

# QUICK REFERENCE GUIDE TO 2017 CHANGES TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE AFFECTING CHAPTER 13 CASES

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*This Quick Reference Guide is a summary of certain changes to the Federal Rules of Bankruptcy Procedure to be effective December 1, 2017. It is based on my present interpretation of the proposed Rules. I might be wrong; I might change my mind. Therefore, read the Rules and Official Comments; conduct your own research; and formulate your own conclusions. Do not rely solely on this guide.*

<u>What:</u>	<u>Where:</u>	<u>How:</u>	<u>When:</u>	<u>Service:</u>	<u>Comments:</u>
Proof of claim by secured creditor or unsecured creditor, other than governmental units and other existing exceptions	Rule 3002(a) and (c)	Proof of claim	In a chapter 13 case, 70 days after: <ul style="list-style-type: none"> <li>Petition date (order for relief); or</li> <li>Date of the order of conversion to chapter 13.</li> </ul> <p>No change in bar date for governmental units.</p>		Creditor, including a secured creditor, must file proof of claim to have an allowed claim. Bar date applies to secured creditors.  “A lien that secures a claim against the debtor is not void due only to the failure of any entity to file a proof of claim.”
Proof of claim by holder of a claim that is secured by a security interest in the debtor’s principal residence	Rule 3002(c)(7)	Proof of claim & attachments	In a chapter 13 case, <ul style="list-style-type: none"> <li>70 days after order for relief to file proof of claim and attachments required under Rule 3001(c)(2)(C); and</li> <li>120 days after order for relief to file attachments required by Rule 3001(c)(1) and (d) as a supplement to claim.</li> </ul>		The Rule 3001(c)(2)(C) attachment is Mortgage Proof of Claim Attachment Form B410A and an escrow statement if applicable.  Rule 3001(c)(1) requires a copy of the “writing” on which the claim is based. Rule 3001(d) requires proof of perfection.

<b><u>What:</u></b>	<b><u>Where:</u></b>	<b><u>How:</u></b>	<b><u>When:</u></b>	<b><u>Service:</u></b>	<b><u>Comments:</u></b>
Proof of claim by creditor with insufficient notice of deadline for filing claims	Rule 3002(c)(6)	Motion to extend time for filing proof of claim, which must be granted before claim is filed.	Motion may be filed before or after bar date. Claim must be filed within 60 days after order is entered granting motion for extension of time to file claim.	Serve motion per Rule 7004 via Rule 9014.	Extension allowed if notice was insufficient to give creditor time to file claim: <ul style="list-style-type: none"> <li>• “because the debtor failed to timely file the list of creditors’ names and addresses required by Rule 1007(a)”;</li> <li>• notice was mailed to creditor at foreign address.</li> </ul>
Objection to claim	Rule 3007(a)	<ul style="list-style-type: none"> <li>• Objection; and</li> <li>• a Notice of Objection (Official Form)</li> </ul>	Serve at least 30 days before: <ul style="list-style-type: none"> <li>• any scheduled hearing on the objection, or</li> <li>• any deadline for claimant to request hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Serve claimant by first-class mail to notice address in POC; and</li> <li>• If claimant is U.S. or U.S. officer or agency, serve per 7004(b)(4) or (5);</li> <li>• If claimant is insured depository institution, serve per 7004(h); and</li> <li>• Serve debtor, trustee, (and if applicable a codebtor who filed claim under Rule 3005) by first class mail “or other permitted means.”</li> </ul>	<p>For service on U.S., mail copy to:</p> <ul style="list-style-type: none"> <li>• civil process clerk at U.S. Attorney for district;</li> <li>• U.S. Attorney General at Washington DC;</li> <li>• Affected agency or officer; and</li> <li>• If agency is a corporation, to the attention of an officer or agent authorized to accept service of process.</li> </ul> <p>For service on insured depository institution: send by certified mail addressed to an officer (with exceptions).</p>

<b><u>What:</u></b>	<b><u>Where:</u></b>	<b><u>How:</u></b>	<b><u>When:</u></b>	<b><u>Service:</u></b>	<b><u>Comments:</u></b>
Determining amount of secured claim under § 506(a) – claims of nongovernmental units	Rule 3012(a) and (b)	<ul style="list-style-type: none"> <li>• Motion;</li> <li>• Objection to claim; or</li> <li>• In plan.</li> </ul> <p>But not by adversary proceeding (Rule 7001(2)).</p>	<p>If by motion, give at least 7 days’ notice per Rule 9006(d) or notice required by local rules.</p> <p>If by objection to claim, give 30 days’ notice per Rule 3007.</p> <p>If in plan, creditor gets 21 days’ notice of deadline to object to confirmation and 28 days’ notice of confirmation hearing per Rule 2002.</p>	<ul style="list-style-type: none"> <li>• If by motion, serve per Rule 7004 via Rule 9014.</li> <li>• If by objection to claim, serve per Rule 3007 (see above).</li> <li>• If by plan, serve holder of claim and any other entity the court designates, per Rule 7004 via Rule 3012(b).</li> </ul>	<p>Upon confirmation, “any determination in the plan made under Rule 3012 about the amount of a secured claim is binding on the holder of the claim . . . .”</p> <p>Notice requirements for plans amended before confirmation – determined by local rules.</p>
Determining amount of secured claim under 506(a) – claims of governmental units	Rule 3012(a) and (c)	<ul style="list-style-type: none"> <li>• Motion; or</li> <li>• Objection to claim.</li> </ul>	<p>File after:</p> <ul style="list-style-type: none"> <li>• Governmental unit files claim or</li> <li>• Time for filing claim under Rule 3002(c)(1) has expired.</li> </ul> <p>If by motion, give at least 7 days’ notice per Rule 9006(d) or notice required by local rules.</p> <p>If by objection to claim, give 30 days’ notice per Rule 3007.</p>	<ul style="list-style-type: none"> <li>• If by motion, serve per Rule 7004 via Rule 9014.</li> <li>• If by objection to claim, serve per Rule 3007 (see above).</li> </ul>	<p>Claims bar date in Rule 3002(c)(1) for governmental units is not changed.</p> <p>Amount of secured claim of governmental units cannot be determined in the plan.</p> <p>If governmental unit does not timely file claim under Rule 3002(c)(1) and debtor files claim under Rule 3004, does debtor also have to file motion or objection to its own claim to determine secured amount?</p>

<b><u>What:</u></b>	<b><u>Where:</u></b>	<b><u>How:</u></b>	<b><u>When:</u></b>	<b><u>Service:</u></b>	<b><u>Comments:</u></b>
Determining amount of any claim entitled to priority	Rule 3012(a) and (b)	<ul style="list-style-type: none"> <li>• Motion; or</li> <li>• Objection to claim.</li> </ul>	<ul style="list-style-type: none"> <li>• File motion after a claim is filed; or</li> <li>• File a claim objection (presumably after claim is filed).</li> </ul> <p>If by motion, give at least 7 days' notice per Rule 9006(d) or notice required by local rules.</p> <p>If by objection to claim, give 30 days' notice per Rule 3007.</p>	<ul style="list-style-type: none"> <li>• If by motion, serve per Rule 7004 via Rule 9014.</li> <li>• If by objection to claim, serve per Rule 3007 (discussed above).</li> </ul>	Amount of claim entitled to priority cannot be determined in the plan.
Objection to confirmation	Rule 3015(f)	Objection	File objection at least 7 days before the date set for hearing on confirmation unless court orders otherwise.	Serve per Rule 7004 via Rule 9014.	<p>Creditors are to get:</p> <ul style="list-style-type: none"> <li>• 21 days' notice of the deadline for filing objections to confirmation (Rule 2002(a)(9)); and</li> <li>• 28 days' notice of the confirmation hearing (Rule 2002(b)(3)).</li> </ul> <p>Notice requirements for plans amended before confirmation – determined by local rules.</p>

<b><u>What:</u></b>	<b><u>Where:</u></b>	<b><u>How:</u></b>	<b><u>When:</u></b>	<b><u>Service:</u></b>	<b><u>Comments:</u></b>
Avoid a lien or other transfer of exempt property under § 522(f)	Rule 4003(d)	<ul style="list-style-type: none"> <li>• Motion; or</li> <li>• In plan.</li> </ul> <p>But not by adversary proceeding (Rule 7001(2)) (no change).</p>	<p>If by motion, give at least 7 days' notice per Rule 9006(d) or notice required by local rules.</p> <p>If in plan, creditor gets 21 days' notice of deadline to object to confirmation and 28 days' notice of confirmation hearing per Rule 2002.</p>	<ul style="list-style-type: none"> <li>• If by motion, serve per Rule 7004 via 9014.</li> <li>• If in plan, serve affected creditor per Rule 7004 via Rule 4003(d).</li> </ul>	
Request for order declaring lien satisfied	Rule 5009(d)	Debtor may request by motion an order declaring that "secured claim has been satisfied and the lien has been released under the terms of a confirmed plan."	Likely file motion at time a case is being closed, but rule does not prohibit request at another time.	Service on claim holder per Rule 7004.	New.

# Official Bankruptcy Forms –

[www.uscourts.gov/services-forms/forms](http://www.uscourts.gov/services-forms/forms)

Form Number	Form Name	Category
B 25A	Plan of Reorganization in Small Business Case under Chapter 11	Small Business Forms
B 25B	Disclosure Statement in Small Business Case under Chapter 11	Small Business Forms
B 25C	Small Business Monthly Operating Report	Small Business Forms
B 26	Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest	Bankruptcy Forms
B 101	Voluntary Petition for Individuals Filing for Bankruptcy	Individual Debtors
B 101A	Initial Statement About an Eviction Judgment Against You (individuals)	Bankruptcy Forms
B 101B	Statement About Payment of an Eviction Judgment Against You (individuals)	Bankruptcy Forms
B 103A	Application for Individuals to Pay the Filing Fee in Installments	Individual Debtors
B 103B	Application to Have the Chapter 7 Filing Fee Waived	Individual Debtors

B 104	For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders	Individual Debtors
B 105	Involuntary Petition Against an Individual	Individual Debtors
B 106 Declaration	Declaration About an Individual Debtor's Schedules	Individual Debtors
B 106 Summary	A Summary of Your Assets and Liabilities and Certain Statistical Information (individuals)	Individual Debtors
B 106A/B	Schedule A/B: Property (individuals)	Individual Debtors
B 106C	Schedule C: The Property You Claim as Exempt (individuals)	Individual Debtors
B 106D	Schedule D: Creditors Who Hold Claims Secured By Property (individuals)	Individual Debtors
B 106E/F	Schedule E/F: Creditors Who Have Unsecured Claims (individuals)	Individual Debtors
B 106G	Schedule G: Executory Contracts and Unexpired Leases (individuals)	Individual Debtors
B 106H	Schedule H: Your Codebtors (individuals)	Individual Debtors
B 106I	Schedule I: Your Income (individuals)	Individual Debtors
B 106J	Schedule J: Your Expenses (individuals)	Individual Debtors

B 106J-2	Schedule J-2: Expenses for Separate Household of Debtor 2 (individuals)	Individual Debtors
B 107	Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (individuals)	Individual Debtors
B 108	Statement of Intention for Individuals Filing Under Chapter 7	Individual Debtors
B 119	Bankruptcy Petition Preparer's Notice, Declaration and Signature	Bankruptcy Forms
B 121	Your Statement About Your Social Security Numbers	Bankruptcy Forms
B 122A-1	Chapter 7 Statement of Your Current Monthly Income	Means Test Forms
B 122A-1Supp	Statement of Exemption from Presumption of Abuse Under §707(b)(2)	Means Test Forms
B 122A-2	Chapter 7 Means Test Calculation	Means Test Forms
B 122B	Chapter 11 Statement of Your Current Monthly Income	Means Test Forms
B 122C-1	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period	Means Test Forms
B 122C-2	Chapter 13 Calculation of Your Disposable Income	Means Test Forms
B 201	Voluntary Petition for Non-Individuals Filing for Bankruptcy	Non-Individual Debtors
B 201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11	Bankruptcy Forms



B 202	Declaration Under Penalty of Perjury for Non-Individual Debtors	Bankruptcy Forms
B 204	For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders (non-individuals)	Non-Individual Debtors
B 205	Involuntary Petition Against a Non-Individual	Non-Individual Debtors
B 206 Summary	A Summary of Your Assets and Liabilities (non-individuals)	Non-Individual Debtors
B 206A/B	Schedule A/B: Property (non-individuals)	Non-Individual Debtors
B 206D	Schedule D: Creditors Who Hold Claims Secured By Property (non-individuals)	Non-Individual Debtors
B 206E/F	Schedule E/F: Creditors Who Have Unsecured Claims (non-individuals)	Non-Individual Debtors
B 206G	Schedule G: Executory Contracts and Unexpired Leases (non-individuals)	Non-Individual Debtors
B 206H	Schedule H: Your Codebtors (non-individuals)	Non-Individual Debtors
B 207	Statement of Your Financial Affairs (non-individuals)	Non-Individual Debtors
B 309A	Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline (For Individuals or Joint Debtors)	Meeting of Creditors Notices
B 309B	Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set (For Individuals or Joint Debtors)	Meeting of Creditors Notices

B 309C	Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline Set (For Corporations or Partnerships)	Meeting of Creditors Notices
B 309D	Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set (For Corporations or Partnerships)	Meeting of Creditors Notices
B 309E	Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors)	Meeting of Creditors Notices
B 309F	Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships)	Meeting of Creditors Notices
B 309G	Notice of Chapter 12 Bankruptcy Case (For Individuals or Joint Debtors)	Meeting of Creditors Notices
B 309H	Notice of Chapter 12 Bankruptcy Case (For Corporations or Partnerships)	Meeting of Creditors Notices
B 309I	Notice of Chapter 13 Bankruptcy Case	Meeting of Creditors Notices
B 312	Order and Notice for Hearing on Disclosure Statement	Bankruptcy Forms
B 313	Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof	Bankruptcy Forms
B 314	Ballot for Accepting or Rejecting Plan	Bankruptcy Forms
B 315	Order Confirming Plan	Bankruptcy Forms
B 318	Discharge of Debtor in a Chapter 7 Case	Bankruptcy Forms

B 401	Petition for Recognition of Foreign Proceeding	Bankruptcy Forms
B 410	Proof Of Claim	Bankruptcy Forms
B 410A	Proof Of Claim, Attachment A	Bankruptcy Forms
B 410S-1	Proof Of Claim, Supplement 1	Bankruptcy Forms
B 410S-2	Proof Of Claim, Supplement 2	Bankruptcy Forms
B 416A	Caption	Bankruptcy Forms
B 416B	Caption (Short Title)	Bankruptcy Forms
B 416D	Caption for Use in Adversary Proceeding other than for a Complaint Filed by a Debtor	Bankruptcy Forms
B 417A	Notice Of Appeal And Statement Of Election	Appellate Forms
B 417B	Optional Appellee Statement Of Election To Proceed In District Court	Appellate Forms
B 417C	Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)	Appellate Forms
B 420A	Notice of Motion or Objection	Bankruptcy Forms
B 420B	Notice of Objection to Claim	Bankruptcy Forms

B 423	Certification About a Financial Management Course	Bankruptcy Forms
B 424	Certification to Court of Appeals	Appellate Forms
B 427	Cover Sheet for Reaffirmation Agreement	Bankruptcy Forms
B 1040	Adversary Proceeding Cover Sheet	Bankruptcy Forms
B 1310	Exemplification Certificate	Bankruptcy Forms
B 1320	Application For Search of Bankruptcy Records	Bankruptcy Forms
B 1330	Claims Register	Bankruptcy Forms
B 2000	Required Lists, Schedules, Statements, and Fees	Bankruptcy Forms
B 2010	Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy	Bankruptcy Forms
B 2020	Statement of Military Service	Bankruptcy Forms
B 2030	Disclosure of Compensation of Attorney For Debtor	Bankruptcy Forms
B 2040	Notice of Need to File Proof of Claim Due to Recovery of Assets	Bankruptcy Forms
B 2050	Notice to Creditors and Other Parties in Interest	Bankruptcy Forms

B 2060	Certificate of Commencement of Case	Bankruptcy Forms
B 2070	Certificate of Retention of Debtor in Possession	Bankruptcy Forms
B 2100A	Transfer of Claim Other Than For Security	Bankruptcy Forms
B 2100B	Notice of Transfer of Claim Other Than for Security	Bankruptcy Forms
B 2300A	Order Confirming Chapter 12 Plan	Bankruptcy Forms
B 2300B	Order Confirming Chapter 13 Plan	Bankruptcy Forms
B 2310A	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 12 Plan	Bankruptcy Forms
B 2310B	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan	Bankruptcy Forms
B 2400A	Reaffirmation Documents	Bankruptcy Forms
B 2400A/B ALT	Reaffirmation Agreement	Bankruptcy Forms
B 2400B	Motion For Approval of Reaffirmation Agreement	Bankruptcy Forms
B 2400C	Order on Reaffirmation Agreement	Bankruptcy Forms
B 2400C ALT	Order on Reaffirmation Agreement (Alt.)	Bankruptcy Forms

B 2500A	Summons in an Adversary Proceeding	Bankruptcy Forms
B 2500B	Summons and Notice of Pretrial Conference in an Adversary Proceeding	Bankruptcy Forms
B 2500C	Summons and Notice of Trial in an Adversary Proceeding	Bankruptcy Forms
B 2500D	Third-Party Summons	Bankruptcy Forms
B 2500E	Summons to Debtor in Involuntary Case	Bankruptcy Forms
B 2500F	Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding	Bankruptcy Forms
B 2530	Order For Relief in an Involuntary Case	Bankruptcy Forms
B 2540	Subpoena For Rule 2004 Examination	Bankruptcy Forms
B 2550	Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case (or Adversary Proceeding)	Bankruptcy Forms
B 2560	Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)	Bankruptcy Forms
B 2570	Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding)	Bankruptcy Forms
B 2600	Entry of Default	Bankruptcy Forms

B 2610A	Judgment by Default - Clerk	Bankruptcy Forms
B 2610B	Judgment by Default - Judge	Bankruptcy Forms
B 2610C	Judgment in an Adversary Proceeding	Bankruptcy Forms
B 2620	Notice of Entry of Judgment	Bankruptcy Forms
B 2630	Bill of Costs	Bankruptcy Forms
B 2640	Writ of Execution to the United State Marshal	Bankruptcy Forms
B 2650	Certification of Judgment for Registration in Another District	Bankruptcy Forms
B 2700	Notice of Filing of Final Report of Trustee	Bankruptcy Forms
B 2710	Final Decree	Bankruptcy Forms
B 2800	Disclosure of Compensation of Bankruptcy Petition Preparer	Bankruptcy Forms
B 2810	Appearance of Child Support Creditor or Representative	Bankruptcy Forms
B 2830	Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)	Bankruptcy Forms
B 3130S	Order Conditionally Approving Disclosure Statement	Bankruptcy Forms

B 3150S	Order Approving Disclosure Statement and Confirming Plan	Bankruptcy Forms
B 3180F	Chapter 12 Discharge	Bankruptcy Forms
B 3180FH	Chapter 12 Hardship Discharge	Bankruptcy Forms
B 3180RI	Individual Chapter 11 Discharge	Bankruptcy Forms
B 3180W	Chapter 13 Discharge	Bankruptcy Forms
B 3180WH	Chapter 13 Hardship Discharge	Bankruptcy Forms
B 4011A	General Power of Attorney	Bankruptcy Forms
B 4011B	Special Power of Attorney	Bankruptcy Forms
B 4100N	Notice of Final Cure Payment	Bankruptcy Forms
B 4100R	Response to Notice of Final Cure Payment	Bankruptcy Forms