



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

DECEMBER 2017
VOLUME 17, ISSUE 4

IN THIS ISSUE

B
A
N
K
R
U
P
T
C
Y

R
U
L
E
S

&

F
O
R
M
S

C
H
A
N
G
E
S

SPECIAL EDITION

AMENDMENTS TO FEDERAL RULES OF BANKRUPTCY PROCEDURE

A number of changes to the Federal Rules of Bankruptcy Procedure became effective December 1, 2017: Rules 1001, 1006, 1015, 2002, 3002, 3007, 3012, 3015, 3015.1 (new), 4003, 5009, 7001, 9009, and several Official Bankruptcy Forms, as well as a new Official Form 113 - Chapter 13 Plan, made effective December 1, 2017.

THE EASTERN DISTRICT OF NEW YORK ADOPTS LOCAL CHAPTER 13 PLAN

On November 7, 2017, the proposed Chapter 13 Plan and revised Local Bankruptcy Rule 3015-1 were approved by the Board of Judges of the United States District Court for the Eastern District of New York and made effective December 1, 2017, [Administrative Order No. 662](#).

Local Bankruptcy Rule 3015-1 and Federal Rule of Bankruptcy Procedure 3015(c) require the use of the adopted Local Chapter 13 Plan when filing a Chapter 13 Plan on or after December 1, 2017.

The new Chapter 13 Plan is eight pages in length. A fillable PDF version can be found on the Court's website under Local Bankruptcy Forms, or by clicking on the following link: [Fillable Local Chapter 13 Plan](#).

If the Chapter 13 Plan is filed when the case is opened, the Court will serve the Plan on the trustee and all creditors.

If the Plan is not filed when the case is opened, a 14 day deficiency deadline will be set for filing the *Chapter 13 Plan (signed by the Debtor)*, and the Clerk's Office will send out a Notice of Deficiency.

If the Plan is not included with the Notice of the Hearing on confirmation mailed under Rule 2002, the debtor shall serve the Plan on the trustee and all creditors, and a Certificate of Service must be filed with the Court indicating that the Plan was served.

PART 3 – TREATMENT OF SECURED CLAIMS

If the following information needs to be filed on a case, it must be filed separately from the Plan, using the events shown below:

- Motion for Valuation of Security. (**New event**)
- Motion to Avoid Lien.
- Motion to Assume/Reject Lease or Executory Contract.
- Motion to Determine Lien Satisfied. (**New event**)

DECLARING LIEN SATISFIED

Bankruptcy Rule 5009

Subdivision (d) states that a chapter 12 or chapter 13 debtor may request an order declaring a secured claim satisfied and a lien released under the terms of a confirmed Plan.

The following event was created in CM/ECF for this purpose:

- Motion to Determine Lien Satisfied.

NEW DEADLINE FOR PROOF OF CLAIM

Bankruptcy Rule 3002

Filing a Proof of Claim or Interest

Bankruptcy Rule 3002 (c) modifies the proof of claim deadline for voluntary chapter 7, 12, and 13 from 90 days from the setting of the first §341 meeting to **70 days from the filing date of the petition or conversion date.**

REMINDERS

Software Companies

Attorneys are reminded to contact their software companies to request the new forms applicable to the rules changes. While there have been several **official** form changes, the new forms, local and official, required for the Eastern District of New York are:

- [Official Form 101 \(Voluntary Petition for Individuals Filing for Bankruptcy\)](#).
- [Local Chapter 13 Plan](#).

PENDING CHANGES IN THE BANKRUPTCY FORMS

The following [Official Bankruptcy Forms](#) have been amended and made effective December 1, 2017.

They are Forms:

101, 309F, 309G, 309H, 309I, 425A, 425B, 425C, and 426.

New Official Form 113 Chapter 13 Plan.

- [Official Form 101 \(Voluntary Petition for Individuals Filing for Bankruptcy\) Committee Note](#) (amended to reflect the requirement of 362(l))
- [Official Form 113 \(Chapter 13 Plan\) \(Committee Note\)](#) (replaced by Local Bankruptcy Rule, E.D.N.Y. [Chapter 13 Plan](#))
- [Official Form 309F \(For Corporations or Partnerships\) \(Notice of Chapter 11 Bankruptcy Case\) Committee Note](#) (language modified – 12/17) (The format was previously changed in 2015 by this Court)
- [Official Form 309G \(For Individuals or Joint Debtors\) \(Notice of Chapter 12 Bankruptcy Case\) Committee Note](#) (language modified – 12/17) (The format was previously changed in 2015 by this Court)
- [Official Form 309H \(For Corporations or Partnerships\) \(Notice of Chapter 12 Bankruptcy Case\) Committee Note](#) (language modified – 12/17) (The format was previously changed in 2015 by this Court)
- [Official Form 309I \(Notice of Chapter 13 Bankruptcy Case\) Committee Note](#) (language modified – 12/17) (The format was previously changed in 2015 by this Court)

- Official Form 425A (Plan of Reorganization for Small Business Under Chapter 11) Committee Note (replaces Official Form 25A, Plan of Reorganization in Small Business Case Under 11. It is revised as part of the Forms Modernization Project)
- Official Form 425B (Disclosure Statement for Small Business Under Chapter 11) Committee Note (replaces Official Form 25B, Disclosure Statement in Small Business Case Under Chapter 11. It is revised as part of the Forms Modernization Project)
- Official Form 425C (Monthly Operating Report for Small Business Under Chapter 11) Committee Note (replaces Official Form 25C, Small Business Monthly Operating Report. It is revised as part of the Forms Modernization Project)
- Official Form 426 (Periodic Report Regarding Value, Operations, and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest) Committee Note (revised and renumbered as part of the Forms Modernization Project)

CONTACT INFORMATION

United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein United States
Bankruptcy Courthouse
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800
(347) 394-1700
Help Desk: (347) 394-1700 press 6

United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato United States
Courthouse
290 Federal Plaza
Central Islip, NY 11722
(631) 712-6200
Help Desk: (631) 712-6200 press 6

The Court's website address is: <http://www.nyeb.uscourts.gov/>

Contact Margaret.Clarke@nyeb.uscourts.gov with your comments, suggestions, articles, and topics for the newsletter.