

**SUMMARY OF THE
REPORT OF THE JUDICIAL CONFERENCE COMMITTEE
ON THE RULES OF PRACTICE AND PROCEDURE**

The Committee on the Rules of Practice and Procedure recommends that the Conference:

Approve the proposed amendments to Official Bankruptcy Forms 1, 4, 6E, 7, 9, 9E(Alt.), 9F(Alt.) and 10. (See also Appendix A)..... p.5

The remainder of the report is for information and the record.

NOTICE

NO RECOMMENDATION PRESENTED HEREIN REPRESENTS THE POLICY OF THE JUDICIAL CONFERENCE UNLESS APPROVED BY THE CONFERENCE ITSELF.

REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

Your Committee on Rules of Practice and Procedure met in Asheville, North Carolina on December 17-19, 1992. All members of the Committee attended the meeting except Judge Thomas S. Ellis III, Charles Alan Wright, and George J. Terwilliger. Also present were the Reporter to your Committee, Dean Daniel R. Coquillette; Peter G. McCabe, Secretary to your Committee; and John K. Rabiej, Chief of the Rules Committee Support Office.

Appearing for the Advisory Committees were Judge Kenneth F. Ripple, Chairman, and Professor Carol Ann Mooney, Reporter, of the Advisory Committee on Appellate Rules; Chief Judge Sam C. Pointer, Jr., Chairman, and Dean Edward Cooper, of the Advisory Committee on Civil Rules; Judge William Terrell Hodges, Chairman, and Professor David A. Schlueter, Reporter, of the Advisory Committee on Criminal Rules; and Judge Edward Leavy, Chairman, and Professor Alan N. Resnick, Reporter, of the Advisory Committee on Bankruptcy Rules.

Professor Mary P. Squiers, Director of the Local Rules Project; Bryan Garner and Joseph F. Spaniol, Jr., consultants to the Subcommittee on Style; Paul Cappuccio, attending for George Terwilliger; and William Eldridge of the Federal Judicial Center

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also attended the meeting.

I. Amendments to the Federal Rules of Evidence

The Advisory Committee on Criminal Rules submitted a proposed amendment to Evidence Rule 412 dealing with the admissibility of a victim's past sexual history, and recommended that it be published for public comment. The proposal would expand the protection of the rule to all criminal and civil cases.

The Advisory Committee on Civil Rules recommended several changes to the proposed amendment. After consultation with the committees' respective chairmen and reporters and members of your Committee, agreement was reached on a single version of the proposed amendment.

The revised rule sets forth an exception to the general prohibition against the admission of a victim's prior sexual history in civil cases comparable to the exception set forth in criminal cases. Your Committee concluded that alternative exceptions should be included for civil cases in the proposed amendment to focus attention and comment on this important issue.

The Standing Committee was advised that legislation had been considered during the last Congressional session that would bypass the rulemaking process by directly amending Evidence Rule 412 and adding new rules. To address the Congressional concern for prompt action, your Committee at the request of the Judicial Conference's Ad Hoc Committee on Violence Against Women, agreed

to expedite the rulemaking process so that Congress might be able to consider the proposed amendment to Evidence Rule 412 during the present 103rd Congressional session.

Under the expedited timetable adopted by your Committee, public comments on the proposed amendment to Evidence Rule 412 must be received by April 15, 1993. At such time, the newly reactivated Advisory Committee on Evidence will be in a position to review the comments and make recommendations to your Committee at its next meeting.

Your Committee also decided that the public interest would be served by including the proposed amendments to the Appellate, Bankruptcy, and Criminal Rules (discussed infra) on the same timetable as the Evidence Rules, so that a single comprehensive package could be disseminated for public comment.

II. Amendments to the Federal Rules of Appellate Procedure

The Advisory Committee on the Rules of Appellate Procedure submitted proposed amendments to Appellate Rules 3, 5, 5.1, 9, 13, 21, 25, 26.1, 27, 28, 30, 31, 32, 33, 35, and 41 and a new Appellate Rule 49, and it recommended that they be published for public comment. The Advisory Committee also recommended that the proposed amendments, including proposed amendments to Appellate Rules 25, 28, 38 and 40 previously approved for publication by the Standing Committee, be circulated to the bench and bar for expedited comment so that the entire package could be effective on December 1, 1994.

Most of the proposed amendments were derived from the work

of the local rules project or were technical in nature. The Standing Committee discussed at length, however, the proposed amendment to Appellate Rule 21 on writs of mandamus directed at judges. The proposed amendment would eliminate the need for the judge's name to appear in the caption and would assign to the attorney opposing relief the duty of representing the judge pro forma.

Your Committee noted that there might be a few situations where pro forma representation would be inadequate. Deleting the requirement to name a judge as a party in a mandamus action was suggested as an alternative solution. The proposed provisions on this matter were withdrawn by the Chairman of the Advisory Committee for further consideration by his committee.

The chairman of the Advisory Committee also withdrew a provision in the proposed amendment to Rule 33 that imposed a confidentiality requirement on matters discussed in appeal conferences. The requirement was not needed or justified. Several other technical and stylistic changes to the proposed amendments were approved by the Committee.

Your Committee voted unanimously to circulate the proposed amendments, as modified, to the bench and bar with the request that comments be received by April 15, 1993.

III. Amendments to the Federal Rules of Bankruptcy Procedure

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Bankruptcy Rules 8002 and 8006 with a request that they be circulated for public comment on an

expedited basis. The amendments are relatively minor and conform to proposed changes in the Appellate Rules. The Advisory Committee also recommended approval of several changes to Official Forms 1, 4, 6E, 7, 9, 9E, and 10, without publication for public comment. The changes are technical and conforming in nature and appear in Appendix A.

The proposed amendment to Bankruptcy Rule 8002 conforms to changes in the Appellate Rules now before the Supreme Court for approval. It fixes the time for the tolling of certain post-trial motions. Your Committee was concerned that the references to different events ("filing, serving, or making motions"), which trigger tolling periods for post-trial motions in the Appellate, Bankruptcy, and Civil Rules created needless confusion. The Advisory Committees were requested to review the issue generally and eliminate the inconsistencies.

Your Committee voted unanimously to circulate the proposed amendments to the Bankruptcy Rules with the request that comments be received by April 15, 1993. The Committee also agreed with the Advisory Committee's recommendation to submit the changes to the Official Forms directly to the Judicial Conference for approval.

Recommendation: That the Judicial Conference approve the proposed changes to Official Forms 1, 4, 6E, 7, 9, 9E(Alt.), 9F(Alt.), and 10.

IV. Amendments to the Federal Rules of Criminal Procedure

The Advisory Committee on Criminal Rules submitted proposed amendments to Criminal Rules 32 and 40, and recommended that they be published for public comment. Your Committee had previously approved publication of proposed amendments to Criminal Rules 16 and 29 for comment. The Advisory Committee recommended that the proposed amendments to the four rules be circulated to the bench and bar on an expedited basis ending April 15, 1993.

The proposed amendment to Criminal Rule 32 reorganizes the rule and sets forth a definite timetable governing completion of a presentence report and sentencing by a judge. After lengthy discussion, the proposed amendment and accompanying Committee Note were revised to eliminate any possible inference that the changes were intended to create new defendants' rights if the timetable were not adhered to in a particular case. Several other changes clarifying the proposed amendment were approved by your Committee.

The Standing Committee also agreed with the Advisory Committee's recommendation to exclude a provision establishing a victim's right to allocution in Criminal Rule 32. Your Committee concluded that the provision was unnecessary because a court now has discretion to permit a victim to speak at sentencing. Moreover, mandating victim allocution might lead to greater victim frustration because of the sentencing guidelines restrictions which limit the impact of a victim's statement.

Your Committee voted unanimously to circulate all the proposed amendments to the rules, as modified, with the request that comments be received by April 15, 1993.

V. Redraft of the Civil Rules by the Subcommittee on Style

In 1991, your Committee formed a Subcommittee on Style to simplify the rules, eliminate needless inconsistencies within and between the rules, and clarify ambiguous rule provisions. The subcommittee completed its redraft of the Civil Rules, except for the rules now before the Supreme Court for approval. The redraft was submitted to the Advisory Committee on Civil Rules.

The Advisory Committee agreed that a comprehensive effort to simplify and clarify the rules was needed and desirable. But careful review of each revised rule was necessary to identify any unintentional substantive changes effected by the style revisions. Subcommittees have been formed to review designated blocks of rules and report on their work at the next meeting of the Advisory Committee. At the same time, the Advisory Committee's Chairman agreed to redraft the balance of the rules, which are now before the Supreme Court, and submit them for the review of the Style Subcommittee for later submission to the full Advisory Committee.

VI. Technical Amendments and Conformance of Local Rules with National Rules

Your Committee was advised by its Reporter of the efforts of the respective Advisory Committees' reporters to draft uniform provisions that would: (1) authorize the Judicial Conference to

make technical amendments to the rules without Congressional review; and (2) set forth the authority of an individual judge (or court) to govern and regulate proceedings before it.

Your Committee was particularly concerned that litigants should be advised of any local practice or rule not consistent with the national rules before any sanctions could be imposed for failure to abide by that rule or practice. Your Committee's Reporter was requested to review the language of the proposals in light of this and other suggestions made at the meeting and prepare common Notes to accompany the proposed amendments for submission to the respective Advisory Committees.

VII. Substantive and Numerical Integration of the Federal Rules of Procedure

The Subcommittee on Substantive and Numerical Integration of the Federal Rules of Procedure completed its overview of the rules. The subcommittee identified many examples of subject matter overlap in the rules, particularly between the Civil and Criminal Rules. Integration of the rules would simplify and clarify many apparent inconsistencies now present in the rules. The subcommittee concluded that as a practical matter, however, no change was advisable at this time. Your Committee requested the subcommittee to continue its study with a view towards long-range implementation.

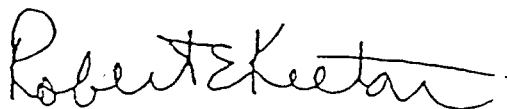
VIII. Report of the Subcommittee on Long-Range Planning

The Subcommittee on Long-Range Planning recommended that copies of five major studies on the administration of justice be

sent to each Advisory Committee to consider the issues addressed in them as part of their long-range planning. Your Committee agreed with the recommendation and also requested the committee reporters to outline the specific areas of long-range planning now under consideration by their respective committees for transmission to the chairman of the Long-Range Planning Committee.

Respectfully submitted,

Thomas E. Baker
William O. Bertelsman
Frank H. Easterbrook
Thomas S. Ellis, III
Alan W. Perry
Edwin J. Peterson
George C. Pratt
Dolores K. Sloviter
Alicemarie H. Stotler
George J. Terwilliger, III
William R. Wilson
Charles Alan Wright



Robert E. Keeton, Chairman

Appendix A: Proposed Amendments to Official Bankruptcy Forms

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 ~~Filing~~ ^{Commencement of Case} 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 _____ District of _____		VOLUNTARY PETITION				
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) <input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.				
INFORMATION REGARDING DEBTOR (Check applicable boxes)						
TYPE OF DEBTOR <input type="checkbox"/> Individual <input type="checkbox"/> Joint (Husband & Wife) <input type="checkbox"/> Partnership <input type="checkbox"/> Other: _____ <input type="checkbox"/> Corporation Publicly Held <input type="checkbox"/> Corporation Not Publicly Held <input type="checkbox"/> Municipality		CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304—Case Ancillary to Foreign Proceeding				
NATURE OF DEBT <input type="checkbox"/> Non-Business/Consumer <input type="checkbox"/> Business — Complete A & B below A. TYPE OF BUSINESS (Check one box) <input type="checkbox"/> Farming <input type="checkbox"/> Transportation <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Professional <input type="checkbox"/> Manufacturing/ <input type="checkbox"/> Construction <input type="checkbox"/> Retail/Wholesale <input type="checkbox"/> Mining <input type="checkbox"/> Real Estate <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Other Business		FILING FEE (Check one box) <input type="checkbox"/> Filing fee attached <input type="checkbox"/> Filing fee to be paid in installments. (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b); see Official Form No. 3.				
B. BRIEFLY DESCRIBE NATURE OF BUSINESS		NAME AND ADDRESS OF LAW FIRM OR ATTORNEY Telephone No. _____				
STATISTICAL/ADMINISTRATIVE INFORMATION (28 U.S.C. § 604) (Estimates only) (Check applicable boxes)		NAME(S) OF ATTORNEY(S) DESIGNATED TO REPRESENT THE DEBTOR (Print or Type Names) <input type="checkbox"/> Debtor is not represented by an attorney. Telephone No. of Debtor not represented by an attorney is ()				
<input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE FOR COURT USE ONLY				
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		
□	□	□	□	□		

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(30), 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 E (Creditors Holding Unsecured Priority Claims) has been changed to conform to the statutory amendment that added subsection (a)(8) to § 507 of the Code. Pub. L. No. 101-647, (Crime Control Act of 1990), added the new subsection, which had the effect of creating an eighth priority for claims of certain governmental units based on 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, ^{and administrative proceedings} executions, garnishments and attachments

None a. List all suits, ^{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 Ca
- ← 9F (Alt.)... Chapter 11,
Corporation/Partnershi
Case

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 No.

Date Filed (or Converted)

Addressee:

Address of the Clerk of the Bankruptcy Court

Name and Address of Attorney for Debtor

Telephone Number

Name and Address of Trustee

Telephone Number

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.

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

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

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

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

DISCHARGE OF DEBTS. The debtor may seek a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive a discharge under § 1141(d)(3)(C) of the Bankruptcy Code, timely action must be taken in the bankruptcy court in accordance with Bankruptcy Rule 4004(a). If a creditor believes that a debt owed to the creditor is not dischargeable under § 523(a)(2), (4), 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.

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.

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 _____

FORM B9F(AH) 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. _____
Addressee: _____		Address of the Clerk of the Bankruptcy Court _____	
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership		Date Filed or Converted _____	
Name and Address of Attorney for Debtor _____ Telephone Number _____		Name and Address of Trustee _____ Telephone Number _____	
This is a converted case originally filed under chapter _____ on _____			

FILING CLAIMS

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS

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

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

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 901 (5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

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

close space

For the Court: _____ Clerk of the Bankruptcy Court	_____ Date
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COMMITTEE NOTE

The title page of the form 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 the convenience of districts that routinely set a deadline for filing claims in a chapter 11 case. When a creditor receives the alternate form in a case, the box labeled "Filing Claims" will contain information about the bar date as follows: "Deadline 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

<p style="text-align: center;">United States Bankruptcy Court District of _____</p>	<p>PROOF OF CLAIM</p>
<p>In re (Name of Debtor) _____</p>	<p>Case Number _____</p>

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.

<p>Name of Creditor <i>(The person or other entity to whom the debtor owes money or property)</i></p>	<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.
<p>Name and Address Where Notices Should be Sent</p>	
<p>Telephone No. _____</p>	

THIS SPACE IS FOR COURT USE ONLY

<p>ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: _____</p>	<p>Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends } a previously filed claim, dated: _____</p>
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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)
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<p>2. DATE DEBT WAS INCURRED _____</p>	<p>3. IF COURT JUDGMENT, DATE OBTAINED: _____</p>
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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) _____ <i>at time case filed</i> Amount of arrearage and other charges included in secured claim above, if any \$ _____ <input type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$ _____ A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.	<input type="checkbox"/> 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> _____
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5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED:

\$ _____ (Unsecured)	\$ _____ (Secured)	\$ _____ (Priority)	\$ _____ (Total)
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Check this box if claim includes ~~prepetition~~ *postpetition* 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.

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.

THIS SPACE IS FOR COURT USE ONLY

<p>Date _____</p>	<p>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)</p>
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Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

COMMITTEE NOTE

The 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.

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 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 of 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

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.