

# **Consumer Session: Form Plans and Nationwide Plans in Chapter 13**

**Hon. Paul M. Glenn**

*U.S. Bankruptcy Court (M.D. Fla.); Jacksonville*

**Brad W. Hissing**

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**Charles G. Moore**

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*Chapter 13 Trustee; Bradenton*



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Draft - 05/13/2013

United States Bankruptcy Court for the \_\_\_\_\_ District of \_\_\_\_\_

Debtor(s): \_\_\_\_\_

Case No.: \_\_\_\_\_

Date: \_\_\_\_\_

Check if this is an amended plan

Official Form 113

Chapter 13 Plan

12/15

Part 1: Notice to Interested Parties

Check all that apply:

- The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
 The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
 The plan sets out nonstandard provisions in Part 9.

Important Notice: Your rights may be affected. Your claim may be reduced, modified, or eliminated.

You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a proof of claim—or one must be filed on your behalf—in order for you to be paid under any plan that may be confirmed.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will pay to the trustee \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months, and
\$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months.

2.2 Payments to the trustee will be made from future earnings in the following manner:

Check all that apply:

- Debtor(s) will make payments pursuant to a payroll deduction order.
 Debtor(s) will make payments directly to the trustee.

2.3 Additional payments to the trustee will be made as follows:

Check all that apply:

- Debtor(s) will turn over to the trustee:
 any tax refunds received during the plan term.
 any tax refunds in excess of \$ \_\_\_\_\_ received during the plan term.
On or before April 20 of the year following the filing of this case and each year thereafter, Debtor(s) will submit to the trustee a copy of the federal tax return filed for the prior year.
 Other sources of funding, including the sale of property. Describe the source, amount, and date when available:
\_\_\_\_\_
\_\_\_\_\_

2.4 The estimated total amount of plan payments is \$ \_\_\_\_\_.

2.5 The applicable commitment period is:
 36 months
 60 months

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of any default**

**None** [If "none" is checked, the rest of § 3.1 need not be completed or reproduced]

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the secured claims listed below. The allowed claim for any arrearage amount will be paid under the plan, with interest, if any, at the rate stated. Unless otherwise ordered by the court, (1) the amounts listed on the proof of claim control over any contrary amounts listed below as to the current installment payment and arrearage, and (2) if relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, all payments under this plan as to that collateral will cease and all claims as to that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor	Collateral	Current installment payment (including escrow payment)	Estimated amount of arrearage	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage or other payment arrangement	Estimated total payments by trustee
_____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	Disbursed by:				
_____	_____	<input type="checkbox"/> Trustee				
_____	_____	<input type="checkbox"/> Debtor(s)				
_____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____	_____	Disbursed by:				
_____	_____	<input type="checkbox"/> Trustee				
_____	_____	<input type="checkbox"/> Debtor(s)				

**3.2 Request for valuation of security and claim modification**

**None** [If checked, the rest of § 3.2 need not be completed or reproduced]

***This paragraph will be effective only if the applicable box in Part 1 of this plan is checked.***

The debtor(s) request that the court determine the value of the secured claims listed below, except for the claims of governmental units. For each non-governmental secured claim as to which a proof of claim has been filed in accordance with Bankruptcy Rule 3002, the debtors state that the value of the secured claim should be as stated below in the column headed "Amount of secured claim." For secured claims of governmental units, unless otherwise ordered by the court, the amounts listed in proofs of claim filed in accordance with Bankruptcy Rule 3002 control over any contrary amounts listed below. For each listed secured claim, the controlling amount of the claim will be paid in full under the plan with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's claim listed on the proof of claim controls over any contrary amounts listed under Part 5 as to the unsecured portion, if any, of the claim.

The holder of any claim listed below as having value in the column headed "Amount of secured claim" will retain the lien until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

- Debtor(s) will be eligible to receive a discharge in this case.
- Debtor(s) will not be eligible to receive a discharge in this case.

Name of creditor	Estimated amount of creditor's claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____		_____						
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____		_____						
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____	\$ _____	\$ _____
_____		_____						

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**3.3 Secured claims excluded from 11 U.S.C. § 506**

**None** [If checked, the rest of § 3.3 need not be completed or reproduced]

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount listed on the proof of claim controls over any contrary amounts listed below. The final column includes only payments disbursed by trustee rather than by the debtor.

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____			Disbursed by:	
_____	_____			<input type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____			Disbursed by:	
_____	_____			<input type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	

**3.4 Lien avoidance**

**None** [If "None" is checked, the rest of Section § 3.4 need not be completed or reproduced]

*This paragraph will be effective only if the applicable box on Part 1 of this plan is checked.*

The judicial liens or nonpossessory, nonpurchase-money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). A judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5. The calculation of the amount of the judicial lien or security interest that is avoided is shown on Exhibit A, which is attached to this plan and incorporated herein by reference. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d).

Name of creditor	Collateral	Amount of secured claim after avoidance	Interest rate (if applicable)	Monthly plan payment (if applicable)	Estimated total amount of secured claim
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____				
_____	_____	\$ _____	_____	\$ _____	\$ _____
_____	_____				

**3.5 Surrender of collateral**

**None** [if "None" is checked, the rest of § 3.5 need not be completed or reproduced]

The debtor(s) elect to surrender to the creditors listed below the personal or real property that is collateral for the claim. The debtor(s) consent to termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to the collateral upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
_____	_____
_____	_____

**ALEXANDER L. PASKAY MEMORIAL BANKRUPTCY SEMINAR 2014**

**Part 4: Treatment of Trustee's Fees and Administrative and Other Priority Claims**

**4.1 General**

All allowed priority claims other than those treated in § 4.5 will be paid in full without interest, unless otherwise stated.

**4.2 Trustee's fees**

These fees are estimated to be \_\_\_\_\_ % of plan payments; and during the plan term, they are estimated to total \$\_\_\_\_\_.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney of the debtor(s) is estimated to be \$\_\_\_\_\_.

**4.4 Other priority claims**

**None** [If "None" is checked, the rest of § 4.4 need not be completed or reproduced]

The following are the debtor's estimates of the amount of such claims.

Name of creditor	Basis for priority treatment	Estimated amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	_____	\$ _____	_____	\$ _____
_____	_____	\$ _____	_____	\$ _____

**4.5 Domestic support obligations assigned to a governmental unit and paid less than full amount**

**None** [If "None" is checked, the rest of § 4.5 need not be completed or reproduced]

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4).

Name of creditor	Amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Maintenance of payments and cure of any default**

**None** [If "None" is checked, the rest of § 5.1 need not be completed or reproduced]

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. The allowed claim for the arrearage amount will be paid under the plan.

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	\$ _____	\$ _____	\$ _____
_____	Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)		
_____	\$ _____	\$ _____	\$ _____
_____	Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)		

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**5.2 Separately classified nonpriority unsecured claims**

**None** [If "None" is checked, the rest of § 5.2 need not be completed or reproduced]

The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of creditor	Basis for separate classification and treatment	Amount of claim to be paid	Interest rate (if applicable)	Estimated total amount of payments
_____	_____	\$ _____	_____	\$ _____
_____	_____	_____	_____	_____
_____	_____	\$ _____	_____	\$ _____
_____	_____	_____	_____	_____

**5.3 Nonpriority unsecured claims**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, up to the full amount of the claims, as follows:

Check all that apply:

- the sum of \$ \_\_\_\_\_, unless a greater amount is required under another checked option;
- \_\_\_\_\_% of the total amount of these claims;
- the funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7 nonpriority unsecured claims would be paid approximately \$ \_\_\_\_\_. Payments on allowed nonpriority unsecured claims will not be less than this amount.

**5.4 Interest**

Interest on allowed unsecured claims, other than separately classified nonpriority unsecured claims, will (Check the applicable box):

- not be paid.
- be paid at an annual percentage rate of \_\_\_\_\_% under 11 U.S.C. § 1325(a)(4), and is estimated to total \$ \_\_\_\_\_.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 All executory contracts and unexpired leases are rejected, except those listed below, which are assumed and will be treated as provided for below or under another specified provision of the plan.**

**None to be assumed** [If checked, the rest of § 6.1 need not be completed or reproduced]

The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor	Property description	Treatment (Refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	Disbursed by:		
			<input type="checkbox"/> Trustee		
			<input type="checkbox"/> Debtor(s)		
_____	_____	_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	Disbursed by:		
			<input type="checkbox"/> Trustee		
			<input type="checkbox"/> Debtor(s)		

**Part 7: Order of Distribution of Trustee Payments**

7.1 The trustee will make payments in the estimated amounts shown on Exhibit B, in the following order:

- a. Trustee's fees
- b. Monthly payments on secured claims
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_

**Part 8: Vesting of Property of the Estate**

8.1 Property of the estate shall revert in the debtor(s) upon

*Check the applicable box:*

- Plan confirmation
- Closing of case
- Other: \_\_\_\_\_

**Part 9: Nonstandard Plan Provisions**

*Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below. These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Part 10: Signatures**

The debtor's attorney (or debtor, if not represented by an attorney) certifies that all provisions of this plan are identical to the Official Form 113, except for language contained in Part 9: Nonstandard Plan Provisions.

<p><b>Debtors</b> (Sign if not represented by an attorney)</p>	<p align="center"><b>X</b></p> <p>_____ Signature of debtor</p>	<p>Date _____ MM / DD / YYYY</p>
<p><b>Debtors' Attorney</b></p>	<p align="center"><b>X</b></p> <p>_____ Signature of debtor's attorney</p>	<p>Date _____ MM / DD / YYYY</p>

Chapter 13 Plan Exhibits

12/15

**Exhibit A** Calculation of lien avoidance

A.1 The judicial lien or nonpossessory, nonpurchase-money security interest provided for in Section 3.4 is avoided to the extent listed below: Do not complete if the plan involves no lien avoidance; if more than one lien is to be avoided, provide the information for each lien.

Name of creditor	Collateral	Judgment lien information (such as judgment date, date of lien recording, book and page number)	Calculation of lien avoidance
			a. Amount of lien \$ _____
			b. Amount of all other liens \$ _____
			c. Value of claimed exemptions \$ _____
			d. Total: Lines a + b + c = line d \$ _____
			e. Value of debtor's interest in property \$ _____
			f. Subtract line e from line d \$ _____
			Extent of exemption impairment (Check applicable box):
			<input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided.
			<input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided.
			Amount of lien not avoided Subtract line f from line a \$ _____

**Exhibit B** Estimated amounts of trustee payments

B.1 The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

a. Current installment and arrearage payments on secured claims (Part 3, Section 3.1 total):	\$ _____
b. Allowed secured claims (Part 3, Section 3.2 total):	\$ _____
c. Secured claims not subject to 11 U.S.C. § 506 (Part 3, Section 3.3 total):	\$ _____
d. Judicial liens or security interests not avoided (Part 3, Section 3.4 total):	\$ _____
e. Administrative and other priority claims (Part 4 total):	\$ _____
f. Current installment payments and arrearage payments on unsecured debts (Part 5, Section 5.1 total):	\$ _____
g. Separately classified unsecured claims (Part 5, Section 5.2 total):	\$ _____
h. Nonpriority unsecured claims (Part 5, Section 5.3 total):	\$ _____
i. Interest on allowed unsecured claims (Part 5, Section 5.4 total):	\$ _____
j. Arrearage payments on executory contracts and unexpired leases (Part 6, Section 6.1 total):	\$ _____
Total of lines a through j .....	\$ _____

**COMMITTEE NOTE**

Official Form 113 is new and is the required plan form in all chapter 13 cases. See Bankruptcy Rule 3015. Alterations to the text of the form or the order of its provisions, except as indicated on the form itself, are prohibited. See Bankruptcy Rule 9009. As the form explains, spaces for responses may be expanded or collapsed as appropriate, and sections that are inapplicable do not need to be reproduced.

*Part 1.* This part is intended to highlight some provisions of the plan for the benefit of interested parties and the court. For that reason, if the plan includes one or more of the provisions listed in this part, the appropriate boxes must be checked. For example, if Part 9 of the plan proposes a provision not included in, or contrary to, the Official Form, then that nonstandard provision will be ineffective if the appropriate check box is not selected.

*Part 2.* This part states the proposed periodic plan payments, plan length, the estimated total plan payments, and sources of funding for the plan. Section 2.1 allows the debtor or debtors to propose periodic payments in other than monthly intervals. For example, if the debtor receives a paycheck every week and wishes to make plan payments accordingly, that should be indicated in § 2.1. Section 2.2 provides for the manner in which the debtor will make payments. The debtor may also make payments through a designated third party, such as an electronic funds transfer program.

*Part 3.* This part provides for the treatment of secured claims.

Section 3.1 provides for the treatment of claims under Code §1322(b)(5) (maintaining current payments and curing any arrearage). For the claim of a secured creditor listed in § 3.1, an estimated arrearage amount should be given. A contrary arrearage amount listed on the creditor's proof of claim, unless contested by objection or motion, will control over the amount given in the plan.

In § 3.2, the plan may propose to determine under Code § 506(a) the value of a secured claim for which a proof of claim has been filed. For example, the plan could seek to reduce the secured portion of a creditor's claim to the value of the collateral securing it. For the secured claim of a nongovernmental creditor, that determination would be binding upon confirmation of the plan. For the secured claim of a governmental unit, however, a contrary valuation listed on the creditor's proof of claim, unless contested by objection or motion, would control over the valuation given in the plan. See Bankruptcy Rule 3012. Although § 3.2 applies to secured claims for which a proof of claim has been filed in accordance with Bankruptcy Rule 3002, that rule contemplates that a debtor, the trustee, or another entity may file a proof of claim if the creditor does not do so in a timely manner. See Bankruptcy Rules 3004 and 3005. Section 3.2 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.3 deals with secured claims that may not be bifurcated into secured and unsecured portions under Code § 506(a), but it allows for an interest rate other than the contract rate to be applied to payments on such a claim.

In § 3.4, the plan may propose to avoid certain judicial liens or security interests encumbering exempt property in accordance with Code § 522(f). A separate exhibit shows the calculation of the amount of the judicial lien or

security interest that is avoided. A plan proposing avoidance in § 3.4 must be served in the manner provided by Bankruptcy Rule 7004 for service of a summons and complaint. See Bankruptcy Rule 4003. Section 3.4 will not be effective unless the appropriate check box in Part 1 is selected.

Section 3.5 provides for elections to surrender collateral and consent to termination of the stay under § 362(a) and § 1301 with respect to the collateral surrendered. Termination will be effective upon confirmation of the plan.

*Part 4.* This part provides for the treatment of claims entitled to priority status. In § 4.4, the plan calls for an estimated amount of each such claim. A contrary amount listed on the creditor's proof of claim, unless changed by court order in response to an objection or motion, will control over the amount given in the plan.

*Part 5.* This part provides for the treatment of unsecured claims that are not entitled to priority status. In § 5.3, the plan may propose to pay nonpriority unsecured claims in accordance with several options. One or more options may be selected. For example, the plan could propose simply to pay unsecured creditors any funds remaining after disbursements to other creditors, or also provide that a defined percentage of the total amount of unsecured claims will be paid.

*Part 6.* This part provides for executory contracts and unexpired leases. An executory contract or unexpired lease is rejected unless it is listed in this part.

*Part 7.* This part provides an order of distribution of payments under the plan. Other than the trustee's fees and monthly payments to secured creditors, the order of distribution is left to be completed by the debtor in keeping with the requirements of the Code. A separate exhibit lists the estimated amounts of these distributions.

*Part 8.* This part defines when property of the estate will revert in the debtor or debtors. One choice must be selected—upon plan confirmation, upon closing the case, or upon some other specified event. This plan provision is subject to a contrary court order under Code § 1327(b).

*Part 9.* This part gives the debtor or debtors the opportunity to propose provisions that are not otherwise in, or are contrary to, the Official Form. All such nonstandard provisions must be set forth in this part and nowhere else in the plan. This part will not be effective unless the appropriate check box in Part 1 is selected. See Bankruptcy Rule 3015.

*Part 10.* The plan must be signed by the attorney for the debtor or debtors, unless the debtor or debtors are not represented by an attorney, in which case the plan must be signed by the debtor or debtors. The signature in this part is a certification to the court that the plan's provisions are identical to the Official Form, except for any nonstandard provisions contained in Part 9.

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WASHINGTON, D.C. 20544

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**MEMORANDUM**

**To:** Honorable Jeffrey S. Sutton, Chair  
Standing Committee on Rules of Practice and Procedure

**From:** Honorable Eugene R. Wedoff, Chair  
Advisory Committee on Federal Rules of Bankruptcy Procedure

**Date:** May 8, 2013

**Re:** Report of the Advisory Committee on Bankruptcy Rules

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**I. Introduction**

The Advisory Committee on Bankruptcy Rules met on April 2 and 3, 2013, in New York, New York, at the United States Bankruptcy Court. The draft minutes of that meeting accompany this report as Appendix C. The Committee's actions fall into three categories.

\* \* \* \* \*

Second, the Advisory Committee took action on new proposed rule and form amendments that are the result of two major projects: the continuing work of the Forms Modernization Project and the development of a chapter 13 plan form. The Committee requests publication for public comment of (1) the remaining group of modernized forms for use in individual-debtor bankruptcy cases and (2) a chapter 13 plan form and implementing rule amendments.

Finally, as discussed below, the Committee also approved and seeks publication for comment of proposed amendments to two other rules and three forms.

\* \* \* \* \*

**B. Items for Publication in August 2013**

The Advisory Committee recommends that the proposed rule and form amendments and new proposed forms that are discussed below be published for public comment. The texts of the amended rules and official forms are set out in Appendix B.

*B1. Form Amendments for Which Republication Is Sought.*

**Action Item 9. Official Forms 22A-1, 22A-2, 22B, 22C-1, and 22C-2**, the restyled means-test forms for individual debtors under chapter 7, 11, and 13, were published for comment in August 2012. Eighteen sets of comments on these forms were officially submitted, and one person informally provided the Advisory Committee with a detailed review of the forms. The comments ranged from suggestions and critiques regarding wording, style, and formatting of the forms to ones raising questions about interpretations of the Bankruptcy Code and case law. The FMP, the Subcommittee on Forms, and the Advisory Committee carefully considered all of the comments. The Committee determined that several of the comments were well taken, and it approved changes to the forms in response. Because it determined that the changes made were of sufficient significance to require republication, it requests that the newly revised means-test forms be published for public comment in August. Along with the republication of Official Forms 22A-1, 22A-2, 22B, 22C-1, and 22C-2, the Committee requests publication of **Official Form 22A-1Supp**, which was created in response to the comments.

The following discussion describes the most significant changes that the Committee made to the means-test forms at the spring meeting. In addition to the changes that are discussed, a number of stylistic changes were made.

(1) Creation of a separate form for chapter 7 means-test exemption. Section 707(b)(2)(D) exempts—either permanently or for a specified period—a limited number of chapter 7 debtors from being subject to the means test. In the current chapter 7 means-test form (Official Form 22A) and the revised form that was published last summer (proposed Official Form 22A-1), information about eligibility for an exemption is asked for at the beginning of the form. Because of the complexity of the qualifying requirements, this portion of the form occupies the entire first page.

Several comments were submitted regarding this part of the published form. One comment suggested moving to a separate form the questions that pertain to exemptions based on certain types of military service. The Advisory Committee agreed and decided that all of the exemption questions should be removed from Form 22A-1 and placed in a new supplement to that form, Official Form 22A-1Supp. That change serves two purposes. It unclutters Form 22A-1 by removing questions that are only occasionally applicable. It also results in uniform line numbering in the three means-test forms about income (22A-1, 22B, and 22C-1). Previously, the initial questions that were only in the chapter 7 form caused a misalignment with the parallel forms.

(2) New instruction about a domestic support obligation paid by one joint debtor or non-filing spouse to the other debtor. A comment suggested and the Advisory Committee agreed that the question in line 3 of Forms 22A-1, 22B, and 22C-1 about income from alimony and

maintenance payments should be accompanied by an instruction not to include such payments from a spouse if column B (for reporting the income of a joint debtor or non-filing spouse) is filled in. The instruction is intended to prevent double reporting of the same income.

(3) Changes to implement the *Hamilton v. Lanning* decision. In *Hamilton v. Lanning*, 130 S. Ct. 2464 (2010), the Supreme Court held that the calculation of a chapter 13 debtor's projected disposable income under § 1325(b) requires consideration of changes to income or expenses reported elsewhere on Official Form 22C that, at the time of plan confirmation, had occurred or were virtually certain to occur. Proposed Form 22C-2, as published last summer, included a section in which a debtor was asked to report any income or expense reported on the form that "has changed or is virtually certain to change during the 12 months after the date you filed your bankruptcy petition." Two comments stated that the 12-month limitation should be deleted. The Advisory Committee voted to accept this suggestion as better reflecting the *Lanning* decision. As revised, line 46 of Form 22C-2 directs a debtor to indicate if reported income or expenses "have changed or are virtually certain to change after the date that you filed your bankruptcy petition and during the time your case will be open."

The Advisory Committee also approved a change at the spring meeting to Official Form 22C-1 to reflect the possibility that a bankruptcy judge might calculate current monthly income under § 101(10A)(A)(i), rather than the ordinary method required by § 101(10A)(A)(I). The Advisory Committee agreed to provide for this possibility by adding the language "Unless otherwise ordered by the court," to the options in line 21 of proposed Form 22C-1 for stating the applicable commitment period.

*B2. Rules and Forms for Which Publication Is Sought.*

**Action Item 10. Rules to implement the chapter 13 plan form.** For the past two years, the Advisory Committee has studied the creation of a national plan form for chapter 13 cases. The twin goals of the project have been to bring more uniformity to chapter 13 practice and to simplify the review of chapter 13 plans by debtors, courts, trustees, and creditors. These goals are consistent with the Supreme Court's decision in *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (2010), which held that an order confirming a procedurally improper chapter 13 plan was nevertheless entitled to preclusive effect and that bankruptcy judges must independently review chapter 13 plans for conformity with applicable law.

The Advisory Committee formed a Chapter 13 Plan Form Working Group to steer the project. The Working Group produced a draft plan form, together with a number of draft amendments to the Bankruptcy Rules that would be necessary to give effect to the plan and would clarify and increase the efficiency of chapter 13 practice. At its September 2012 meeting in Portland, Oregon, the Advisory Committee discussed drafts of the plan form and rule amendments prepared by the Working Group. The Advisory Committee also approved the Working Group's recommendation to hold a mini-conference on the draft plan and rules. That mini-conference, held in Chicago in January 2013, brought together participants from a broad cross-section of groups interested in the chapter 13 process. The participants included chapter 13 trustees, bankruptcy judges, a court clerk, consumer debtor attorneys, and representatives of secured and unsecured creditors. Based on the input received during the mini-conference, the Working Group prepared a revised draft plan and accompanying rule amendments for

consideration by the Advisory Committee at its April 2013 meeting in New York. The Advisory Committee voted unanimously to seek publication of the form and rule amendments.

The following discussion summarizes the amendments to the Bankruptcy Rules that the Advisory Committee seeks permission to publish with the chapter 13 plan form.

*Rule 2002.* The Bankruptcy Rules describe categories of events that trigger the obligation to provide notice. Rule 2002 currently requires 28 days' notice of the time to file objections to confirmation of a chapter 13 plan as well as of the confirmation hearing itself. Because the Bankruptcy Rules do not currently require that an objection to confirmation be filed in advance of the confirmation hearing, notice of the confirmation hearing and notice of the time to file an objection to confirmation can be made at the same time. An amendment to Rule 3015(f), however, would require that objections to confirmation of a chapter 13 plan be filed at least seven days before the confirmation hearing.

The Advisory Committee had two concerns about the interplay between current Rule 2002 and amended Rule 3015(f). First, parties would need to cross-reference the two rules in order to calculate the proper time for serving notice of the deadline to file an objection to confirmation in a chapter 13 case, and this might pose a trap for the unwary. Second, the combination of the 7-day pre-hearing deadline for objections to confirmation under Rule 3015(f) and the 28-day notice period for the time to file objections to confirmation under Rule 2002 would effectively create a 35-day notice period for a confirmation hearing, which is unnecessarily long. In particular, when a pre-confirmation modification of a plan is required, a 35-day period would be excessive.

The Advisory Committee proposes to retain the 28-day period for notice of a chapter 13 confirmation hearing, but to amend Rule 2002 in light of the new time period for objections to confirmation in Rule 3015(f). Thus, Rule 2002 would require 21 days' notice of the time to file objections to confirmation.

*Rule 3002.* When the Advisory Committee surveyed bankruptcy judges and trustees regarding chapter 13 practice, they frequently expressed dissatisfaction with the requirements for filing a proof of claim. The current rule requires only unsecured creditors to file proofs of claim, which has caused confusion about whether and when secured creditors must file proofs of claim in chapter 13 cases. Adding to that confusion, the lengthy deadline for filing a proof of claim under the current rule means that a timely claim could be filed even after the Bankruptcy Code requires a court to hold a confirmation hearing in a chapter 13 case.

Amended Rule 3002 responds to both of these concerns. First, Rule 3002(a) would be amended to require a secured creditor, as well as an unsecured creditor, to file a proof of claim in order to have an allowed claim. In keeping with Code § 506(d), however, the amendment also makes clear that the failure of a secured creditor to file a proof of claim does not render the creditor's lien void. Second, Rule 3002(c) would be amended to change the calculation of the claims bar date. Rather than 90 days from the meeting of creditors under Code § 341, the bar date would be 60 days after the petition is filed in a chapter 13 case. The amended rule includes a provision for an extension of the bar date when the debtor has failed to provide in a timely manner a list of creditors' names and addresses for notice purposes. In response to concerns

raised during the Chicago mini-conference, the amended rule would also include a longer bar date for certain supporting documents required for mortgage claims on a debtor's principal residence. With those claims, the mortgagee would be required to file a proof of claim within the 60-day period but would have an additional 60 days to file a supplement with the supporting documents.

*Rule 3007.* Objections to claims are governed by Rule 3007. Because the plan form permits some determinations regarding claims to be made through the plan, the Advisory Committee proposes an amendment to Rule 3007. The amended rule would provide an exception to the need to file a claim objection if a determination with respect to that claim is made in connection with plan confirmation under proposed Rule 3012.

*Rule 3012.* In order to implement the provisions of the plan form that would allow determinations of the amount of a claim in certain circumstances, the Advisory Committee proposes to amend and reorganize Rule 3012. The amendment would provide that the amount of a secured claim under Code § 506(a) may be determined in a proposed plan, subject to objection and resolution at the confirmation hearing. Current Rule 3012 provides for the valuation of a secured claim by motion only. The amended rule would also make clear that a chapter 13 plan would not control the amount of a claim entitled to priority treatment or the amount of a secured claim of a governmental unit.

*Rule 3015.* Rule 3015 governs the filing of a chapter 13 plan as well as plan modifications and objections to confirmation. The Advisory Committee proposes extensive amendments to the rule. They include an amended subdivision (c) requiring use of the official form for chapter 13 plans, a new seven-day deadline in Rule 3015(f) for filing objections to confirmation, and an amended subdivision (g) providing when the plan terms control over contrary proofs of claim. These amendments dovetail with amendments to Rules 2002, 3007, and 3012.

*Rule 4003.* Code § 522(f) permits a debtor to avoid certain liens encumbering property that is exempt from the debtor's estate. Current Rule 4003(d) provides that lien avoidance under this section of the Code requires a motion. The plan form, however, would include a provision for a debtor to request lien avoidance as permitted by § 522(f). The Advisory Committee proposes an amendment to Rule 4003(d) to give effect to that part of the plan form.

*Rule 5009.* The Advisory Committee has included a procedure in amended Rule 5009(d) for the debtor to obtain an order confirming that a secured claim has been satisfied. This is particularly important to debtors who need, for title purposes, documentation showing that an unsecured second mortgage or other lien has been satisfied in a chapter 12 or chapter 13 case. Because the Advisory Committee does not wish to take a position on the requirements for lien satisfaction, the language of the amended rule permits the debtor to request entry of the order but does not specify those requirements.

*Rule 7001.* Rule 7001 lists disputes that are required to be conducted by adversary proceeding. Current Rule 7001(2) includes among the list of adversary proceedings a proceeding "to determine the validity, priority, or extent of a lien or other interest in property." The Advisory Committee proposes to amend Rule 7001(2) so that determinations of the amount

of a secured claim (under amended Rule 3012) and lien avoidance (under amended Rule 4003(d)) through a chapter 12 or chapter 13 plan would not require an adversary proceeding.

*Rule 9009.* In order to ensure use of the chapter 13 plan form without significant alterations, the Advisory Committee has proposed an amendment to Rule 9009. That rule currently provides that official forms may be “used with alterations as may be appropriate” and with “their contents rearranged.” The language of the current rule raised the concern that debtors (or courts) might rearrange the chapter 13 plan form or include terms that deviate from it without properly identifying those terms. Because greater uniformity is a principal goal of the plan form, amended Rule 9009 would limit the range of permissible changes to forms. The amended rule—which would be reorganized with separate subdivisions for official forms, director’s forms, and a rule of construction for forms—prohibits alterations to official forms, unless alterations are permitted by the Bankruptcy Rules or by an official form itself. The amended rule would also permit modification of forms in limited circumstances to take account of the use of similar typefaces and the need to expand or delete space for responses on a form. These provisions would permit a filer to expand or delete space, as appropriate, when responding to an item on a form or to skip a category of information by indicating that no response is reported for that category. The amended rule also includes a provision for the alteration of form court orders in a particular case.

**Action Item 11.** **Rule 5005** governs the Filing and Transmittal of Papers. As reported at last two meetings, the Advisory Committee has been considering the advisability of proposing a national bankruptcy rule that would permit the use of electronic signatures of debtors and other individuals who are not registered users of CM/ECF, without requiring the retention of the original document bearing a handwritten signature. The Committee now seeks publication for public comment of a proposed amendment of Rule 5005 that would create such a rule.

Currently the use of electronic signatures in bankruptcy courts is governed by local rules. Bankruptcy Rule 5005(b)(2) provides in part that a “court may by local rule permit or require documents to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes.”

Many of the local rules that deal with electronic signatures are based on Model Rules for Electronic Case Filing that were approved by the Judicial Conference of the United States (“JCUS”) in 2001 and modified in 2003. The model rules were recommended by the Committee on Court Administration and Case Management (“CACM”), which developed them with participation by the Committee on Information Technology and the Standing Committee. The introduction to the model rules explains that courts are “free to adapt the provisions of these model rules as they choose.”

Two of the model rules relate to signatures on electronically filed documents. Model Rule 8 (Signatures) provides that the “user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User’s signature on all electronic documents filed with the court. . . . for any . . . purpose for which a signature is required in connection with proceedings before the court.” Regarding the signature of an individual without a CM/ECF user log-in and password (a “non-Filing User”), Model Rule 8 states that an electronically filed

document should represent the signature by “a ‘s/’ and the name typed in the space where a signature would otherwise appear, or as a scanned image.”

Model Rule 7 (Retention Requirements) imposes a duty on a Filing User to maintain in paper form any electronically filed document that required the original signature of someone other than the Filing User. The Commentary to the rule states without further elaboration that, “because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future.” The rule does not specify the retention period, but instead leaves that decision up to each district.

Many bankruptcy courts today have local rules that require the attorney (Filing User) to preserve original documents bearing the debtor’s (non-Filing User’s) signature for a specified period of time. The retention periods vary. A few bankruptcy courts do not require retention of the original document so long as the attorney submits a declaration manually signed by the debtor attesting to the truth of the information electronically filed or, in other courts, files a scanned image of the signature page with the debtor’s original signature.

The issue of the retention of documents that are filed electronically with the debtor’s signature was initially brought to the Advisory Committee by the Forms Modernization Project. It raised the issue in response to concerns expressed by debtors’ attorneys about their need to retain petitions, schedules, and other individual-debtor filing documents that will be lengthier in the proposed restyled format. Representatives of the Department of Justice also expressed concerns about the retention of original documents by debtors’ attorneys and the lack of uniformity regarding the retention period. The Department made a recommendation to the Next Gen’s Additional Stakeholders Functional Requirements Group that documents bearing handwritten signatures, signed under penalty of perjury, be retained by the clerk of court for five years—the statute of limitations for fraud and perjury proceedings—unless a national rule were adopted declaring that electronic copies of such documents in the court’s CM/ECF system constitute legally sufficient best evidence in the absence of an original signed document.

After its fall 2012 meeting, the Advisory Committee received a copy of a memorandum from the chair of CACM to the chair of the Standing Committee that requested the Standing Committee to “explore creating a federal rule regarding electronic signatures and the retention of paper documents containing original signatures.” CACM suggested three possible approaches to the issue:

- Its preference is the promulgation of a national rule specifying that an electronic signature in the CM/ECF system is *prima facie* evidence of a valid signature. Under this proposal, the burden would be placed on persons opposing the validity of the signature to prove with appropriate evidence that an electronic signature was not valid.
- The second approach would be to require courts to retain copies of all originally-signed, paper documents that are electronically filed. According to CACM, this method would address problems with law firms retaining such records, but would impose a substantial cost on the courts.

- According to CACM, a third alternative would be a policy option. CACM could ask JCUS to specify the retention period for original documents containing the signature of a non-Filing User. CACM noted, however, that such a policy would not address the problems for external users because of lack of uniformity in local rules, and it would not encourage the reliance on electronic signatures.

At the request of the Advisory Committee, Dr. Molly Johnson of the Federal Judicial Center collected and reviewed local bankruptcy rules regarding signatures of debtors on documents that are filed electronically and requirements for the retention of original documents bearing a non-Filing User's signature. For a point of comparison, she also reviewed local district court rules regarding signatures by non-Filing Users and related retention requirements. In connection with her report, Dr. Johnson reviewed a recent Office of Management and Budget document on the use of electronic signatures in federal transactions and solicited the views of interested parties about possible rule changes that would eliminate retention requirements.

Informal feedback from U.S. trustees, chapter 7 case trustees, and the Executive Office of U.S. Attorneys indicated a preference for handwritten signatures affixed to original documents, rather than purely electronic signatures and an accompanying declaration, but recognized that scanned images of signatures may also be workable. They expressed concern about whether a debtor's declaration would be persuasive evidence that the debtor saw all of the relevant documents or knew which documents were covered by the declaration.

The Advisory Committee's Subcommittee on Technology and Cross Border Insolvency considered several options for a rule that would allow the use of electronic signatures of non-Filing Users without requiring either an attorney or the court to retain the original document. At the spring meeting, it recommended to the Committee a proposed amendment of Rule 5005 that would allow scanned signatures of debtors and other non-Filing Users to be treated the same as handwritten signatures without requiring the retention of hard copies of documents. The Subcommittee stressed the importance of requiring the scanned signature page and the related document to be filed as a single docket entry in order provide clarity about the document that was being attested to by the non-Filing User. The amended rule would also provide that the user name and password of a registered user of the CM/ECF system would be treated as that individual's signature on electronically filed documents. The Subcommittee noted that the validity of a signature submitted under the amended rule would still be subject to challenge, just as is true for a handwritten signature.

After full discussion, the Advisory Committee unanimously approved the Subcommittee's recommendation, and it requests that the proposed revision of Rule 5005(a) be published for comment.

**Action Item 12. Rule 9006(f)**, which is modeled on Civil Rule 6(d), provides three additional days for a party to act "after service" if service is made by mail or under Civil Rule 5(b)(2)(D), (E), or (F). At the January 2013 meeting, the Standing Committee approved for publication a proposed amendment of Civil Rule 6(d) that would clarify that only the party that is served by mail or under the specified provisions of Civil Rule 5—and not the party making service—is permitted to add three days to any prescribed period for taking action after service is made. Because Rule 9006(f) contains the same potential ambiguity as current Rule 6(d), the

Advisory Committee voted to propose a parallel amendment of the bankruptcy rule. The Committee requests that the proposed amendment of Rule 9006(f) be published for public comment at the same time as the amendment of Civil Rule 6(d).

**Action Item 13. Official Form 113 (chapter 13 plan form).** The Advisory Committee seeks permission to publish for public comment a national plan form for chapter 13 cases. As described in Action Item 10, the plan form is the product of more than two years of study and consultation by a Working Group of the Advisory Committee.

The plan form includes ten parts. Beginning with a notice to interested parties (Part 1), the plan form covers: the amount, source, and length of the debtor's plan payments (Part 2); the treatment of secured claims (Part 3); the treatment of the trustee's fees, administrative claims, and other priority claims (Part 4); the treatment of unsecured claims not entitled to priority (Part 5); the treatment of executory contracts and unexpired leases (Part 6); the order of distribution of payments by the trustee (Part 7); the reversion of property of the estate with the debtor (Part 8); and nonstandard plan terms (Part 9). Part 10 is the signature box.

The plan form contains a number of significant features. First, it permits a debtor to propose to limit the amount of a secured claim (Part 3, § 3.2), to avoid certain liens as provided by the Bankruptcy Code (Part 3, § 3.4), and to include nonstandard terms that are not part of—or that deviate from—the official form (Part 9). In order to make any of these particular terms effective, however, the debtor must clearly indicate in Part 1 that the plan includes one or more of them by marking the appropriate checkbox. Thus, the face of the document will put the court, the trustee, and creditors on notice that the plan contains terms that may require additional scrutiny. Second, the plan form makes clear when it will control over a creditor's contrary proof of claim. For example, a debtor may propose to limit the amount of a nongovernmental secured claim under Code § 506(a) because the collateral securing it is worth less than the claim. The proposed amount of the secured claim would be binding, subject to a creditor's objection to the plan and a final determination of the issue in connection with plan confirmation. Otherwise, a creditor's proof of claim will control the amount and treatment of the claim, subject to a claim objection.

The treatment of nonstandard plan provisions has been a concern during the process of drafting the plan. As described earlier, Part 1 requires the debtor to indicate whether the plan form includes nonstandard terms. In order to give further assurance that the debtor has filed a plan form that otherwise adheres to the official form, the Working Group proposed that the plan's signature box include a certification to that effect. Thus, the plan form requires that the debtor's attorney (or the debtor, if pro se) must certify by signing the plan that all of its provisions are identical to the official form, except for nonstandard provisions located in Part 9.

The Advisory Committee anticipates that the plan form would go into effect at the same time as the amendments to the Bankruptcy Rules intended to implement it. Accordingly, a request for final approval of the plan form after publication for public comment would be timed to match the progress of those rule amendments.

**Action Item 14. Remaining revised forms for individual debtors.** As discussed above under Action Item 7, the Advisory Committee has been engaged in a multi-year undertaking—through its FMP—to restyle the official bankruptcy forms and to improve the

interface between the forms and available technology. The Advisory Committee approved the FMP's decision to create a separate set of forms for use in cases involving individual debtors. The first group of the individual-debtor forms was published for comment last August, and, as set out in Action Items 7 and 8, the Committee is seeking either final approval or republication of those forms at this meeting. The Committee also requests publication of the remaining restyled individual-debtor forms in August of this year. These forms are included in Appendix B. Although the normal effective date for official bankruptcy forms published this summer would be December 1, 2014, the Advisory Committee recommends that the effective date be delayed until at least December 1, 2015, for reasons that are discussed below.

Drafts of the proposed Official Forms for which publication is sought were presented to the Standing Committee for its preliminary review at the January 2013 meeting. Members of the Standing Committee offered comments, both of a stylistic and substantive nature, and the Advisory Committee subsequently approved some changes to the proposed forms in response to that feedback. The Advisory Committee approved other changes to the forms at its spring meeting in response to comments that were submitted on the forms published in 2012 and suggestions by Committee members.

As explained at the January 2013 Standing Committee meeting, the need for different versions of case opening forms for individuals and non-individuals required the FMP to develop a new numbering scheme for all the bankruptcy forms that both organizes the bankruptcy forms in a logical way and has some relationship to current form numbers. The basic numbering protocol for the new forms is:

- 1XX – Forms for Individuals Filing for Bankruptcy
- 2XX – Forms for Non-individual Filing for Bankruptcy
- 3XX – Orders and Court Notices
- 4XX – Additional Official Forms
- XXXX - Director's Forms

A forms number conversion chart to accompany the forms for publication is included in Appendix B.

The proposed Official Forms for which the Advisory Committee requests publication are the following:

- 101**            **Voluntary Petition for Individuals Filing for Bankruptcy**
- 101A**        **Initial Statement About an Eviction Judgment Against You**
- 101B**        **Statement About Payment of an Eviction Judgment Against You**

## AMERICAN BANKRUPTCY INSTITUTE

104	List in Individual Chapter 11 Cases of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders
105	Involuntary Petition Against an Individual
106Sum	Summary of Your Assets and Liabilities and Certain Statistical Information
106A/B	Schedule A/B: Property
106C	Schedule C: The Property You Claim as Exempt
106D	Schedule D: Creditors Who Hold Claims Secured by Property
106E/F	Schedule E/F: Creditors Who Have Unsecured Claims
106G	Schedule G: Executory Contracts and Unexpired Leases
106H	Schedule H: Your Codebtors
106Dec	Declaration About an Individual Debtor's Schedules
107	Statement of Financial Affairs for Individuals Filing for Bankruptcy
112	Statement of Intention for Individuals Filing Under Chapter 7
119	Bankruptcy Petition Preparer's Notice, Declaration, and Signature
121	Statement About Your Social Security Numbers
318	Order of Discharge
423	Certification About a Financial Management Course
427	Cover Sheet for Reaffirmation Agreement

**An instruction booklet for individuals is also included for comment.**

*Changes Made after the January Meeting.* (1) The exemption schedule's *Schwab v. Reilly* option. As presented at the January meeting of the Standing Committee, the draft of the schedule that a debtor uses for claiming property as exempt (at that time designated as Schedule D and now as Schedule C) included four columns for providing information. They were labeled: **i.** Brief description of the property and line on *Schedule A* that lists this property; **ii.** Current value of the portion you own; **iii.** Amount of the exemption you claim; and **iv.** Specific laws that allow exemption. The third column—Amount of the exemption you claim—included only a blank line on which a debtor could insert either a specific dollar amount or use the option

offered by *Schwab v. Reilly*, 130 S. Ct. 2652 (2010), of claiming as exempt “100% of fair market value.”<sup>1</sup>

The instructions at the beginning of the form explained, “For each item of property you claim as exempt, you must specify the amount of the exemption you claim. Usually, a specific dollar amount is claimed as exempt, but in some circumstances the amount of the exemption claimed might be indicated as 100% of fair market value. For example, a debtor might claim 100% of fair market value for an exemption that is unlimited in amount, such as some exemptions for health aids.”

This design of the form represented a compromise between the existing exemption schedule and an earlier published amendment to the schedule, which was eventually withdrawn by the Advisory Committee. The existing exemption schedule requires a debtor to specify “the value of the claimed exemption.” The proposed amendment that was published in August 2011 added two checkboxes to the form to allow debtors to state the value of a claimed exemption as either (1) the “Full fair market value of the exempted property” or (2) “Exemption limited to \$\_\_\_\_\_.”

The Advisory Committee decided not to pursue the August 2011 proposal after reviewing comments submitted in response to publication. A number of them, mostly by bankruptcy trustees, stated that because the new option could be easily invoked by checking a box, it would encourage debtors to claim the full fair market value of an asset as exempt, even when using an exemption capped at an amount less than the asset’s value. They argued that the increase in such exemption claims would then lead to a “plethora of objections.”

In January when the draft exemption form was discussed by the Standing Committee, several concerns were raised about the form’s proposed wording and format. One concern was that the option of claiming 100% of fair market value was presented too subtly for pro se debtors to understand it. One member suggested that additional examples be provided of when that option could properly be invoked, and another suggested highlighting the relevant instructions. It was also suggested that perhaps the Advisory Committee had given too much deference to the views of trustees and that the Committee should consider revising the form to present the “100% FMV” option more clearly. At the conclusion of the meeting, one member of the Standing Committee suggested that the column for “Amount of the exemption you claim” provide two options: (1) a checkbox followed by a line with a dollar sign, and (2) a checkbox followed by “100% of fair market value, not greater than any applicable statutory limit.”

A revised draft of the proposed exemption form was prepared to incorporate the suggestions offered by the Standing Committee. As approved by the Advisory Committee, the form now provides two options under “Amount of the exemption you claim”: (1) a checkbox followed by a line with a dollar sign, and (2) a checkbox followed by “100% of fair market

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<sup>1</sup>The *Schwab* Court stated, “Where, as here, it is important to the debtor to exempt the full market value of the asset or the asset itself, our decision will encourage the debtor to declare the value of her claimed exemption in a manner that makes the scope of the exemption clear, for example, by listing the exempt value as “full fair market value (FMV)” or “100% of FMV.” 130 S. Ct. at 2668.

value, up to any applicable statutory limit.” The instruction at the top of the form relating to the exemption amount appears in a separate paragraph, written in bold. It reads as follows:

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

The Advisory Committee concluded that this version of the form provides the debtor a means of claiming an exemption of 100% of fair market value when doing so is permissible under applicable law.

(2) Changed designations of the debtor’s schedules. Official Form 6 (to be redesignated as Official Form 106) consists of a series of schedules that a debtor must file at the outset of a bankruptcy case. The schedules are referred to by letter—currently A–J. As proposed by the FMP group, some schedules would be combined (current A and B, and E and F), and the order of some schedules would be changed. As a result, the existing letter designations of all of the schedules would be altered.

At the spring meeting, two members of the Advisory Committee suggested an alternative designation scheme for the schedules that would result in only a minimal change from the existing designations. Under their proposal, the two combined forms would be designated by two letters—A/B and E/F—and the schedules would remain in the same order as they currently appear. As a result, all but the combined forms would retain their current letter designations. The proponents of this alternative argued that publishing new schedules with a lettering scheme that more closely aligns with the status quo would minimize confusion during the period of implementation and transition to the new forms and would likely make it easier to build support for the new forms among the constituencies that use them on a daily basis.

After discussion, the Committee adopted the alternative designation proposal by a vote of 7 to 5.

(3) Other changes after the January meeting. In response to comments made about the restyled individual-debtor forms that were published in August 2012, the Advisory Committee approved formatting and appearance changes to those forms, and it made the same changes to the forms that are now proposed for publication. Most shading was removed from the forms, and the black banners separating the parts of the forms were reduced. The Committee’s review and editing of the proposed forms also resulted in some stylistic changes and, in a few forms, substantive changes to ensure conformity with the Bankruptcy Code and rules.

*Proposed Effective Date.* Although the normal effective date for official bankruptcy forms published in 2013 would be December 1, 2014, the Advisory Committee recommends that the effective date for the restyled individual-debtor forms that will be initially published this summer be delayed at least until December 1, 2015, in order to permit them to go into effect at the same time as the restyled forms for non-individual cases. The non-individual forms are about a year behind the individual forms in development. There are two reasons for the need for synchronization. First, many of the individual-debtor forms being published this summer are revisions of forms that currently apply in all bankruptcy cases, individual and non-individual. To avoid overlap and confusion, the non-individual forms should not go into effect until the current forms have been replaced for all cases. Second, the forms that will be published this summer implement the new forms-numbering scheme. Waiting for the effective date of the non-individual forms will allow there to be a uniform numbering scheme for all of the bankruptcy forms. A year or more delay in the effective date will also have the benefit of allowing the next generation of CM/ECF to first become operational. Next Gen will provide the ability to store information on the forms as data so that authorized users can produce customized reports suitable for their needs. One of the goals of the FMP has been to take advantage of these new technological developments.

**Action Item 15.** **Official Forms 17A, 17B, and 17C** are proposed for publication in connection with the revision of the bankruptcy appellate rules. Form 17A would be an amended and renumbered notice-of-appeal form, and Forms 17B and 17C would be new.

Proposed Form 17A would include in the Notice of Appeal a section for the appellant's optional statement of election to have the appeal heard by the district court rather than by the bankruptcy appellate panel. It would only be applicable in districts for which appeals to a bankruptcy appellate panel have been authorized. Inclusion of the statement in the notice of appeal would ensure compliance with the statutory requirement that an appellant make its election to have the district court hear its appeal "at the time of filing the appeal." 28 U.S.C. § 158(c)(1)(A).

New Form 17B—the Optional Appellee Statement of Election to Proceed in the District Court—would be the form that an appellee would file if it wanted the appeal to be heard by the district court and the appellant or another appellee did not make that election. To comply with § 158(c)(1)(B), the appellee would have to file the form within 30 days after service of the notice of appeal.

New Form 17C—Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)—would provide a means for a party to certify compliance with the provisions of the bankruptcy appellate rules that prescribe limitations on brief length based on number of words or lines of text (the "type-volume limitation"). It is based on Appellate Form 6, which implements the parallel provisions of FRAP 32(a)(7)(B).

The Advisory Committee requests that the proposed forms be published this August so that they would be on schedule to take effect on December 1, 2014, the same effective date as is anticipated for the revised Part VIII rules.

PROPOSED AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE\*

1 **Rule 2002. Notices to Creditors, Equity Security**  
2 **Holders, Administrators in Foreign Proceedings,**  
3 **Persons Against Whom Provisional Relief is Sought in**  
4 **Ancillary and Other Cross-Border Cases, United States,**  
5 **and United States Trustee**

6 (a) TWENTY-ONE-DAY NOTICES TO  
7 PARTIES IN INTEREST. Except as provided in  
8 subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk,  
9 or some other person as the court may direct, shall give the  
10 debtor, the trustee, all creditors and indenture trustees at  
11 least 21 days' notice by mail of:

12 \* \* \* \* \*

13 (7) the time fixed for filing proofs of  
14 claims pursuant to Rule 3003(c); ~~and~~

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\* New material is underlined in red; matter to be omitted is lined through.

15 (8) the time fixed for filing objections  
16 and the hearing to consider confirmation of a  
17 chapter 12 plan; and

18 (9) the time fixed for filing objections to  
19 confirmation of a chapter 13 plan.

20 (b) TWENTY-EIGHT-DAY NOTICES TO  
21 PARTIES IN INTEREST. Except as provided in  
22 subdivision (l) of this rule, the clerk, or some other person  
23 as the court may direct, shall give the debtor, the trustee, all  
24 creditors and indenture trustees not less than

25 (1) 28 days' notice by mail of the time  
26 fixed ~~(1)~~ for filing objections and the hearing to  
27 consider approval of a disclosure statement or,  
28 under §1125(f), to make a final determination  
29 whether the plan provides adequate information so  
30 that a separate disclosure statement is not necessary;  
31 and

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32 (2) 28 days' notice by mail of the time  
33 fixed for filing objections and the hearing to  
34 consider confirmation of a chapter 9; or chapter 11;  
35 ~~or chapter 13 plan~~; and  
36 (3) 28 days' notice by mail of the time  
37 fixed for the hearing to consider confirmation of a  
38 chapter 13 plan.

39 \* \* \* \* \*

**Committee Note**

Subdivisions (a) and (b) are amended and reorganized to alter the provisions governing notice under this rule in chapter 13 cases. Subdivision (a)(9) is added to require at least 21 days' notice of the time for filing objections to confirmation of a chapter 13 plan. Subdivision (b)(3) is added to provide separately for 28 days' notice of the date of the confirmation hearing in a chapter 13 case. These amendments conform to amended Rule 3015, which governs the time for presenting objections to confirmation of a chapter 13 plan. Other changes are stylistic.

1 **Rule 3002. Filing Proof of Claim or Interest**

2 (a) NECESSITY FOR FILING. ~~An~~ A secured  
3 creditor, unsecured creditor, or an equity security holder  
4 must file a proof of claim or interest for the claim or  
5 interest to be allowed, except as provided in Rules 1019(3),  
6 3003, 3004, and 3005. A lien that secures a claim against  
7 the debtor is not void due only to the failure of any entity to  
8 file a proof of claim.

9 (b) PLACE OF FILING. A proof of claim or  
10 interest shall be filed in accordance with Rule 5005.

11 (c) TIME FOR FILING. In a voluntary chapter  
12 ~~7 liquidation~~ case, chapter 12 ~~family farmer's debt~~  
13 ~~adjustment~~ case, or chapter 13 ~~individual's debt adjustment~~  
14 case, a proof of claim is timely filed if it is filed not later  
15 than ~~90~~ 60 days after the date the petition is filed or the  
16 date of the order of conversion to a chapter 12 or 13 case.  
17 In an involuntary chapter 7 case, a proof of claim is timely

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18 filed if it is filed not later than 90 days after the order for  
19 relief is entered, ~~the first date set for the meeting of~~  
20 ~~creditors called under § 341(a) of the Code, except as~~  
21 follows:

22 \* \* \* \* \*

23 (6) ~~If notice of the time to file a proof of~~  
24 ~~claim has been mailed to a creditor at a foreign~~  
25 ~~address,~~ On motion filed by the a creditor before  
26 ~~or after the expiration of the time~~ to file a proof of  
27 claim, the court may extend the time to file a proof  
28 of claim by not more than 60 days from the date of  
29 the order granting the motion. The motion may be  
30 granted if the court finds that ~~the notice was~~  
31 ~~insufficient under the circumstances to give the~~  
32 ~~creditor a reasonable time to file a proof of claim~~

33 (A) the notice was insufficient  
34 under the circumstances to give the creditor

35 a reasonable time to file a proof of claim  
36 because the debtor failed to timely file the  
37 list of creditors' names and addresses  
38 required by Rule 1007(a), or  
39 (B) the notice was insufficient  
40 under the circumstances to give the creditor  
41 a reasonable time to file a proof of claim,  
42 and notice of the time to file a proof of claim  
43 was mailed to the creditor at a foreign  
44 address.  
45 (7) A proof of claim filed by the holder  
46 of a claim that is secured by a security interest in  
47 the debtor's principal residence is timely filed if  
48 (A) the proof of claim, together  
49 with the attachments required by  
50 Rule 3001(c)(2)(C), is filed not later than 60  
51 days after the order for relief is entered, and

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52 (B) any attachments required by  
53 Rule 3001(c)(1) and (d) are filed as a  
54 supplement to the holder's claim not later  
55 than 120 days after the order for relief is  
56 entered.

**Committee Note**

Subdivision (a) is amended to clarify that a creditor, including a secured creditor, must file a proof of claim in order to have an allowed claim. The amendment also clarifies, in accordance with § 506(d), that the failure of a secured creditor to file a proof of claim does not render the creditor's lien void. The amendment preserves the existing exceptions to this rule under Rules 1019(3), 3003, 3004, and 3005. Under Rule 1019(3), a creditor does not need to file another proof of claim after conversion of a case to chapter 7. Rule 3003 governs the filing of a proof of claim in chapter 9 and chapter 11 cases. Rules 3004 and 3005 govern the filing of a proof of claim by the debtor, trustee, or another entity if a creditor does not do so in a timely manner.

Subdivision (c) is amended to alter the calculation of the bar date for proofs of claim in chapter 7, chapter 12, and chapter 13 cases. The amendment changes the time for filing a proof of claim in a voluntary chapter 7 case, a chapter 12 case, or a chapter 13 case from 90 days after the § 341 meeting of creditors to 60 days after the petition date.

If a case is converted to chapter 12 or chapter 13, the 60-day time for filing runs from the order of conversion. In an involuntary chapter 7 case, a 90-day time for filing applies and runs from the entry of the order for relief.

Subdivision (c)(6) is amended to expand the exception to the bar date for cases in which a creditor received insufficient notice of the time to file a proof of claim. The amendment provides that the court may extend the time to file a proof of claim if the debtor fails to file a timely list of names and addresses of creditors as required by Rule 1007(a). The amendment also clarifies that if a court grants a creditor's motion under this rule to extend the time to file a proof of claim, the extension runs from the date of the court's decision on the motion.

Subdivision (c)(7) is added to provide a two-stage deadline for filing mortgage proofs of claim secured by an interest in the debtor's principal residence. Those proofs of claim must be filed with the appropriate Official Form mortgage attachment within 60 days of the order for relief. The claim will be timely if any additional documents evidencing the claim, as required by Rule 3001(c)(1) and (d), are filed within 120 days of the order for relief. The order for relief is the commencement of the case upon filing a petition, except in an involuntary case. See § 301 and § 303(h). The confirmation of a plan within the 120-day period set forth in subdivision (c)(7)(B) does not prohibit an objection to the proof of claim.

1 **Rule 3007. Objections to Claims**

2 (a) OBJECTIONS TO CLAIMS. An objection  
3 to the allowance of a claim shall be in writing and filed. A  
4 Except to the extent that the amount of a claim is  
5 determined under Rule 3012 in connection with plan  
6 confirmation in a chapter 12 or 13 case, a copy of the  
7 objection with notice of the hearing thereon shall be mailed  
8 or otherwise delivered to the claimant, the debtor or debtor  
9 in possession and the trustee at least 30 days prior to the  
10 hearing.

11 \* \* \* \* \*

**Committee Note**

Subdivision (a) is amended to provide that an objection to a claim is unnecessary if the determination of the amount of the claim is made through a chapter 12 or chapter 13 plan in accordance with Rule 3012.

1 **Rule 3012. ~~Valuation of Security~~ Determination of the**  
2 **Amount of Secured and Priority Claims**

3 ~~The court may determine the value of a claim~~  
4 ~~secured by a lien on property in which the estate has an~~  
5 ~~interest on motion of any party in interest and after a~~  
6 ~~hearing on notice to the holder of the secured claim and any~~  
7 ~~other entity as the court may direct.~~

8 (a) DETERMINATION OF AMOUNT OF  
9 CLAIM. On request by a party in interest and after  
10 notice—to the holder of the claim and any other entity the  
11 court designates—and a hearing, the court may determine

12 (1) the amount of a secured claim under  
13 § 506(a) of the Code, or

14 (2) the amount of a claim entitled to  
15 priority under § 507 of the Code.

16 (b) REQUEST FOR DETERMINATION;  
17 HOW MADE. Except as provided in subdivision (c), a

18 request to determine the amount of a secured claim may be  
19 made by motion, in a claim objection, or in a plan filed in a  
20 chapter 12 or 13 case. A request to determine the amount  
21 of a claim entitled to priority may be made by motion or in  
22 a claim objection. The request shall be served on the  
23 holder of the claim and any other entity the court designates  
24 in the manner provided for service of a summons and  
25 complaint by Rule 7004.

26 (c) CLAIMS OF GOVERNMENTAL UNITS.

27 A request to determine the amount of a secured claim of a  
28 governmental unit may be made by motion or in a claim  
29 objection after the governmental unit files a proof of claim  
30 or after the time for filing one under Rule 3002(c)(1) has  
31 expired.

**Committee Note**

This rule is amended and reorganized.

Subdivision (a) provides, in keeping with the former version of this rule, that a party in interest may seek a determination of the amount of a secured claim. The amended rule provides that the amount of a claim entitled to priority may also be determined by the court.

Subdivision (b) is added to provide that a request to determine the amount of a secured claim may be made in a chapter 12 or chapter 13 plan, as well as by a motion or a claim objection. Secured claims of governmental units are not included in this subdivision and are governed by subdivision (c). The amount of a claim entitled to priority may be determined through a motion or a claim objection.

Subdivision (c) clarifies that a determination under this rule with respect to a secured claim of a governmental unit may be made by motion or in a claim objection, but not until the governmental unit has filed a proof of claim or its time for filing a proof of claim has expired.

1 **Rule 3015. Filing, Objection to Confirmation, Effect of**  
2 **Confirmation, and Modification of a Plan in a Chapter**  
3 **~~12 Family Farmer Debt Adjustment~~ or a Chapter 13**  
4 **~~Individual's Debt Adjustment Case~~**

5 (a) FILING OF CHAPTER 12 PLAN. The  
6 debtor may file a chapter 12 plan with the petition. If a  
7 plan is not filed with the petition, it shall be filed within the  
8 time prescribed by § 1221 of the Code.

9 (b) FILING OF CHAPTER 13 PLAN. The  
10 debtor may file a chapter 13 plan with the petition. If a  
11 plan is not filed with the petition, it shall be filed within 14  
12 days thereafter, and such time may not be further extended  
13 except for cause shown and on notice as the court may  
14 direct. If a case is converted to chapter 13, a plan shall be  
15 filed within 14 days thereafter, and such time may not be  
16 further extended except for cause shown and on notice as  
17 the court may direct.

18           (c)     ~~DATING.~~ Every proposed plan and any  
19     ~~modification thereof shall be dated.~~ FORM OF CHAPTER  
20     13 PLAN. The plan filed in a chapter 13 case shall be  
21     prepared as prescribed by the appropriate Official Form.  
22     Provisions not otherwise included in the Official Form or  
23     deviating from the Official Form are effective only if they  
24     are included in a section of the Official Form designated for  
25     nonstandard provisions and are also identified in  
26     accordance with any other requirements of the Official  
27     Form.

28           (d)     ~~NOTICE AND COPIES.~~ If the plan The  
29     ~~plan or a summary of the plan shall be~~ is not included with  
30     the ~~each~~ notice of the hearing on confirmation mailed  
31     pursuant to Rule 2002, the debtor shall serve the plan on  
32     the trustee and all creditors when it is filed with the court.  
33     If required by the court, ~~the debtor shall furnish a sufficient~~

34 ~~number of copies to enable the clerk to include a copy of~~  
35 ~~the plan with the notice of the hearing.~~

36 (e) TRANSMISSION TO UNITED STATES  
37 TRUSTEE. The clerk shall forthwith transmit to the United  
38 States trustee a copy of the plan and any modification  
39 thereof filed pursuant to subdivision (a) or (b) of this rule.

40 (f) OBJECTION TO CONFIRMATION;  
41 DETERMINATION OF GOOD FAITH IN THE  
42 ABSENCE OF AN OBJECTION. An objection to  
43 confirmation of a plan shall be filed and served on the  
44 debtor, the trustee, and any other entity designated by the  
45 court, and shall be transmitted to the United States trustee,  
46 ~~before confirmation of the plan~~ at least seven days before  
47 the hearing on confirmation. An objection to confirmation  
48 is governed by Rule 9014. If no objection is timely filed,  
49 the court may determine that the plan has been proposed in

50 good faith and not by any means forbidden by law without  
51 receiving evidence on such issues.

52 (g) EFFECT OF CONFIRMATION. Any  
53 determination made under Rule 3012 of the amount of a  
54 secured claim under § 506(a) of the Code in a chapter 12 or  
55 13 case is binding on the holder of the claim, even if the  
56 holder files a contrary proof of claim under Rule 3002 or  
57 the debtor schedules that claim under § 521(a) of the Code,  
58 and regardless of whether any objection to the claim has  
59 been filed under Rule 3007.

60 ~~(g)~~ (h) MODIFICATION OF PLAN AFTER  
61 CONFIRMATION. A request to modify a plan pursuant to  
62 § 1229 or § 1329 of the Code shall identify the proponent  
63 and shall be filed together with the proposed modification.  
64 The clerk, or some other person as the court may direct,  
65 shall give the debtor, the trustee, and all creditors not less  
66 than 21 days notice by mail of the time fixed for filing

67 objections and, if an objection is filed, the hearing to  
 68 consider the proposed modification, unless the court orders  
 69 otherwise with respect to creditors who are not affected by  
 70 the proposed modification. A copy of the notice shall be  
 71 transmitted to the United States trustee. A copy of the  
 72 proposed modification, or a summary thereof, shall be  
 73 included with the notice. ~~If required by the court, the~~  
 74 ~~proponent shall furnish a sufficient number of copies of the~~  
 75 ~~proposed modification, or a summary thereof, to enable the~~  
 76 ~~clerk to include a copy with each notice.~~ If a copy is not  
 77 included with the notice and the proposed modification is  
 78 sought by the debtor, a copy shall be served on the trustee  
 79 and all creditors in the manner provided for service of the  
 80 plan by subdivision (d) of this rule. Any objection to the  
 81 proposed modification shall be filed and served on the  
 82 debtor, the trustee, and any other entity designated by the  
 83 court, and shall be transmitted to the United States trustee.

- 84 An objection to a proposed modification is governed by  
85 Rule 9014.

**Committee Note**

This rule is amended and reorganized.

Subdivision (c) is amended to require use of the Official Form for chapter 13 plans. The amended rule also provides that nonstandard provisions in a chapter 13 plan must be set out in the section of the Official Form specifically designated for such provisions and identified in the manner required by the Official Form.

Subdivision (d) is amended to ensure that the trustee and creditors are served with the plan in advance of confirmation. Service may be made either at the time the plan is filed or with the notice under Rule 2002 of the hearing to consider confirmation of the plan.

Subdivision (f) is amended to require service of an objection to confirmation at least seven days before the hearing to consider confirmation of a plan. The seven-day notice period may be altered in a particular case by the court under Rule 9006.

Subdivision (g) is amended to provide that the amount of a secured claim under § 506(a) may be determined through a chapter 12 or chapter 13 plan in accordance with Rule 3012. That determination controls over a contrary proof of claim, without the need for a claim objection under Rule 3007, and over the schedule

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submitted by the debtor under § 521(a). The amount of a secured claim of a governmental unit, however, may not be determined through a chapter 12 or chapter 13 plan under Rule 3012.

Subdivision (h) was formerly subdivision (g). It is redesignated and amended to clarify that service of a proposed plan modification must be made in accordance with subdivision (d) of this rule.

1 **Rule 4003. Exemptions**

2 \* \* \* \* \*

3 (d) AVOIDANCE BY DEBTOR OF  
4 TRANSFERS OF EXEMPT PROPERTY. A proceeding by  
5 the debtor to avoid a lien or other transfer of property  
6 exempt under § 522(f) of the Code shall be commenced by  
7 motion in the manner provided for by ~~in accordance with~~  
8 Rule 9014, or by a chapter 12 or 13 plan served in the  
9 manner provided by Rule 7004 for service of a summons  
10 and complaint. Notwithstanding the provisions of  
11 subdivision (b), a creditor may object to a motion or  
12 chapter 12 or 13 plan provision filed under § 522(f) by  
13 challenging the validity of the exemption asserted to be  
14 impaired by the lien.

**Committee Note**

Subdivision (d) is amended to provide that a request under § 522(f) to avoid a lien or other transfer of exempt property may be made by motion or by a chapter 12 or

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chapter 13 plan. A plan that proposes lien avoidance in accordance with this rule must be served as provided under Rule 7004 for service of a summons and complaint. Lien avoidance not governed by this rule requires an adversary proceeding.

NOTE CONCERNING PROPOSED AMENDMENT TO RULE 5005(a)

As approved for publication by the Committee on Rules of Practice and Procedure, the preliminary draft of the amendment to Rule 5005(a)(3)(B) includes alternative means of providing assurance that a scanned signature of an individual was actually part of the original document that is filed electronically. Some members of the Committee thought that it would be sufficient for the rule to state that the filing by a registered user of the court's electronic filing system is deemed a certification that the scanned signature was part of the original document. Others preferred that the assurance not be provided by the registered user (typically the lawyer for a debtor), but that certification by a notary public be required. In response to the latter suggestion, some members raised concerns about the practical inconvenience of requiring notarization of petitions and other documents that require the signature of a debtor.

The Committee therefore specifically invites public comment on the alternatives set out on lines 39-47 of the published draft. It is especially interested in comments on the following questions:

- (1) Should the proposed amendment to Rule 5005(a) include a means of providing assurance—other than requiring a single filing—that a scanned signature page was actually part of the original document that is being filed?
- (2) If so, is one of the listed options preferable?
- (3) Is there a better means than the ones listed of providing assurance that the scanned signature page was executed as part of the original document?

Although calling attention to this particular part of the proposed amendment, the Committee looks forward to public comment on all of its aspects.

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Link to Proposed Amendments including the Model Plan (Plan is on page 243): <http://www.uscourts.gov/uscourts/rules/preliminary-draft-proposed-amendments.pdf>