box provided.

7. Tax Identification Numbers

Unless the court orders otherwise, the copy of the notice mailed or transmitted to creditors and other parties must include the debtor's and joint debtor's complete social-security numbers, individual taxpayer-identification numbers, and employer-identification numbers, if any. The copy of the notice included in the court records must be redacted to include just the last four digits of the social-security or individual taxpayer-identification numbers. The debtor's and joint debtor's employer-identification numbers, if any, is not redacted..

8. Bankruptcy Trustee's Name, Address, and Telephone Number

The name, address, and telephone number of the trustee should be inserted in the space provided. Because a trustee is not automatically appointed in chapter 11 cases, the box has been omitted on the chapter 11 forms – Forms 9E, 9E (Alt.), 9F, and 9F (Alt.).

9. Meeting of Creditors

The preparer should insert the date and time for the meeting of creditors, as well as the address at which the meeting will be held.

10. Presumption of Abuse under 11 U.S.C. § 707(b)

The presumption of abuse only applies to chapter 7 individual debtors. Consequently, this box is included only on Forms 9A and 9C. In these cases, the preparer should insert the appropriate statement concerning the presumption of abuse.

11. Deadline to File a Proof of Claim

Separate deadlines are included for government creditors and all other creditors. In the forms used in no-asset cases – Forms 9A and 9B, there is no deadline for filing a proof of claims. In its place, creditors are instructed not to file a proof of claim unless they receive a notice to do so. Because the deadline is set later in many chapter 11 cases, a filing deadline is not set out on Forms 9E and 9F. If the court sets the deadline at the

time of filing in a chapter 11 case, Form 9E(Alt.) or Form 9F(Alt.) may be used.

12. Deadline to Object to Discharge or to Determine the Dischargeability of Debts

If applicable, the deadline for filing a complaint objecting to the debtor's discharge or for filing a complaint to determine the dischargeability of a debt should be set out in this box.

In individual chapter 7 cases, the deadline is the same for both types of complaints. In individual chapter 11 cases, the deadline for filing a dischargeability complaint is set at the start of the case, but the deadline for filing an objection to discharge is the first date set for the hearing on confirmation. Because the filing deadline does not apply to corporate or partnership chapter 7 cases, a deadline is not included on Forms 9B and 9D. Although the deadline for objecting to discharge does not apply to corporate or partnership chapter 11 cases, chapter 12 cases, or chapter 13 cases, there is a filing deadline for determining the dischargeability of certain debts in these cases. Consequently, only the dischargeability deadline is set out on Forms 9F, 9F(Alt.), 9G, 9H, and 9I.

13. Filing of Plan, Hearing on Confirmation

The preparer should select the appropriate language on the status of the chapter 12 or chapter 13 plan, i.e., whether a plan has been filed, whether a copy of the plan or a summary will be mailed with the notice, and whether a hearing on confirmation of the plan has been scheduled. If a plan has been filed and a confirmation hearing has been scheduled, include the date, time, and location for the hearing. Because this section refers to chapter 12 and chapter 13 plans, it is included only on forms 9G, 9H, and 9I.

14. Address, Telephone Number, and Business Hours for the Bankruptcy Clerk's Office

The address, telephone number, and business hours of the bankruptcy clerk's office should appear in the space provided at the bottom left corner of the form. The hours the clerk's office is open should be placed in the spaces provided.

15. Clerk of the Bankruptcy Court and Date

The clerk's name and the date of the notice should be inserted in the spaces provided on the bottom right corner of the form.

16. Additional Information

If the court wishes to provide additional information for the parties, that information may be set out at the bottom of the form.

17. Explanations

Explanations of the bankruptcy process and information for creditors are set out on the back of the form. The explanations and information have been customized on each version of Official Form 9 for that type of bankruptcy case.