

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

In Re:

**AMENDMENTS TO LOCAL  
BANKRUPTCY RULES**

**ADMINISTRATIVE  
ORDER NO. 20-01**

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**ORDER AMENDING LOCAL  
BANKRUPTCY RULES**

**WHEREAS**, the Court has determined that it is necessary to amend its Local Bankruptcy Rules. The amendments are required in response to the Small Business Reorganization Act of 2019, effective February 19, 2020;

**WHEREAS**, the proposed amended Local Bankruptcy Rules were published by the Clerk of Court for public comment on January 22, 2020, and the comments received in response to that publication were considered by the Court in its adoption of these amendments;

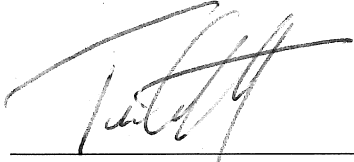
**WHEREAS**, national interim Federal Rules of Bankruptcy Procedure were promulgated in response to the Act and were published by the Clerk of Court for public comment on January 22, 2020. They are adopted and incorporated through new Local Bankruptcy Rule 9029-2 as Appendix I of the Local Bankruptcy Rules, and shall be effective in this district until the regular rule making process is concluded and the interim Federal Rules of Bankruptcy Procedure are implemented as final rules; and

**WHEREAS**, the Court also approved a technical corrective amendment to Local Bankruptcy Rule 4001-4(f).

**NOW, THEREFORE, IT IS ORDERED** that:

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached amendments are adopted by the Judges of this Court to be effective February 19, 2020. The amendments shall be effective as to all proceedings pending in this Court on that date insofar as is just and practicable,

and shall govern all proceedings in bankruptcy cases thereafter commenced in this Court. A summary of the amendments to the Local Bankruptcy Rules as well as a redlined version of the amended Local Bankruptcy Rules are appended hereto.



\_\_\_\_\_  
Thomas J. Catliota, Chief Judge

2/18/20

\_\_\_\_\_  
Date



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
OFFICE OF THE CLERK**

MARK A. NEAL  
Clerk of Court

THOMAS C. KEARNS  
Chief Deputy Clerk

[www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)

February 18, 2020

**SUMMARY OF AMENDMENTS TO THE  
LOCAL RULES FOR THE U.S. BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
EFFECTIVE FEBRUARY 19, 2020**

The Court has approved amendments to its Local Rules effective February 19, 2020. These amendments are made after prior publication of the amendments for public comment on January 22, 2020. The Court considered all comments received in connection with the public comment process and thanks the public and bar for its thoughtful participation in the amendment process. With the exception of a technical corrective amendment to Local Rule 4001-4(f), the new rules are identical to the rules circulated for public comment on January 22.

A summary of the amendments is set forth below. This summary was prepared by the Clerk's Office as an overview of the changes and should not serve as a substitute for reading the full text of the proposed amendments. Additionally, this summary is neither intended to serve as legal advice nor as a commentary on the changes to the Local Rules, and nothing herein should be cited as legal authority. This summary does not include minor, non-substantive stylistic changes that were incorporated into the Local Rules as part of this amendment process.

- **Local Rule 1009-1** is amended to reduce the time period during which a creditor in a Small Business Reorganization Act (SBRA) Subchapter V case whose claim has been amended as to amount, nature, classification or characterization of debt must file a proof of claim. This amendment is necessary to implement the expedited plan confirmation provisions of SBRA Subchapter V.
- **Local Rule 2002-2** is amended to clarify that SBRA Subchapter V trustees do not provide the notices required by Federal Bankruptcy Rule 2002(d), unless the debtor is no longer a debtor-in-possession.
- **Local Rule 2070-1** is amended to provide that motions for the allowance or payment of administrative expenses must be served upon "any" trustee.
- **Local Rule 3003-1** is amended to provide that in a case under Subchapter V, a proof of claim is timely filed if it is filed not later than seventy (70) days after the order for relief, unless a different date is fixed by the court.
- **Local Rule 3022-1** is amended to establish the procedures for the filing of the notice of substantial consummation in SBRA Subchapter V cases.

- **Local Rule 4001-4** is amended to correct a reference in (f) to Federal Bankruptcy Rule 1007.
- **Local Rule 9001-1** is amended to define Subchapter V as a proceeding under 11 U.S.C. §§ 1181, *et seq.* of the Bankruptcy Code.
- **Local Rule 9029-2** is new and implements the SBRA Subchapter V interim Federal Bankruptcy Rules in this district.
- **Appendix I** is new and contains the SBRA Subchapter V interim Federal Bankruptcy Rules.

Redline copies of the proposed local rule amendments are attached and are also available on the Court's website at: [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov). The interim Federal Bankruptcy Rule and Official Form Changes Required by the SBRA, as well as the Bankruptcy Rules Advisory Committee Report on the interim rules, are available at: <https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>.

The Court thanks in particular the following members of the bar for providing input on how to effectively implement the SBRA in this district and valuable comments on these rules:

Marguerite L. DeVoll  
Kristen S. Eustis  
Catherine K. Hopkin  
Richard D. London  
Daniel M. Press  
Joseph M. Selba  
Dennis J. Shaffer  
Lisa Y. Stevens  
Robert S. Thomas, II

Copies of the amended and new Local Rules are available on the Court's website at [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov). This version of the Rules supersedes all prior versions (prior versions of the Rules are available through the Court's CM/ECF system under Miscellaneous Proceeding 16-90000).

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## **RULES 1009-1      AMENDMENTS TO LISTS AND SCHEDULES**

When filing amended schedules that add previously unscheduled creditors, a debtor must comply with the following procedures:

(a)    Notice to United States Trustee. The debtor must send a copy of the amended schedules to the Office of the United States Trustee and to any trustee appointed in the case.

(b)    Notice to Creditors. The debtor must send to each creditor added or whose status is changed by an amended schedule:

- (1)    a copy of the amended schedule;
- (2)    a copy of the original Notice for Meeting of Creditors; and
- (3)    a copy of each order that establishes or extends a bar date for filing proofs of claims or complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(c)    Certificate of Compliance. With the amended schedule, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of all newly scheduled creditors.

(d)    Notice of Amendment of Schedules in Chapter 9 and Chapter 11 Cases. Whenever the debtor or trustee in a Chapter 9 or a Chapter 11 case amends the debtor's schedules to change the amount, nature, classification or characterization of a debt owing to a creditor, the debtor or trustee must, within fourteen (14) days of filing, transmit notice of the amendment to the creditor and notice of the creditor's right to file a proof of claim by the later of: (i) the bar date (if any); or (ii) either (a) thirty (30) days from the date of notice in a case proceeding under Subchapter V; or (b) sixty (60) days from the date of the notice in all other cases in Chapter 9 and Chapter 11. The

debtor or trustee must file a certificate of service of the notice with the Clerk within seven (7) days of service.

**RULE 2002-2            NOTICE TO EQUITY SECURITY HOLDERS**

Unless otherwise ordered by the court, the debtor-in-possession (or trustee if ~~applicable~~[no debtor-in-possession](#)) is responsible for giving notices required by Federal Bankruptcy Rule 2002(d).

**RULE 2070-1            ADMINISTRATIVE EXPENSES**

Motions for the allowance or payment of administrative expenses must be served upon the debtor, [any](#) trustee, members of any committee elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102 or its counsel, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.



**RULE 3003-1            TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11 CASES**

In a Chapter 11 case, other than a case under Subchapter V, a proof of claim is timely filed if it is filed not later than ninety (90) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a), unless a different date is fixed by the court. In a case under Subchapter V, a proof of claim is timely filed if it is filed not later than seventy (70) days after order for relief, unless a different date is fixed by the court.

**RULE 3022-1                    COMPLETION OF THE ADMINISTRATION OF CONFIRMED  
CHAPTER 11 PLANS**

(a) Fully Administered Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

- (1) after the completion of the following:
  - (A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;
  - (B) the deposits required by the plan have been distributed;
  - (C) the property proposed by the plan to be transferred has been transferred;
  - (D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
  - (E) payments under the plan have commenced; and
  - (F) all motions, contested matters, and adversary proceedings have been finally resolved; or
- (2) for individual Chapter 11 debtors, upon completion of all plan payments; or
- (3) at another time specifically defined by the plan.

(b) Certification. A plan administrator of a confirmed plan that is fully administered must file forthwith a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification must also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

(c) Final Decree. The plan administrator must file with the court and serve on the United States Trustee, the creditor's committee or its counsel or if there is no such committee, upon the 20 largest unsecured creditors the court's form motion for a final decree (Local Bankruptcy Form N-1 for non-individuals and Local Bankruptcy Form N-2 which includes the motion for discharge for individuals) closing the case with the certification of full administration.

(d) Progress Reports. The plan proponent shall file and serve on the United States Trustee reports of progress towards full administration of the plan until the proponent files a final certification and report. The first report must be filed six (6) months after the entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

(e) Notice of Substantial Consummation in cases under Subchapter V. Within 14 days after a Plan under Subchapter V is substantially consummated (as defined in 11 U.S.C. § 1101(2)), the debtor shall file with the court and serve on the trustee, the United States Trustee, and all parties in interest notice of such substantial consummation pursuant to 11 U.S.C. § 1183(c)(2). The notice shall include a certification by the debtor that includes a summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification shall also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

**RULE 4001-4            OBTAINING CREDIT/REFINANCING**

(a)     Movant must provide notice for a motion to obtain credit (i) as set forth in this rule, and (ii) to the extent applicable, as set forth in Federal Bankruptcy Rule 4001(c).

(b)     The notice must include a statement of the deadline for the filing of any opposition. The deadline date shall be no less than fourteen (14) days after service of the motion (plus any additional time required by Federal Bankruptcy Rules 9006(a) and (f)). The Court Hearing Scheduler (CHS) Program on the court's website and CM/ECF filing screen for this type of motion will compute the date that an objection is due.

(c)     The notice must include a hearing date that the movant selects from a list of hearing dates that is maintained by the Clerk for the assigned judge on the court's website.

(d)     The notice must also include a description of the essential terms of the proposed credit, including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds.

(e)     The notice may include a statement that the court may grant relief without a hearing if no timely objection is filed.

(f)     In a Chapter 13 case, the notice must be served on the creditors included on the list filed under Federal Bankruptcy Rule 1007(~~da~~), and on any other entity that the court directs.

(g)     A request to shorten time and/or expedited hearing is governed by LBR 9013-7.

## **RULE 9001-1            DEFINITIONS AND RULES**

Definitions in Federal Bankruptcy Rules. Unless otherwise ordered by the court, the definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply in these Local Bankruptcy Rules and orders entered by the court. In addition, the following words and phrases used in these rules have the meanings indicated:

- (a) “Bankruptcy Code” means Title 11 of the United States Code.
- (b) “District Court” means the United States District Court for the District of Maryland.
- (c) “CM/ECF” and “ECF” mean the Case Management/Electronic Case Filing system for the United States Bankruptcy Court for the District of Maryland.
- (d) “Federal Bankruptcy Rules” means the Federal Rules of Bankruptcy Procedure.
- (e) “File” -- where the word “file” appears in these Local Bankruptcy Rules, such filing is to be made electronically via CM/ECF or with the appropriate divisional office of the Clerk of the United States Bankruptcy Court for the District of Maryland.
- (f) [“Subchapter V” means subchapter V to Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 1181, et seq.](#)

**RULE 9029-2 INTERIM SUBCHAPTER V BANKRUPTCY RULES**

To implement the provisions of the Small Business Reorganization Act of 2019, national interim Federal Bankruptcy Rules have been promulgated, and are adopted and incorporated as Appendix I of the Local Bankruptcy Rules. The interim Federal Bankruptcy Rules shall be effective in this district until such time as the regular rule making process is concluded and the interim Federal Bankruptcy Rules are implemented as final rules.

APPENDIX I

INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

1 **Rule 1007. Lists, Schedules, Statements, and Other**  
2 **Documents; Time Limits**

3 \* \* \* \* \*

4 (b) SCHEDULES, STATEMENTS, AND OTHER  
5 DOCUMENTS REQUIRED.

6 \* \* \* \* \*

7 (5) An individual debtor in a chapter 11 case  
8 (unless under subchapter V) shall file a statement of  
9 current monthly income, prepared as prescribed by  
10 the appropriate Official Form.

11 \* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process. New material is underlined in red; matter to be omitted is lined through.



12 (h) INTERESTS ACQUIRED OR ARISING  
13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
14 Code, the debtor acquires or becomes entitled to acquire any  
15 interest in property, the debtor shall within 14 days after the  
16 information comes to the debtor's knowledge or within such  
17 further time the court may allow, file a supplemental  
18 schedule in the chapter 7 liquidation case, chapter 11  
19 reorganization case, chapter 12 family farmer's debt  
20 adjustment case, or chapter 13 individual debt adjustment  
21 case. If any of the property required to be reported under  
22 this subdivision is claimed by the debtor as exempt, the  
23 debtor shall claim the exemptions in the supplemental  
24 schedule. ~~The This duty to file a supplemental schedule in~~  
25 ~~accordance with this subdivision~~ continues even after the  
26 case is closed, except for property acquired after an order is  
27 entered: ~~notwithstanding the closing of the case, except that~~  
28 ~~the schedule need not be filed in a chapter 11, chapter 12, or~~

29 ~~chapter 13 case with respect to property acquired after entry~~  
30 ~~of the order~~

31 (1) confirming a chapter 11 plan (other than one  
32 confirmed under § 1191(b)); or

33 (2) discharging the debtor in a chapter 12 case, or a  
34 chapter 13 case, or a case under subchapter V of  
35 chapter 11 in which the plan is confirmed under  
36 § 1191(b).

37 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

1 **Rule 1020. ~~Small Business~~ Chapter 11 Reorganization**

2 **Case for Small Business Debtors**

3 (a) SMALL BUSINESS DEBTOR

4 DESIGNATION. In a voluntary chapter 11 case, the debtor

5 shall state in the petition whether the debtor is a small

6 business debtor and, if so, whether the debtor elects to have

7 subchapter V of chapter 11 apply. In an involuntary chapter

8 11 case, the debtor shall file within 14 days after entry of the

9 order for relief a statement as to whether the debtor is a small

10 business debtor and, if so, whether the debtor elects to have

11 subchapter V of chapter 11 apply. ~~Except as provided in~~

12 ~~subdivision (c), the~~ The status of the case as a small business

13 case or a case under subchapter V of chapter 11 shall be in

14 accordance with the debtor's statement under this

15 subdivision, unless and until the court enters an order finding

16 that the debtor's statement is incorrect.

17 (b) OBJECTING TO DESIGNATION. ~~Except as~~

18 ~~provided in subdivision (c), the~~ The United States trustee or

19 a party in interest may file an objection to the debtor's  
20 statement under subdivision (a) no later than 30 days after  
21 the conclusion of the meeting of creditors held under  
22 § 341(a) of the Code, or within 30 days after any amendment  
23 to the statement, whichever is later.

24 ~~(e) — APPOINTMENT OF COMMITTEE OF~~  
25 ~~UNSECURED CREDITORS. If a committee of unsecured~~  
26 ~~creditors has been appointed under § 1102(a)(1), the case~~  
27 ~~shall proceed as a small business case only if, and from the~~  
28 ~~time when, the court enters an order determining that the~~  
29 ~~committee has not been sufficiently active and~~  
30 ~~representative to provide effective oversight of the debtor~~  
31 ~~and that the debtor satisfies all the other requirements for~~  
32 ~~being a small business. A request for a determination under~~  
33 ~~this subdivision may be filed by the United States trustee or~~  
34 ~~a party in interest only within a reasonable time after the~~  
35 ~~failure of the committee to be sufficiently active and~~  
36 ~~representative. The debtor may file a request for a~~

37 ~~determination at any time as to whether the committee has~~  
38 ~~been sufficiently active and representative.~~

39 (d~~c~~) PROCEDURE FOR OBJECTION OR  
40 DETERMINATION. Any objection or request for a  
41 determination under this rule shall be governed by Rule 9014  
42 and served on: the debtor; the debtor’s attorney; the United  
43 States trustee; the trustee; the creditors included on the list  
44 filed under Rule 1007(d) or, if any a committee has been  
45 appointed under § 1102(a)(3), the committee or its  
46 authorized agent, ~~or, if no committee of unsecured creditors~~  
47 ~~has been appointed under § 1102, the creditors included on~~  
48 ~~the list filed under Rule 1007(d);~~ and any other entity as the  
49 court directs.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019 (“SBRA”), Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to include that option and to require a small business debtor to state in its voluntary petition, or in a statement filed within 14 days after the order for relief is

entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions.

Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code.

Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

1 **Rule 2009. Trustees for Estates When Joint**  
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR  
4 ESTATES BEING JOINTLY ADMINISTERED. If the  
5 court orders a joint administration of two or more estates  
6 under Rule 1015(b), creditors may elect a single trustee for  
7 the estates being jointly administered, unless the case is  
8 under subchapter V of chapter 7 or subchapter V of chapter  
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT  
11 SEPARATE TRUSTEE. Notwithstanding entry of an order  
12 for joint administration under Rule 1015(b), the creditors of  
13 any debtor may elect a separate trustee for the estate of the  
14 debtor as provided in § 702 of the Code, unless the case is  
15 under subchapter V of chapter 7 or subchapter V of chapter  
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR  
18 ESTATES BEING JOINTLY ADMINISTERED.

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(2) *Chapter 11 Reorganization Cases.* If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

\* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.



1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter  
4 11 case (other than under subchapter V), or the debtor is  
5 removed as debtor in possession in a chapter 12 case or in a  
6 case under subchapter V of chapter 11, the trustee is  
7 substituted automatically for the debtor in possession as a  
8 party in any pending action, proceeding, or matter.

9 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

1 **Rule 2015. Duty to Keep Records, Make Reports, and**  
2 **Give Notice of Case or Change of Status**

3 (a) TRUSTEE OR DEBTOR IN POSSESSION. A  
4 trustee or debtor in possession shall:

5 (1) in a chapter 7 liquidation case and, if the  
6 court directs, in a chapter 11 reorganization case  
7 (other than under subchapter V), file and transmit to  
8 the United States trustee a complete inventory of the  
9 property of the debtor within 30 days after qualifying  
10 as a trustee or debtor in possession, unless such an  
11 inventory has already been filed;

12 (2) keep a record of receipts and the  
13 disposition of money and property received;

14 (3) file the reports and summaries required by  
15 § 704(a)(8) of the Code, which shall include a  
16 statement, if payments are made to employees, of the  
17 amounts of deductions for all taxes required to be

12 INTERIM RULES OF BANKRUPTCY PROCEDURE

18 withheld or paid for and in behalf of employees and  
19 the place where these amounts are deposited;

20 (4) as soon as possible after the  
21 commencement of the case, give notice of the case to  
22 every entity known to be holding money or property  
23 subject to withdrawal or order of the debtor,  
24 including every bank, savings or building and loan  
25 association, public utility company, and landlord  
26 with whom the debtor has a deposit, and to every  
27 insurance company which has issued a policy having  
28 a cash surrender value payable to the debtor, except  
29 that notice need not be given to any entity who has  
30 knowledge or has previously been notified of the  
31 case;

32 (5) in a chapter 11 reorganization case (other  
33 than under subchapter V), on or before the last day  
34 of the month after each calendar quarter during  
35 which there is a duty to pay fees under 28 U.S.C.

36 § 1930(a)(6), file and transmit to the United States  
37 trustee a statement of any disbursements made  
38 during that quarter and of any fees payable under 28  
39 U.S.C. § 1930(a)(6) for that quarter; and

40 (6) in a chapter 11 small business case, unless  
41 the court, for cause, sets another reporting interval,  
42 file and transmit to the United States trustee for each  
43 calendar month after the order for relief, on the  
44 appropriate Official Form, the report required by  
45 § 308. If the order for relief is within the first 15 days  
46 of a calendar month, a report shall be filed for the  
47 portion of the month that follows the order for relief.  
48 If the order for relief is after the 15th day of a  
49 calendar month, the period for the remainder of the  
50 month shall be included in the report for the next  
51 calendar month. Each report shall be filed no later  
52 than 21 days after the last day of the calendar month  
53 following the month covered by the report. The

54 obligation to file reports under this subparagraph  
55 terminates on the effective date of the plan, or  
56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND  
58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF  
59 CHAPTER 11. In a case under subchapter V of chapter 11,  
60 the debtor in possession shall perform the duties prescribed  
61 in (a)(2)–(4) and, if the court directs, shall file and transmit  
62 to the United States trustee a complete inventory of the  
63 debtor’s property within the time fixed by the court. If the  
64 debtor is removed as debtor in possession, the trustee shall  
65 perform the duties of the debtor in possession prescribed in  
66 this subdivision (b). The debtor shall perform the duties  
67 prescribed in (a)(6).

68 (~~b~~c) CHAPTER 12 TRUSTEE AND DEBTOR IN  
69 POSSESSION. In a chapter 12 family farmer’s debt  
70 adjustment case, the debtor in possession shall perform the  
71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the  
73 United States trustee a complete inventory of the property of  
74 the debtor within the time fixed by the court. If the debtor is  
75 removed as debtor in possession, the trustee shall perform  
76 the duties of the debtor in possession prescribed in this  
77 ~~paragraph~~ subdivision (c).

78 ~~(e)~~ CHAPTER 13 TRUSTEE AND  
79 DEBTOR.

80 (1) *Business Cases*. In a chapter 13  
81 individual's debt adjustment case, when the debtor is  
82 engaged in business, the debtor shall perform the  
83 duties prescribed by clauses (2)–(4) of subdivision  
84 (a) of this rule and, if the court directs, shall file and  
85 transmit to the United States trustee a complete  
86 inventory of the property of the debtor within the  
87 time fixed by the court.

88 (2) *Nonbusiness Cases*. In a chapter 13  
89 individual's debt adjustment case, when the debtor is

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

93 ~~(d)~~ FOREIGN REPRESENTATIVE. In a case in  
94 which the court has granted recognition of a foreign  
95 proceeding under chapter 15, the foreign representative shall  
96 file any notice required under § 1518 of the Code within 14  
97 days after the date when the representative becomes aware  
98 of the subsequent information.

99 ~~(e)~~ TRANSMISSION OF REPORTS. In a chapter  
100 11 case the court may direct that copies or summaries of  
101 annual reports and copies or summaries of other reports shall  
102 be mailed to the creditors, equity security holders, and  
103 indenture trustees. The court may also direct the publication  
104 of summaries of any such reports. A copy of every report or  
105 summary mailed or published pursuant to this subdivision  
106 shall be transmitted to the United States trustee.

### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.



1 **Rule 3010. Small Dividends and Payments in Cases**  
2 **Under Chapter 7 Liquidation, Subchapter V of Chapter**  
3 **11, Chapter 12 Family Farmer's Debt Adjustment, and**  
4 **Chapter 13 Individual's Debt Adjustment Cases**

5 \* \* \* \* \*

6 (b) CASES UNDER SUBCHAPTER V OF  
7 CHAPTER 11, CHAPTER 12, AND CHAPTER 13  
8 CASES. In a case under subchapter V of chapter 11, chapter  
9 12, or chapter 13, ease no payment in an amount less than  
10 \$15 shall be distributed by the trustee to any creditor unless  
11 authorized by local rule or order of the court. Funds not  
12 distributed because of this subdivision shall accumulate and  
13 shall be paid whenever the accumulation aggregates \$15.  
14 Any funds remaining shall be distributed with the final  
15 payment.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7**  
2 **~~Liquidation,~~ Subchapter V of Chapter 11, Chapter 12**  
3 **~~Family Farmer's Debt Adjustment,~~ and Chapter 13**  
4 **~~Individual's Debt Adjustment Cases~~**

5 The trustee shall file a list of all known names and  
6 addresses of the entities and the amounts which they are  
7 entitled to be paid from remaining property of the estate that  
8 is paid into court pursuant to § 347(a) of the Code.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.

1 **Rule 3014. Election Under § 1111(b) by Secured**  
2 **Creditor in Chapter 9 Municipality or Chapter 11**  
3 **Reorganization Case**

4 An election of application of § 1111(b)(2) of the  
5 Code by a class of secured creditors in a chapter 9 or 11 case  
6 may be made at any time prior to the conclusion of the  
7 hearing on the disclosure statement or within such later time  
8 as the court may fix. If the disclosure statement is  
9 conditionally approved pursuant to Rule 3017.1, and a final  
10 hearing on the disclosure statement is not held, the election  
11 of application of § 1111(b)(2) may be made not later than the  
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the  
13 court may fix. In a case under subchapter V of chapter 11 in  
14 which § 1125 of the Code does not apply, the election may  
15 be made not later than a date the court may fix. The election  
16 shall be in writing and signed unless made at the hearing on  
17 the disclosure statement. The election, if made by the

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding  
19 on all members of the class with respect to the plan.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the court.

1 **Rule 3016. Filing of Plan and Disclosure Statement in a**  
2 **Chapter 9 Municipality or Chapter 11 Reorganization**  
3 **Case**

4 (a) IDENTIFICATION OF PLAN. Every proposed  
5 plan and any modification thereof shall be dated and, in a  
6 chapter 11 case, identified with the name of the entity or  
7 entities submitting or filing it.

8 (b) DISCLOSURE STATEMENT. In a chapter 9 or  
9 11 case, a disclosure statement, if required under § 1125 of  
10 the Code, or evidence showing compliance with § 1126(b)  
11 shall be filed with the plan or within a time fixed by the  
12 court, unless the plan is intended to provide adequate  
13 information under § 1125(f)(1). If the plan is intended to  
14 provide adequate information under § 1125(f)(1), it shall be  
15 so designated, and Rule 3017.1 shall apply as if the plan is a  
16 disclosure statement.

17 \* \* \* \* \*

18 (d) STANDARD FORM SMALL BUSINESS  
19 DISCLOSURE STATEMENT AND PLAN. In a small  
20 business case or a case under subchapter V of chapter 11, the  
21 court may approve a disclosure statement and may confirm  
22 a plan that conform substantially to the appropriate Official  
23 Forms or other standard forms approved by the court.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

1 **Rule 3017.1. Court Consideration of Disclosure**  
2 **Statement in a Small Business Case or in a Case Under**  
3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF  
5 DISCLOSURE STATEMENT. In a small business case or  
6 in a case under subchapter V of chapter 11 in which the court  
7 has ordered that § 1125 applies, the court may, on  
8 application of the plan proponent or on its own initiative,  
9 conditionally approve a disclosure statement filed in  
10 accordance with Rule 3016. On or before conditional  
11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and  
13 interests may accept or reject the plan;  
14 (2) fix a time for filing objections to the disclosure  
15 statement;  
16 (3) fix a date for the hearing on final approval of the  
17 disclosure statement to be held if a timely objection  
18 is filed; and



19 (4) fix a date for the hearing on confirmation.

20 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**  
2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which  
4 § 1125 does not apply, the court shall:

5 (a) fix a time within which the holders of claims  
6 and interests may accept or reject the plan;

7 (b) fix a date on which an equity security holder  
8 or creditor whose claim is based on a security must  
9 be the holder of record of the security in order to be  
10 eligible to accept or reject the plan;

11 (c) fix a date for the hearing on confirmation; and

12 (d) fix a date for transmission of the plan, notice  
13 of the time within which the holders of claims and  
14 interests may accept or reject the plan, and notice of  
15 the date for the hearing on confirmation.

**Committee Note**

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.

1 **Rule 3018. Acceptance or Rejection of Plan in a Chapter**  
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR  
4 REJECT PLAN; TIME FOR ACCEPTANCE OR  
5 REJECTION. A plan may be accepted or rejected in  
6 accordance with § 1126 of the Code within the time fixed by  
7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject  
8 to subdivision (b) of this rule, an equity security holder or  
9 creditor whose claim is based on a security of record shall  
10 not be entitled to accept or reject a plan unless the equity  
11 security holder or creditor is the holder of record of the  
12 security on the date the order approving the disclosure  
13 statement is entered or on another date fixed by the court  
14 under Rule 3017.2, or fixed for cause, after notice and a  
15 hearing. For cause shown, the court after notice and hearing  
16 may permit a creditor or equity security holder to change or  
17 withdraw an acceptance or rejection. Notwithstanding  
18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an  
20 amount which the court deems proper for the purpose of  
21 accepting or rejecting a plan.

22 \* \* \* \* \*

**Committee Note**

Subdivision (a) of the rule is amended to take account of the court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

1 **Rule 3019. Modification of Accepted Plan in a Chapter**  
2 **9 Municipality or a Chapter 11 Reorganization Case**

3 \* \* \* \* \*

4 (b) MODIFICATION OF PLAN AFTER  
5 CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If  
6 the debtor is an individual, a request to modify the plan under  
7 § 1127(e) of the Code is governed by Rule 9014. The request  
8 shall identify the proponent and shall be filed together with  
9 the proposed modification. The clerk, or some other person  
10 as the court may direct, shall give the debtor, the trustee, and  
11 all creditors not less than 21 days' notice by mail of the time  
12 fixed to file objections and, if an objection is filed, the  
13 hearing to consider the proposed modification, unless the  
14 court orders otherwise with respect to creditors who are not  
15 affected by the proposed modification. A copy of the notice  
16 shall be transmitted to the United States trustee, together  
17 with a copy of the proposed modification. Any objection to  
18 the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and  
20 any other entity designated by the court, and shall be  
21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER  
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a  
24 case under subchapter V of chapter 11, a request to modify  
25 the plan under § 1193(b) or (c) of the Code is governed by  
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

#### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.