



Bankruptcy Rule, Fee and Form Changes

Effective *December 1, 2014*

Bankruptcy Form Changes

Numerous bankruptcy forms are being revised to accommodate changes in the law as a result of Supreme Court precedent and as part of the Bankruptcy Rules Advisory Committees ongoing Forms Modernization Project.

The Changes Fall into 3 Categories:

1. Minor Changes to Simplify Existing Forms
Forms B3A, B3B and Bo6
2. Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability
Forms B22A-1, B22A-1Supp, B22A-2, B22B, B22C-1, B22C-2
3. New Appeal Related Forms related to Federal Rule Changes
B17A, B18B, B17C

Bankruptcy Form Changes

Category 1: Minor Changes to Simplify Existing Forms:

B3A – Application for Installments: Filing fee amounts for the various Chapters have been removed

B3B – Application to Waive Fee: The filing fee amount is no longer preprinted in the blank order. If the request is denied, the court will prepare the order with the correct fee.

Bo6 – Summary of Schedules Updated to give line number reference to the amended means-test forms for current monthly income.

Official Form B 3A
Application for Individuals to Pay the Filing Fee in Installments 1214

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Terms

1. Which chapter of the Bankruptcy Code are you choosing to file under?

Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You propose to pay: With the filing of the petition On or before this date: MM / DD / YYYY

\$ _____ On or before this date: MM / DD / YYYY

\$ _____ On or before this date: MM / DD / YYYY

\$ _____ On or before this date: MM / DD / YYYY

\$ _____ On or before this date: MM / DD / YYYY

Total \$ _____ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else for services in connection with your bankruptcy case.

You must pay the entire fee no later than 120 days after you file for bankruptcy, unless the court later extends your deadline. Your debts will not be discharged until your entire fee is paid.

If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

I, _____, Debtor of Debtor 1
 I, _____, Debtor of Debtor 2
 My attorney, name and signature, I, _____, used one
 Date: MM / DD / YYYY Date: MM / DD / YYYY Date: MM / DD / YYYY

Official Form B 3A Application for Individuals to Pay the Filing Fee in Installments

United States Bankruptcy Court

Fill in this information to identify the case:

Debtor 1: Name, Address, City, State, Zip
 Debtor 2: Name, Address, City, State, Zip
 United States Bankruptcy Court for the District of _____
 Case Number: _____

Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's Application to Have the Chapter 7 Filing Fee Waived (Official Form B 3B), the court orders that the application is:

Granted. However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.

Denied. The debtor must pay the filing fee according to the following terms:

You must pay: _____ On or before this date: _____

\$ _____ Month/Day/Year

\$ _____ Month/Day/Year

\$ _____ Month/Day/Year

\$ _____ Month/Day/Year

Total \$ _____

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use Application for Individuals to Pay the Filing Fee in Installments (Official Form B 3A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

Scheduled for hearing.

A hearing to consider the debtor's application will be held on _____ at _____ AM / PM at _____ Address of courthouse.

If the debtor does not appear at this hearing, the court may deny the application.

By the court: _____
 United States Bankruptcy Judge

B 6 Summary (Official Form 6 - Summary) (12/14)

UNITED STATES BANKRUPTCY COURT
 District of _____

In re _____ Debtor Case No. _____
 Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(b) of the Bankruptcy Code (11 U.S.C. § 101(b)), filing a case under Chapter 7, 11 or 13, you must report all information required below.

Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information below.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$
Claims for Death or Personal Injury Where Debtor Was Damaged (from Schedule E) (whether signed or unsigned)	\$
Secured Loans Obligations (from Schedule F)	\$
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$
Obligations to Debtor or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$
TOTAL	\$

State the following:

Average Income (from Schedule I, Line 12)	\$
Average Expenses (from Schedule J, Line 22)	\$
Current Monthly Income (from Form 122b-1, Line 11; OR, Form 122b-1a, OR, Form 122c-1, Line 14)	\$

State the following:

1. Total from Schedule D, "UNSECURED PORTION OF A17" column	\$
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	\$
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF A17" column	\$
4. Total from Schedule F	\$
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	\$

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22A-1—Chapter 7 Means Test (this form is always required in Chapter 7 individual cases):

- This form will determine current monthly income and compare whether the income is more than the median income for households of the same size.
- If the debtor's income is *not* above the median, there is no presumption of abuse and Form B 22A-2 is not required.

Fill in this information to identify your case:

Debtor 1 First Name Middle Name Last Name
Debtor 2 (Spouse, if filing) First Name Middle Name Last Name
United States Bankruptcy Court for the _____ District of _____
Case number (if known) _____ (State) _____

Check one box only as directed in this form and in Form 22A-1Supp.

1. There is no presumption of abuse.
 2. The calculation to determine if a presumption of abuse applies will be made under Chapter 7 Means Test Calculation (Official Form 22A-2).
 3. The Means Test does not apply now because of qualified military service but it could apply later.
 Check if this is an amended filing

Official Form 22A-1
Chapter 7 Statement of Your Current Monthly Income 12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 22A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

1. What is your marital and filing status? Check one only.
 Not married. Fill out Column A, lines 2-11.
 Married and your spouse is filing with you. Fill out both Columns A and B, lines 2-11.
 Married and your spouse is NOT filing with you. You and your spouse are:
 Living in the same household and are not legally separated. Fill out both Columns A and B, lines 2-11.
 Living separately or are legally separated. Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ _____	\$ _____
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. Net income from operating a business, profession, or farm Gross receipts (before all deductions) \$ _____ Ordinary and necessary operating expenses - \$ _____ Net monthly income from a business, profession, or farm \$ _____ Copy here → \$ _____ \$ _____		
6. Net income from rental and other real property Gross receipts (before all deductions) \$ _____ Ordinary and necessary operating expenses - \$ _____ Net monthly income from rental or other real property \$ _____ Copy here → \$ _____ \$ _____		
7. Interest, dividends, and royalties	\$ _____	\$ _____

Official Form 22A-1 Chapter 7 Statement of Your Current Monthly Income page 1

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22A-1Supp – Statement of Exemption from Presumption of Abuse (this form is only required if debtor qualifies for an exemption).

- This form determines whether a debtor is exempt from presumption of abuse due to no primary consumer debts, or certain military/homeland defense services.
- If one of the exemptions applies, the debtor should file this supplemental form with Form B22A-1, which only needs to have the Part 3 verification and check box 3 at the top of the page completed.
- If none of the exemptions apply, the debtor does not need to file this supplemental form.

Fill in this information to identify your case:

Debtor 1	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	District of		(State)
Case number (if known)			

Check if this is an amended filing

Official Form 22A-1Supp
Statement of Exemption from Presumption of Abuse Under § 707(b)(2) 12/14

File this supplement together with Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1), if you believe that you are exempted from a presumption of abuse. Be as complete and accurate as possible. If two married people are filing together, and any of the exclusions in this statement applies to only one of you, the other person should complete a separate Form 22A-1 if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

Part 1: Identify the Kind of Debts You Have

1. 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." Make sure that your answer is consistent with the "Nature of Debts" box on page 1 of the Voluntary Petition (Official Form 1).

No. Go to Form 22A-1, on the top of page 1 of that form, check box 1. There is no presumption of abuse, and sign Part 3. Then submit this supplement with the signed Form 22A-1.

Yes. Go to Part 2.

Part 2: Determine Whether Military Service Provisions Apply to You

2. Are you a disabled veteran (as defined in 38 U.S.C. § 3741(1))?

No. Go to line 3.

Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity?
10 U.S.C. § 101(6)(1); 32 U.S.C. § 901(1).

No. Go to line 3.

Yes. Go to Form 22A-1, on the top of page 1 of that form, check box 1. There is no presumption of abuse, and sign Part 3. Then submit this supplement with the signed Form 22A-1.

3. Are you or have you been a Reservist or member of the National Guard?

No. Complete Form 22A-1. Do not submit this supplement.

Yes. Were you called to active duty or did you perform a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)

No. Complete Form 22A-1. Do not submit this supplement.

Yes. Check any one of the following categories that applies:

- I was called to active duty after September 11, 2001, for at least 90 days and remain on active duty.
- I was called to active duty after September 11, 2001, for at least 90 days and was released from active duty on _____ which is fewer than 540 days before I file this bankruptcy case.
- I am performing a homeland defense activity for at least 90 days.
- I performed a homeland defense activity for at least 90 days, ending on _____ which is fewer than 540 days before I file this bankruptcy case.

If you checked one of the categories to the left, go to Form 22A-1. On the top of page 1 of Form 22A-1, check box 3. The Means Test does not apply now, and sign Part 3. Then submit this supplement with the signed Form 22A-1. You are not required to fill out the rest of Official Form 22A-1 during the exclusion period. The exclusion period means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(i). If your exclusion period ends before your case is closed, you may have to file an amended form later.

Official Form 22A-1Supp Statement of Exemption from Presumption of Abuse Under § 707(b)(2) page 1

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22A-2 – Means Test Calculation (this form may be required in Chapter 7 individual cases)

- This form is required to be filed *only if* Debtor's income is above median for applicable household size.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

United States Bankruptcy Court for the _____ District of _____ (State)

Case number (if known) _____

Check the appropriate box as directed in lines 40 or 42:

According to the calculations required by this Statement:

1. There is no presumption of abuse.

2. There is a presumption of abuse.

Check if this is an amended filing

Official Form 22A-2
Chapter 7 Means Test Calculation 12/14

To fill out this form, you will need your completed copy of Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1).
Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Determine Your Adjusted Income

1. Copy your total current monthly income. _____ Copy line 11 from Official Form 22A-1 here → 1. \$ _____

2. Did you fill out Column B in Part 1 of Form 22A-1?
 No. Fill in \$0 on line 3d.
 Yes. Is your spouse filing with you?
 No. Go to line 3.
 Yes. Fill in \$0 on line 3d.

3. Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents. Follow these steps:
On line 11, Column B of Form 22A-1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?
 No. Fill in 0 on line 3d.
 Yes. Fill in the information below:

State each purpose for which the income was used For example, the income is used to pay your spouse's tax debt or to support people other than you or your dependents.	Fill in the amount you are subtracting from your spouse's income
3a. _____	\$ _____
3b. _____	\$ _____
3c. _____	+ \$ _____
3d. Total. Add lines 3a, 3b, and 3c. _____	\$ _____

Copy total here → 3d. - \$ _____

4. Adjust your current monthly income. Subtract line 3d from line 1. \$ _____

Official Form 22A-2 Chapter 7 Means Test Calculation page 1

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22B –Chapter 11 Statement of Your Current Monthly Income (this form is required in all Chapter 11 individual cases)

- The form has been revised so that individuals completing the form would do so more accurately and completely

Fill in this information to identify your case:

Debtor 1	_____	_____	_____
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	_____	_____	_____
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	_____		District of _____
			(State)
Case number (if known)	_____		

Check if this is an amended filing

Official Form 22B

Chapter 11 Statement of Your Current Monthly Income

12/14

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Average Monthly Income

1. What is your marital and filing status? Check one only.

- Not married. Fill out Column A, lines 2-11.
 Married and your spouse is filing with you. Fill out both Columns A and B, lines 2-11.
 Married and your spouse is NOT filing with you. Fill out Column A, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions)	\$ _____	\$ _____
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filed in.	\$ _____	\$ _____
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filed in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	– \$ _____	
Net monthly income from a business, profession, or farm	\$ _____	\$ _____
6. Net income from rental and other real property		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	– \$ _____	
Net monthly income from rental or other real property	\$ _____	\$ _____

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22C-1 - Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period (this form is required in all Chapter 13 individual cases)

- This form will report current monthly income and determine whether the income is at or below the median income for households of the same size.
- If the income is equal to or less than the median, the second form B22C-2 is *not* required.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

United States Bankruptcy Court for the _____ District of _____
(State)

Case number _____
(if known)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).

2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).

3. The commitment period is 3 years.

4. The commitment period is 5 years.

Check if this is an amended filing

Official Form 22C-1
Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period 12/14

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

Part 1: Calculate Your Average Monthly Income

1. What is your marital and filing status? Check one only.
 Not married. Fill out Column A, lines 2-11.
 Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case, 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ _____	\$ _____
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. Net income from operating a business, profession, or farm Gross receipts (before all deductions) \$ _____ Ordinary and necessary operating expenses - \$ _____ Net monthly income from a business, profession, or farm <input type="text" value="\$ _____"/> <small>copy here →</small> \$ _____	\$ _____	\$ _____
6. Net income from rental and other real property Gross receipts (before all deductions) \$ _____ Ordinary and necessary operating expenses - \$ _____ Net monthly income from rental or other real property <input type="text" value="\$ _____"/> <small>copy here →</small> \$ _____	\$ _____	\$ _____

Official Form 22C-1 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period page 1

Bankruptcy Form Changes

Category 2: Restructuring of Means Test Forms to Divide into Separate Forms, for Applicability

B22C-2 – Chapter 13 Calculation of Disposable Income (this form may be required in Chapter 13 individual cases)

- If debtor's income is above the median, this second means test form must also be filed.

Fill in this information to identify your case:

Debtor 1	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	District of		(State)
Case number (if known)			

Check if this is an amended filing

Official Form 22C-2
Chapter 13 Calculation of Your Disposable Income 12/14

To fill out this form, you will need your completed copy of Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Official Form 22C-1).

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

Part 1: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 22C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 22C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

5. The number of people used in determining your deductions from income
Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. \$ _____

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

Official Form 22C-2 Chapter 13 Calculation of Your Disposable Income page 1

Bankruptcy Form Changes

Category 3: New Appeal Related Forms related to Federal Rule Changes

B17A – Notice of Appeal and Statement of Election (this is a required form to file an appeal)

- This form is amended to add to the Notice of Appeal an optional Statement of Election to have the appeal heard by the district court rather than by the bankruptcy appellate panel.
- Amended FRBP 8005(a) eliminates the prior requirement that a separate document be used to make an election.
- This form facilitates compliance with the statutory requirement that an appellant wishing to make an election do so at the time of filing the appeal. 28 U.S.C. § 158(c)(1)(A).

Official Form 17A (12/14)

[Caption as in Form 16A, 16B, or 16D, as appropriate]
NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): _____

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding:	For appeals in a bankruptcy case and not in an adversary proceeding:
<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Debtor
<input type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
<input type="checkbox"/> Other (describe) _____	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: _____

2. State the date on which the judgment, order, or decree was entered: _____

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary).

1. Party: _____ Attorney: _____

2. Party: _____ Attorney: _____

Bankruptcy Form Changes

Category 3: New Appeal Related Forms related to Federal Rule Changes

B17B – Optional Appellee Statement of Election to Proceed in District Court (this is an optional form to be filed with BAP)

- This form is new.
- It is the official form for an appellee to state its election to have an appeal heard by the district court rather than by the bankruptcy appellate panel (BAP).
- If an appellee desires to make that election, it must file Form B17B *with the BAP* within 30 days of service of the Notice of Appeal, and before it files any other document, other than an entry of appearance, related to the pending appeal.

Official Form 17B (12/14)

[Caption as in Form 16A, 16B, or 16D, as appropriate]

OPTIONAL APPELLEE STATEMENT OF ELECTION TO PROCEED IN DISTRICT COURT

This form should be filed only if all of the following are true:

- this appeal is pending in a district served by a Bankruptcy Appellate Panel,
- the appellant(s) did not elect in the Notice of Appeal to proceed in the District Court rather than in the Bankruptcy Appellate Panel,
- no other appellee has filed a statement of election to proceed in the district court, and
- you elect to proceed in the District Court.

Part 1: Identify the appellee(s) electing to proceed in the District Court

1. Name(s) of appellee(s): _____

2. Position of appellee(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.	For appeals in a bankruptcy case and not in an adversary proceeding.
<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Debtor
<input type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
<input type="checkbox"/> Other (describe) _____	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Other (describe) _____

Part 2: Election to have this appeal heard by the District Court (applicable only in certain districts)

I (we) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 3: Sign below

Signature of attorney for appellee(s) (or appellee(s) if not represented by an attorney) _____ Date: _____

Name, address, and telephone number of attorney (or appellee(s) if not represented by an attorney):

Bankruptcy Form Changes

Category 3: New Appeal Related Forms related to Federal Rule Changes

B17C– Certificate of Compliance with Rule 8015(1)(7)(B) or 8016(d)(2)
(this is an optional form to be filed with the applicable appellate court)

- This is a new form.
- Amended FRBP 8015(a)(7)(c) and 8016(d)(3) require an attorney or unrepresented party to certify that the brief complies with the applicable type-volume limitation. This filing of this form satisfies the certification requirement.
- This form is not needed if the brief meets the applicable page limitation under the rule.

Official Form 17C (12/14)

[This certification must be appended to your brief if the length of your brief is calculated by maximum number of words or lines of text rather than number of pages.]

Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)

This brief complies with the type-volume limitation of Rule 8015(a)(7)(B) or 8016(d)(2) because:

- this brief contains [state the number of] words, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D), or
- this brief uses a monospaced typeface having no more than 10½ characters per inch and contains [state the number of] lines of text, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D).

Signature _____ Date: _____

Print name of person signing certificate of compliance:

Fee Changes and Updates



Increase in Direct Appeal Filing Fee

If the Court of Appeals authorizes a direct appeal or direct cross-appeal, the new filing fee is:

New Fee → \$207

Previous Fee → \$157

New Miscellaneous Fee: Motion to Redact

- The Bankruptcy Miscellaneous Fee Schedule (MFS), item 21, is amended to add a new fee for the filing of motions to redact a record, \$25 per affected case.
- The court may waive this fee under appropriate circumstances.
- In addition, item 11 of the MFS, which pertains to motions to reopen, is amended to state that the reopening fee is not to be charged to redact a record already filed in a case if redaction is the only reason for the reopening.

New Fee → \$25 per affected case

Amendments to Federal Rules of Bankruptcy Procedure



Federal Rule 1014 (b)

Dismissal and Change of Venue

- Subdivision (b) was amended to provide that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending.
- Expands the list of persons entitled to receive notice of the motion in the first court.

Federal Rule 7004 (e)

Process; Service of Summons, Complaint

- Subdivision (e) is amended to shorten the time to serve a summons from 14 to 7 days after issuance.
- A summons served more than 7 days after its issuance, will be considered ineffective service.
- If the time expires and the summons has not been served, the party must file a request with the court for the issuance of an alias summons.

Federal Rules 7008 (b) and 7054 (b)

General Rules of Pleading Rule 7008 (b) Judgments; Costs Rule 7054 (b)

The amendments to these rules modify the procedure for seeking attorney's fees in bankruptcy matters, aligning them more closely with the Civil Rules.

- Subdivision (b) of FRBP 7008 is deleted. This section required a request for attorney's fees to be raised as a claim in an allowed pleading.
- Subdivision (b) of FRBP 7054 is amended to include much of the substance of Civil Procedure Rule 54(d)(2), which sets forth the procedures for seeking an award of attorney's fees.

Federal Rules 9023 and 9024

New Trials; Amendment of Judgments and Relief from Judgment or Order

Both of these rules are amended to include a cross reference to Rule 8008 which governs Indicative Rules (part of new Part VII Appellate Rules).

Re-Write of the Bankruptcy Appeals Rules

- **The Amendment to Rules 8001-8028** (Part VIII of the Bankruptcy Rules) are the products of a comprehensive revision of the rules governing bankruptcy appeals to district courts, bankruptcy appellate panels, and, with respect to some procedures, courts of appeals.
- They result from a multi-year project to bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; to incorporate a presumption favoring the electronic transmission, filing, and service of court documents; and to adopt a clearer style.
- Existing rules were reorganized and renumbered, some rules were combined, and provisions of other rules were moved to new locations. Much of the language of the existing rules was restyled.

Federal Rule 8001

Scope of Part VIII Rules; Definition of "BAP" Method of Transmission

(c) Method of Transmission requires electronic transmission unless a party is pro se, then it should be sent by mail; transmission via Electronic Case Filing (ECF) will suffice.

Federal Rule 8002

Timing for Filing Notice of Appeal

- Mostly stylistic changes and some language changes; the time to file remains 14 days.
- An appeal by an inmate is timely filed if it is deposited in the institution's internal mail on or before the last day for filing. Appeal must include an affidavit to that effect.

Federal Rule 8003

Appeal as of Right-How Taken, Docketing the Appeal

Incorporates Previous Rules 8001, 8003, 8004, 8007

- (a)(1) Appeal must be timely filed with the bankruptcy clerk.
- (a)(3)(A) The appeal must conform substantially to Official Form 17A and include a copy of the judgment, order or decree being appealed.
- (c) The bankruptcy clerk will transmit the appeal promptly to the BAP or district court. Jurisdiction passes immediately.

Federal Rule 8004

Appeal by Leave-How Taken, Docketing the Appeal

Incorporates Previous Rules 8001(b) and 8003

- (b) A response to a motion for leave to appeal must be filed directly with the BAP/District Court within 14 days of motion service.
- (c) The bankruptcy clerk must promptly transmit the notice of appeal and motion for leave to the BAP or District Court, as applicable.

Federal Rule 8005

Election to Have an Appeal Heard by the District Court instead of the BAP

Incorporates Previous Rule 8001

Two New Forms: 17A (Notice of Appeal and Statement of Election (filed by Appellant))
17B (Opt. Appellee Statement of Election to Proceed in District Court)

- Appellant's Statement of Election is now included within the Notice of Appeal and is no longer required to be a separate document.
- Bankruptcy clerk transmits NOA to District Court if election is checked in Form 17A.
- If Appellee files Form 17B, Statement of Election with the BAP, the BAP transmits the appeal to District Court and notifies bankruptcy court.
- A motion seeking the determination of the validity of an election must be filed no later than 14 days after the Statement of Election is filed and is decided by the BAP.

Federal Rule 8006

Certifying a Direct Appeal to the Court of Appeals

Previous Rule 8001(f)

- Reformatted and edited to identify new Rule number references.
- The bankruptcy court has 30 days to rule on a petition for certification for direct appeal, or certify on own motion, after which jurisdiction shifts to BAP/District Court.
- LBR 1005-1(d)(2)(N) is amended to omit any response deadline on a motion to certify a direct appeal – the deadline is left to the discretion of the court depending on when the motion is filed.

Federal Rule 8008

Indicative Rulings

This is an entirely new rule

- (a) Relief Pending Appeal: If a party files a timely motion in the bankruptcy court that the court lacks authority to grant because of an appeal, the court may:
 - Defer consideration;
 - Deny the motion; or
 - State that the court would grant the motion if the issue was remanded for that purpose, or state that the motion raises a substantial issue.
- *The movant must notify the appellate court if the bankruptcy court states it would grant the motion or that it raises a substantial issue.*

Federal Rule 8009

Record of Appeal; Sealed Documents

Previous Rule 8006

- Transcript of Proceedings: The Appellant must order the transcript within 14 days of filing the appeal and must file with the court a copy of the transcript order or certify that no transcript is being filed.
- Several New Filing events related to the transcript process.
- Subsection (f) prescribes the treatment of sealed documents designated as part of the record on appeal.

Federal Rule 8010

Completing and Transmitting the Record

Previous Rule 8007

8010(c) - Record for a Preliminary Motion in the District Court, BAP or Court of Appeals

- If, before the record is transmitted, a party moves for:
 - Leave to appeal
 - Dismissal
 - A stay pending appeal
 - Approval of a supersedeas bond
- The bankruptcy clerk must transmit any parts of the record designated by the party to the applicable appellate court.
- **New Local Rule 8010-1** requires the movant to “promptly” notify the court upon the filing of any such motion and to designate any parts of the record to be transmitted in support of the motion.

Federal Rule 8011

Filing and Service Signature

Previous Rule 8008

8011(c) Manner of Service:

- The updated and renumbered rule requires that service be made electronically, unless it is being made on an individual not represented by counsel or the court's rules permit service by mail.

Federal Rules 8012-8028

- The remainder of the revised Part VIII Bankruptcy Appeal Rules pertain to appellate practice before the BAP or District Court and are therefore not covered here.
- Counsel are strongly urged to review these additional federal rule changes and to also review the [December 1, 2014 BAP Local Rule changes](#) as well as United States District Court for the District of Rhode Island local rule changes regarding bankruptcy appeals (LR Gen 109).

Appeals Training

- The Bankruptcy Court and the 1st Circuit Bankruptcy Appellate Panel will be conducting a **joint training program on Wednesday, December 17, 2014**, immediately following the court motion calendar (estimated to be 11:00 AM)
- Counsel are strongly urged to attend this training session to learn about the new filing requirements, filing events and procedures related to bankruptcy appellate practice before the Bankruptcy Court, as well as before the BAP.