

## **11 U.S. Code § 1181. Inapplicability of other sections**

**(a) In General.**— Sections 105(d), 1101(1), 1104, 1105, 1106, 1107, 1108, 1115, 1116, 1121, 1123(a)(8), 1123(c), 1127, 1129(a)(15), 1129(b), 1129(c), 1129(e), and 1141(d)(5) of this title do not apply in a case under this subchapter.

**(b) Court Authority.**— Unless the court for cause orders otherwise, paragraphs (1), (2), and (4) of section 1102(a) and sections 1102(b), 1103, and 1125 of this title do not apply in a case under this subchapter.

**(c) Special Rule for Discharge.**— If a plan is confirmed under section 1191(b) of this title, section 1141(d) of this title shall not apply, except as provided in section 1192 of this title.

## **11 U.S. Code § 1182. Definitions**

In this subchapter:

**(1) Debtor.**— The term “debtor” means a small business debtor.

**(2) Debtor in possession.**— The term “debtor in possession” means the debtor, unless removed as debtor in possession under section 1185(a) of this title.

## **11 U.S. Code § 1183. Trustee**

**(a) In General.**— If the United States trustee has appointed an individual under section 586(b) of title 28 to serve as standing trustee in cases under this subchapter, and if such individual qualifies as a trustee under section 322 of this title, then that individual shall serve as trustee in any case under this subchapter. Otherwise, the United States trustee shall appoint one disinterested person to serve as trustee in the case or the United States trustee may serve as trustee in the case, as necessary.

**(b) Duties.**—The trustee shall—

(1) perform the duties specified in paragraphs (2), (5), (6), (7), and (9) of section 704(a) of this title;

(2) perform the duties specified in paragraphs (3), (4), and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;

(3) appear and be heard at the status conference under section 1188 of this title and any hearing that concerns—

(A) the value of property subject to a lien;

(B) confirmation of a plan filed under this subchapter;

(C) modification of the plan after confirmation; or

(D) the sale of property of the estate;

(4) ensure that the debtor commences making timely payments required by a plan confirmed under this subchapter;

(5) if the debtor ceases to be a debtor in possession, perform the duties specified in section 704(a)(8) and paragraphs (1), (2), and (6) of section 1106(a) of this title, including operating the business of the debtor;

(6) if there is a claim for a domestic support obligation with respect to the debtor, perform the duties specified in section 704(c) of this title; and

(7) facilitate the development of a consensual plan of reorganization.

**(c) Termination of Trustee Service.—**

**(1) In general.**— If the plan of the debtor is confirmed under section 1191(a) of this title, the service of the trustee in the case shall terminate when the plan has been substantially consummated, except that the United States trustee may reappoint a trustee as needed for performance of duties under subsection (b)(3)(C) of this section and section 1185(a) of this title.

**(2) Service of notice of substantial consummation.**— Not later than 14 days after the plan of the debtor is substantially consummated, the debtor shall file with the court and serve on the trustee, the United States trustee, and all parties in interest notice of such substantial consummation.

**11 U.S. Code § 1184. Rights and powers of a debtor in possession**

Subject to such limitations or conditions as the court may prescribe, a debtor in possession shall have all the rights, other than the right to compensation under section 330 of this title, and powers, and shall perform all functions and duties, except the duties specified in paragraphs (2), (3), and (4) of section 1106(a) of this title, of a trustee serving in a case under this chapter, including operating the business of the debtor.

**11 U.S. Code § 1185. Removal of debtor in possession**

**(a) In General.**— On request of a party in interest, and after notice and a hearing, the court shall order that the debtor shall not be a debtor in possession for cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor, either before or after the date of commencement of the case, or for failure to perform the obligations of the debtor under a plan confirmed under this subchapter.

**(b) Reinstatement.**— On request of a party in interest, and after notice and a hearing, the court may reinstate the debtor in possession.

**11 U.S. Code § 1186. Property of the estate**

**(a) Inclusions.**— If a plan is confirmed under section 1191(b) of this title, property of the estate includes, in addition to the property specified in section 541 of this title—

(1) all property of the kind specified in that section that the debtor acquires after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first; and

(2) earnings from services performed by the debtor after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first.

**(b) Debtor Remaining in Possession.**— Except as provided in section 1185 of this title, a plan confirmed under this subchapter, or an order confirming a plan under this subchapter, the debtor shall remain in possession of all property of the estate.

## **11 U.S. Code § 1187. Duties and reporting requirements of debtors**

**(a) Filing Requirements.**— Upon electing to be a debtor under this subchapter, the debtor shall file the documents required by subparagraphs (A) and (B) of section 1116(1) of this title.

**(b) Other Applicable Provisions.**— A debtor, in addition to the duties provided in this title and as otherwise required by law, shall comply with the requirements of section 308 and paragraphs (2), (3), (4), (5), (6), and (7) of section 1116 of this title.

**(c) Separate Disclosure Statement Exemption.**— If the court orders under section 1181(b) of this title that section 1125 of this title applies, section 1125(f) of this title shall apply.

## **11 U.S. Code § 1188. Status conference**

**(a) In General.**— Except as provided in subsection (b), not later than 60 days after the entry of the order for relief under this chapter, the court shall hold a status conference to further the expeditious and economical resolution of a case under this subchapter.

**(b) Exception.**— The court may extend the period of time for holding a status conference under subsection (a) if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.

**(c) Report.**— Not later than 14 days before the date of the status conference under subsection (a), the debtor shall file with the court and serve on the trustee and all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.

## **11 U.S. Code § 1189. Filing of the plan**

**(a) Who May File a Plan.**— Only the debtor may file a plan under this subchapter.

**(b) Deadline.**— The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend the period if the need for the extension is attributable to circumstances for which the debtor should not justly be held accountable.

## **11 U.S. Code § 1190. Contents of plan**

A plan filed under this subchapter—

(1) shall include—

(A) a brief history of the business operations of the debtor;

(B) a liquidation analysis; and

(C) projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization;

(2) shall provide for the submission of all or such portion of the future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan; and

(3) notwithstanding section 1123(b)(5) of this title, may modify the rights of the holder of a claim secured only by a security interest in real property that is the principal

residence of the debtor if the new value received in connection with the granting of the security interest was—

- (A) not used primarily to acquire the real property; and
- (B) used primarily in connection with the small business of the debtor.

## **11 U.S. Code § 1191. Confirmation of plan**

**(a) Terms.**— The court shall confirm a plan under this subchapter only if all of the requirements of section 1129(a), other than paragraph (15) of that section, of this title [1] are met.

**(b) Exception.**— Notwithstanding section 510(a) of this title, if all of the applicable requirements of section 1129(a) of this title, other than paragraphs (8), (10), and (15) of that section, are met with respect to a plan, the court, on request of the debtor, shall confirm the plan notwithstanding the requirements of such paragraphs if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan.

**(c) Rule of Construction.**—For purposes of this section, the condition that a plan be fair and equitable with respect to each class of claims or interests includes the following requirements:

(1) With respect to a class of secured claims, the plan meets the requirements of section 1129(b)(2)(A) of this title.

(2) As of the effective date of the plan—

(A) the plan provides that all of the projected disposable income of the debtor to be received in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date that the first payment is due under the plan will be applied to make payments under the plan; or

(B) the value of the property to be distributed under the plan in the 3-year period, or such longer period not to exceed 5 years as the court may fix, beginning on the date on which the first distribution is due under the plan is not less than the projected disposable income of the debtor.

(3)(A)(i) The debtor will be able to make all payments under the plan; or

(ii) there is a reasonable likelihood that the debtor will be able to make all payments under the plan; and

(B) the plan provides appropriate remedies, which may include the liquidation of nonexempt assets, to protect the holders of claims or interests in the event that the payments are not made.

**(d) Disposable Income.**—For purposes of this section, the term “disposable income” means the income that is received by the debtor and that is not reasonably necessary to be expended—

(1) for—

(A) the maintenance or support of the debtor or a dependent of the debtor; or

(B) a domestic support obligation that first becomes payable after the date of the filing of the petition; or

(2) for the payment of expenditures necessary for the continuation, preservation, or operation of the business of the debtor.

**(e) Special Rule.**— Notwithstanding section 1129(a)(9)(A) of this title, a plan that provides for the payment through the plan of a claim of a kind specified in paragraph (2) or (3) of section 507(a) of this title may be confirmed under subsection (b) of this section.

## **11 U.S. Code § 1192. Discharge**

If the plan of the debtor is confirmed under section 1191(b) of this title, as soon as practicable after completion by the debtor of all payments due within the first 3 years of the plan, or such longer period not to exceed 5 years as the court may fix, unless the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter, the court shall grant the debtor a discharge of all debts provided in section 1141(d)(1)(A) of this title, and all other debts allowed under section 503 of this title and provided for in the plan, except any debt—

(1) on which the last payment is due after the first 3 years of the plan, or such other time not to exceed 5 years fixed by the court; or

(2) of the kind specified in section 523(a) of this title.

## **11 U.S. Code § 1193. Modification of plan**

**(a) Modification Before Confirmation.**— The debtor may modify a plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of sections 1122 and 1123 of this title, with the exception of subsection (a)(8) of such section 1123. After the modification is filed with the court, the plan as modified becomes the plan.

**(b) Modification After Confirmation.**— If a plan has been confirmed under section 1191(a) of this title, the debtor may modify the plan at any time after confirmation of the plan and before substantial consummation of the plan, but may not modify the plan so that the plan as modified fails to meet the requirements of sections 1122 and 1123 of this title, with the exception of subsection (a)(8) of such section 1123. The plan, as modified under this subsection, becomes the plan only if circumstances warrant the modification and the court, after notice and a hearing, confirms the plan as modified under section 1191(a) of this title.

**(c) Certain Other Modifications.**— If a plan has been confirmed under section 1191(b) of this title, the debtor may modify the plan at any time within 3 years, or such longer time not to exceed 5 years, as fixed by the court, but may not modify the plan so that the plan as modified fails to meet the requirements of section 1191(b) of this title. The plan as modified under this subsection becomes the plan only if circumstances warrant such modification and the court, after notice and a hearing, confirms such plan, as modified, under section 1191(b) of this title.

**(d) Holders of a Claim or Interest.**— If a plan has been confirmed under section 1191(a) of this title, any holder of a claim or interest that has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless, within the time fixed by the court, such holder changes the previous acceptance or rejection of the holder.

## **11 U.S. Code § 1194. Payments**

**(a) Retention and Distribution by Trustee.**—Payments and funds received by the trustee shall be retained by the trustee until confirmation or denial of confirmation of a plan. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan. If a plan is not confirmed, the trustee shall return any such payments to the debtor after deducting—

- (1) any unpaid claim allowed under section 503(b) of this title;
- (2) any payment made for the purpose of providing adequate protection of an interest in property due to the holder of a secured claim; and
- (3) any fee owing to the trustee.

**(b) Other Plans.**— If a plan is confirmed under section 1191(b) of this title, except as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.

**(c) Payments Prior to Confirmation.**— Prior to confirmation of a plan, the court, after notice and a hearing, may authorize the trustee to make payments to the holder of a secured claim for the purpose of providing adequate protection of an interest in property.

## **11 U.S. Code § 1195. Transactions with professionals**

Notwithstanding section 327(a) of this title, a person is not disqualified for employment under section 327 of this title, by a debtor solely because that person holds a claim of less than \$10,000 that arose prior to commencement of the case.

116TH CONGRESS  
1ST SESSION

# S. 1091

To amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. GRASSLEY (for himself, Mr. WHITEHOUSE, Mr. TILLIS, Ms. KLOBUCHAR, Ms. ERNST, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Reor-  
5 ganization Act of 2019”.

6 **SEC. 2. REORGANIZATION OF SMALL BUSINESS DEBTORS.**

7 (a) IN GENERAL.—Chapter 11 of title 11, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

1 “SUBCHAPTER V—SMALL BUSINESS DEBTOR  
2 REORGANIZATION

3 **“§ 1181. Inapplicability of other sections**

4 “(a) IN GENERAL.—Sections 105(d), 1101(1), 1104,  
5 1105, 1106, 1107, 1108, 1115, 1116, 1121, 1123(a)(8),  
6 1123(c), 1127, 1129(a)(15), 1129(b), 1129(c), 1129(e)  
7 and 1141(d)(5) of this title do not apply in a case under  
8 this subchapter.

9 “(b) COURT AUTHORITY.—Unless the court for cause  
10 orders otherwise, paragraphs (1), (2), and (4) of section  
11 1102(a) and sections 1102(b), 1103, and 1125 of this title  
12 do not apply in a case under this subchapter.

13 “(c) SPECIAL RULE FOR DISCHARGE.—If a plan is  
14 confirmed under section 1191(b) of this title, section  
15 1141(d) of this title shall not apply, except as provided  
16 in section 1192 of this title.

17 **“§ 1182. Definitions**

18 “In this subchapter:

19 “(1) DEBTOR.—The term ‘debtor’ means a  
20 small business debtor.

21 “(2) DEBTOR IN POSSESSION.—The term ‘debt-  
22 or in possession’ means the debtor, unless removed  
23 as debtor in possession under section 1185(a) of this  
24 title.



1 **“§ 1183. Trustee**

2 “(a) IN GENERAL.—If the United States trustee has  
 3 appointed an individual under section 586(b) of title 28  
 4 to serve as standing trustee in cases under this sub-  
 5 chapter, and if such individual qualifies as a trustee under  
 6 section 322 of this title, then that individual shall serve  
 7 as trustee in any case under this subchapter. Otherwise,  
 8 the United States trustee shall appoint 1 disinterested  
 9 person to serve as trustee in the case or the United States  
 10 trustee may serve as trustee in the case, as necessary.

11 “(b) DUTIES.—The trustee shall—

12 “(1) perform the duties specified in paragraphs  
 13 (2), (5), (6), (7), and (9) of section 704(a) of this  
 14 title;

15 “(2) perform the duties specified in paragraphs  
 16 (3), (4), and (7) of section 1106(a) of this title, if  
 17 the court, for cause and on request of a party in in-  
 18 terest, the trustee, or the United States trustee, so  
 19 orders;

20 “(3) appear and be heard at the status con-  
 21 ference under section 1188 of this title and any  
 22 hearing that concerns—

23 “(A) the value of property subject to a  
 24 lien;

25 “(B) confirmation of a plan filed under  
 26 this subchapter;

1                   “(C) modification of the plan after con-  
2                   firmation; or

3                   “(D) the sale of property of the estate;

4                   “(4) ensure that the debtor commences making  
5                   timely payments required by a plan confirmed under  
6                   this subchapter;

7                   “(5) if the debtor ceases to be a debtor in pos-  
8                   session, perform the duties specified in section  
9                   704(a)(8) and paragraphs (1), (2), and (6) of sec-  
10                  tion 1106(a) of this title, including operating the  
11                  business of the debtor;

12                  “(6) if there is a claim for a domestic support  
13                  obligation with respect to the debtor, perform the  
14                  duties specified in section 704(c) of this title; and

15                  “(7) facilitate the development of a consensual  
16                  plan of reorganization.

17                  “(c) TERMINATION OF TRUSTEE SERVICE.—

18                  “(1) IN GENERAL.—If the plan of the debtor is  
19                  confirmed under section 1191(a) of this title, the  
20                  service of the trustee in the case shall terminate  
21                  when the plan has been substantially consummated,  
22                  except that the United States trustee may reappoint  
23                  a trustee as needed for performance of duties under  
24                  subsection (b)(3)(C) of this section and section  
25                  1185(a) of this title.

1           “(2) SERVICE OF NOTICE OF SUBSTANTIAL  
 2           CONSUMMATION.—Not later than 14 days after the  
 3           plan of the debtor is substantially consummated, the  
 4           debtor shall file with the court and serve on the  
 5           trustee, the United States trustee, and all parties in  
 6           interest notice of such substantial consummation.

7   **“§ 1184. Rights and powers of a debtor in possession**

8           “Subject to such limitations or conditions as the  
 9           court may prescribe, a debtor in possession shall have all  
 10          the rights, other than the right to compensation under sec-  
 11          tion 330 of this title, and powers, and shall perform all  
 12          functions and duties, except the duties specified in para-  
 13          graphs (2), (3), and (4) of section 1106(a) of this title,  
 14          of a trustee serving in a case under this chapter, including  
 15          operating the business of the debtor.

16   **“§ 1185. Removal of debtor in possession**

17          “(a) IN GENERAL.—On request of a party in interest,  
 18          and after notice and a hearing, the court shall order that  
 19          the debtor shall not be a debtor in possession for cause,  
 20          including fraud, dishonesty, incompetence, or gross mis-  
 21          management of the affairs of the debtor, either before or  
 22          after the date of commencement of the case, or for failure  
 23          to perform the obligations of the debtor under a plan con-  
 24          firmed under this subchapter.

1       “(b) REINSTATEMENT.—On request of a party in in-  
 2       terest, and after notice and a hearing, the court may rein-  
 3       state the debtor in possession.

4       **“§ 1186. Property of the estate**

5       “(a) INCLUSIONS.—If a plan is confirmed under sec-  
 6       tion 1191(b) of this title, property of the estate includes,  
 7       in addition to the property specified in section 541 of this  
 8       title—

9               “(1) all property of the kind specified in that  
 10       section that the debtor acquires after the date of  
 11       commencement of the case but before the case is  
 12       closed, dismissed, or converted to a case under chap-  
 13       ter 7, 12, or 13 of this title, whichever occurs first;  
 14       and

15              “(2) earnings from services performed by the  
 16       debtor after the date of commencement of the case  
 17       but before the case is closed, dismissed, or converted  
 18       to a case under chapter 7, 12, or 13 of this title,  
 19       whichever occurs first.

20       “(b) DEBTOR REMAINING IN POSSESSION.—Except  
 21       as provided in section 1185 of this title, a plan confirmed  
 22       under this subchapter, or an order confirming a plan  
 23       under this subchapter, the debtor shall remain in posses-  
 24       sion of all property of the estate.

1 **“§ 1187. Duties and reporting requirements of debt-**  
 2 **ors**

3 “(a) FILING REQUIREMENTS.—Upon electing to be  
 4 a debtor under this subchapter, the debtor shall file the  
 5 documents required by subparagraphs (A) and (B) of sec-  
 6 tion 1116(1) of this title.

7 “(b) OTHER APPLICABLE PROVISIONS.—A debtor, in  
 8 addition to the duties provided in this title and as other-  
 9 wise required by law, shall comply with the requirements  
 10 of section 308 and paragraphs (2), (3), (4), (5), (6), and  
 11 (7) of section 1116 of this title.

12 “(c) SEPARATE DISCLOSURE STATEMENT EXEMP-  
 13 TION.—If the court orders under section 1181(b) of this  
 14 title that section 1125 of this title applies, section 1125(f)  
 15 of this title shall apply.

16 **“§ 1188. Status conference**

17 “(a) IN GENERAL.—Except as provided in subsection  
 18 (b), not later than 60 days after the entry of the order  
 19 for relief under this chapter, the court shall hold a status  
 20 conference to further the expeditious and economical reso-  
 21 lution of a case under this subchapter.

22 “(b) EXCEPTION.—The court may extend the period  
 23 of time for holding a status conference under subsection  
 24 (a) if the need for an extension is attributable to cir-  
 25 cumstances for which the debtor should not justly be held  
 26 accountable.

1       “(c) REPORT.—Not later than 14 days before the  
 2 date of the status conference under subsection (a), the  
 3 debtor shall file with the court and serve on the trustee  
 4 and all parties in interest a report that details the efforts  
 5 the debtor has undertaken and will undertake to attain  
 6 a consensual plan of reorganization.

7       **“§ 1189. Filing of the plan**

8       “(a) WHO MAY FILE A PLAN.—Only the debtor may  
 9 file a plan under this subchapter.

10       “(b) DEADLINE.—The debtor shall file a plan not  
 11 later than 90 days after the order for relief under this  
 12 chapter, except that the court may extend the period if  
 13 the need for the extension is attributable to circumstances  
 14 for which the debtor should not justly be held accountable.

15       **“§ 1190. Contents of plan**

16       “A plan filed under this subchapter—

17               “(1) shall include—

18                       “(A) a brief history of the business oper-  
 19 ations of the debtor;

20                       “(B) a liquidation analysis; and

21                       “(C) projections with respect to the ability  
 22 of the debtor to make payments under the pro-  
 23 posed plan of reorganization;

24               “(2) shall provide for the submission of all or  
 25 such portion of the future earnings or other future

1 income of the debtor to the supervision and control  
 2 of the trustee as is necessary for the execution of the  
 3 plan; and

4 “(3) notwithstanding section 1123(b)(5) of this  
 5 title, may modify the rights of the holder of a claim  
 6 secured only by a security interest in real property  
 7 that is the principal residence of the debtor if the  
 8 new value received in connection with the granting  
 9 of the security interest was—

10 “(A) not used primarily to acquire the real  
 11 property; and

12 “(B) used primarily in connection with the  
 13 small business of the debtor.

14 **“§ 1191. Confirmation of plan**

15 “(a) TERMS.—The court shall confirm a plan under  
 16 this subchapter only if all of the requirements of section  
 17 1129(a), other than paragraph (15) of that section, of this  
 18 title are met.

19 “(b) EXCEPTION.—Notwithstanding section 510(a)  
 20 of this title, if all of the applicable requirements of section  
 21 1129(a) of this title, other than paragraphs (8), (10), and  
 22 (15) of that section, are met with respect to a plan, the  
 23 court, on request of the debtor, shall confirm the plan not-  
 24 withstanding the requirements of such paragraphs if the  
 25 plan does not discriminate unfairly, and is fair and equi-

1 table, with respect to each class of claims or interests that  
 2 is impaired under, and has not accepted, the plan.

3 “(c) RULE OF CONSTRUCTION.—For purposes of this  
 4 section, the condition that a plan be fair and equitable  
 5 with respect to each class of claims or interests includes  
 6 the following requirements:

7 “(1) With respect to a class of secured claims,  
 8 the plan meets the requirements of section  
 9 1129(b)(2)(A) of this title.

10 “(2) As of the effective date of the plan—

11 “(A) the plan provides that all of the pro-  
 12 jected disposable income of the debtor to be re-  
 13 ceived in the 3-year period, or such longer pe-  
 14 riod not to exceed 5 years as the court may fix,  
 15 beginning on the date that the first payment is  
 16 due under the plan will be applied to make pay-  
 17 ments under the plan; or

18 “(B) the value of the property to be dis-  
 19 tributed under the plan in the 3-year period, or  
 20 such longer period not to exceed 5 years as the  
 21 court may fix, beginning on the date on which  
 22 the first distribution is due under the plan is  
 23 not less than the projected disposable income of  
 24 the debtor.



1           “(3)(A)(i) The debtor will be able to make all  
2           payments under the plan; or

3           “(ii) there is a reasonable likelihood that the  
4           debtor will be able to make all payments under the  
5           plan; and

6           “(B) the plan provides appropriate remedies,  
7           which may include the liquidation of nonexempt as-  
8           sets, to protect the holders of claims or interests in  
9           the event that the payments are not made.

10          “(d) DISPOSABLE INCOME.—For purposes of this  
11          section, the term ‘disposable income’ means the income  
12          that is received by the debtor and that is not reasonably  
13          necessary to be expended—

14               “(1) for—

15                   “(A) the maintenance or support of the  
16                   debtor or a dependent of the debtor; or

17                   “(B) a domestic support obligation that  
18                   first becomes payable after the date of the filing  
19                   of the petition; or

20               “(2) for the payment of expenditures necessary  
21               for the continuation, preservation, or operation of  
22               the business of the debtor.

23          “(e) SPECIAL RULE.—Notwithstanding section  
24          1129(a)(9)(A) of this title, a plan that provides for the  
25          payment through the plan of a claim of a kind specified

1 in paragraph (2) or (3) of section 507(a) of this title may  
 2 be confirmed under subsection (b) of this section.

3 **“§ 1192. Discharge**

4 “If the plan of the debtor is confirmed under section  
 5 1191(b) of this title, as soon as practicable after comple-  
 6 tion by the debtor of all payments due within the first  
 7 3 years of the plan, or such longer period not to exceed  
 8 5 years as the court may fix, unless the court approves  
 9 a written waiver of discharge executed by the debtor after  
 10 the order for relief under this chapter, the court shall  
 11 grant the debtor a discharge of all debts provided in sec-  
 12 tion 1141(d)(1)(A) of this title, and all other debts allowed  
 13 under section 503 of this title and provided for in the plan,  
 14 except any debt—

15 “(1) on which the last payment is due after the  
 16 first 3 years of the plan, or such other time not to  
 17 exceed 5 years fixed by the court; or

18 “(2) of the kind specified in section 523(a) of  
 19 this title.

20 **“§ 1193. Modification of plan**

21 “(a) MODIFICATION BEFORE CONFIRMATION.—The  
 22 debtor may modify a plan at any time before confirmation,  
 23 but may not modify the plan so that the plan as modified  
 24 fails to meet the requirements of sections 1122 and 1123  
 25 of this title, with the exception of subsection (a)(8) of such

1 section 1123. After the modification is filed with the court,  
 2 the plan as modified becomes the plan.

3 “(b) MODIFICATION AFTER CONFIRMATION.—If a  
 4 plan has been confirmed under section 1191(a) of this  
 5 title, the debtor may modify the plan at any time after  
 6 confirmation of the plan and before substantial con-  
 7 summation of the plan, but may not modify the plan so  
 8 that the plan as modified fails to meet the requirements  
 9 of sections 1122 and 1123 of this title, with the exception  
 10 of subsection (a)(8) of such section 1123. The plan, as  
 11 modified under this subsection, becomes the plan only if  
 12 circumstances warrant the modification and the court,  
 13 after notice and a hearing, confirms the plan as modified  
 14 under section 1191(a) of this title.

15 “(c) CERTAIN OTHER MODIFICATIONS.—If a plan  
 16 has been confirmed under section 1191(b) of this title, the  
 17 debtor may modify the plan at any time within 3 years,  
 18 or such longer time not to exceed 5 years, as fixed by the  
 19 court, but may not modify the plan so that the plan as  
 20 modified fails to meet the requirements of section 1191(b)  
 21 of this title. The plan as modified under this subsection  
 22 becomes the plan only if circumstances warrant such  
 23 modification and the court, after notice and a hearing,  
 24 confirms such plan, as modified, under section 1191(b) of  
 25 this title.

1       “(d) HOLDERS OF A CLAIM OR INTEREST.—If a plan  
 2 has been confirmed under section 1191(a) of this title, any  
 3 holder of a claim or interest that has accepted or rejected  
 4 the plan is deemed to have accepted or rejected, as the  
 5 case may be, the plan as modified, unless, within the time  
 6 fixed by the court, such holder changes the previous ac-  
 7 ceptance or rejection of the holder.

8       **“§ 1194. Payments**

9       “(a) RETENTION AND DISTRIBUTION BY TRUST-  
 10 EE.—Payments and funds received by the trustee shall be  
 11 retained by the trustee until confirmation or denial of con-  
 12 firmation of a plan. If a plan is confirmed, the trustee  
 13 shall distribute any such payment in accordance with the  
 14 plan. If a plan is not confirmed, the trustee shall return  
 15 any such payments to the debtor after deducting—

16               “(1) any unpaid claim allowed under section  
 17               503(b) of this title;

18               “(2) any payment made for the purpose of pro-  
 19               viding adequate protection of an interest in property  
 20               due to the holder of a secured claim; and

21               “(3) any fee owing to the trustee.

22       “(b) OTHER PLANS.—If a plan is confirmed under  
 23 section 1191(b) of this title, except as otherwise provided  
 24 in the plan or in the order confirming the plan, the trustee  
 25 shall make payments to creditors under the plan.

1       “(c) PAYMENTS PRIOR TO CONFIRMATION.—Prior to  
 2 confirmation of a plan, the court, after notice and a hear-  
 3 ing, may authorize the trustee to make payments to the  
 4 holder of a secured claim for the purpose of providing ade-  
 5 quate protection of an interest in property.

6       **“§ 1195. Transactions with professionals**

7       “Notwithstanding section 327(a) of this title, a per-  
 8 son is not disqualified for employment under section 327  
 9 of this title, by a debtor solely because that person holds  
 10 a claim of less than \$10,000 that arose prior to com-  
 11 mencement of the case.”.

12       (b) CLERICAL AMENDMENT.—The table of sub-  
 13 chapters at the beginning of chapter 11 of title 11, United  
 14 States Code, is amended by adding at the end the fol-  
 15 lowing:

“SUBCHAPTER V—SMALL BUSINESS DEBTOR REORGANIZATION

- “1181. Inapplicability of other sections.
- “1182. Definitions.
- “1183. Trustee.
- “1184. Rights and powers of a debtor in possession.
- “1185. Removal of debtor in possession.
- “1186. Property of the estate.
- “1187. Duties and reporting requirements of debtors.
- “1188. Status conference.
- “1189. Filing of the plan.
- “1190. Contents of plan.
- “1191. Confirmation of plan.
- “1192. Discharge.
- “1193. Modification of plan.
- “1194. Payments.
- “1195. Transactions with professionals.”.

1 **SEC. 3. PREFERENCES; VENUE OF CERTAIN PROCEEDINGS.**

2 (a) PREFERENCES.—Section 547(b) of title 11,  
3 United States Code, is amended by inserting “, based on  
4 reasonable due diligence in the circumstances of the case  
5 and taking into account a party’s known or reasonably  
6 knowable affirmative defenses under subsection (c),” after  
7 “may”.

8 (b) VENUE OF CERTAIN PROCEEDINGS.—Section  
9 1409(b) of title 28, United States Code, is amended by  
10 striking “\$10,000” and inserting “\$25,000”.

11 **SEC. 4. CONFORMING AMENDMENTS.**

12 (a) TITLE 11.—Title 11, United States Code, is  
13 amended—

14 (1) in section 101—

15 (A) in paragraph (51C), by inserting “and  
16 has not elected that subchapter V of chapter 11  
17 of this title shall apply” after “is a small busi-  
18 ness debtor”; and

19 (B) in paragraph (51D)—

20 (i) in subparagraph (A)—

21 (I) by striking “or operating real  
22 property or activities incidental there-  
23 to” and inserting “single asset real  
24 estate”; and

25 (II) by striking “for a case in  
26 which” and all that follows and insert-

1 ing “not less than 50 percent of which  
 2 arose from the commercial or business  
 3 activities of the debtor; and”; and

4 (ii) in subparagraph (B)—

5 (I) by striking the period at the  
 6 end and inserting a semicolon;

7 (II) by striking “does not include  
 8 any member” and inserting the fol-  
 9 lowing: “does not include—

10 “(i) any member”; and

11 (III) by adding at the end the  
 12 following:

13 “(ii) any debtor that is a corporation  
 14 subject to the reporting requirements  
 15 under section 13 or 15(d) of the Securities  
 16 Exchange Act of 1934 (15 U.S.C. 78m,  
 17 78o(d)); or

18 “(iii) any corporation that—

19 “(I) is subject to the reporting  
 20 requirements under section 13 or  
 21 15(d) of the Securities Exchange Act  
 22 of 1934 (15 U.S.C. 78m, 78o(d)); and

23 “(II) is an affiliate of a debtor.”;

24 (2) in section 103—

1 (A) by redesignating subsections (i)  
 2 through (k) as subsections (j) through (l), re-  
 3 spectively; and

4 (B) by inserting after subsection (h) the  
 5 following:

6 “(i) Subchapter V of chapter 11 of this title applies  
 7 only in a case under chapter 11 in which a small business  
 8 debtor elects that subchapter V of chapter 11 shall  
 9 apply.”;

10 (3) in section 322(a), by inserting “1183,”  
 11 after “1163,”;

12 (4) in section 326—

13 (A) in subsection (a), by inserting “, other  
 14 than a case under subchapter V of chapter 11,”  
 15 after “7 or 11”; and

16 (B) in subsection (b), by inserting “sub-  
 17 chapter V of chapter 11 or” after “In a case  
 18 under”;

19 (5) in section 347—

20 (A) in subsection (a)—

21 (i) by inserting “1194,” after “726,”;

22 and

23 (ii) by inserting “subchapter V of  
 24 chapter 11,” after “chapter 7,”; and



1 (B) in subsection (b), by inserting “1194,”  
 2 after “1173,”;

3 (6) in section 363(c)(1), by inserting “1183,  
 4 1184,” after “1108,”;

5 (7) in section 364(a), by inserting “1183,  
 6 1184,” after “1108,”;

7 (8) in section 523(a), in the matter preceding  
 8 paragraph (1), by inserting “1192,” after “1141,”;

9 (9) in section 524—

10 (A) in subsection (a)—

11 (i) in paragraph (1), by inserting  
 12 “1192,” after “1141,”; and

13 (ii) in paragraph (3), by inserting  
 14 “1192,” after “523,”;

15 (B) in subsection (c)(1), by inserting  
 16 “1192,” after “1141,”; and

17 (C) in subsection (d), by inserting “1192,”  
 18 after “1141,”;

19 (10) in section 557(d)(3), by inserting “1183,”  
 20 after “1104,”;

21 (11) in section 1102(a), by striking paragraph  
 22 (3) and inserting the following:

23 “(3) Unless the court for cause orders other-  
 24 wise, a committee of creditors may not be appointed

1 in a small business case or a case under subchapter  
 2 V of this chapter.”; and

3 (12) in section 1146(a), by inserting “or 1191”  
 4 after “1129”.

5 (b) TITLE 28.—Title 28 United States Code, is  
 6 amended—

7 (1) in section 586—

8 (A) in subsection (a)(3), by inserting “(in-  
 9 cluding subchapter V of chapter 11)” after “7,  
 10 11”;

11 (B) in subsection (b), by inserting “sub-  
 12 chapter V of chapter 11 or” after “cases  
 13 under”;

14 (C) in subsection (d)(1), by inserting “sub-  
 15 chapter V of chapter 11 or” after “cases  
 16 under” each place that term appears; and

17 (D) in subsection (e)—

18 (i) in paragraph (1), by inserting  
 19 “subchapter V of chapter 11 or” after  
 20 “cases under”;

21 (ii) in paragraph (2), by inserting  
 22 “subchapter V of chapter 11 or” after  
 23 “cases under” each place that term ap-  
 24 pears; and

1 (iii) by adding at the end the fol-  
 2 lowing:

3 “(5) In the event that the services of the trustee in  
 4 a case under subchapter V of chapter 11 of title 11 are  
 5 terminated by dismissal or conversion of the case, or upon  
 6 substantial consummation of a plan under section  
 7 1183(c)(1) of that title, the court shall award compensa-  
 8 tion to the trustee consistent with services performed by  
 9 the trustee and the limits on the compensation of the  
 10 trustee established pursuant to paragraph (1) of this sub-  
 11 section.”;

12 (2) in section 589b—

13 (A) in subsection (a)(1), by inserting “sub-  
 14 chapter V of chapter 11 and” after “cases  
 15 under”; and

16 (B) in subsection (d)—

17 (i) in the matter preceding paragraph  
 18 (1), by inserting “subchapter V of chapter  
 19 11 and” after “trustees under”; and

20 (ii) in the undesignated matter fol-  
 21 lowing paragraph (8), by inserting “sub-  
 22 chapter V of chapter 11 and” after “cases  
 23 under”; and

1           (3) in section 1930(a)(6)(A), by inserting “,  
2       other than under subchapter V,” after “chapter 11  
3       of title 11”.

4   **SEC. 5. EFFECTIVE DATE.**

5       This Act and the amendments made by this Act shall  
6   take effect 180 days after the date of enactment of this  
7   Act.

○

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

**1 Rule 1007. Lists, Schedules, Statements, and Other**

**2 Documents; Time Limits**

3 \* \* \* \* \*

4 (b) SCHEDULES, STATEMENTS, AND OTHER  
5 DOCUMENTS REQUIRED.

6 \* \* \* \* \*

7 (5) An individual debtor in a chapter 11 case  
8 (unless under subchapter V) shall file a statement of  
9 current monthly income, prepared as prescribed by  
10 the appropriate Official Form.

11 \* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process. New material is underlined in red; matter to be omitted is lined through.

2 INTERIM RULES OF BANKRUPTCY PROCEDURE

12 (h) INTERESTS ACQUIRED OR ARISING  
13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
14 Code, the debtor acquires or becomes entitled to acquire any  
15 interest in property, the debtor shall within 14 days after the  
16 information comes to the debtor's knowledge or within such  
17 further time the court may allow, file a supplemental  
18 schedule in the chapter 7 liquidation case, chapter 11  
19 reorganization case, chapter 12 family farmer's debt  
20 adjustment case, or chapter 13 individual debt adjustment  
21 case. If any of the property required to be reported under  
22 this subdivision is claimed by the debtor as exempt, the  
23 debtor shall claim the exemptions in the supplemental  
24 schedule. ~~The This duty to file a supplemental schedule in~~  
25 ~~accordance with this subdivision continues~~ even after the  
26 case is closed, except for property acquired after an order is  
27 entered: ~~notwithstanding the closing of the case, except that~~  
28 ~~the schedule need not be filed in a chapter 11, chapter 12, or~~

29 ~~chapter 13 case with respect to property acquired after entry~~  
30 ~~of the order~~

31 (1) confirming a chapter 11 plan (other than one  
32 confirmed under § 1191(b)); or  
33 (2) discharging the debtor in a chapter 12 case, or a  
34 chapter 13 case, or a case under subchapter V of  
35 chapter 11 in which the plan is confirmed under  
36 § 1191(b).

37 \* \* \* \* \*

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

1 **Rule 1020. ~~Small Business~~ Chapter 11 Reorganization**

2 **Case for Small Business Debtors**

3 (a) SMALL BUSINESS DEBTOR

4 DESIGNATION. In a voluntary chapter 11 case, the debtor

5 shall state in the petition whether the debtor is a small

6 business debtor and, if so, whether the debtor elects to have

7 subchapter V of chapter 11 apply. In an involuntary chapter

8 11 case, the debtor shall file within 14 days after entry of the

9 order for relief a statement as to whether the debtor is a small

10 business debtor and, if so, whether the debtor elects to have

11 subchapter V of chapter 11 apply. ~~Except as provided in~~

12 ~~subdivision (c), the~~ The status of the case as a small business

13 case or a case under subchapter V of chapter 11 shall be in

14 accordance with the debtor's statement under this

15 subdivision, unless and until the court enters an order finding

16 that the debtor's statement is incorrect.

17 (b) OBJECTING TO DESIGNATION. ~~Except as~~

18 ~~provided in subdivision (c), the~~ The United States trustee or



19 a party in interest may file an objection to the debtor's  
20 statement under subdivision (a) no later than 30 days after  
21 the conclusion of the meeting of creditors held under  
22 § 341(a) of the Code, or within 30 days after any amendment  
23 to the statement, whichever is later.

24 ~~(c) — APPOINTMENT OF COMMITTEE OF~~  
25 ~~UNSECURED CREDITORS. If a committee of unsecured~~  
26 ~~creditors has been appointed under § 1102(a)(1), the case~~  
27 ~~shall proceed as a small business case only if, and from the~~  
28 ~~time when, the court enters an order determining that the~~  
29 ~~committee has not been sufficiently active and~~  
30 ~~representative to provide effective oversight of the debtor~~  
31 ~~and that the debtor satisfies all the other requirements for~~  
32 ~~being a small business. A request for a determination under~~  
33 ~~this subdivision may be filed by the United States trustee or~~  
34 ~~a party in interest only within a reasonable time after the~~  
35 ~~failure of the committee to be sufficiently active and~~  
36 ~~representative. The debtor may file a request for a~~

37 ~~determination at any time as to whether the committee has~~  
38 ~~been sufficiently active and representative.~~

39 (d~~c~~) PROCEDURE FOR OBJECTION OR  
40 DETERMINATION. Any objection or request for a  
41 determination under this rule shall be governed by Rule 9014  
42 and served on: the debtor; the debtor's attorney; the United  
43 States trustee; the trustee; the creditors included on the list  
44 filed under Rule 1007(d) or, if any a committee has been  
45 appointed under § 1102(a)(3), the committee or its  
46 authorized agent, ~~or, if no committee of unsecured creditors~~  
47 ~~has been appointed under § 1102, the creditors included on~~  
48 ~~the list filed under Rule 1007(d); and any other entity as the~~  
49 court directs.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019 ("SBRA"), Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to include that option and to require a small business debtor to state in its voluntary petition, or in a statement filed within 14 days after the order for relief is

entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions.

Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code.

Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

1 **Rule 2009. Trustees for Estates When Joint**  
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR  
4 ESTATES BEING JOINTLY ADMINISTERED. If the  
5 court orders a joint administration of two or more estates  
6 under Rule 1015(b), creditors may elect a single trustee for  
7 the estates being jointly administered, unless the case is  
8 under subchapter V of chapter 7 or subchapter V of chapter  
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT  
11 SEPARATE TRUSTEE. Notwithstanding entry of an order  
12 for joint administration under Rule 1015(b), the creditors of  
13 any debtor may elect a separate trustee for the estate of the  
14 debtor as provided in § 702 of the Code, unless the case is  
15 under subchapter V of chapter 7 or subchapter V of chapter  
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR  
18 ESTATES BEING JOINTLY ADMINISTERED.

19

\* \* \* \* \*

20

*(2) Chapter 11 Reorganization Cases.* If the

21

appointment of a trustee is ordered or is required by

22

the Code, the United States trustee may appoint one

23

or more trustees for estates being jointly

24

administered in chapter 11 cases.

25

\* \* \* \* \*

### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter  
4 11 case (other than under subchapter V), or the debtor is  
5 removed as debtor in possession in a chapter 12 case or in a  
6 case under subchapter V of chapter 11, the trustee is  
7 substituted automatically for the debtor in possession as a  
8 party in any pending action, proceeding, or matter.

9 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

**1 Rule 2015. Duty to Keep Records, Make Reports, and**  
**2 Give Notice of Case or Change of Status**

**3 (a) TRUSTEE OR DEBTOR IN POSSESSION.** A  
**4 trustee or debtor in possession shall:**

**5 (1)** in a chapter 7 liquidation case and, if the  
**6 court directs, in a chapter 11 reorganization case**  
**7 (other than under subchapter V),** file and transmit to  
**8 the United States trustee a complete inventory of the**  
**9 property of the debtor within 30 days after qualifying**  
**10 as a trustee or debtor in possession, unless such an**  
**11 inventory has already been filed;**

**12 (2)** keep a record of receipts and the  
**13 disposition of money and property received;**

**14 (3)** file the reports and summaries required by  
**15 § 704(a)(8) of the Code, which shall include a**  
**16 statement, if payments are made to employees, of the**  
**17 amounts of deductions for all taxes required to be**

12 INTERIM RULES OF BANKRUPTCY PROCEDURE

18 withheld or paid for and in behalf of employees and  
19 the place where these amounts are deposited;

20 (4) as soon as possible after the  
21 commencement of the case, give notice of the case to  
22 every entity known to be holding money or property  
23 subject to withdrawal or order of the debtor,  
24 including every bank, savings or building and loan  
25 association, public utility company, and landlord  
26 with whom the debtor has a deposit, and to every  
27 insurance company which has issued a policy having  
28 a cash surrender value payable to the debtor, except  
29 that notice need not be given to any entity who has  
30 knowledge or has previously been notified of the  
31 case;

32 (5) in a chapter 11 reorganization case (other  
33 than under subchapter V), on or before the last day  
34 of the month after each calendar quarter during  
35 which there is a duty to pay fees under 28 U.S.C.



36           § 1930(a)(6), file and transmit to the United States  
37           trustee a statement of any disbursements made  
38           during that quarter and of any fees payable under 28  
39           U.S.C. § 1930(a)(6) for that quarter; and  
40           (6) in a chapter 11 small business case, unless  
41           the court, for cause, sets another reporting interval,  
42           file and transmit to the United States trustee for each  
43           calendar month after the order for relief, on the  
44           appropriate Official Form, the report required by  
45           § 308. If the order for relief is within the first 15 days  
46           of a calendar month, a report shall be filed for the  
47           portion of the month that follows the order for relief.  
48           If the order for relief is after the 15th day of a  
49           calendar month, the period for the remainder of the  
50           month shall be included in the report for the next  
51           calendar month. Each report shall be filed no later  
52           than 21 days after the last day of the calendar month  
53           following the month covered by the report. The

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54 obligation to file reports under this subparagraph  
55 terminates on the effective date of the plan, or  
56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND  
58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF  
59 CHAPTER 11. In a case under subchapter V of chapter 11,  
60 the debtor in possession shall perform the duties prescribed  
61 in (a)(2)–(4) and, if the court directs, shall file and transmit  
62 to the United States trustee a complete inventory of the  
63 debtor’s property within the time fixed by the court. If the  
64 debtor is removed as debtor in possession, the trustee shall  
65 perform the duties of the debtor in possession prescribed in  
66 this subdivision (b). The debtor shall perform the duties  
67 prescribed in (a)(6).

68 (~~b~~c) CHAPTER 12 TRUSTEE AND DEBTOR IN  
69 POSSESSION. In a chapter 12 family farmer’s debt  
70 adjustment case, the debtor in possession shall perform the  
71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the  
73 United States trustee a complete inventory of the property of  
74 the debtor within the time fixed by the court. If the debtor is  
75 removed as debtor in possession, the trustee shall perform  
76 the duties of the debtor in possession prescribed in this  
77 ~~paragraph~~ subdivision (c).

78 ~~(e)~~ CHAPTER 13 TRUSTEE AND  
79 DEBTOR.

80 (1) *Business Cases*. In a chapter 13  
81 individual's debt adjustment case, when the debtor is  
82 engaged in business, the debtor shall perform the  
83 duties prescribed by clauses (2)–(4) of subdivision  
84 (a) of this rule and, if the court directs, shall file and  
85 transmit to the United States trustee a complete  
86 inventory of the property of the debtor within the  
87 time fixed by the court.

88 (2) *Nonbusiness Cases*. In a chapter 13  
89 individual's debt adjustment case, when the debtor is

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90 not engaged in business, the trustee shall perform the  
91 duties prescribed by clause (2) of subdivision (a) of  
92 this rule.

93 ~~(d)~~ FOREIGN REPRESENTATIVE. In a case in  
94 which the court has granted recognition of a foreign  
95 proceeding under chapter 15, the foreign representative shall  
96 file any notice required under § 1518 of the Code within 14  
97 days after the date when the representative becomes aware  
98 of the subsequent information.

99 ~~(e)~~ TRANSMISSION OF REPORTS. In a chapter  
100 11 case the court may direct that copies or summaries of  
101 annual reports and copies or summaries of other reports shall  
102 be mailed to the creditors, equity security holders, and  
103 indenture trustees. The court may also direct the publication  
104 of summaries of any such reports. A copy of every report or  
105 summary mailed or published pursuant to this subdivision  
106 shall be transmitted to the United States trustee.

### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.

1 Rule 3010. Small Dividends and Payments in Cases  
2 Under Chapter 7 Liquidation, Subchapter V of Chapter  
3 11, Chapter 12 Family Farmer's Debt Adjustment, and  
4 Chapter 13 Individual's Debt Adjustment Cases

5 \* \* \* \* \*

6 (b) CASES UNDER SUBCHAPTER V OF  
7 CHAPTER 11, CHAPTER 12, AND CHAPTER 13  
8 CASES. In a case under subchapter V of chapter 11, chapter  
9 12, or chapter 13, ease no payment in an amount less than  
10 \$15 shall be distributed by the trustee to any creditor unless  
11 authorized by local rule or order of the court. Funds not  
12 distributed because of this subdivision shall accumulate and  
13 shall be paid whenever the accumulation aggregates \$15.  
14 Any funds remaining shall be distributed with the final  
15 payment.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7**  
2 **~~Liquidation,~~ Subchapter V of Chapter 11, Chapter 12**  
3 **~~Family Farmer's Debt Adjustment,~~ and Chapter 13**  
4 **~~Individual's Debt Adjustment Cases~~**

5           The trustee shall file a list of all known names and  
6 addresses of the entities and the amounts which they are  
7 entitled to be paid from remaining property of the estate that  
8 is paid into court pursuant to § 347(a) of the Code.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.



1 **Rule 3014. Election Under § 1111(b) by Secured**  
2 **Creditor in Chapter 9 Municipality or Chapter 11**  
3 **Reorganization Case**

4 An election of application of § 1111(b)(2) of the  
5 Code by a class of secured creditors in a chapter 9 or 11 case  
6 may be made at any time prior to the conclusion of the  
7 hearing on the disclosure statement or within such later time  
8 as the court may fix. If the disclosure statement is  
9 conditionally approved pursuant to Rule 3017.1, and a final  
10 hearing on the disclosure statement is not held, the election  
11 of application of § 1111(b)(2) may be made not later than the  
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the  
13 court may fix. In a case under subchapter V of chapter 11 in  
14 which § 1125 of the Code does not apply, the election may  
15 be made not later than a date the court may fix. The election  
16 shall be in writing and signed unless made at the hearing on  
17 the disclosure statement. The election, if made by the

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding  
19 on all members of the class with respect to the plan.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the court.

1 **Rule 3016. Filing of Plan and Disclosure Statement in a**  
 2 **Chapter 9 Municipality or Chapter 11 Reorganization**  
 3 **Case**

4 (a) IDENTIFICATION OF PLAN. Every proposed  
 5 plan and any modification thereof shall be dated and, in a  
 6 chapter 11 case, identified with the name of the entity or  
 7 entities submitting or filing it.

8 (b) DISCLOSURE STATEMENT. In a chapter 9 or  
 9 11 case, a disclosure statement, if required under § 1125 of  
 10 the Code, or evidence showing compliance with § 1126(b)  
 11 shall be filed with the plan or within a time fixed by the  
 12 court, unless the plan is intended to provide adequate  
 13 information under § 1125(f)(1). If the plan is intended to  
 14 provide adequate information under § 1125(f)(1), it shall be  
 15 so designated, and Rule 3017.1 shall apply as if the plan is a  
 16 disclosure statement.

17 \* \* \* \* \*

18 (d) STANDARD FORM SMALL BUSINESS  
19 DISCLOSURE STATEMENT AND PLAN. In a small  
20 business case or a case under subchapter V of chapter 11, the  
21 court may approve a disclosure statement and may confirm  
22 a plan that conform substantially to the appropriate Official  
23 Forms or other standard forms approved by the court.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

1 **Rule 3017.1. Court Consideration of Disclosure**  
 2 **Statement in a Small Business Case or in a Case Under**  
 3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF  
 5 DISCLOSURE STATEMENT. In a small business case or  
 6 in a case under subchapter V of chapter 11 in which the court  
 7 has ordered that § 1125 applies, the court may, on  
 8 application of the plan proponent or on its own initiative,  
 9 conditionally approve a disclosure statement filed in  
 10 accordance with Rule 3016. On or before conditional  
 11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and  
 13 interests may accept or reject the plan;  
 14 (2) fix a time for filing objections to the disclosure  
 15 statement;  
 16 (3) fix a date for the hearing on final approval of the  
 17 disclosure statement to be held if a timely objection  
 18 is filed; and

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19 (4) fix a date for the hearing on confirmation.

20 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**  
2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which  
4 § 1125 does not apply, the court shall:

- 5 (a) fix a time within which the holders of claims  
6 and interests may accept or reject the plan;  
7 (b) fix a date on which an equity security holder  
8 or creditor whose claim is based on a security must  
9 be the holder of record of the security in order to be  
10 eligible to accept or reject the plan;  
11 (c) fix a date for the hearing on confirmation; and  
12 (d) fix a date for transmission of the plan, notice  
13 of the time within which the holders of claims and  
14 interests may accept or reject the plan, and notice of  
15 the date for the hearing on confirmation.

**Committee Note**

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.



1   **Rule 3018. Acceptance or Rejection of Plan in a Chapter**  
2   **9 Municipality or a Chapter 11 Reorganization Case**

3           (a) ENTITIES ENTITLED TO ACCEPT OR  
4   REJECT PLAN; TIME FOR ACCEPTANCE OR  
5   REJECTION. A plan may be accepted or rejected in  
6   accordance with § 1126 of the Code within the time fixed by  
7   the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject  
8   to subdivision (b) of this rule, an equity security holder or  
9   creditor whose claim is based on a security of record shall  
10   not be entitled to accept or reject a plan unless the equity  
11   security holder or creditor is the holder of record of the  
12   security on the date the order approving the disclosure  
13   statement is entered or on another date fixed by the court  
14   under Rule 3017.2, or fixed for cause; after notice and a  
15   hearing. For cause shown, the court after notice and hearing  
16   may permit a creditor or equity security holder to change or  
17   withdraw an acceptance or rejection. Notwithstanding  
18   objection to a claim or interest, the court after notice and

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19 hearing may temporarily allow the claim or interest in an  
20 amount which the court deems proper for the purpose of  
21 accepting or rejecting a plan.

22 \* \* \* \* \*

**Committee Note**

Subdivision (a) of the rule is amended to take account of the court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

1 **Rule 3019. Modification of Accepted Plan in a Chapter**  
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 \* \* \* \* \*

4 (b) MODIFICATION OF PLAN AFTER  
5 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If  
6 the debtor is an individual, a request to modify the plan under  
7 § 1127(e) of the Code is governed by Rule 9014. The request  
8 shall identify the proponent and shall be filed together with  
9 the proposed modification. The clerk, or some other person  
10 as the court may direct, shall give the debtor, the trustee, and  
11 all creditors not less than 21 days' notice by mail of the time  
12 fixed to file objections and, if an objection is filed, the  
13 hearing to consider the proposed modification, unless the  
14 court orders otherwise with respect to creditors who are not  
15 affected by the proposed modification. A copy of the notice  
16 shall be transmitted to the United States trustee, together  
17 with a copy of the proposed modification. Any objection to  
18 the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and  
 20 any other entity designated by the court, and shall be  
 21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER  
 23 CONFIRMATION IN A SUBCHAPTER V CASE. In a  
 24 case under subchapter V of chapter 11, a request to modify  
 25 the plan under § 1193(b) or (c) of the Code is governed by  
 26 Rule 9014, and the provisions of this Rule 3019(b) apply.

#### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

**1 Rule 1007. Lists, Schedules, Statements, and Other**

**2 Documents; Time Limits**

3 \* \* \* \* \*

4 (b) SCHEDULES, STATEMENTS, AND OTHER  
5 DOCUMENTS REQUIRED.

6 \* \* \* \* \*

7 (5) An individual debtor in a chapter 11 case  
8 (unless under subchapter V) shall file a statement of  
9 current monthly income, prepared as prescribed by  
10 the appropriate Official Form.

11 \* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

12 (h) INTERESTS ACQUIRED OR ARISING  
13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
14 Code, the debtor acquires or becomes entitled to acquire any  
15 interest in property, the debtor shall within 14 days after the  
16 information comes to the debtor's knowledge or within such  
17 further time the court may allow, file a supplemental  
18 schedule in the chapter 7 liquidation case, chapter 11  
19 reorganization case, chapter 12 family farmer's debt  
20 adjustment case, or chapter 13 individual debt adjustment  
21 case. If any of the property required to be reported under  
22 this subdivision is claimed by the debtor as exempt, the  
23 debtor shall claim the exemptions in the supplemental  
24 schedule. This duty to file a supplemental schedule  
25 continues even after the case is closed, except for property  
26 acquired after an order is entered:

27 (1) confirming a chapter 11 plan (other than one  
28 confirmed under § 1191(b)); or

33 \* \* \* \* \*

1 **Rule 1020. Chapter 11 Reorganization Case for Small**  
2 **Business Debtors**

3 (a) SMALL BUSINESS DEBTOR  
4 DESIGNATION. In a voluntary chapter 11 case, the debtor  
5 shall state in the petition whether the debtor is a small  
6 business debtor and, if so, whether the debtor elects to have  
7 subchapter V of chapter 11 apply. In an involuntary chapter  
8 11 case, the debtor shall file within 14 days after entry of the  
9 order for relief a statement as to whether the debtor is a small  
10 business debtor and, if so, whether the debtor elects to have  
11 subchapter V of chapter 11 apply. The status of the case as  
12 a small business case or a case under subchapter V of chapter  
13 11 shall be in accordance with the debtor's statement under  
14 this subdivision, unless and until the court enters an order  
15 finding that the debtor's statement is incorrect.

16 (b) OBJECTING TO DESIGNATION. The United  
17 States trustee or a party in interest may file an objection to  
18 the debtor's statement under subdivision (a) no later than 30



19 days after the conclusion of the meeting of creditors held  
20 under § 341(a) of the Code, or within 30 days after any  
21 amendment to the statement, whichever is later.

22 (c) PROCEDURE FOR OBJECTION OR  
23 DETERMINATION. Any objection or request for a  
24 determination under this rule shall be governed by Rule 9014  
25 and served on: the debtor; the debtor's attorney; the United  
26 States trustee; the trustee; the creditors included on the list  
27 filed under Rule 1007(d) or, if a committee has been  
28 appointed under § 1102(a)(3), the committee or its  
29 authorized agent and any other entity as the court directs.

1 **Rule 2009. Trustees for Estates When Joint**  
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR  
4 ESTATES BEING JOINTLY ADMINISTERED. If the  
5 court orders a joint administration of two or more estates  
6 under Rule 1015(b), creditors may elect a single trustee for  
7 the estates being jointly administered, unless the case is  
8 under subchapter V of chapter 7 or subchapter V of chapter  
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT  
11 SEPARATE TRUSTEE. Notwithstanding entry of an order  
12 for joint administration under Rule 1015(b), the creditors of  
13 any debtor may elect a separate trustee for the estate of the  
14 debtor as provided in § 702 of the Code, unless the case is  
15 under subchapter V of chapter 7 or subchapter V of chapter  
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR  
18 ESTATES BEING JOINTLY ADMINISTERED.

19

\* \* \* \* \*

20

(2) *Chapter 11 Reorganization Cases.* If the

21

appointment of a trustee is ordered or is required by

22

the Code, the United States trustee may appoint one

23

or more trustees for estates being jointly

24

administered in chapter 11 cases.

25

\* \* \* \* \*

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter  
4 11 case (other than under subchapter V), or the debtor is  
5 removed as debtor in possession in a chapter 12 case or in a  
6 case under subchapter V of chapter 11, the trustee is  
7 substituted automatically for the debtor in possession as a  
8 party in any pending action, proceeding, or matter.

9 \* \* \* \* \*

1   **Rule 2015. Duty to Keep Records, Make Reports, and**  
2   **Give Notice of Case or Change of Status**

3           (a) TRUSTEE OR DEBTOR IN POSSESSION. A  
4   trustee or debtor in possession shall:

5                   (1) in a chapter 7 liquidation case and, if the  
6                   court directs, in a chapter 11 reorganization case  
7                   (other than under subchapter V), file and transmit to  
8                   the United States trustee a complete inventory of the  
9                   property of the debtor within 30 days after qualifying  
10                  as a trustee or debtor in possession, unless such an  
11                  inventory has already been filed;

12                  (2) keep a record of receipts and the  
13                  disposition of money and property received;

14                  (3) file the reports and summaries required by  
15                  § 704(a)(8) of the Code, which shall include a  
16                  statement, if payments are made to employees, of the  
17                  amounts of deductions for all taxes required to be

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18 withheld or paid for and in behalf of employees and  
19 the place where these amounts are deposited;

20 (4) as soon as possible after the  
21 commencement of the case, give notice of the case to  
22 every entity known to be holding money or property  
23 subject to withdrawal or order of the debtor,  
24 including every bank, savings or building and loan  
25 association, public utility company, and landlord  
26 with whom the debtor has a deposit, and to every  
27 insurance company which has issued a policy having  
28 a cash surrender value payable to the debtor, except  
29 that notice need not be given to any entity who has  
30 knowledge or has previously been notified of the  
31 case;

32 (5) in a chapter 11 reorganization case (other  
33 than under subchapter V), on or before the last day  
34 of the month after each calendar quarter during  
35 which there is a duty to pay fees under 28 U.S.C.

36           § 1930(a)(6), file and transmit to the United States  
37           trustee a statement of any disbursements made  
38           during that quarter and of any fees payable under 28  
39           U.S.C. § 1930(a)(6) for that quarter; and  
40           (6) in a chapter 11 small business case, unless  
41           the court, for cause, sets another reporting interval,  
42           file and transmit to the United States trustee for each  
43           calendar month after the order for relief, on the  
44           appropriate Official Form, the report required by  
45           § 308. If the order for relief is within the first 15 days  
46           of a calendar month, a report shall be filed for the  
47           portion of the month that follows the order for relief.  
48           If the order for relief is after the 15th day of a  
49           calendar month, the period for the remainder of the  
50           month shall be included in the report for the next  
51           calendar month. Each report shall be filed no later  
52           than 21 days after the last day of the calendar month  
53           following the month covered by the report. The

54 obligation to file reports under this subparagraph  
55 terminates on the effective date of the plan, or  
56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND  
58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF  
59 CHAPTER 11. In a case under subchapter V of chapter 11,  
60 the debtor in possession shall perform the duties prescribed  
61 in (a)(2)–(4) and, if the court directs, shall file and transmit  
62 to the United States trustee a complete inventory of the  
63 debtor’s property within the time fixed by the court. If the  
64 debtor is removed as debtor in possession, the trustee shall  
65 perform the duties of the debtor in possession prescribed in  
66 this subdivision (b). The debtor shall perform the duties  
67 prescribed in (a)(6).

68 (c) CHAPTER 12 TRUSTEE AND DEBTOR IN  
69 POSSESSION. In a chapter 12 family farmer’s debt  
70 adjustment case, the debtor in possession shall perform the  
71 duties prescribed in clauses (2)–(4) of subdivision (a) of this



72 rule and, if the court directs, shall file and transmit to the  
73 United States trustee a complete inventory of the property of  
74 the debtor within the time fixed by the court. If the debtor is  
75 removed as debtor in possession, the trustee shall perform  
76 the duties of the debtor in possession prescribed in this  
77 subdivision (c).

78 (d) CHAPTER 13 TRUSTEE AND  
79 DEBTOR.

80 (1) *Business Cases.* In a chapter 13  
81 individual's debt adjustment case, when the debtor is  
82 engaged in business, the debtor shall perform the  
83 duties prescribed by clauses (2)–(4) of subdivision  
84 (a) of this rule and, if the court directs, shall file and  
85 transmit to the United States trustee a complete  
86 inventory of the property of the debtor within the  
87 time fixed by the court.

88 (2) *Nonbusiness Cases.* In a chapter 13  
89 individual's debt adjustment case, when the debtor is

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90 not engaged in business, the trustee shall perform the  
91 duties prescribed by clause (2) of subdivision (a) of  
92 this rule.

93 (e) FOREIGN REPRESENTATIVE. In a case in  
94 which the court has granted recognition of a foreign  
95 proceeding under chapter 15, the foreign representative shall  
96 file any notice required under § 1518 of the Code within 14  
97 days after the date when the representative becomes aware  
98 of the subsequent information.

99 (f) TRANSMISSION OF REPORTS. In a chapter  
100 11 case the court may direct that copies or summaries of  
101 annual reports and copies or summaries of other reports shall  
102 be mailed to the creditors, equity security holders, and  
103 indenture trustees. The court may also direct the publication  
104 of summaries of any such reports. A copy of every report or  
105 summary mailed or published pursuant to this subdivision  
106 shall be transmitted to the United States trustee.

1 **Rule 3010. Small Dividends and Payments in Cases**  
2 **Under Chapter 7, Subchapter V of Chapter 11, Chapter**  
3 **12, and Chapter 13**

4 \* \* \* \* \*

5 (b) CASES UNDER SUBCHAPTER V OF  
6 CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a  
7 case under subchapter V of chapter 11, chapter 12, or chapter  
8 13, no payment in an amount less than \$15 shall be  
9 distributed by the trustee to any creditor unless authorized  
10 by local rule or order of the court. Funds not distributed  
11 because of this subdivision shall accumulate and shall be  
12 paid whenever the accumulation aggregates \$15. Any funds  
13 remaining shall be distributed with the final payment.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7,**  
2 **Subchapter V of Chapter 11, Chapter 12, and Chapter**  
3 **13**

4       The trustee shall file a list of all known names and  
5 addresses of the entities and the amounts which they are  
6 entitled to be paid from remaining property of the estate that  
7 is paid into court pursuant to § 347(a) of the Code.

1 **Rule 3014. Election Under § 1111(b) by Secured**  
2 **Creditor in Chapter 9 Municipality or Chapter 11**  
3 **Reorganization Case**

4       An election of application of § 1111(b)(2) of the  
5 Code by a class of secured creditors in a chapter 9 or 11 case  
6 may be made at any time prior to the conclusion of the  
7 hearing on the disclosure statement or within such later time  
8 as the court may fix. If the disclosure statement is  
9 conditionally approved pursuant to Rule 3017.1, and a final  
10 hearing on the disclosure statement is not held, the election  
11 of application of § 1111(b)(2) may be made not later than the  
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the  
13 court may fix. In a case under subchapter V of chapter 11 in  
14 which § 1125 of the Code does not apply, the election may  
15 be made not later than a date the court may fix. The election  
16 shall be in writing and signed unless made at the hearing on  
17 the disclosure statement. The election, if made by the

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- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding
- 19 on all members of the class with respect to the plan.

1 **Rule 3016. Filing of Plan and Disclosure Statement in a**  
 2 **Chapter 9 Municipality or Chapter 11 Reorganization**  
 3 **Case**

4 (a) IDENTIFICATION OF PLAN. Every proposed  
 5 plan and any modification thereof shall be dated and, in a  
 6 chapter 11 case, identified with the name of the entity or  
 7 entities submitting or filing it.

8 (b) DISCLOSURE STATEMENT. In a chapter 9 or  
 9 11 case, a disclosure statement, if required under § 1125 of  
 10 the Code, or evidence showing compliance with § 1126(b)  
 11 shall be filed with the plan or within a time fixed by the  
 12 court, unless the plan is intended to provide adequate  
 13 information under § 1125(f)(1). If the plan is intended to  
 14 provide adequate information under § 1125(f)(1), it shall be  
 15 so designated, and Rule 3017.1 shall apply as if the plan is a  
 16 disclosure statement.

17 \* \* \* \* \*

20 INTERIM RULES OF BANKRUPTCY PROCEDURE

18 (d) STANDARD FORM SMALL BUSINESS  
19 DISCLOSURE STATEMENT AND PLAN. In a small  
20 business case or a case under subchapter V of chapter 11, the  
21 court may approve a disclosure statement and may confirm  
22 a plan that conform substantially to the appropriate Official  
23 Forms or other standard forms approved by the court.



1 **Rule 3017.1. Court Consideration of Disclosure**  
2 **Statement in a Small Business Case or in a Case Under**  
3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF  
5 DISCLOSURE STATEMENT. In a small business case or  
6 in a case under subchapter V of chapter 11 in which the court  
7 has ordered that § 1125 applies, the court may, on  
8 application of the plan proponent or on its own initiative,  
9 conditionally approve a disclosure statement filed in  
10 accordance with Rule 3016. On or before conditional  
11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and  
13 interests may accept or reject the plan;  
14 (2) fix a time for filing objections to the disclosure  
15 statement;  
16 (3) fix a date for the hearing on final approval of the  
17 disclosure statement to be held if a timely objection  
18 is filed; and

22 INTERIM RULES OF BANKRUPTCY PROCEDURE

19 (4) fix a date for the hearing on confirmation.

20 \* \* \* \* \*

1    **Rule 3017.2. Fixing of Dates by the Court in Subchapter**  
2    **V Cases in Which There Is No Disclosure Statement**

3           In a case under subchapter V of chapter 11 in which  
4    § 1125 does not apply, the court shall:

- 5           (a)     fix a time within which the holders of claims  
6                   and interests may accept or reject the plan;
- 7           (b)     fix a date on which an equity security holder  
8                   or creditor whose claim is based on a security must  
9                   be the holder of record of the security in order to be  
10                  eligible to accept or reject the plan;
- 11          (c)     fix a date for the hearing on confirmation; and
- 12          (d)     fix a date for transmission of the plan, notice  
13                  of the time within which the holders of claims and  
14                  interests may accept or reject the plan, and notice of  
15                  the date for the hearing on confirmation.

1 **Rule 3018. Acceptance or Rejection of Plan in a Chapter**  
 2 **9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR  
 4 REJECT PLAN; TIME FOR ACCEPTANCE OR  
 5 REJECTION. A plan may be accepted or rejected in  
 6 accordance with § 1126 of the Code within the time fixed by  
 7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject  
 8 to subdivision (b) of this rule, an equity security holder or  
 9 creditor whose claim is based on a security of record shall  
 10 not be entitled to accept or reject a plan unless the equity  
 11 security holder or creditor is the holder of record of the  
 12 security on the date the order approving the disclosure  
 13 statement is entered or on another date fixed by the court  
 14 under Rule 3017.2, or fixed for cause after notice and a  
 15 hearing. For cause shown, the court after notice and hearing  
 16 may permit a creditor or equity security holder to change or  
 17 withdraw an acceptance or rejection. Notwithstanding  
 18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an  
20 amount which the court deems proper for the purpose of  
21 accepting or rejecting a plan.

22 \* \* \* \* \*

1 **Rule 3019. Modification of Accepted Plan in a Chapter**  
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 \* \* \* \* \*

4 (b) MODIFICATION OF PLAN AFTER  
5 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If  
6 the debtor is an individual, a request to modify the plan under  
7 § 1127(e) of the Code is governed by Rule 9014. The request  
8 shall identify the proponent and shall be filed together with  
9 the proposed modification. The clerk, or some other person  
10 as the court may direct, shall give the debtor, the trustee, and  
11 all creditors not less than 21 days' notice by mail of the time  
12 fixed to file objections and, if an objection is filed, the  
13 hearing to consider the proposed modification, unless the  
14 court orders otherwise with respect to creditors who are not  
15 affected by the proposed modification. A copy of the notice  
16 shall be transmitted to the United States trustee, together  
17 with a copy of the proposed modification. Any objection to  
18 the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and  
20 any other entity designated by the court, and shall be  
21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER  
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a  
24 case under subchapter V of chapter 11, a request to modify  
25 the plan under § 1193(b) or (c) of the Code is governed by  
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_

Case number (If known): \_\_\_\_\_ Chapter you are filing under:

- ☐ Chapter 7  
☐ Chapter 11  
☐ Chapter 12  
☐ Chapter 13

☐ Check if this is an  
amended filing

**Official Form 101****Voluntary Petition for Individuals Filing for Bankruptcy**

02/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Identify Yourself****About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

Suffix (Sr., Jr., II, III) \_\_\_\_\_

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

Suffix (Sr., Jr., II, III) \_\_\_\_\_

**2. All other names you have used in the last 8 years**

Include your married or maiden names.

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

First name \_\_\_\_\_

Middle name \_\_\_\_\_

Last name \_\_\_\_\_

**3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)**

XXX - XX - \_\_\_\_\_

OR

9 XX - XX - \_\_\_\_\_

XXX - XX - \_\_\_\_\_

OR

9 XX - XX - \_\_\_\_\_



**About Debtor 1:****4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

Include trade names and  
*doing business as* names

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

**About Debtor 2 (Spouse Only in a Joint Case):**

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

**5. Where you live**

Number Street

City State ZIP Code

County

**If your mailing address is different from the one above, fill it in here.** Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

**If Debtor 2 lives at a different address:**

Number Street

City State ZIP Code

County

**If Debtor 2's mailing address is different from yours, fill it in here.** Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City State ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.  
(See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.  
(See 28 U.S.C. § 1408.)

**Part 2: Tell the Court About Your Bankruptcy Case****7. The chapter of the Bankruptcy Code you are choosing to file under**

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13

**8. How you will pay the fee**

- ☐ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

**9. Have you filed for bankruptcy within the last 8 years?**

- ☐ No
- ☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY
- District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY
- District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

**10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?**

- ☐ No
- ☐ Yes. Debtor \_\_\_\_\_ Relationship to you \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY
- Debtor \_\_\_\_\_ Relationship to you \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY

**11. Do you rent your residence?**

- ☐ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

**Part 3: Report About Any Businesses You Own as a Sole Proprietor****12. Are you a sole proprietor of any full- or part-time business?**☐ No. Go to Part 4.☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))☐ None of the above**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ No. I am not filing under Chapter 11.☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.☐ Yes. I am filing under Chapter 11, I am a small business according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☐ No☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number Street

City

State

ZIP Code

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling****15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

**About Debtor 1:**

*You must check one:*

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

**About Debtor 2 (Spouse Only in a Joint Case):**

*You must check one:*

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

**Part 6: Answer These Questions for Reporting Purposes****16. What kind of debts do you have?**

**16a. Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.  
☐ Yes. Go to line 17.

**16b. Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.  
☐ Yes. Go to line 17.

**16c.** State the type of debts you owe that are not consumer debts or business debts.

**17. Are you filing under Chapter 7?**

☐ No. I am not filing under Chapter 7. Go to line 18.

**Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?**

- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No  
☐ Yes

**18. How many creditors do you estimate that you owe?**

- |                                  |  |  |
|----------------------------------|--|--|
| <input type="checkbox"/> 1-49    | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99   | <input type="checkbox"/> 5,001-10,000  | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 |  |  |

**19. How much do you estimate your assets to be worth?**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input type="checkbox"/> \$1,000,001-\$10 million    | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million   | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million  | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion        |

**20. How much do you estimate your liabilities to be?**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input type="checkbox"/> \$1,000,001-\$10 million    | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million   | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million  | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion        |

**Part 7: Sign Below****For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**X**

Signature of Debtor 1

Executed on

MM / DD / YYYY

**X**

Signature of Debtor 2

Executed on

MM / DD / YYYY

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

**For your attorney, if you are represented by one**

**If you are not represented by an attorney, you do not need to file this page.**

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

**X**

Signature of Attorney for Debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

**For you if you are filing this bankruptcy without an attorney**

**If you are represented by an attorney, you do not need to file this page.**

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete.

**Bankruptcy fraud is a serious crime; you could be fined and imprisoned.**

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

☐ No

☐ Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

☐ No

☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

☐ No

☐ Yes. Name of Person \_\_\_\_\_

Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

**X**

\_\_\_\_\_  
Signature of Debtor 1

Date

MM / DD / YYYY

Contact phone \_\_\_\_\_

Cell phone \_\_\_\_\_

Email address \_\_\_\_\_

**X**

\_\_\_\_\_  
Signature of Debtor 2

Date

MM / DD / YYYY

Contact phone \_\_\_\_\_

Cell phone \_\_\_\_\_

Email address \_\_\_\_\_

### **Committee Note**

Line 13 is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Line 13 is amended to add a check box for a small business debtor to indicate that it is making that choice, and the existing check box for small business debtors is amended to allow the debtor to indicate that it is not electing to proceed under subchapter V.



**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_ Chapter \_\_\_\_\_

☐ Check if this is an amended filing

**Official Form 201**

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

02/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

**1. Debtor's name**

\_\_\_\_\_

**2. All other names debtor used in the last 8 years**

Include any assumed names, trade names, and *doing business* as names

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Debtor's federal Employer Identification Number (EIN)**

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

**4. Debtor's address**

**Principal place of business**

**Mailing address, if different from principal place of business**

Number Street

Number Street

P.O. Box

City State ZIP Code

City State ZIP Code

**Location of principal assets, if different from principal place of business**

County

Number Street

City State ZIP Code

**5. Debtor's website (URL)**

\_\_\_\_\_

6. Type of debtor

- ☐ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
- ☐ Partnership (excluding LLP)
- ☐ Other. Specify: \_\_\_\_\_

7. Describe debtor's business

- A. Check one:
- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above
- B. Check all that apply:
- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))
- C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes> .
- \_\_\_\_

8. Under which chapter of the Bankruptcy Code is the debtor filing?

- Check one:
- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11. Check all that apply:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and it chooses to proceed under Subchapter V of Chapter 11.
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- ☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No
- ☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY
- District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☐ No  
☐ Yes. Debtor Relationship  
District When  
Case number, if known

List all cases. If more than 1, attach a separate list.

MM / DD / YYYY

11. Why is the case filed in this district?

Check all that apply:  
☐ Debtor has had its domicile, 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.  
☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☐ No  
☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number

Street

City

State ZIP Code

Is the property insured?

☐ No  
☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:  
☐ Funds will be available for distribution to unsecured creditors.  
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

☐ 1-49  
☐ 50-99  
☐ 100-199  
☐ 200-999

☐ 1,000-5,000  
☐ 5,001-10,000  
☐ 10,001-25,000

☐ 25,001-50,000  
☐ 50,001-100,000  
☐ More than 100,000

<b>15. Estimated assets</b>	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

---

<b>16. Estimated liabilities</b>	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**


The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY




Signature of authorized representative of debtor

Printed name

Title

**18. Signature of attorney**



Date

MM / DD / YYYY

Signature of attorney for debtor

Printed name

Firm name

Number

Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

### **Committee Note**

Line 8 of the form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Line 8 is amended to provide a check box for a small business debtor to indicate that it is making that choice.

**Information to identify the case:**Debtor 1  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

Debtor 2  
(Spouse, if filing) First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

[Date case filed for chapter 11 \_\_\_\_\_ MM / DD / YYYY] OR

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_ MM / DD / YYYY]

Date case converted to chapter 11 \_\_\_\_\_  
MM / DD / YYYY**Official Form 309E1 (For Individuals or Joint Debtors)****Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 10 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .		Hours open _____ Contact phone _____

For more information, see page 2 ►

<b>6. Meeting of creditors</b> Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	_____ at _____ Date Time  The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: _____
<b>7. Deadlines</b> The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	<b>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</b> <b>You must file a complaint:</b> <ul style="list-style-type: none"> <li>■ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or</li> <li>■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).</li> </ul>	First date set for hearing on confirmation of plan. The court will send you a notice of that date later.  <b>Filing deadline for dischargeability complaints:</b> _____
<b>Deadline for filing proof of claim:</b>  A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at <a href="http://www.uscourts.gov">www.uscourts.gov</a> or any bankruptcy clerk's office. Your claim will be allowed in the amount scheduled unless: <ul style="list-style-type: none"> <li>■ your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>;</li> <li>■ you file a proof of claim in a different amount; or</li> <li>■ you receive another notice.</li> </ul> If your claim is not scheduled or if your claim is designated as <i>disputed</i> , <i>contingent</i> , or <i>unliquidated</i> , you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled. You may review the schedules at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> . Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.		[Not yet set. If a deadline is set, the court will send you another notice.] or [date, if set by the court]
<b>Deadline to object to exemptions:</b> The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.		<b>Filing deadline:</b> 30 days after the <i>conclusion</i> of the meeting of creditors
<b>8. Creditors with a foreign address</b>	If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
<b>9. Filing a Chapter 11 bankruptcy case</b>	Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate the debtor's business.	
<b>10. Discharge of debts</b>	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.	
<b>11. Exempt property</b>	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.	

**Information to identify the case:**Debtor 1  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

Debtor 2  
(Spouse, if filing) First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

[Date case filed for chapter 11 \_\_\_\_\_ MM / DD / YYYY] OR

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_ MM / DD / YYYY]

Date case converted to chapter 11 \_\_\_\_\_  
MM / DD / YYYY**Official Form 309E2 (For Individuals or Joint Debtors under Subchapter V)****Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____

For more information, see page 2 ►



**6. Bankruptcy clerk's office**

Documents in this case may be filed at this address.  
You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_

Contact phone \_\_\_\_\_

**7.**

**Meeting of creditors Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:**

**You must file a complaint:**

- ☐ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or
- ☐ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

First date set for hearing on confirmation of plan. The court will send you a notice of that date later.

**Filing deadline for dischargeability complaints:** \_\_\_\_\_

**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- ☐ your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- ☐ you file a proof of claim in a different amount; or
- ☐ you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov).

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

The law permits debtors to keep certain property as exempt.

If you believe that the law does not authorize an exemption claimed, you may file an objection.

**Filing deadline:** 30 days after the *conclusion* of the meeting of creditors

**9. Creditors with a foreign address**

If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**10. Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. The debtor will generally remain in possession of the property and may continue to operate the debtor's business.

For more information, see page 3 ►

**11. Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

**Information to identify the case:**

Debtor \_\_\_\_\_ Name \_\_\_\_\_ EIN \_\_\_\_\_ - - - - -

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State) [Date case filed for chapter 11 \_\_\_\_\_ MM / DD / YYYY OR

Case number: \_\_\_\_\_ [Date case filed in chapter \_\_\_\_\_ MM / DD / YYYY

Date case converted to chapter 11 \_\_\_\_\_ MM / DD / YYYY

**Official Form 309F1 (For Corporations or Partnerships)****Notice of Chapter 11 Bankruptcy Case**

02/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

**1. Debtor's full name****2. All other names used in the last 8 years****3. Address****4. Debtor's attorney**

Name and address

Contact phone \_\_\_\_\_

Email \_\_\_\_\_

**5. Bankruptcy clerk's office**

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_

Contact phone \_\_\_\_\_

**6. Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

Location: \_\_\_\_\_

**For more information, see page 2 ►**

7. **Proof of claim deadline**

**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court)]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov).

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. **Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

**Deadline for filing the complaint:** \_\_\_\_\_

9. **Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. **Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. **Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

**Information to identify the case:**

Debtor \_\_\_\_\_ EIN \_\_\_\_\_  
Name \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State) [Date case filed for chapter 11 \_\_\_\_\_ MM / DD / YYYY OR

Case number: \_\_\_\_\_ [Date case filed in chapter \_\_\_\_\_ MM / DD / YYYY

Date case converted to chapter 11 \_\_\_\_\_ MM / DD / YYYY

## Official Form 309F2 (For Corporations or Partnerships under Subchapter V)

### Notice of Chapter 11 Bankruptcy Case

02/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 12 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

<b>1. Debtor's full name</b>	
<b>2. All other names used in the last 8 years</b>	
<b>3. Address</b>	
<b>4. Debtor's attorney</b> Name and address	Contact phone _____ Email _____
<b>5. Bankruptcy trustee</b> Name and address	Contact phone _____ Email _____
<b>6. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	
Hours open _____ Contact phone _____	

For more information, see page 2 ►

**7. Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_

Location:

Date

Time

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Proof of claim deadline**

**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- ☐ your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- ☐ you file a proof of claim in a different amount; or
- ☐ you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov).

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**9. Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

**Deadline for filing the complaint:**

\_\_\_\_\_

**10. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. The debtor will generally remain in possession of the property and may continue to operate the debtor's business.

**12. Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

## COMMITTEE NOTE

Official Forms 309E2 and 309F2 are new. They are promulgated in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11.

Because a trustee is always appointed in a subchapter V case, both forms require the name and contact information of the trustee to be provided.

Previously existing Official Forms 309E and 309F have been renumbered 309E1 and 309F1, respectively. Other changes are stylistic.

[Caption as in 416A]

## **Class [ ] Ballot for Accepting or Rejecting Plan of Reorganization**

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[Proponent] filed a plan of reorganization dated [Date] (the Plan) for the Debtor in this case. {The Court has [conditionally] approved a disclosure statement with respect to the Plan (the Disclosure Statement). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]}

{Court approval of the Disclosure Statement does not indicate approval of the Plan by the Court.}

**You should review {the Disclosure Statement and} the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [ ] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.**

**If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**

**If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.**

### **Acceptance or Rejection of the Plan**

[At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives:]

[If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

The undersigned, the holder of a Class [ ] claim against the Debtor in the unpaid amount of Dollars (\$ )

[or, if the voter is the holder of a bond, debenture, or other debt security:]

The undersigned, the holder of a Class [ ] claim against the Debtor, consisting of Dollars (\$) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [ ] equity interest in the Debtor, consisting of \_\_\_\_\_ shares or other interests of [describe equity interest] in the Debtor



[In each case, the following language should be included:]

*Check one box only*

☐ **Accepts the plan**

☐ **Rejects the plan**

Dated: \_\_\_\_\_

Print or type name: \_\_\_\_\_

Signature: \_\_\_\_\_ Title (if corporation or partnership) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Return this ballot to:**

[Name and address of proponent's attorney or other appropriate address]

### **Committee Note**

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The first three paragraphs of the form are amended to place braces around all references to a disclosure statement. Section 1125 of the Code does not apply to subchapter V cases unless the court for cause orders otherwise. See Code § 1181(b). Thus, in most chapter V cases there will not be a disclosure statement, and the language in braces on the form should not be included on the ballot.

[Caption as in 416A]

## Order Confirming Plan

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The plan under chapter 11 of the Bankruptcy Code filed by \_\_\_\_\_, on \_\_\_\_\_ [if applicable, as modified by a modification filed on \_\_\_\_\_], or a summary thereof, having been transmitted to creditors and equity security holders; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1129(a) [or, if appropriate, 11 U.S.C. § 1129(b), 1191(a), or 1191(b)] have been satisfied;

**IT IS ORDERED** that:

The plan filed by \_\_\_\_\_, on \_\_\_\_\_, [If appropriate, include dates and any other pertinent details of modifications to the plan] is confirmed. [If the plan provides for an injunction against conduct not otherwise enjoined under the Code, include the information required by Rule 3020.]

A copy of the confirmed plan is attached.

\_\_\_\_\_  
MM / DD / YYYY

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

### **Committee Note**

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Citations to the statutory provisions governing confirmation in such cases are added to the form for the court to include as appropriate.

**Fill in this information to identify the case:**

Debtor Name \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number: \_\_\_\_\_

☐ Check if this is an amended filing

**Official Form 425A**

**Plan of Reorganization for Small Business Under Chapter 11**

02/20

**[Name of Proponent]'s Plan of Reorganization, Dated [Insert Date]**

[If this plan is for a small business debtor under Subchapter V, 11 U.S.C. § 1190 requires that it include "(A) a brief history of the business operations of the debtor; (B) a liquidation analysis; and (C) projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization." The Background section below may be used for that purpose. Otherwise, the Background section can be deleted from the form, and the Plan can start with "Article 1: Summary"]

**Background for Cases Filed Under Subchapter V**

**A. Description and History of the Debtor's Business**

The Debtor is a [corporation, partnership, etc.]. Since [insert year operations commenced], the Debtor has been in the business of \_\_\_\_\_. [Describe the Debtor's business].

**B. Liquidation Analysis**

To confirm the Plan, the Court must find that all creditors and equity interest holders who do not accept the Plan will receive at least as much under the Plan as such claim and equity interest holders would receive in a chapter 7 liquidation. A liquidation analysis is attached to the Plan as Exhibit \_\_\_\_.

**C. Ability to make future plan payments and operate without further reorganization**

The Plan Proponent must also show that it will have enough cash over the life of the Plan to make the required Plan payments and operate the debtor's business.

The Plan Proponent has provided projected financial information as Exhibit \_\_\_\_.

The Plan Proponent's financial projections show that the Debtor will have projected disposable income (as defined by § 1191(d) of the Bankruptcy Code) for the period described in § 1191(c)(2) of \$ \_\_\_\_\_.

The final Plan payment is expected to be paid on \_\_\_\_\_.

[Summarize the numerical projections, and highlight any assumptions that are not in accord with past experience. Explain why such assumptions should now be made.]

**You should consult with your accountant or other financial advisor if you have any questions pertaining to these projections.**

**Article 1: Summary**

This Plan of Reorganization (the *Plan*) under chapter 11 of the Bankruptcy Code (the *Code*) proposes to pay creditors of [insert the name of the Debtor] (the *Debtor*) from [Specify sources of payment, such as an infusion of capital, loan proceeds, sale of assets, cash flow from operations, or future income].

This Plan provides for:  classes of priority claims;  
 classes of secured claims;  
 classes of non-priority unsecured claims; and  
 classes of equity security holders.

Non-priority unsecured creditors holding allowed claims will receive distributions, which the proponent of this Plan has valued at approximately  cents on the dollar. This Plan also provides for the payment of administrative and priority claims.

All creditors and equity security holders should refer to Articles 3 through 6 of this Plan for information regarding the precise treatment of their claim. A disclosure statement that provides more detailed information regarding this Plan and the rights of creditors and equity security holders has been circulated with this Plan. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)**

**Article 2: Classification of Claims and Interests**

- 2.01 **Class 1** ..... All allowed claims entitled to priority under § 507(a) of the Code (except administrative expense claims under § 507(a)(2), ["gap" period claims in an involuntary case under § 507(a)(3),] and priority tax claims under § 507(a)(8)).  
 [Add classes of priority claims, if applicable]
- 2.02 **Class 2** ..... The claim of , to the extent allowed as a secured claim under § 506 of the Code.  
 [Add other classes of secured creditors, if any. *Note:* Section 1129(a)(9)(D) of the Code provides that a secured tax claim which would otherwise meet the description of a priority tax claim under § 507(a)(8) of the Code is to be paid in the same manner and over the same period as prescribed in § 507(a)(8).]
- 2.03 **Class 3** ..... All non-priority unsecured claims allowed under § 502 of the Code.  
 [Add other classes of unsecured claims, if any.]
- 2.04 **Class 4** ..... Equity interests of the Debtor. [If the Debtor is an individual, change this heading to *The interests of the individual Debtor in property of the estate.*]

**Article 3: Treatment of Administrative Expense Claims, Priority Tax Claims, and Quarterly and Court Fees**

- 3.01 **Unclassified claims** ..... Under section § 1123(a)(1), administrative expense claims, ["gap" period claims in an involuntary case allowed under § 502(f) of the Code,] and priority tax claims are not in classes.
- 3.02 **Administrative expense claims** ..... Each holder of an administrative expense claim allowed under § 503 of the Code, [and a "gap" claim in an involuntary case allowed under § 502(f) of the Code,] will be paid in full on the effective date of this Plan, in cash, or upon such other terms as may be agreed upon by the holder of the claim and the Debtor.  
 Or  
 Each holder of an administrative expense claim allowed under § 503 of the Code, [and a "gap" claim in an involuntary case allowed under § 502(f) of the Code,] will be paid [specify terms of treatment, including the form, amount, and timing of distribution, consistent with section 1191(e) of the

Code].

[Note: the second provision is appropriate only in a subchapter V plan that is confirmed non-consensually under section 1191(b).]

- 3.03 **Priority tax claims** Each holder of a priority tax claim will be paid [Specify terms of treatment consistent with § 1129(a)(9)(C) of the Code].
- 3.04 **Statutory fees** All fees required to be paid under 28 U.S.C. § 1930 that are owed on or before the effective date of this Plan have been paid or will be paid on the effective date.
- 3.05 **Prospective quarterly fees** All quarterly fees required to be paid under 28 U.S.C. § 1930(a)(6) or (a)(7) will accrue and be timely paid until the case is closed, dismissed, or converted to another chapter of the Code.

#### Article 4: Treatment of Claims and Interests Under the Plan

##### 4.01 Claims and interests shall be treated as follows under this Plan:

Class	Impairment	Treatment
Class 1 - <b>Priority claims</b> excluding those in Article 3	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of priority claims in this Class, including the form, amount and timing of distribution, if any. For example: "Class 1 is unimpaired by this Plan, and each holder of a Class 1 Priority Claim will be paid in full, in cash, upon the later of the effective date of this Plan, or the date on which such claim is allowed by a final non-appealable order. Except: _____."] [Add classes of priority claims if applicable]
Class 2 – <b>Secured claim of</b> [Insert name of secured creditor.]	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of secured claim in this Class, including the form, amount and timing of distribution, if any.] [Add classes of secured claims if applicable]
Class 3 – <b>Non-priority unsecured creditors</b>	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of unsecured creditors in this Class, including the form, amount and timing of distribution, if any.] [Add administrative convenience class if applicable]
Class 4 - <b>Equity security holders of the Debtor</b>	<input type="checkbox"/> Impaired <input type="checkbox"/> Unimpaired	[Insert treatment of equity security holders in this Class, including the form, amount and timing of distribution, if any.]

#### Article 5: Allowance and Disallowance of Claims

- 5.01 **Disputed claim** A *disputed claim* is a claim that has not been allowed or disallowed [by a final non-appealable order], and as to which either:
- (i) a proof of claim has been filed or deemed filed, and the Debtor or another party in interest has filed an objection; or
  - (ii) no proof of claim has been filed, and the Debtor has scheduled such claim as disputed, contingent, or unliquidated.
- 5.02 **Delay of distribution on a disputed claim** No distribution will be made on account of a disputed claim unless such claim is allowed [by a final non-appealable order].
- 5.03 **Settlement of disputed claims** The Debtor will have the power and authority to settle and compromise a disputed claim with court approval and compliance with Rule 9019 of the Federal Rules of Bankruptcy Procedure.

#### Article 6: Provisions for Executory Contracts and Unexpired Leases

**6.01 Assumed executory contracts and unexpired leases**

(a) The Debtor assumes, and if applicable assigns, the following executory contracts and unexpired leases as of the effective date:

[List assumed, or if applicable assigned, executory contracts and unexpired leases.]

(b) Except for executory contracts and unexpired leases that have been assumed, and if applicable assigned, before the effective date or under section 6.01(a) of this Plan, or that are the subject of a pending motion to assume, and if applicable assign, the Debtor will be conclusively deemed to have rejected all executory contracts and unexpired leases as of the effective date.

A proof of a claim arising from the rejection of an executory contract or unexpired lease under this section must be filed no later than  days after the date of the order confirming this Plan.

**Article 7: Means for Implementation of the Plan**

[Insert here provisions regarding how the plan will be implemented as required under § 1123(a)(5) of the Code. For example, provisions may include those that set out how the plan will be funded, including any claims reserve to be established in connection with the plan, as well as who will be serving as directors, officers or voting trustees of the reorganized Debtor.]

**Article 8: General Provisions****8.01 Definitions and rules of construction**

The definitions and rules of construction set forth in §§ 101 and 102 of the Code shall apply when terms defined or construed in the Code are used in this Plan, and they are supplemented by the following definitions:

[Insert additional definitions if necessary].

**8.02 Effective date**

The effective date of this Plan is the first business day following the date that is 14 days after the entry of the confirmation order. If, however, a stay of the confirmation order is in effect on that date, the effective date will be the first business day after the date on which the stay expires or is otherwise terminated.

**8.03 Severability**

If any provision in this Plan is determined to be unenforceable, the determination will in no way limit or affect the enforceability and operative effect of any other provision of this Plan.

**8.04 Binding effect**

The rights and obligations of any entity named or referred to in this Plan will be binding upon, and will inure to the benefit of the successors or assigns of such entity.

**8.05 Captions**

The headings contained in this Plan are for convenience of reference only and do not affect the meaning or interpretation of this Plan.

**[8.06 Controlling effect**

Unless a rule of law or procedure is supplied by federal law (including the Code or the Federal Rules of Bankruptcy Procedure), the laws of the State of  govern this Plan and any agreements, documents, and instruments executed in connection with this Plan, except as otherwise provided in this Plan.]

**[8.07 Corporate governance**

[If the Debtor is a corporation include provisions required by § 1123(a)(6) of the Code.]



**[8.08 Retention of Jurisdiction**

Language addressing the extent and the scope of the bankruptcy court's jurisdiction after the effective date of the plan.]

**Article 9: Discharge**

[Include the appropriate provision in the Plan]

**[No Discharge -- Section 1141(d)(3) IS applicable.]**

In accordance with § 1141(d)(3) of the Code, the Debtor will not receive any discharge of debt in this bankruptcy case.

**[Discharge -- Section 1141(d)(3) IS NOT applicable; use one of the alternatives below]**

*[The following 3 alternatives apply to cases in which a discharge is applicable and the Debtor **DID NOT** elect to proceed under Subchapter V of Chapter 11.]*

**[Discharge if the Debtor is an individual and did not proceed under Subchapter V]**

Confirmation of this Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments under this Plan, or as otherwise provided in § 1141(d)(5) of the Code. The Debtor will not be discharged from any debt excepted from discharge under § 523 of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

**[Discharge if the Debtor is a partnership and did not proceed under Subchapter V]**

On the effective date of this Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code. The Debtor will not be discharged from any debt imposed by this Plan.

**[Discharge if the Debtor is a corporation and did not proceed under Subchapter V]**

On the effective date of this Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code, except that the Debtor will not be discharged of any debt:

- (i) imposed by this Plan; or
- (ii) to the extent provided in § 1141(d)(6).

*[The following 3 alternatives apply to cases in which the Debtor **DID** elect to proceed under Subchapter V of Chapter 11.]*

**[Discharge if the Debtor is an individual under Subchapter V]**

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code. The Debtor will not be discharged from any debt:

- (i) imposed by this Plan; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

If the Debtor's Plan is confirmed under § 1191(b), confirmation of the Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

**[Discharge if the Debtor is a partnership under Subchapter V]**

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code. The Debtor will not be discharged from any debt imposed by this Plan.

If the Debtor's Plan is confirmed under § 1191(b), confirmation of the Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

**[Discharge if the Debtor is a corporation under Subchapter V]**

If the Debtor's Plan is confirmed under § 1191(a), on the effective date of the Plan, the Debtor will be discharged from any debt that arose before confirmation of this Plan, to the extent specified in § 1141(d)(1)(A) of the Code, except that the Debtor will not be discharged of any debt:

- (i) imposed by this Plan; or
- (ii) to the extent provided in § 1141(d)(6).

If the Debtor's Plan is confirmed under § 1191(b), confirmation of this Plan does not discharge any debt provided for in this Plan until the court grants a discharge on completion of all payments due within the first 3 years of this Plan, or as otherwise provided in § 1192 of the Code. The Debtor will not be discharged from any debt:

- (i) on which the last payment is due after the first 3 years of the plan, or as otherwise provided in § 1192; or
- (ii) excepted from discharge under § 523(a) of the Code, except as provided in Rule 4007(c) of the Federal Rules of Bankruptcy Procedure.

**Article 10: Other Provisions**

[Insert other provisions, as applicable.]

Respectfully submitted,

Debtor Name \_\_\_\_\_

Case number \_\_\_\_\_

**x**

\_\_\_\_\_  
[Signature of the Plan Proponent]

\_\_\_\_\_  
[Printed Name]

**x**

\_\_\_\_\_  
[Signature of the Attorney for the Plan Proponent]

\_\_\_\_\_  
[Printed Name]

### **Committee Note**

The form is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there will generally not be a disclosure statement in subchapter V cases, § 1190 of the Code provides that plans in those cases must include a brief history of the debtor's business operations, a liquidation analysis, and projections of the debtor's ability to make payments under the plan. Those provisions are added to a new Background section of the form with an indication that they are to be included in plans only in subchapter V cases.

Article 3.02 is amended to reflect a special rule for the treatment of administrative expense claims in subchapter V plans that are confirmed non-consensually. See § 1191(e).

Article 9 of the form is amended to include descriptions of the effect of a discharge in a case under subchapter V. The plan proponent is directed to include in the plan the particular provision that is appropriate for the case.

**UNITED STATES BANKRUPTCY COURT  
REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES  
Voluntary Chapter 7 Case**

- ☐ **Filing Fee of \$245.** If the fee is to be paid in installments or the debtor requests a waiver of the fee, the debtor must be an individual and must file a signed application for court approval. Official Form 103A or 103B and Fed.R.Bankr.P. 1006(b), (c).
- ☐ **Administrative fee of \$75 and trustee surcharge of \$15.** If the debtor is an individual and the court grants the debtor's request, these fees are payable in installments or may be waived.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201); **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 707(a)(3). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement About Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122A). Required if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of assets and liabilities** (Official Forms 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b),(c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Your Income and Your Expenses** (Schedules I and J of Official Form 106). If the debtor is an individual, Schedules I and J of Official Form 106 must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of financial affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by the debtor from any employer within 60 days before the filing of the petition. Required if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Intention for Individuals Filing Under Chapter 7** (Official Form 108). Required ONLY if the debtor is an individual and the schedules of assets and liabilities contain debts secured by property of the estate or personal property subject to an unexpired lease. Must be filed within 30 days or by the date set for the Section 341 meeting of creditors, whichever is earlier. 11 U.S.C. §§ 362(h) and 521(a)(2).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030). Required if the debtor is represented by an attorney. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Required if the debtor is an individual, unless the course provider has notified the court that the debtor has completed the course. Must be filed within 60 days of the first date set for the meeting of creditors. 11 U.S.C. § 727(a)(11) and Fed.R.Bankr.P. 1007(b)(7), (c).

## REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

### Voluntary Chapter 11 Case

- ☐ **Filing fee of \$1,167.** If the fee is to be paid in installments, the debtor must be an individual and must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$550.** If the debtor is an individual and the court grants the debtor's request, this fee is payable in installments.
- ☐ **United States Trustee quarterly fee.** The debtor, or trustee if one is appointed, is required also to pay a fee to the United States trustee at the conclusion of each calendar quarter until the case is dismissed or converted to another chapter. The calculation of the amount to be paid is set out in 28 U.S.C. § 1930(a)(6). As authorized by 28 U.S.C. § 1930(a)(7), the quarterly fee is paid to the clerk of court in chapter 11 cases in Alabama and North Carolina.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201); **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 1112(e). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement About Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122B). Required if the debtor is an individual unless the case is filed under subchapter V. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **For Individual Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders** (Official Form 104) or **Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders** (Official Form 204). Must be filed WITH the petition. Fed.R.Bankr.P. 1007(d).
- ☐ **Names and addresses of equity security holders of the debtor.** Must be filed with the petition or within 14 days, unless the court orders otherwise. Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Schedules of Assets and Liabilities** (Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures.** If the debtor is an individual, Schedules I and J of Official Form 106 must be used for this purpose. Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by debtor from any employer within 60 days before the filing of the petition. Required if the debtor is an individual. Must be filed WITH the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Required if the debtor is represented by an attorney. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Required if the debtor is an individual and § 1141(d)(3) applies, unless the course provider has notified the court that the debtor has completed the course. Must be filed no later than the date of the last payment under the plan or the filing of a motion for a discharge under § 1141(d)(5)(B). 11 U.S.C. § 1141(d)(3) and Fed.R.Bankr.P. 1007(b)(7), (c).
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor is an individual and has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350\*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1141(d)(5)(B). 11 U.S.C. § 1141(d)(5)(C) and Fed.R.Bankr.P. 1007(b)(8), (c).

\* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

## REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

### Chapter 12 Case

- ☐ **Filing Fee of \$200.** If the fee is to be paid in installments, the debtor must be an individual and must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$75.** If the debtor is an individual and the court grants the debtor's request, this fee is payable in installments.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101) or **Voluntary Petition for Non-Individuals Filing for Bankruptcy** (Official Form 201). **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the court in a timely manner. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement of Your Social Security Numbers** (Official Form 121). Required if the debtor is an individual. Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Schedules of Assets and Liabilities** (Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106 or 206). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures.** If the debtor is an individual, Schedule I and J of Official Form 106 must be used for this purpose. Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107 or 207). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices** or other evidence of payment received by the debtor from any employer within 60 days before the filing of the petition if the debtor is an individual. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Chapter 12 Plan.** Must be filed within 90 days. 11 U.S.C. § 1221.
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor is an individual and has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350\*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1228(b). 11 U.S.C. § 1228(f) and Fed.R.Bankr.P. 1007(b)(8), (c).

\* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

## REQUIRED LISTS, SCHEDULES, STATEMENTS, AND FEES

### Chapter 13 Case

- ☐ **Filing fee of \$235.** If the fee is to be paid in installments, the debtor must file a signed application for court approval. Official Form 103A and Fed.R.Bankr.P. 1006(b).
- ☐ **Administrative fee of \$75.** If the court grants the debtor's request, this fee is payable in installments.
- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy** (Official Form 101). **Names and addresses of all creditors** of the debtor. Must be filed WITH the petition. Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Notice to Individual Debtor with Primarily Consumer Debts** under 11 U.S.C. § 342(b) (Director's Form 2010), if applicable. Required if the debtor is an individual with primarily consumer debts. The notice must be GIVEN to the debtor before the petition is filed. Certification that the notice has been given must be FILED with the petition or within 15 days. 11 U.S.C. §§ 342(b), 521(a)(1)(B)(iii), 1307(c)(9). Official Form 101 contains spaces for the certification.
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature** (Official Form 119). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(b)(2).
- ☐ **Statement of Social Security Number** (Official Form 121). Must be submitted WITH the petition. Fed.R.Bankr.P. 1007(f).
- ☐ **Credit Counseling Requirement** (Official Form 101); **Certificate of Credit Counseling and Debt Repayment Plan**, if applicable; **Section 109(h)(3) certification or § 109(h)(4) request**, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c).
- ☐ **Statement disclosing compensation paid or to be paid to a "bankruptcy petition preparer"** (Director's Form 2800). Required if a "bankruptcy petition preparer" prepares the petition. Must be submitted WITH the petition. 11 U.S.C. § 110(h)(2).
- ☐ **Statement of Your Current Monthly Income** (Official Form 122C). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007.
- ☐ **Schedules of Assets and Liabilities** (Official Form 106). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedule of Executory Contracts and Unexpired Leases** (Schedule G of Official Form 106). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Schedules of Current Income and Expenditures** (Schedules I and J of Official Form 106). Must be filed with the petition or within 14 days. 11 U.S.C. § 521(1) and Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Statement of Financial Affairs** (Official Form 107). Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Copies of all payment advices or other evidence of payment** received by the debtor from any employer within 60 days before the filing of the petition. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 1007(b), (c).
- ☐ **Chapter 13 Plan.** (Official Form 113), or local form plan (check with your local court for required plan version). Fed.R.Bankr.P. 3015.1. Must be filed with the petition or within 14 days. Fed.R.Bankr.P. 3015.
- ☐ **Statement disclosing compensation paid or to be paid to the attorney** for the debtor (Director's Form 2030), if applicable. Must be filed within 14 days or any other date set by the court. 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b).
- ☐ **Certification About a Financial Management Course** (Official Form 423), if applicable. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1328(b), unless the course provider has notified the court that the debtor has completed the course. 11 U.S.C. § 1328(g)(1) and Fed.R.Bankr.P. 1007(b)(7), (c).
- ☐ **Statement concerning pending proceedings of the kind described in § 522(q)(1)**, if applicable. Required if the debtor has claimed exemptions under state or local law as described in § 522(b)(3) in excess of \$170,350\*. Must be filed no later than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under § 1328(b). 11 U.S.C. § 1328(h) and Fed.R.Bankr.P. 1007(b)(8), (c).

\* Amount subject to adjustment on 4/01/22, and every three years thereafter with respect to cases commenced on or after the date of adjustment.



FILED

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

2020 JAN 24 PM 2: 55

IN RE:

LOCAL RULE 2081-3

U.S. BANKRUPTCY  
DISTRICT OF SOUTH CAROLINA

OPERATING ORDER

20-02

As a result of the enactment of the Small Business Reorganization Act of 2019 and the resulting amendment to the United States Bankruptcy Code, and upon agreement of the Judges of this Court, to facilitate uniformity in the implementation of the changes mandated by the Act, Local Rule 2081-3 (attached hereto), adopting Interim Amendments to Federal Rules of Bankruptcy Procedure 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019 is adopted as a Local Rule of this Court effective February 19, 2020.



David R. Duncan, Chief Judge

Columbia, South Carolina  
January 24, 2020

### **LOCAL RULE 2081-3: INCORPORATION OF SMALL BUSINESS INTERIM BANKRUPTCY RULES**

The Interim Bankruptcy Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019 are effective on February 19, 2020 and are to be read in conjunction with any corresponding Federal Rule.

#### **Notes:**

(2020) This rule is new. These interim bankruptcy rules have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

**INTERIM BANKRUPTCY RULE 1007-II: LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS; TIME LIMITS**

\* \* \* \* \*

**(b) Schedules, Statements, and Other Documents Required.**

\* \* \* \* \*

5. An individual debtor in a chapter 11 case (unless under subchapter V) shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

\* \* \* \* \*

- (h) Interests Acquired or Arising After Petition.** If, as provided by § 541(a)(5) of the Code, the debtor acquires or becomes entitled to acquire any interest in property, the debtor shall within 14 days after the information comes to the debtor's knowledge or within such further time the court may allow, file a supplemental schedule in the chapter 7 liquidation case, chapter 11 reorganization case, chapter 12 family farmer's debt adjustment case, or chapter 13 individual debt adjustment case. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. This duty to file a supplemental schedule continues even after the case is closed, except for property acquired after an order is entered:

1. confirming a chapter 11 plan (other than one confirmed under § 1191(b)); or
2. discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).

\* \* \* \* \*

**INTERIM BANKRUPTCY RULE 1020-I: CHAPTER 11 REORGANIZATION CASE FOR SMALL BUSINESS DEBTORS**

- a. **Small Business Debtor Designation.** In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.
- b. **Objecting to Designation.** The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.
- c. **Procedure for Objection or Determination.** Any objection or request for a determination under this rule shall be governed by Rule 9014 and served on: the debtor; the debtor's attorney; the United States trustee; the trustee; the creditors included on the list filed under Rule 1007(d) or, if a committee has been appointed under § 1102(a)(3), the committee or its authorized agent and any other entity as the court directs.

**INTERIM BANKRUPTCY RULE 2009-I: TRUSTEES FOR ESTATES WHEN JOINT ADMINISTRATION ORDERED**

- a. **Election of Single Trustee for Estates Being Jointly Administered.** If the court orders a joint administration of two or more estates under Rule 1015(b), creditors may elect a single trustee for the estates being jointly administered, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.
- b. **Right of Creditors to Elect Separate Trustee.** Notwithstanding entry of an order for joint administration under Rule 1015(b), the creditors of any debtor may elect a separate trustee for the estate of the debtor as provided in § 702 of the Code, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11.
- c. **Appointment of Trustees for Estates Being Jointly Administered.**

\* \* \* \* \*

- 2. *Chapter 11 Reorganization Cases.* If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

\* \* \* \* \*

**INTERIM BANKRUPTCY RULE 2012-1: SUBSTITUTION OF TRUSTEE OR SUCCESSOR TRUSTEE;  
ACCOUNTING**

- a. **Trustee.** If a trustee is appointed in a chapter 11 case (other than under subchapter V), or the debtor is removed as debtor in possession in a chapter 12 case or in a case under subchapter V of chapter 11, the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter.

\* \* \* \* \*

**INTERIM BANKRUPTCY RULE 2015-I: DUTY TO KEEP RECORDS, MAKE REPORTS, AND GIVE NOTICE OF CASE OR CHANGE OF STATUS**

**a. Trustee or Debtor in Possession.** A trustee or debtor in possession shall:

1. in a chapter 7 liquidation case and, if the court directs, in a chapter 11 reorganization case (other than under subchapter V), file and transmit to the United States trustee a complete inventory of the property of the debtor within 30 days after qualifying as a trustee or debtor in possession, unless such an inventory has already been filed;
2. keep a record of receipts and the disposition of money and property received;
3. file the reports and summaries required by § 704(a)(8) of the Code, which shall include a statement, if payments are made to employees, of the amounts of deductions for all taxes required to be withheld or paid for and in behalf of employees and the place where these amounts are deposited;
4. as soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal or order of the debtor, including every bank, savings or building and loan association, public utility company, and landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case;
5. in a chapter 11 reorganization case (other than under subchapter V), on or before the last day of the month after each calendar quarter during which there is a duty to pay fees under 28 U.S.C. § 1930(a)(6), file and transmit to the United States trustee a statement of any disbursements made during that quarter and of any fees payable under 28 U.S.C. § 1930(a)(6) for that quarter; and
6. in a chapter 11 small business case, unless the court, for cause, sets another reporting interval, file and transmit to the United States trustee for each calendar month after the order for relief, on the appropriate Official Form, the report required by § 308. If the order for relief is within the first 15 days of a calendar month, a report shall be filed for the portion of the month that follows the order for relief. If the order for relief is after the 15th day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month. Each report shall be filed no later than 21 days after the last day of the calendar month following the month covered by the report. The obligation to file reports under this subparagraph terminates on the effective date of the plan, or conversion or dismissal of the case.

- b. Trustee, Debtor in Possession, and Debtor in a Case Under Subchapter V of Chapter 11.** In a case under subchapter V of chapter 11, the debtor in possession shall perform the duties prescribed in (a)(2)–(4) and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the debtor's property within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (b). The debtor shall perform the duties prescribed in (a)(6).

- c. Chapter 12 Trustee and Debtor in Possession.** In a chapter 12 family farmer's debt adjustment case, the debtor in possession shall perform the duties prescribed in clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (c).

**d. Chapter 13 Trustee and Debtor.**

1. **Business Cases.** In a chapter 13 individual's debt adjustment case, when the debtor is engaged in business, the debtor shall perform the duties prescribed by clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court.
  2. **Nonbusiness Cases.** In a chapter 13 individual's debt adjustment case, when the debtor is not engaged in business, the trustee shall perform the duties prescribed by clause (2) of subdivision (a) of this rule.
- e. **Foreign Representative.** In a case in which the court has granted recognition of a foreign proceeding under chapter 15, the foreign representative shall file any notice required under § 1518 of the Code within 14 days after the date when the representative becomes aware of the subsequent information.
- f. **Transmission of Reports.** In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.



**INTERIM BANKRUPTCY RULE 3010-I: SMALL DIVIDENDS AND PAYMENTS IN CASES UNDER CHAPTER 7, SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13**

\* \* \* \* \*

- b. **Cases under Subchapter V of Chapter 11, Chapter 12, and Chapter 13.** In a case under subchapter V of chapter 11, chapter 12, or chapter 13, no payment in an amount less than \$15 shall be distributed by the trustee to any creditor unless authorized by local rule or order of the court. Funds not distributed because of this subdivision shall accumulate and shall be paid whenever the accumulation aggregates \$15. Any funds remaining shall be distributed with the final payment.

**INTERIM BANKRUPTCY RULE 3011-I: UNCLAIMED FUNDS IN CASES UNDER CHAPTER 7,  
SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13**

The trustee shall file a list of all known names and addresses of the entities and the amounts which they are entitled to be paid from remaining property of the estate that is paid into court pursuant to § 347(a) of the Code.

**INTERIM BANKRUPTCY RULE 3014-I: ELECTION UNDER § 1111(B) BY SECURED CREDITOR IN CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASE**

An election of application of § 1111(b)(2) of the Code by a class of secured creditors in a chapter 9 or 11 case may be made at any time prior to the conclusion of the hearing on the disclosure statement or within such later time as the court may fix. If the disclosure statement is conditionally approved pursuant to Rule 3017.1, and a final hearing on the disclosure statement is not held, the election of application of § 1111(b)(2) may be made not later than the date fixed pursuant to Rule 3017.1(a)(2) or another date the court may fix. In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, the election may be made not later than a date the court may fix. The election shall be in writing and signed unless made at the hearing on the disclosure statement. The election, if made by the majorities required by § 111(b)(1)(A)(i), shall be binding on all members of the class with respect to the plan.

**INTERIM BANKRUPTCY RULE 3016-I: FILING OF PLAN AND DISCLOSURE STATEMENT IN A  
CHAPTER 9 MUNICIPALITY OR CHAPTER 11 REORGANIZATION CASE**

- a. Identification of Plan.** Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.
- b. Disclosure Statement.** In a chapter 9 or 11 case, a disclosure statement, if required under § 1125 of the Code, or evidence showing compliance with § 1126(b) shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under § 1125(f)(1). If the plan is intended to provide adequate information under § 1125(f)(1), it shall be so designated, and Rule 3017.1 shall apply as if the plan is a disclosure statement.

\* \* \* \* \*

- d. Standard Form Small Business Disclosure Statement and Plan.** In a small business case or a case under subchapter V of chapter 11, the court may approve a disclosure statement and may confirm a plan that conform substantially to the appropriate Official Forms or other standard forms approved by the court.

**INTERIM BANKRUPTCY RULE 3017.1-I: COURT CONSIDERATION OF DISCLOSURE STATEMENT  
IN A SMALL BUSINESS CASE OR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11**

- a. **Conditional Approval of Disclosure Statement.** In a small business case or in a case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement filed in accordance with Rule 3016. On or before conditional approval of the disclosure statement, the court shall:
1. fix a time within which the holders of claims and interests may accept or reject the plan;
  2. fix a time for filing objections to the disclosure statement;
  3. fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and
  4. fix a date for the hearing on confirmation.

\* \* \* \* \*

**INTERIM BANKRUPTCY RULE 3017.2-1: FIXING OF DATES BY THE COURT IN SUBCHAPTER V  
CASES IN WHICH THERE IS NO DISCLOSURE STATEMENT**

In a case under subchapter V of chapter 11 in which § 1125 does not apply, the court shall:

- a. fix a time within which the holders of claims and interests may accept or reject the plan;
- b. fix a date on which an equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;
- c. fix a date for the hearing on confirmation; and
- d. fix a date for transmission of the plan, notice of the time within which the holders of claims and interests may accept or reject the plan, and notice of the date for the hearing on confirmation.

**INTERIM BANKRUPTCY RULE 3018-1: ACCEPTANCE OR REJECTION OF PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE**

- a. **Entities Entitled to Accept or Reject Plan; Time for Acceptance or Rejection.** A plan may be accepted or rejected in accordance with § 1126 of the Code within the time fixed by the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject to subdivision (b) of this rule, an equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court under Rule 3017.2, or fixed for cause after notice and a hearing. For cause shown, the court after notice and hearing may permit a creditor or equity security holder to change or withdraw an acceptance or rejection. Notwithstanding objection to a claim or interest, the court after notice and hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.

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**INTERIM BANKRUPTCY RULE 3019-I: MODIFICATION OF ACCEPTED PLAN IN A CHAPTER 9 MUNICIPALITY OR A CHAPTER 11 REORGANIZATION CASE**

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- b. **Modification of Plan After Confirmation in Individual Debtor Case.** If the debtor is an individual, a request to modify the plan under § 1127(e) of the Code is governed by Rule 9014. The request 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 to file 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, together with a copy of the proposed modification. Any objection to the proposed modification shall be filed and served on the debtor, the proponent of the modification, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee.
- c. **Modification of Plan After Confirmation in a Subchapter V Case.** In a case under subchapter V of chapter 11, a request to modify the plan under § 1193(b) or (c) of the Code is governed by Rule 9014, and the provisions of this Rule 3019(b) apply.



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

[ABC, LLC],

Debtor.

CHAPTER 11

CASE NO: 20-00000-DD

ORDER SETTING STATUS CONFERENCE  
AND DEADLINES

This is a case under subchapter V of chapter 11 of the Bankruptcy Code. The Court sets a status conference and the following deadlines to govern in the case.

1. The Court will hold a status conference on [Date] at [Time] at the United States Bankruptcy Court, [Location].

2. The record date for an equity security holder or creditor whose claim is based on a security is the seventieth (70th) day after the petition date for purposes of eligibility to accept or reject the plan.

3. Proofs of claim or interest of nongovernmental entities required or permitted to be filed under Fed. R. Bankr. P. 3003(c) must be filed not later than seventy (70) days after the petition date, and proofs of claim or interest of governmental entities must be filed not later than one hundred eighty (180) days after the petition date.

4. Any secured creditor making an election under 11 U.S.C. § 1111(b)(2) shall do so not later than five (5) days prior to the status conference date set forth above by filing the election on the docket and providing notice of the election to the debtor.

AND IT IS SO ORDERED.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

[ABC, LLC],

Debtor(s).

CHAPTER 11

CASE NO: 20-0000-DD

Order Setting Confirmation Hearing  
and Related Deadlines

A Plan under subchapter V of chapter 11 of the Bankruptcy Code was filed by [ABC, LLC] on [Date] as amended on [Date].

THEREFORE, IT IS ORDERED, and notice is hereby given, that:

A. The Court will convene a hearing to consider confirmation of the Plan on [date] at [time] at the United States Bankruptcy Court, [Location].

B. Within five (5) days after the entry of this Order, the Plan or a summary thereof approved by the Court, and a ballot conforming to *Ballot for Accepting or Rejecting Plan of Reorganization* (Official Form 314) shall be mailed by the debtor to creditors, equity security holders, and other parties in interest, and shall be transmitted to the United States trustee, as provided in Fed. R. Bankr. P. 3017(d). The debtor shall identify the applicable class of each creditor, equity security holder, or other party in interest on the ballot prior to mailing the ballot to the same.

C. On or before [Date], all creditors and other parties in interest entitled to vote on the Plan shall file their written acceptance or rejection of the Plan referred to above. Ballots must be either filed electronically or mailed to the Court at 1100 Laurel Street, Columbia, SC 29201. A copy of each ballot should also be served upon the attorney for the debtor at the address listed below.

D. On or before [Date], any creditor or party in interest that wishes to object to confirmation of the Plan must file and serve the objection. Any objections to the confirmation of the Plan must be in writing, filed with the Court, and served upon the attorney for the debtor, whose address is listed below. All parties filing objections must comply with Fed. R. Bankr. P. 3020(b)(1) and South Carolina Local Bankruptcy Rule 9014-1. Any party failing to comply with Fed. R. Bankr. P. 3020(b)(1) or Local Rule 9014-1 may be denied the opportunity to appear and be heard.

The Court may, for cause shown, at the confirmation hearing extend the time for filing acceptances or rejections of the Plan or permit a creditor or equity security holder to

change or withdraw an acceptance or rejection of the Plan.

The confirmation hearing may be adjourned from time to time without further notice to creditors or other parties in interest by an announcement of such adjournment at the hearing.

IT IS SO ORDERED.

Name and Address for the Attorney for Debtor:

DRAFT

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

[ABC, LLC],

Debtor(s).

CHAPTER 11

CASE NO: 20-0000

ORDER CONFIRMING PLAN UNDER 11  
U.S.C. § 1191(A)

The plan under subchapter V of chapter 11 of the Bankruptcy Code filed by the debtor(s) on [Date] and addendums/amendments filed on [Date], or a summary thereof, having been transmitted to the creditors and equity security holders, and

It having been determined, after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1191(a) have been satisfied,

**IT IS ORDERED** that:

The plan filed by the debtor(s), on [Date], with addendums/amendments filed on [Date] is confirmed pursuant to 11 U.S.C. § 1191(a).

IT IS FURTHER ORDERED that the debtor(s):

(1) file with the Court, pursuant to Fed. R. Bankr. P. 2015(a) and SC LBR 2015-3, until the case is closed, monthly operating reports in a form approved by the United States trustee. The reports must include any action taken toward consummation of the plan; and

(2) file, within 90 days after the entry of this Order:

- (a) an application for final decree;
- (b) a report of substantial consummation (no later than 14 days following the actual substantial consummation of the plan);
- (c) a final report;
- (d) objections to proofs of claim or interests against the debtor's(s') estate; and
- (e) any modifications to the plan, provided, the plan has not been substantially consummated.

Any motion requesting an extension of the 90-day period must be filed before this period expires.

The trustee is authorized and directed to disburse any funds on hand in accordance with the terms of the confirmed plan.

The debtor(s) is hereby discharged from debts as provided in 11 U.S.C. §§ 1141(d) and 1181.

**AND IT IS SO ORDERED.**

DRAFT

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

[ABC, LLC],

Debtor(s).

CHAPTER 11

CASE NO: 20-0000

ORDER CONFIRMING PLAN UNDER 11  
U.S.C. § 1191(B)

The plan under subchapter V of chapter 11 of the Bankruptcy Code filed by the debtor(s) on [Date] and addendums/amendments filed on [Date], or a summary thereof, having been transmitted to the creditors and equity security holders, and

It having been determined, after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1191(b) have been satisfied,

**IT IS ORDERED** that:

The plan filed by the debtor(s), on [Date], with addendums/amendments filed on [Date] is confirmed pursuant to 11 U.S.C. § 1191(b).

IT IS FURTHER ORDERED that the debtor(s):

(1) file with the Court, pursuant to Fed. R. Bankr. P. 2015(a) and SC LBR 2015-3, until the case is closed, monthly operating reports in a form approved by the United States trustee. The reports must include any action taken toward consummation of the plan; and

(2) make timely payments to the trustee as required by the confirmed plan.

The trustee is authorized and directed to disburse any funds on hand in accordance with the terms of the confirmed plan.

Upon completion of plan payments, the trustee shall submit a final report and final account to the United States trustee. Following review by the United States trustee, the trustee shall file the final report and account with the Court.

Upon completion of plan payments, to obtain a discharge under 11 U.S.C. § 1192, the debtor(s) shall file a Notice of Completion of Plan Payments and Request for Discharge with the Court.

**AND IT IS SO ORDERED.**