



**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

Robert A. Gavin, Jr.  
Clerk of Court

Brooklyn: (347) 394-1700  
Central Islip: (631) 712-6200

**NOTICE OF NEW AND AMENDED BANKRUPTCY FORMS  
EFFECTIVE DECEMBER 1, 2009**

**New Bankruptcy Forms:**

**Official Form B27 - Reaffirmation Agreement Cover Sheet**

This form is new. It gathers certain financial information, including information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship under § 524(m) of the Code, and it allows the debtor to provide additional information that may rebut such a presumption. To implement the requirements of Bankruptcy Rule 4008(b), the form also provides for a disclosure of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement, together with an explanation of any such difference. Finally, the form requires a certification that the information supplied is true and correct.

**Official Form B240A - Reaffirmation Documents**

The new form consists of five parts:

- \* Reaffirmation Agreement,
- \* Debtor's Statement in Support of Reaffirmation Agreement,
- \* Certification by Debtor and Signatures of Parties,
- \* Certification by Debtor's Attorney (if any), and
- \* Disclosure Statement and Instructions to Debtor.

**Official Form B240B - Motion for Approval of Reaffirmation Agreement**

The motion portion of the current Form 240A has been made a separate form

**Official Form B240C - Order on Reaffirmation Agreement**

The order portion of the current Form 240A has been made a separate form

**Official Form B201A - Notice to Individual Consumer Debtor(s)**

**Official Form B201B - Certification of Notice to Individual Consumer Debtor(s)**

The Administrative Office has revised Director's Procedural Form B201, Notice to Consumer Debtor(s) under Section 342(b) of the Bankruptcy Code, to include warnings about the December 1, 2009, amendments to the Bankruptcy Rules which change a number of filing deadlines.

In addition, Form B201 has been divided into two parts, Form B201A, which is used to give the § 342(b) notice, and Form B201B, which includes a caption for filing and certifications that the notice has been given. Form B201B is needed only if the certification is not made on Official Form B1, the Voluntary Petition. A certification by the debtor's attorney is included in Exhibit B on page 2 of Form B1 and certifications by the debtor and a bankruptcy petition preparer are part of the Declarations on page 3.

**Official Form B231B - Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan**

Section 1329(a) of the Bankruptcy Code (11 U.S.C. § 1329(a)) permits the debtor, the trustee, or the holder of an allowed unsecured claim to request the modification of a confirmed chapter 13 plan at any time after confirmation of the plan and before the completion of payments under the plan. The statute does not authorize secured creditors to request plan modifications.

**Amended Forms:**

**Official Form B1, Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement**

This form was amended to incorporate in Statement 3 of Exhibit D the new seven-day window for the exigent circumstances exception to the pre-filing credit counseling requirement. Statement 2 of the revised version of the form reflects the change, effective December 1, 2009, of the deadline to file a copy of a certificate and debt repayment plan (if any) from the credit counseling agency from 15 days to 14 days.

**Official Form B23 - Debtor's Certification of Completion of Instructional Course Concerning Financial Management**

Form 23 was amended by the Judicial Conference in September 2009 in anticipation of a pending change to Fed. R. Bankr. P. 1007(c) to extend the deadline for filing the form in a chapter 7 case. The deadline remains 45 days until December 1, 2010, when the amendment to Rule 1007(c) extending the period to 60 days is scheduled to take effect. The revised form will be posted several months prior to December 1, 2010.

**Official Form B250D - Third-Party Summons**

The form was amended to conform the Certificate of Service on the form more closely to the service of process provisions of Fed. R. Bankr. P. 7004. The certification regarding age and non-party status was limited to instances in which service of the summons is accomplished by one of the methods permitted under Federal Rule of Civil Procedure 4.

**New Director's Form:**

**Official Form B261C - Judgment in an Adversary Proceeding**

Judgment in an Adversary Proceeding was issued for use pursuant to new Fed. R. Bankr. P. 7058, which requires that every judgment in an adversary proceeding be set forth on a separate document.

Please note that all other forms can be accessed by using the forms link available on the Court's website: <http://www.nyeb.uscourts.gov/forms.html>