

**United States Bankruptcy Courts
Southern District of Mississippi**

**Summary of Amendments to Federal Bankruptcy Rules and
Official Bankruptcy Form**
Effective December 1, 2021

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|-----------------------|---|
| Applies to: | All Parties |
| Case type: | All Chapters and Case Types |
| Amended Rules: | 2005, 3007, 7007.1, and 9036 |
| Amended Form: | Official Bankruptcy Form 122B Chapter 11 Statement of Your Current Monthly Income |
| Effective: | December 1, 2021. Amendments shall govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all pending proceedings. |

Rule 2005. Apprehension and Removal of Debtor to Compel Attendance for Examination

Committee Note:

The rule is amended to replace the reference to 18 U.S.C. § 3146(a) and (b) with a reference to 18 U.S.C. § 3142.

Sections 3141 through 3151 of Title 18 were repealed by the Bail Reform Act of 1984, Pub. L. No. 98-473, Title II, § 203(a), 98 Stat. 1976 (1984), and replaced by new provisions dealing with bail.

The current version of 18 U.S.C. § 3146 deals not with conditions to assure attendance or appearance, but with penalties for failure to appear. The topic of conditions is in 18 U.S.C. § 3142.

Because 18 U.S.C. § 3142 contains provisions bearing on topics not included in former 18 U.S.C. § 3146(a) and (b), the rule is also amended to limit the reference to the “relevant” provisions and policies of § 3142.

Modified Language

(c) **CONDITIONS OF RELEASE.** In determining what conditions will reasonably assure attendance or obedience under subdivision (a) of this rule or appearance under subdivision (b) of this rule, the court shall be governed by the [relevant](#) provisions and policies of title 18, U.S.C., § ~~3146(a)~~ [and \(b\) 3142](#).

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Rule 3007. Objections to Claims

Committee Note:

Subdivision (a)(2)(A)(ii) is amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813.

Rule 7004(h) was enacted by Congress as part of the Bankruptcy Reform Act of 1994. It applies only to insured depository institutions that are insured by the Federal Deposit Insurance Corporation and does not include credit unions, which are instead insured by the National Credit Union Administration.

A credit union, therefore, may be served with an objection to a claim according to Rule 3007(a)(2)(A)—by first-class mail sent to the person designated for receipt of notice on the credit union's proof of claim.

Modified Language

(a) TIME AND MANNER OF SERVICE

* * * * *

(2) *Manner of Service.*

(A) The objection and notice shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated; and

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(ii) if the objection is to a claim of an insured depository institution [as defined in section 3 of the Federal Deposit Insurance Act](#), in the manner provided in Rule 7004(h).

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Rule 7007.1. Corporate Ownership Statement

Committee Note

The rule is amended to conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1.

Subdivision (a) is amended to encompass nongovernmental corporations that seek to intervene. Stylistic changes are made to subdivision (b) to reflect that some statements will be filed by nonparties seeking to intervene.

Modified Language

(a) REQUIRED DISCLOSURE. Any [nongovernmental](#) corporation that is a party to an adversary proceeding, other than the debtor, ~~or a governmental unit,~~ shall file ~~two copies of~~ a statement that identifies any [parent corporation and any publicly held corporation](#), ~~other than a governmental unit, that directly or indirectly that~~ owns 10% or more of ~~any class of the corporation's equity interests,~~ [its stock](#) or states that there ~~are no entities to report under this subdivision~~ [is no such corporation](#). [The same requirement applies to a governmental corporation that seeks to intervene.](#)

(b) TIME FOR FILING; [SUPPLEMENTAL FILING](#). ~~A party shall file the~~ [The corporate ownership](#) statement ~~shall:required under Rule 7007.1(a).~~

[\(1\) be filed](#) with ~~its~~ [the corporation's](#) first appearance, pleading, motion, response, or other request addressed to the court; [and](#)

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(2) be supplemented whenever the information required by this rule changes ~~A party shall file a supplemental statement promptly upon any change in circumstances that this rule requires the party to identify or disclose.~~

Rule 9036. Notice and Service **Generally by Electronic Transmission**

Committee Note:

The rule is amended to take account of the Administrative Office of the United States Courts' program for providing notice to high-volume paper-notice recipients.

Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient. As such, this "threshold notice" will inform the entity that it must register an electronic address with the BNC.

If, within a time specified in the threshold notice, a notified entity enrolls in Electronic Bankruptcy Noticing with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director.

If a notified entity does not timely enroll in Electronic Bankruptcy Noticing, it will be informed that court-generated notices will be sent to an electronic address designated by the Director.

Any designation by the Director, however, is subject to the entity's right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.

The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system.

Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only courts may serve or give notice to an entity at an electronic address

Modified Language

(a) IN GENERAL. This rule applies ~~Whenever these rules require or permit sending notice or serving a paper by mail~~ or other means; ~~the clerk, or some other person as the court or these rules direct, may send the notice to or serve the paper on~~

(b) NOTICES FROM AND SERVICE BY THE COURT.

(1) Registered Users. The clerk may send notice to or serve a registered user by filing the notice or paper ~~it~~ with the court's electronic-filing system.

(2) All Recipients. For any recipient, the clerk may send notice or serve a paper ~~Or it may be sent to any person~~ by ~~other~~ electronic means that the person recipient consented to in writing; ~~including by designating an electronic address for receipt of notices. But these exceptions apply:~~

(A) if the recipient has registered an electronic address with the Administrative Office of the United States Courts' bankruptcy-noticing program, the clerk shall send the notices to or serve the paper at the address; and

(B) if an entity has been designated by the Director of the Administrative Office of the United States Courts as a high-volume paper-notice recipient, the clerk may send the notice to or serve the paper electronically at an address designated by the Director, unless the entity has designated an address under § 342(e) or (f) of the Code.

(c) NOTICES FROM SERVICE BY AN ENTITY. An entity may send notice or serve a paper in the same manner that the clerk does under (b), excluding (b)(2)(A) and (B).

(d) COMPLETING NOTICE OR SERVICE. In ~~either of these events, Electronic service or~~ notice

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registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The title of the rule is revised to more accurately reflect the rule's applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.

[or service](#) is complete upon filing or sending but is not effective if the filer or sender receives notice that it did not reach the person to be served. [It is the recipient's responsibility to keep its electronic address current with the clerk.](#)

(e) INAPPLICABILITY. This rule does not apply to any ~~pleading or other~~ paper required to be served in accordance with Rule 7004.

Official Form 122B Chapter 11 Statement of Your Current Monthly Income

Official form amended to clarify that the form should not be used by an individual debtor filing under Subchapter V of Chapter 11.

Official Form 122B

Chapter 11 Statement of Your Current Monthly Income

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