

## **December 1, 2012 Rules and Forms Amendments and November 21, 2012 Forms Changes**

### Rules Amendments

Proposed amendments to Bankruptcy Rules 1007, 2015, 3001, 7054, and 7056 have been approved by the Judicial Conference and the Supreme Court, and, unless Congress acts to the contrary, will become effective December 1, 2012.

The amendments to Rules 1007 and 2015 are technical. The amendments conform Rule 1007(c) to the amendment to Rule 1007(a)(2) in 2011 and Rule 2015 to the renumbering of section 704(a)(8) of the Bankruptcy Code in 2005.

New Rule 3001(c)(3) would provide additional information on claims based on an open-end or revolving consumer credit agreement, such as claims for credit card debts. The creditor would be required to file a statement that provides the name of the entity from whom the creditor purchased the account; the name of the entity to whom the debt was owed at the time of the account holder's last transaction; the date of the account holder's last transaction; the date of the last payment on the account; and the charge-off date.

As amended, Rule 7054 would increase the time for a party to respond to the prevailing party's bill of costs in an adversary proceeding from 1 day to 14 days, and extend the time for seeking court review of the costs taxed by the clerk from 5 days to 7 days.

The proposed amendment to Rule 7056 would set a new default deadline for filing a summary judgment motion. The current rule incorporates Civil Rule 56, which sets the default deadline at 30 days after the close of discovery. Because hearings in bankruptcy cases sometimes occur shortly after the close of discovery, the new default deadline would be 30 days before the initial date set for an evidentiary hearing.

Word and PDF documents showing the amendments incorporated into clean versions of the rules can be found on the judiciary's [Pending Rules Amendments page](#) under the heading "Amendments Adopted by the Supreme Court – Pending Congressional Review."

In addition, Interim Bankruptcy Rule 1007-I will be amended effective December 1 to conform to the proposed deletion of the reference to Rule 1007(a)(2) in Rule 1007(c). The Interim Rule implements the temporary exclusion from the bankruptcy means test provided in the National Guard and Reservists Debt Relief Act of 2008, Public Law No. 110-438, as amended, for certain Reservists and members of the National Guard.

### Forms Amendments

At its September 2012 meeting, the Judicial Conference approved a recommendation from the Committee on Rules of Practice and Procedure to amend Official Forms 7, 9A - 9I, 10, and 21. They will become effective December 1, 2012.

The amendment to Official Form 7 makes the form's definition of an insider consistent with the definition in the Bankruptcy Code.

Official Form 10 is amended to eliminate a reference to filing a power of attorney and to include statements about the attachment of required documentation for certain types of claims. In the case of claims secured by the debtor's principal residence, the form states that the Mortgage Proof of Claim Attachment is being filed with the claim. For claims based on an open-end or revolving consumer credit agreement, the form states that the information required by new Rule 3001(c)(3)(A), which also is scheduled to take effect on December 1, is attached.

The Judicial Conference also approved the Committee's proposals to add privacy warnings to Bankruptcy Official Form 9, the meeting of creditors notices, and Official Form 21, the debtor's Statement of Social Security Number.

The December 1, 2012 forms are posted on the judiciary's [Bankruptcy Forms Pending Changes page](#).

#### November 21, 2012 Forms Changes

Director's Procedural Forms 200 (Required Lists, Schedules, Statements and Fees) and 201A (Notice to Individual Consumer Debtor) will be amended effective November 21, 2012. The forms will be amended to conform to the \$167 increase in the chapter 11 filing fee provided in the Temporary Bankruptcy Judgeships Extension Act of 2012, Public Law No. 112-121. The amended forms are posted on the judiciary's [Bankruptcy Forms Pending Changes page](#).