

Bankruptcy Rules Changes



**THE RULES INFORMATION HAS BEEN UPDATED AS OF
6/30/2017**

Bankruptcy Rule 1001

Scope of Rules and Form; Short Title

Modified Title: N/A

Change description: The last sentence of the rule was amended to add the requirement that the cases be administered without undue cost or delay and that officers of the court and parties share in such responsibility.

Current Language Modified language

The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. The rules shall be cited as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms. These rules shall be construed to secure the just, speedy, and inexpensive determination of every case and proceeding.

The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. The rules shall be cited as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms. These rules shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every case and proceeding.

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 1006(b)

Payment of Filing Fee in Installments

Modified Title: N/A

Change description: Language was added to the rule so that debtors would not have to pay a down payment when requesting to pay the filing fee in installments. This rule change will affect the local rules, procedures and forms.

Current Language Modified language

(b) PAYMENT OF FILING FEE IN INSTALLMENTS.

(1) Application to Pay Filing Fee in Installments. A voluntary petition by an individual shall be accepted for filing, if accompanied by the debtor's signed application, prepared as prescribed by the appropriate Official Form, stating that the debtor is unable to pay the filing fee except in installments.

(b) PAYMENT OF FILING FEE IN INSTALLMENTS.

(1) *Application to Pay Filing Fee in Installments.* A voluntary petition by an individual shall be accepted for filing, regardless of whether any portion of the filing fee is paid, if accompanied by the debtor's signed application, prepared as prescribed by the appropriate Official Form, stating that the debtor is unable to pay the filing fee except in installments.

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 1015(b)

Consolidation or Joint Administration of Cases Pending in Same Court

Modified Title: N/A

Change description: The terms "husband and wife" were replaced with the term "spouses" because of the U.S. Supreme Court decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).

Current Language Modified language

(b) CASES INVOLVING TWO OR MORE RELATED DEBTORS. If a joint petition or two or more petitions are pending in the same court by or against (1) a husband and wife, or (2) a partnership and one or more of its

(b) CASES INVOLVING TWO OR MORE RELATED DEBTORS. If a joint petition or two or more petitions are pending in the same court by or against (1) ~~a husband and wife~~ spouses, or (2) a partnership and one or more of its general partners, or (3) two or more general partners, or (4) a debtor and an affiliate, the court

general partners, or (3) two or more general partners, or (4) a debtor and an affiliate, the court may order a joint administration of the estates. Prior to entering an order the court shall give consideration to protecting creditors of different estates against potential conflicts of interest. An order directing joint administration of individual cases of a husband and wife shall, if one spouse has elected the exemptions under § 522(b)(2) of the Code and the other has elected the . . .

may order a joint administration of the estates. Prior to entering an order the court shall give consideration to protecting creditors of different estates against potential conflicts of interest. An order directing joint administration of individual cases of ~~a husband and wife~~ spouses shall, if one spouse has elected the exemptions under § 522(b)(2) of the Code and the other has elected the . . .

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 2002

Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee.

Modified Title: N/A

Change description: Subdivision (a)(9) was added to require at least 21 days' notice of the time for filing objections to confirmation of a chapter 13 plan. Subdivision (b)(3) added a separate requirement of 28 days' notice of the date for a chapter 13 confirmation hearing.

Current Language Modified language

<p>(a) TWENTY-ONE-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivisions (h), (i),(l), (p), and (q) of this rule, the clerk, or some other person as the court may direct,</p>	<p>(a) TWENTY-ONE-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivisions (h), (i),(l), (p), and (q) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees</p>
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shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of:

...

(7) the time fixed for filing proofs of claims pursuant to Rule 3003(c); and
(8) the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 plan

(b) TWENTY-EIGHT-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivision (l) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 28 days' notice by mail of the time fixed (1) for filing objections and the hearing to consider approval of a disclosure statement or, under § 1125(f), to make a final determination whether the plan provides adequate information so that a separate disclosure statement is not necessary; and (2) for filing objections and the hearing to consider confirmation of a chapter 9, or chapter 11, or chapter 13 plan.

at least 21 days' notice by mail of:

...

(7) the time fixed for filing proofs of claims pursuant to Rule 3003(c); and
(8) the time fixed for filing objections and the hearing to consider confirmation of a chapter 12 plan; and (9) the time fixed for filing objections to confirmation of a chapter 13 plan.

(b) TWENTY-EIGHT-DAY NOTICES TO PARTIES IN INTEREST. Except as provided in subdivision (l) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 28 days' notice by mail of the time fixed (1) for filing objections and the hearing to consider approval of a disclosure statement or, under § 1125(f), to make a final determination whether the plan provides adequate information so that a separate disclosure statement is not necessary; and (2) for filing objections and the hearing to consider confirmation of a chapter 9, ~~or~~ chapter 11, ~~or~~ chapter 13 plan; and (3) for the hearing to consider confirmation of a chapter 13 plan.

Related form number (s): **Effective Date:** 12/01/2017

Bankruptcy Rule 3002

Filing a Proof of Claim or Interest

Modified Title: N/A

Change description: Subdivision (a) was amended to make it clear that a secured creditor must file a proof of claim to have an allowed claim and to clarify that failure to file a proof of claim does not void a secured creditor's lien. Subdivision (c) was amended to alter the calculations of bar dates in chapter 7, 12 and 13 cases. These amendments should be read carefully for the time limits upon conversion, creditors who receive inadequate notice and new deadlines for mortgage proofs of claims.

Current Language Modified language

(a) NECESSITY FOR FILING. An unsecured creditor, or an equity security holder must file a proof of claim or interest for the claim or interest to be allowed, except as provided in Rules 1019(3), 3003, 3004, and 3005.

...

(c) TIME FOR FILING. In a chapter 7 liquidation, chapter 12 family farmer's debt adjustment, or chapter 13 individual's debt adjustment case, a proof of claim is timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors called under § 341(a) of the Code, except as follows: But in all these cases, the following exceptions apply:

...

(a) NECESSITY FOR FILING. ~~An A~~ secured creditor, unsecured creditor, or an equity security holder must file a proof of claim or interest for the claim or interest to be allowed, except as provided in Rules 1019(3), 3003, 3004, and 3005. A lien that secures a claim against the debtor is not void due only to the failure of any entity to file a proof of claim.

...

(c) TIME FOR FILING. In a voluntary chapter 7 liquidation case, chapter 12 ~~family farmer's debt adjustment case~~, or chapter 13 ~~individual's debt adjustment~~ case, a proof of claim is timely filed if it is filed not later than ~~90~~ 70 days after the order for relief under that chapter or the date of the order of conversion to a case under chapter 12 or chapter 13. In an involuntary chapter 7 case, a proof of claim is timely filed if it is filed not later than 90 days after the order for relief under that chapter is entered. the first date set for the meeting of creditors called under § 341(a) of

(6) If notice of the time to file a proof of claim has been mailed to a creditor at a foreign address, on motion filed by the creditor before or after the expiration of the time, the court may extend the time by not more than 60 days if the court finds that the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim.

~~the Code, except as follows:~~ But in all these cases, the following exceptions apply:

. . .

~~(6) If notice of the time to file a proof of claim has been mailed to a creditor at a foreign address, on motion filed by the a creditor before or after the expiration of the time to file a proof of claim, the court may extend the time by not more than 60 days from the date of the order granting the motion. The motion may be granted if the court finds that: the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim.:~~

(A) the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because the debtor failed to timely file the list of creditors' names and addresses required by Rule 1007(a); or

(B) the notice was insufficient under the circumstances to give the

creditor a
reasonable
time to file a
proof of
claim, and
the notice
was mailed to
the creditor
at a foreign
address.

(7) 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:

(A) the proof
of claim,
together with
the
attachments
required by
Rule 3001(c)
(2)(C), is filed
not later than
70 days after
the order for
relief is
entered; and

(B) any
attachments
required by
Rule 3001(c)
(1) and (d)
are filed as a
supplement
to the
holder's claim
not later than
120 days
after the
order for
relief is
entered.

**Related form number
(s):**

Effective Date: 12/01/2017

Bankruptcy Rule 3007

Objections to Claims

Modified Title: N/A

Change description: The amendment to subdivision (a) clarifies that Rule 7004 (Process; Service of Summons) does not apply to the service of most claim objections. If the United States is the claimant or depository institution, special rules apply because of the claimant's size and dispersed decision-making authority. Also, a "hearing" is no longer required on every objection but the objection party must provide notice and an opportunity for a hearing. The amendments allow for local rules regarding responses and hearings.

Current Language	Modified language
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(a) OBJECTIONS TO CLAIMS TIME AND MANNER OF SERVICE.

An objection to the allowance of a claim shall be in writing and filed. A copy of the objection with notice of the hearing thereon shall be mailed or otherwise delivered to the claimant, the debtor or debtor in possession, and the trustee at least 30 days prior to the hearing.

(a) ~~OBJECTIONS TO CLAIMS~~
TIME AND MANNER OF SERVICE.

(1) Time of Service. An objection to the allowance of a claim and a notice of objection that substantially conforms to the appropriate Official Form shall be ~~in writing and~~ filed and served at least 30 days before any scheduled hearing on the objection or any deadline for the claimant to request a hearing. A copy of the objection with notice of the hearing thereon shall be mailed or otherwise delivered to the claimant, the debtor or debtor in possession, and the trustee at least 30 days prior to the hearing.

(2) Manner of Service.

(A) The objection and notice shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated; and

(i) if the objection is to a claim of the United States, or any of its officers or agencies, in the manner provided for service of a summons and complaint by Rule 7004(b) (4) or (5); or
(ii) if the objection is to a claim of an insured depository institution, in the manner provided by Rule 7004(h).

(B) Service of the objection and notice shall also be made by first-class mail or other permitted means on the debtor or debtor in possession, the trustee, and, if applicable, the entity filing the proof of claim under Rule 3005.

Related form number (s): **Effective Date:** 12/01/2017

Bankruptcy Rule 3012

Valuation of Security

Modified Title: ~~Valuation of Security~~

Determining the Amount of Secured and Priority Claims

Change description: Amendments to subdivision (a) provide that a party in interest may seek a determination of the amount of a secured claim and the amount of a claim entitled to a priority. Subdivision (b) is new and provides that the amount of a secured claim may be made in a chapter 12 or chapter 13 plan and that if such a request is made in a plan, the plan must be served on the holder of the claim and any other entities the court designates according to Rule 7004. Secured claims of

governmental units are only governed by a motion or claim objection process – but not until the governmental unit has filed a proof of claim or the deadline for filing a proof of claim has passed.

Current Language Modified language

The court may determine the value of a claim secured by a lien on property in which the estate has an interest on motion of any party in interest and after a hearing on notice to the holder of the secured claim and any other entity as the court may direct.

~~The court may determine the value of a claim secured by a lien on property in which the estate has an interest on motion of any party in interest and after a hearing on notice to the holder of the secured claim and any other entity as the court may direct.~~

(a) DETERMINATION OF AMOUNT OF CLAIM. On request by a party in interest and after notice—to the holder of the claim and any other entity the court designates—and a hearing, the court may determine:

(1) the amount of a secured claim under § 506(a) of the Code; or
(2) the amount of a claim entitled to priority under § 507 of the Code.

(b) REQUEST FOR DETERMINATION; HOW MADE. Except as provided in subdivision (c), a request to determine the amount of a secured claim may be made by motion, in a claim objection, or in a plan filed in a chapter 12 or chapter 13 case. When the request is made in a chapter 12 or chapter 13 plan, the plan shall be served on the holder of the claim and any other entity the court designates in the manner provided for service of a summons and complaint by Rule 7004. 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.

(c) CLAIMS OF GOVERNMENTAL UNITS. A request to determine the amount of a secured claim of

a governmental unit may be made only by motion or in a claim objection after the governmental unit files a proof of claim or after the time for filing one under Rule 3002(c)(1) has expired.

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 3015

Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case

Modified Title: Filing, Objection to Confirmation, Effect of Confirmation, and Modification of a Plan in a Chapter 12 ~~Family Farmer's Debt Adjustment~~ or a Chapter 13 ~~Individual's Debt Adjustment~~ Case

Change description: Amendments to this rule require the use of the Official Form if one is adopted for chapter 13 plans unless a Local Form has been adopted consistent with Rule 3015.1. The Eastern District of Missouri will be adopting a Local Chapter 13 Plan to be used in all cases filed on or after December 1, 2017. Subdivision (c) provides that nonstandard provisions in a chapter 13 plan must be set out in a separate section specifically designated for such provisions. Subdivision (d) requires that the trustee and creditors be served with the plan before confirmation either at the time the plan is filed or with the notice under Rule 2002 of the hearing to consider confirmation of the plan. In addition, subdivision (f) requires that an objection to confirmation must be served at least seven days before the hearing, unless the court orders otherwise. A new subdivision (g) adds the determination of secured claims in the plan, other than governmental claims, under Fed. R. Bankr. P. 3012 and grants termination of certain stays upon confirmation.

Current Language Modified language

(a) CHAPTER 12 PLAN. The debtor may file a chapter 12 plan with the petition. If a plan is not filed with the petition, it shall be filed within the time prescribed by § 1221 of

(a) FILING A CHAPTER 12 PLAN. The debtor may file a chapter 12 plan with the petition. If a plan is not filed with the petition, it shall be filed within the time prescribed by § 1221 of the Code.

the Code.

(b) CHAPTER 13 PLAN. The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

(c) DATING. Every proposed plan and any modification thereof shall be dated.

(d) NOTICE AND COPIES. If the plan The plan or a summary of the plan shall be is not included with the each notice of the hearing on confirmation mailed pursuant to Rule 2002. If required by the court, the debtor shall furnish a sufficient number of copies to enable the clerk to include a copy of the plan with the notice of the hearing.

(e) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall forthwith transmit to the United States trustee a copy of the plan and any modification thereof filed pursuant to

(b) FILING A CHAPTER 13 PLAN. The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

(c) ~~DATING. Every proposed plan and any modification thereof shall be dated.~~ FORM OF CHAPTER 13 PLAN. If there is an Official Form for a plan filed in a chapter 13 case, that form must be used unless a Local Form has been adopted in compliance with Rule 3015.1. With either the Official Form or a Local Form, a nonstandard provision is effective only if it is included in a section of the form designated for nonstandard provisions and is also identified in accordance with any other requirements of the form. As used in this rule and the Official Form or a Local Form, "nonstandard provision" means a provision not otherwise included in the Official or Local Form or deviating from it.

(d) NOTICE AND COPIES. If the plan ~~The plan or a summary of the plan shall be~~ is not included with the ~~each~~ notice of the hearing on confirmation mailed ~~under pursuant to~~ Rule 2002, the debtor shall serve the plan on the trustee and all creditors when it is filed with the court. If required by the court, the debtor shall furnish a sufficient number of copies to enable the clerk to include a copy of the plan with the notice of the hearing.

(e) TRANSMISSION TO UNITED STATES TRUSTEE. The clerk shall

subdivision (a) or (b) of this rule.

(f) OBJECTION TO CONFIRMATION; DETERMINATION OF GOOD FAITH IN THE ABSENCE OF AN OBJECTION. An objection to confirmation of a plan shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee, before confirmation of the plan. An objection to confirmation is governed by Rule 9014. If no objection is timely filed, the court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues.

(g) MODIFICATION OF PLAN AFTER CONFIRMATION. A request to modify a plan pursuant to § 1229 or § 1329 of the Code shall identify the proponent and shall be filed together with the proposed modification. The clerk, or some other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than 21 days' notice by mail of the time fixed for filing objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise

forthwith transmit to the United States trustee a copy of the plan and any modification thereof filed ~~under pursuant to~~ subdivision (a) or (b) of this rule.

(f) OBJECTION TO CONFIRMATION; DETERMINATION OF GOOD FAITH IN THE ABSENCE OF AN OBJECTION. An objection to confirmation of a plan shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee, ~~before confirmation of the plan at least seven days before the date set for the hearing on confirmation, unless the court orders otherwise.~~ An objection to confirmation is governed by Rule 9014. If no objection is timely filed, the court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues.

(g) EFFECT OF CONFIRMATION. Upon the confirmation of a chapter 12 or chapter 13 plan:

(1) any determination in the plan made 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 the debtor schedules that claim, and regardless of whether an objection to the claim has been filed; and

(2) any request in the plan to terminate the stay imposed by § 362(a), § 1201(a), or § 1301(a) is granted.

with respect to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States trustee. A copy of the proposed modification, or a summary thereof, shall be included with the notice. If required by the court, the proponent shall furnish a sufficient number of copies of the proposed modification, or a summary thereof, to enable the clerk to include a copy with each notice. Any objection to the proposed modification shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee. An objection to a proposed modification is governed by Rule 9014.

~~(g)(h)~~ MODIFICATION OF PLAN AFTER CONFIRMATION. A request to modify a plan ~~pursuant to~~ ~~under~~ § 1229 or § 1329 of the Code shall identify the proponent and shall be filed together with the proposed modification. The clerk, or some other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than 21 days' notice by mail of the time fixed for filing objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States trustee. A copy of the proposed modification, or a summary thereof, shall be included with the notice. ~~If required by the court, the proponent shall furnish a sufficient number of copies of the proposed modification, or a summary thereof, to enable the clerk to include a copy with each notice.~~ Any objection to the proposed modification shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee. An objection to a proposed modification is governed by Rule 9014.

Related form number (s): B113

Effective Date: 12/01/2017

Bankruptcy Rule 3015.1

Requirements for a Local Form for Plans Filed in a Chapter 13 Case

Modified Title: Requirements for a Local Form for Plans Filed in a Chapter 13 Case

Change description: New Rule

Current Language Modified language

Notwithstanding Rule 9029(a)(1), a district may require that a Local Form for a plan filed in a chapter 13 case be used instead of an Official Form adopted for that purpose if the following conditions are satisfied:

(a) a single Local Form is adopted for the district after public notice and an opportunity for public comment;

(b) each paragraph is numbered and labeled in boldface type with a heading stating the general subject matter of the paragraph;

(c) the Local Form includes an initial paragraph for the debtor to indicate that the plan does or does not:

(1) contain any nonstandard provision;

(2) limit the amount of a secured claim based on a valuation of the collateral for the claim;

or

(3) avoid a security interest or lien;

(d) the Local Form contains separate paragraphs for:

(1) curing any default and maintaining payments on a claim secured by the debtor's principal residence;

(2) paying a domestic-support obligation;

(3) paying a claim described in the final paragraph of § 1325(a) of the Bankruptcy Code; and

(4) surrendering property that secures a claim with a request

that the stay under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral; and

(e) the Local Form contains a final paragraph for:

(1) the placement of nonstandard provisions, as defined in Rule 3015 (c), along with a statement that any nonstandard provision placed elsewhere in the plan is void; and

(2) certification by the debtor's attorney or by an unrepresented debtor that the plan contains no nonstandard provision other than those set out in the final paragraph.

Related form number (s): B113

Effective Date: 12/01/2017

Bankruptcy Rule 4003

Exemptions

Modified Title: N/A

Change description: The amendment provides that a request under 522(f) can be accomplished by motion or by a chapter 12 or 13 plan. (Note: the Judiciary must track motion made under 522(f))

Current Language Modified language

...
(d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT PROPERTY. A proceeding by the debtor to avoid a lien or other transfer of property exempt under

...
(d) AVOIDANCE BY DEBTOR OF TRANSFERS OF EXEMPT PROPERTY. A proceeding under § 522(f) by the debtor to avoid a lien or other transfer of property exempt under ~~§ 522(f)~~ of the Code shall be commenced by motion in the manner provided

§ 522(f) of the Code shall be by motion in accordance with Rule 9014. Notwithstanding the provisions of subdivision (b), a creditor may object to a motion filed request under § 522(f) by challenging the validity of the exemption asserted to be impaired by the lien.

~~by in accordance with~~ Rule 9014, or by serving a chapter 12 or chapter 13 plan on the affected creditors in the manner provided by Rule 7004 for service of a summons and complaint.

Notwithstanding the provisions of subdivision (b), a creditor may object to a ~~motion filed~~ request under § 522(f) by challenging the validity of the exemption asserted to be impaired by the lien.

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 5009

Closing Chapter 7 Liquidation Chapter 12 Family Farmer's Debt Adjustment, Chapter 12 Individual's Debt Adjustment and Chapter 15 Ancillary and Cross Border Cases

Modified Title: Closing Chapter 7 ~~Liquidation~~, Chapter 12 ~~Family Farmer's Debt Adjustment~~, Chapter 13 ~~Individual's Debt Adjustment~~, and Chapter 15 ~~Ancillary and Cross Border~~ Cases;

Change description: Subdivision (d) was added to allow a chapter 12 or chapter 13 debtors to request an order declaring a lien satisfaction and release.

Current Language Modified language

(a) CASES UNDER CHAPTERS 7, 12, AND 13. If in a chapter 7, chapter 12, or chapter 13 case the trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States trustee or a party in interest, there shall be a presumption that the estate has been fully administered.

(a) CLOSING OF CASES UNDER CHAPTERS 7, 12, AND 13. If in a chapter 7, chapter 12, or chapter 13 case the trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States trustee or a party in interest, there shall be a presumption that the estate has been fully administered.

. . .

(d) ORDER DECLARING LIEN SATISFIED. In a chapter 12 or chapter 13 case, if a claim that was secured by property of the

...

estate is subject to a 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 shall be made by motion and shall be served on the holder of the claim and any other entity the court designates in the manner provided by Rule 7004 for service of a summons and complaint.

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 7001

Scope of Rules of Part VII

Modified Title: N/A

Change description: Subdivision (2) was amended to clarify that determination of the amount of a secured claim under Rule 3012 does not require an adversary proceeding.

Current Language Modified language

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

...

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d);

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

...

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, ~~other than~~ but not a proceeding under Rule 3012 or Rule 4003(d);

Related form number (s):

Effective Date: 12/01/2017

Bankruptcy Rule 9009

Forms

Modified Title: N/A

Change description: Subdivision (a) was amended to define permissible changes to Official Forms.

Current Language	Modified language
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(a) OFFICIAL FORMS. Except as otherwise provided in Rule 3016 (d), the The Official Forms prescribed by the Judicial Conference of the United States shall be observed and used with alterations as may be appropriate without alteration, except as otherwise provided in these rules, in a particular Official Form, or in the national instructions for a particular Official Form. Forms may be combined and their contents rearranged to permit economies in their use. The Director of the Administrative Office of the United States Courts may issue additional forms for use under the Code. The forms shall be construed to be consistent with these rules and the Code.

(a) OFFICIAL FORMS. ~~Except as otherwise provided in Rule 3016 (d), the~~ The Official Forms prescribed by the Judicial Conference of the United States shall be ~~observed and~~ used ~~with alterations as may be appropriate~~ without alteration, except as otherwise provided in these rules, in a particular Official Form, or in the national instructions for a particular Official Form. ~~Forms may be combined and their contents rearranged to permit economies in their use. Official Forms may be modified to permit minor changes not affecting wording or the order of presenting information, including changes that:~~

(1) expand the prescribed areas for responses in order to permit complete responses;
(2) delete space not needed for responses;
or
(3) delete items requiring detail in a question or category if the filer indicates—either by checking “no” or “none” or by stating in words—that there is nothing to report on that question or category.

(b) DIRECTOR'S FORMS. The Director of the Administrative Office of the United States Courts may issue additional forms for use under the Code.

(c) CONSTRUCTION. The forms shall be construed to be consistent with these rules and the Code.

**Related form number
(s):**

Effective Date: 12/01/2017

