

**INTERIM AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

Rule 1007. Lists, Schedules, Statements, and Other

Documents; Time Limits

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**(b) SCHEDULES, STATEMENTS, AND OTHER
DOCUMENTS REQUIRED.**

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(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.

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¹ 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 The Interim Rules will be withdrawn after similar amendments can made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.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.

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 ~~(e) 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) 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.

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(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.

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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

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 (~~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 (ed) 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

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

93 (~~de~~) 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 (~~ef~~) 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, ~~case~~ 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

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

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.

RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION [Amended _____]

(a) Content of Final Report and Account. With the exception of subchapter V cases under Chapter 11, tThe final report and account required by Fed. R. Bankr. P.1019(5) shall include, in addition to the information specified in Fed. R. Bankr. P. 1019(5): (1) a statement of the total funds which passed through the chapter 11, 12, or 13 estate; (2) a statement that all United States trustee operating reports are available upon request; (3) an itemization of all disbursements since the last United States trustee operating report; and (4) a statement of the balance on hand at the time of conversion. If the debtor operated a business, the report shall also include a statement listing all assets in the debtor's possession at the time of conversion, including but not limited to, inventory, fixtures, leases and executory contracts, and accounts receivable.

(b) Deadline for Chapter 13 Trustee to File Final Report and Account. The final report and account required by Fed. R. Bankr. P. 1019(5)(B)(ii) shall be filed not later than sixty (60) days after conversion of the case.

(c) Schedule of Unpaid Debts. The schedule of unpaid debts required by Fed. R. Bankr. P. 1019(5) shall include the names and addresses of all post-petition creditors and shall be accompanied by a supplemental creditor mailing list conforming to the requirements set forth in R.I. LBR 1002-1(c).

RULE 2003-1 MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS [Amended _____]

Pursuant to Fed. R. Bankr. P. 2003(b)(1), unless otherwise ordered by the Court, the following persons shall preside at a meeting of creditors:

(a) Chapter 7 Cases. In a chapter 7 case, the interim trustee or trustee appointed by the United States trustee, unless an alternative trustee is elected pursuant to § 702 of the Code and there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(b) Chapter 11 Cases. In chapter 11 cases, the United States trustee or his/her designee, unless:

- (1) A trustee has been appointed by the Court pursuant to § 1104 or § 1185 then such chapter 11 trustee shall preside; or

...

RULE 2015-3 DUTY OF TRUSTEE AND DEBTOR IN POSSESSION TO FILE INVENTORY RECORDS IN CHAPTERS 7 AND 11 [Amended _____]

(a) An inventory under Fed. R. Bankr. P. 2015(a)(1) shall be required in all chapter 7 and 11 cases (except in subchapter V cases under Chapter 11), cases and shall separately detail each asset of the debtor, including listing all accounts receivable, as of the date of filing, and shall be served on the local office of the United States trustee (and not filed with the Court) within thirty days after the Court approves the trustee's appointment or within thirty days of the commencement of the case, whichever is later, unless such detailed inventory has already been filed with the court or is included in the bankruptcy schedules.

...

RULE 2016-1 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES [Amended _____]

...

(c) Applications by Trustees Exceeding \$7,500. If an application for compensation and reimbursement is filed by a chapter 7, 11, or 12 trustee, (excluding trustees in subchapter V cases under Chapter 11) that exceeds \$7,500.00 the trustee shall state:

- (1) The total amount received in the estate;
- (2) The amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under [11 U.S.C. § 326](#);
- (3) A brief narrative description of services performed;
- (4) If the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;
- (5) The dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under [11 U.S.C. § 326\(a\)](#).

...

RULE 3016-1 CHAPTER 11 – PLAN [Amended _____]

~~**Report of Chapter 11 Trustee.** A chapter 11 trustee shall file a report, within sixty (60) days of appointment, or such other date as the Court may otherwise direct, addressing:~~

~~-~~

- ~~(a) Whether a plan can reasonably be formulated, and if not, the reasons why the trustee believes a plan cannot be formulated; or~~
- ~~(b) A recommendation that the case be converted to another chapter or dismissed.~~

(a) Subchapter V Cases. For subchapter V cases, the debtor may use Official Form 425A - *Plan of Reorganization for Small Business Under Chapter 11*, which may be altered to fit the circumstances of the case.

(b) Small Business Cases. For small business cases other than under subchapter V of Chapter 11, ~~a~~ sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor local form is included as [R.I. Local Form 3020-1.3](#), which may be used and altered to fit the circumstances of the case.

RULE 3017-1 CHAPTER 9 AND 11 DISCLOSURE STATEMENT APPROVAL [Amended _____]

(a) Transmission of Notices Regarding Disclosure Statement. After approval of the disclosure statement, as applicable, the proponent of the plan under chapters 9 or 11 shall transmit all notices and documents required by [Fed. R. Bankr. P. 3017](#). The proponent shall obtain the appropriate notice(s) as required by [Fed. R. Bankr. P. 3017](#) from the Clerk of Court, and transmit the same, with any other documents required to be sent in accordance

with said Bankruptcy Rule, to all creditors and equity security holders entitled to vote on the plan, and to all other parties as required by said Bankruptcy Rule.

~~(b) **Small Business Cases.** A sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor, included as R.I. Local Form 3020-1.3, may be used and altered to fit the circumstances of the case.~~

RULE 3018-1 BALLOTS VOTING ON CHAPTER 9 AND 11 PLANS [Amended _____]

~~(a) **Ballot Form.** Official Form 314, *Class [] Ballot for Accepting or Rejecting Plan of Reorganization*, shall be used by the proponent of the plan for voting purposes.~~

~~(b) **Certification of Ballots.** At least seven (7) days prior to the hearing on confirmation, the proponent of the plan shall certify the number of allowed claims in each class accepting or rejecting the plan and the amount of allowed interests in each class accepting or rejecting the plan. Such certification shall be in the form provided as R.I. Local Form 3018-1.1. The ~~original~~ certification shall be filed with the Clerk, and ~~a copyies shall be provided to the local office of the United States trustee, all creditors holding secured claims, counsel for the official unsecured creditors committee, and any other committees appointed and serving in the case under 11 U.S.C. § 1102.~~ R.I. Local Form 3018-1.2 is a sample ballot that may be used by the proponent of the plan for voting purposes.~~

RULE 3020-1 CHAPTER 9 AND 11 CONFIRMATION [Amended _____]

(a) Documents Required Seven Days Prior to Confirmation Hearing Except in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the plan proponent shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

~~(1) A report on ballots in substantially the same form as R.I. Local Form 3018-1.1;~~

~~(1) (2)~~ A proposed order of distribution in substantially the same form as R.I. Local Form 3020-1.1, shall be filed with the Court and copies served on the local office of the United States trustee, any committee appointed and serving in the case under 11 U.S.C. § 1102 and on the Debtor and counsel (if not the plan proponent). Additionally, the plan proponent shall either serve a copy of the proposed order of distribution (R.I. Local Form 3020-1.1), or a “Notice of Filing of Proposed Order of Distribution” in substantially the same form as R.I. Local Form 3020-1.2 on all creditors, at least fourteen (14) days before the hearing on confirmation. A certificate of service evidencing compliance with this LBR shall be filed with the Clerk;

~~(2) (3)~~ A fully completed chapter 9 or 11 confirmation worksheet and certification in substantially the same form as R.I. Local Form 3020-1.3;

~~(3) (4)~~ A certification that: the approved disclosure statement, the latest amended plan, the order approving disclosure statement, and ballots for acceptances or rejections were mailed to all creditors at least twenty-eight (28) days prior to the date set for the hearing on confirmation, or the date set by the Court;

~~(4) (5)~~ A proposed order including proposed findings of fact regarding confirmation of the plan in substantially the same form as R.I. Local Form 3020-1.4;

~~(5) (6)~~ A certification of compliance with the requirements of [11 U.S.C. § 1129](#), or in the alternative, evidence of such compliance at the hearing; and

~~(6) (7)~~ Any other documents necessary ~~for~~ plan confirmation.

(b) Documents Required Seven Days Prior to Confirmation Hearing in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the debtor shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

(1) A proposed order of confirmation of the plan in substantially the same form as R.I. Local Form 3020-1.5;

(2) A certification of compliance with the requirements of 11 U.S.C. § 1191, or in the alternative, evidence of such compliance at the hearing; and

(3) Any other documents necessary for plan confirmation.

(c) Proof of Deposit Due Seven Days Prior to Confirmation Hearing, if Applicable. Proof of deposit shall be filed with the Clerk of Court at least seven (7) days prior to the hearing on confirmation, if applicable. A copy of the bank statement showing the amount on deposit in accordance with Fed. R. Bankr. P. 3020(a) is required. The amount of the deposit must be equal to the initial distribution for all classes on the effective date of the plan. Any party waiving payment from funds on deposit must file a written waiver within the time indicated herein.

...

RULE 3022-1 FINAL REPORT/DECREE; NOT APPLICABLE TO SUBCHAPTER V CASES UNDER CHAPTER 11 [Amended _____]

...

RULE 6005-1 APPRAISERS AND AUCTIONEERS - PUBLIC AUCTIONS

(a) Court Authorization. The estate representative may, with prior Court approval, sell estate property at public auction. Subsequent confirmation by the Court of the auction is not required unless such confirmation is a condition of the initial approval. The notice of intended public sale shall be substantially similar to [R.I. Local Form 6005-1.1](#). The estate representative shall file a motion to sell the estate assets, and state why a public, rather than a private sale is requested. Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.

(b) Estate Representative. For the purposes of this LBR, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee appointed under § 1104 or where a debtor in possession has been removed under § 1185, chapter 11 debtor in possession, chapter 12 trustee, and chapter 13 debtor.

...

X	
<u>In re:</u>	:
	:
	:
<u>Debtor(s)</u>	:
X	

BK No:

Chapter 11

ORDER CONFIRMING CHAPTER 11 PLAN IN SUBCHAPTER V CASE

The Debtor's Plan under Chapter 11, Subchapter V, of Title 11, United States Code, filed on
_____ [or, if applicable, as modified by a modification filed on _____].
(the "Plan"), having been transmitted to its creditors, and it having been determined after notice and a hearing
that:

1. The Plan complies with the requirements of 11 U.S.C. §§ 1190(1) and 1190(2); and
2. The requirements for confirmation set forth in 11 U.S.C. § 1191(a) [or § 1191(b)] have been satisfied;

It is ORDERED that:

- A. The Plan (of copy of which is attached) is confirmed;
- B. The Plan may be modified only in accordance with 11 U.S.C. § 1193(b) or § 1193(c), as applicable;
- C. Pursuant to 11 U.S.C. § 1194(a), the trustee shall distribute any payment received from the Debtor prior to the entry of this Order in accordance with the Plan; and
- D. [If Plan confirmed pursuant to 11 U.S.C. § 1191(a)] The Debtor shall file and serve on all interested parties a notice of substantial consummation of the Plan within 14 days of the date of substantial consummation, which date is estimated by the Debtor to be _____.

[or]

[If Plan confirmed pursuant to 11 U.S.C. § 1191(b)] The Debtor shall file and serve on all interested parties a status report within 14 days of the date of completion by the Debtor of all payments due under the Plan, which date is estimated by the Debtor to be _____.

ORDER:

ENTER:

Deputy Clerk
Entered on Docket:

Diane Finkle
U.S. Bankruptcy Judge
Date: