

**REVISIONS TO THE FEDERAL RULES  
OF BANKRUPTCY PROCEDURE AND TO OFFICIAL FORMS**

Revisions to the Federal Rules of Bankruptcy Procedure become effective **December 1, 2017**. Changes will be necessary to some forms generated by the Court.

The following official forms are **modified**:

- B101, Voluntary Petition for Individuals Filing for Bankruptcy
- B103A, Application of Individuals to Pay the Filing Fee in Installments
- B103B, Application to have the Chapter 7 Filing Fee Waived
- B309A - I, Notice of Bankruptcy Case
- B312, Order and Notice for Hearing on Disclosure Statement
- B313, Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof
- B314, Ballot for Accepting or Rejecting Plan
- B315, Order Confirming Plan
- B420A, Notice of Motion or Objection
- B309F, Notice of Chapter 11 Bankruptcy Case – For Corporations or Partnerships
- 309G, 309H, and 309I, Notice of Bankruptcy Case

The following official forms are **renumbered**:

- B25A, Plan of Reorganization in Small Business Case Under Chapter 11 becomes B425A
- B25B, Disclosure Statement in Small Business Case Under Chapter 11 becomes B425B
- B25C, Small Business Monthly Operating Report becomes B425C
- B26, Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest becomes B426

A brief summary of the Rule changes:

**Rule 1015(b)**

Changes the words “husband and wife” to “spouses”

**Rule 2002**

- Requires 21 days’ notice for the time fixed for filing objections to confirmation of a chapter 13 plan
- Requires 28 days’ notice for filing objections and the hearing to consider confirmation of a chapter 13 plan

**Rule 3002**

- A lien securing a claim is not void due only to the failure to file a proof of claim
- A proof of claim must be filed not later than 70 days after the order for relief or the date of the order of conversion
- (In an involuntary chapter 7 case, a proof of claim is timely filed if filed not later than 90 days after order for relief)
- The time to file a proof of claim may be extended by not more than 60 days from the date of the order granting the motion
- The motion may be granted if the Court finds:
  - Notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because debtor failed to file creditor matrix
  - Notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim and notice was mailed to a foreign address
- A proof of claim filed by the holder of a claim that is secured by a security interest in the debtor’s principal residence is timely filed if:
  - The proof of claim and attachments are filed not later than 70 days after the order for relief is entered
  - Any required attachments are filed as a supplement to the holder’s claim not later than 120 days after the order for relief is entered

**Rule 3007**

- A notice of objection to a claim shall be filed and served at least 30 days before any scheduled hearing on the objection or any deadline for the claimant to request a hearing
- Objection and Notice served by first class mail to the person most recently designated on the proof of claim
- If Objection is to a claim of the U.S. (or agency), in the manner provided for service of a summons and complaint
- Service shall be made by first class mail or other permitted means on the debtor, DIP, trustee, and, if applicable, the entity filing the proof of claim

### **Rule 3012**

- On request by a party in interest after notice to the holder of the claim and other Court designated party and a hearing, the Court may determine:
  - Amount of secured claim
  - Amount of claim entitled to priority
- A request to determine the amount of secured claim may be made:
  - By motion
  - In claim objection
  - In a plan
- When a request for determination is made in a chapter 13 plan, the plan shall be served on the holder of the claim and any other Court designated entity in the manner provided for service of a summons and complaint
- A request to determine the amount of a claim entitled to priority may be made only by motion after a claim is filed or in a claim objection
- A request to determine the amount of secured claim of a governmental unit may be made only by motion or in a claim objection after unit has filed a proof of claim or after the time of filing has expired

### **Rule 3015**

- Permits development of a Local Chapter 13 Form
- “Nonstandard Provision” effective only if included in a section of the form so designated; nonstandard provision means a provision not otherwise included in the form or deviating from it
- If the plan is not included with the notice of hearing, the debtor shall serve it on the trustee and all creditors
- Objection to the confirmation of a plan shall be filed and served at least 7 days before the date set for hearing on confirmation unless Court orders otherwise
- Upon confirmation of a chapter 13 plan, any determination in the plan under Rule 3012 about the amount of a secured claim is binding on the holder of the claim even if the holder files a contrary proof of claim or if the debtor schedules the claim and regardless of whether an objection to the claim has been filed
- Any request in the plan to terminate the stay imposed by §§ 362(a), 1201(a), or 1301(a) is granted

### **Rule 3015.1 (New)**

- Permits adoption of Local Chapter 13 Plan
- Contains specific provisions
- Nonstandard provisions

### **Rule 4003**

A proceeding under § 522(f) by the debtor to avoid a lien or other transfer of property shall be commenced by motion in the manner provided by Rule 9014 or by serving a chapter 12 or 13 plan on the affected creditors in the manner provided by Rule 7004 for service of a summons and complaint

**Rule 5009**

- In a chapter 12 or 13 case, if a claim secured by property of the estate is subject to lien under applicable nonbankruptcy law, the debtor may request entry of an order declaring that the secured claim has been satisfied and the lien has been released under the terms of a confirmed plan
- The request may be made by motion and served on claim holder and any other Court designated entity in the manner of service of a summons and complaint

**Rule 7001**

Amended to clarify that an action to determine the extent, validity, and priority of a lien shall not include the action contemplated under Rules 3012 and 4003 (d)

**Rule 9009**

- Official forms may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:
  - Expand prescribed areas to permit complete responses
  - Delete space not needed for responses
  - Delete items requiring detail in a question or category if the filer indicates no or none

The Chapter 13 fillable form has been revised to provide more space in the blanks. The revised form is available at

<http://www.okwb.uscourts.gov/news/chapter-13-plan>