

**OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

**Summary of Amendments to the Federal Rules of Bankruptcy Procedure
and Official Bankruptcy Forms Effective December 1, 2009**

- ❖ **Bankruptcy Rule 4008 - *Filing of Reaffirmation Agreement*.** Requires an entity filing a reaffirmation agreement to file a cover sheet that includes sufficient information for the court to determine whether the proposed reaffirmation agreement is presumed to be an undue hardship for the debtor under § 524(m) of the Bankruptcy Code.
- ❖ **Bankruptcy Rule 7052 - *Findings By the Court*, Bankruptcy Rule 9021 - *Entry of Judgment*, and Bankruptcy Rule 7058 - *Entering Judgment in Adversary Proceeding*.** Conform the Bankruptcy Rules to the “separate judgment rule” of Civil Rule 58. Under the these rules, the separate document requirement applies only to judgments in an adversary proceeding. It does not apply to judgments or orders in other actions, including contested matters.
- ❖ **Bankruptcy Rule 9015 - *Jury Trials*, and Bankruptcy Rule 9023 - *New Trials; Amendment of Judgments*.** Set a 14 day deadline to file certain post-judgment motions, which is different from the 28 day deadline in the Civil Rules that would otherwise apply in a bankruptcy case.
- ❖ **Bankruptcy Rule 9006 - *Computing and Extending Time*.** Adopts the “days are days” approach to computing all time periods in the Bankruptcy Rules, local rules, court orders and statutes that do not specify a method for computing time, by counting intermediate weekend days and holidays regardless of the length of the specified period. If a period ends on a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday. Most periods shorter than 30 days are changed to multiples of 7 days (7, 14, 12, or 28 days) so that deadlines will usually fall on weekdays.
- ❖ **Time Computation Related Amendments.** To implement changes in connection with the amendment to Rule 9006 and the manner by which time is computed, deadlines in 39 bankruptcy rules will be amended to substitute deadlines that are multiples of seven days, effective December 1, 2009. As a result of these time computation related amendments, the various deadlines in these 39 rules will change as follows:
 - ▶ 5 day periods are extended to 7 days in Bankruptcy Rules 2006, 2007, 2008, 2015.3, 6004, 9006, and 9027;
 - ▶ 10 day periods are extended to 14 days in Rules 1007, 2003, 2015.1, 2015.2, 2016, 3020, 4001, 6004, 6006, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9027, and 9033;
 - ▶ 15 day periods are reduced to 14 days in Rules 1007, 1019, 1020, 2015, 2015.1, 2016, 3015, 4001, 4002, 6004, 6007, and 8009;
 - ▶ 20 day periods are extended to 21 days in Rules 1011, 2002, 2003, 2007.2, 2015, 2015.3, 3001, 3015, 3019, 6003, 7012, 8002, 9027, and 9033; and
 - ▶ 25 day periods are extended to 28 days in Rules 2002, 3017, and 4004.

- ❖ **Official Form 1, Exhibit D - *Individual Debtor's Statement of Compliance With Credit Counseling Requirement***. Statement 3 of amended Exhibit D reflects the new seven day window for the exigent circumstances exception to the pre-filing credit counseling requirement effective December 1, 2009. Statement 2 of the amended form reflects the change, effective December 1, 2009, of the deadline to file a copy of a certificate and debt repayment plan (if any) from the credit counseling agency from 15 days to 14 days.
- ❖ **New Official Form 27 - *Reaffirmation Agreement Cover Sheet***. Implements the December 1, 2009 amendment to Bankruptcy Rule 4008. The form requires the disclosure of financial information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship for the debtor under § 524(m) of the Bankruptcy Code.

This summary is provided for informational purposes only and is not an exhaustive list of the changes to be implemented. For additional information, including the full text of the Rules effective December 1, 2009, please visit the U.S. Court's Federal Rulemaking website at:

<http://www.uscourts.gov/rules/newrules6.htm#proposed0709>