

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

**Summary of Amendments to Federal Bankruptcy Rules
and Official Bankruptcy Forms**
Effective December 1, 2022

Applies to: All Parties

Case type: All Chapters and Case Types

Amended Rules: 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3018, 3019, 5005, 7004, and 8023

Amended Form: Official Bankruptcy Forms:

- 101, Voluntary Petition for Individuals Filing for Bankruptcy
- 309E1, Notice of Chapter 11 Bankruptcy Case for Individuals or Joint Debtors
- 309E2, Notice of Chapter 11 Bankruptcy Case For Individuals or Joint Debtors under Subchapter V

United States Bankruptcy Courts
Southern District of Mississippi

Summary of Amendments to Federal Bankruptcy Rules

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

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.

Modified Language

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

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

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

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

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

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United States Bankruptcy Courts Southern District of Mississippi

Summary of Amendments to Federal Bankruptcy Rules

Rule 1020. ~~Small Business~~ Chapter 11 Reorganization Case [for Small Business Debtors](#)

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.

Modified Language

(a) SMALL BUSINESS DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor and, if so, whether the debtor elects to have subchapter V of chapter 11 apply. ~~Except as provided in subdivision (c), the~~ The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

(b) OBJECTING TO DESIGNATION. ~~Except as provided in subdivision (c), the~~ The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

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

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

Summary of Amendments to Federal Bankruptcy Rules

(~~ec~~) PROCEDURE FOR OBJECTION OR DETERMINATION. Any objection or request for a determination under this rule shall be governed by Rule 9014 and served on: the debtor; the debtor's attorney; the United States trustee; the trustee; [the creditors included on the list filed under Rule 1007\(d\) or, if any a committee has been appointed under § 1102\(a\)\(3\), the committee](#) or its authorized agent, ~~or, if no committee of unsecured creditors has been appointed under § 1102, the creditors included on the list filed under Rule 1007(d)~~; and any other entity as the court directs.

Rule 2009. Trustees for Estates When Joint Administration Ordered

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.

Modified Language

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

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

(c) APPOINTMENT OF TRUSTEES FOR 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.

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

Summary of Amendments to Federal Bankruptcy Rules

Rule 2012. Substitution of Trustee or Successor Trustee; Accounting

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.

Modified Language

(a) TRUSTEE. If a trustee is appointed in a chapter 11 case [\(other than under subchapter V\)](#), or the debtor is removed as debtor in possession in a chapter 12 case [or in a case under subchapter V of chapter 11](#), the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter.

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

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.

Modified Language

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

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

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(5) in a chapter 11 reorganization case [\(other than under subchapter V\)](#), on or before the last day of the month after each calendar quarter during which there is a duty to pay fees under 28 U.S.C § 1930(a)(6), file and transmit to the United States trustee a statement of any disbursements made during that quarter and of any fees payable under 28 U.S.C. § 1930(a)(6) for that quarter; and

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(b) [TRUSTEE, DEBTOR IN POSSESSION, AND DEBTOR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11](#). In a case under subchapter V of chapter 11, the debtor in possession shall

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

Summary of Amendments to Federal Bankruptcy Rules

perform the duties prescribed in (a)(2)-(4) and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the debtor's property within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (b). The debtor shall perform the duties prescribed in (a)(6).

(bc) CHAPTER 12 TRUSTEE AND DEBTOR IN POSSESSION. In a chapter 12 family farmer's debt adjustment case, the debtor in possession shall perform the duties prescribed in clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this ~~paragraph~~ subdivision (c).

(ed) CHAPTER 13 TRUSTEE AND DEBTOR.

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

(2) *Nonbusiness Cases*. In a chapter 13 individual's debt adjustment case, when the debtor is not engaged in business, the trustee shall perform the duties prescribed by clause (2) of subdivision (a) of this rule.

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

(ef) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture

United States Bankruptcy Courts
Southern District of Mississippi

Summary of Amendments to Federal Bankruptcy Rules

trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.

Rule 3002. Filing Proof of Claim or Interest

Committee Note:

Rule 3002(c)(6) is amended to provide a single standard for granting motions for an extension of time to file a proof of claim, whether the creditor has a domestic address or a foreign address. If the notice to such creditor was "insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim," the court may grant an extension.

Modified Language

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(c) TIME FOR FILING. In a voluntary chapter 7 case, chapter 12 case, or chapter 13 case, a proof of claim is timely filed if it is filed not later than 70 days after the order for relief under that chapter or the date of the order of conversion to a case under chapter 12 or chapter 13. In an involuntary chapter 7 case, a proof of claim is timely filed if it is filed not later than 90 days after the order for relief under that chapter is entered. But in all these cases, the following exceptions apply:

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(6) On motion filed by a creditor before or after the expiration of the time to file a proof of claim, the court may extend the time by not more than 60 days from the date of the order granting the motion. The motion may be granted if the court finds that:

~~_____ (A) the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim because the debtor failed to timely file the list of creditors' names and addresses required by Rule 1007(a); or~~

~~_____ (B) the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim, and the notice was mailed to the creditor at a foreign address.~~

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United States Bankruptcy Courts Southern District of Mississippi

Summary of Amendments to Federal Bankruptcy Rules

Rule 3010. Small Dividends and Payments in [Cases Under Chapter 7 Liquidation, Subchapter V of Chapter 11](#), Chapter 12 ~~Family Farmer's Debt Adjustment~~, and Chapter 13 ~~Individual's Debt Adjustment 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.

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

Modified Language

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

Rule 3011. Unclaimed Funds [in Cases Under Chapter 7 Liquidation, Subchapter V of Chapter 11](#), Chapter 12 ~~Family Farmer's Debt Adjustment~~, and Chapter 13 ~~Individual's Debt Adjustment 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.

The rule is amended to include such cases because § 347(a) of the Code applies to them.

Modified Language

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

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

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

Modified Language

An election of application of § 1111(b)(2) of the Code by a class of secured creditors in a chapter 9 or 11 case may be made at any time prior to the conclusion of the hearing on the disclosure statement or within such later time as the court may fix. If the disclosure statement is conditionally approved pursuant to Rule 3017.1, and a final hearing on the disclosure statement is not held, the election of application of § 1111(b)(2) may be made not later than the date fixed pursuant to Rule

United States Bankruptcy Courts Southern District of Mississippi

Summary of Amendments to Federal Bankruptcy Rules

deadline for making an election under § 1111(b) in such cases that is set by the court.

3017.1(a)(2) or another date the court may fix. [In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, the election may be made not later than a date the court may fix.](#) The election shall be in writing and signed unless made at the hearing on the disclosure statement. The election, if made by the majorities required by § 1111(b)(1)(A)(i), shall be binding on all members of the class with respect to the plan.

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

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.

Modified Language

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

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

Rule 3017.1. Court Consideration of Disclosure Statement in a Small Business Case [or in a Case Under Subchapter V of Chapter 11](#)

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.

Modified Language

(a) CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT. In a small business case [or in a case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies](#), the court may, on application of the plan proponent or on its own initiative, conditionally approve a

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

Summary of Amendments to Federal Bankruptcy Rules

The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

disclosure statement filed in accordance with Rule 3016. On or before conditional approval of the disclosure statement, the court shall:

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

(2) fix a time for filing objections to the disclosure statement;

(3) fix a date for the hearing on final approval of the disclosure statement to be held if a 18 timely objection is filed; and

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

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

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.

Modified Language

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

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

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

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

(d) fix a date for transmitting the plan, notice of the time within which the holders of claims and interests may accept or reject it, and notice of the date for the hearing on confirmation.

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

Summary of Amendments to Federal Bankruptcy Rules

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

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.

Modified Language

(a) ENTITIES ENTITLED TO ACCEPT OR REJECT PLAN; TIME FOR ACCEPTANCE OR REJECTION. A plan may be accepted or rejected in accordance with § 1126 of the Code within the time fixed by the court pursuant to Rule 3017, [3017.1, or 3017.2](#). Subject to subdivision (b) of this rule, an equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court, [under Rule 3017.2, or fixed](#) for cause, after notice and a hearing. For cause shown, the court after notice and hearing may permit a creditor or equity security holder to change or withdraw an acceptance or rejection. Notwithstanding objection to a claim or interest, the court after notice and hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.

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

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.

Modified Language

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

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

Summary of Amendments to Federal Bankruptcy Rules

Rule 5005. Filing and Transmittal of Papers

Committee Note:

Subdivision (b)(1) is amended to authorize the clerk or parties to transmit papers to the United States trustee by electronic means in accordance with Rule 9036, regardless of whether the United States trustee is a registered user with the court's electronic-filing system.

Subdivision (b)(2) is amended to recognize that parties meeting transmittal obligations to the United States trustee using the court's electronic-filing system need not file a statement evidencing transmittal under Rule 5005(b)(2).

The amendment to subdivision (b)(2) also eliminates the requirement that statements evidencing transmittal filed under Rule 5005(b)(2) be verified.

Modified Language

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(b) TRANSMITTAL TO THE UNITED STATES TRUSTEE.

(1) The complaints, [notices](#), motions, applications, objections and other papers required to be transmitted to the United States trustee ~~by these rules shall be mailed or delivered to an office of the United States trustee, or to another place designated by the United States trustee, in the district where the case under the Code is pending~~ [may be sent by filing with the court's electronic-filing system in accordance with Rule 9036, unless a court order or local rule provides otherwise.](#)

(2) The entity, other than the clerk, transmitting a paper to the United States trustee [other than through the court's electronic-filing system](#) shall promptly file as proof of such transmittal a ~~verified~~ statement identifying the paper and stating [the manner by which and](#) the date on which it was transmitted to the United States trustee.

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Rule 7004. Process; Service of Summons, Complaint

Committee Note:

New Rule 7004(i) is intended to reject those cases interpreting Rule 7004(b)(3) and Rule 7004(h) to require service on a named officer, managing or general agent or other agent, rather than use of their titles. Service to a corporation or partnership, unincorporated association or insured depository institution at its proper address directed to the attention of the "Chief Executive Officer," "President," "Officer for Receiving Service of Process," "Managing Agent," "General Agent," "Officer," or "Agent for Receiving Service of Process" (or other similar titles) is sufficient.

Modified Language

[\(i\) SERVICE OF PROCESS BY TITLE. This subdivision \(i\) applies to service on a domestic or foreign corporation or partnership or other unincorporated association under Rule 7004\(b\)\(3\) or on an officer of an insured depository institution under Rule 7004\(h\). The defendant's officer or agent need not be correctly named in the address – or even be named – if the envelope is addressed to the defendant's proper address and directed to the attention of the officer's or agent's position or title.](#)

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

Summary of Amendments to Federal Bankruptcy Rules

Rule 8023. Voluntary Dismissal

Committee Note:

The amendment is intended to conform the rule to the revised version of Appellate Rule 42(b) on which it was modelled.

It clarifies that the fees that must be paid are court fees, not attorney's fees.

The rule does not alter the legal requirements governing court approval of a settlement, payment, or other consideration. See, e.g., Fed. R. Bankr. P. 9019 (requiring court approval of compromise or settlement).

The amendment clarifies that any order beyond mere dismissal—including approving a settlement, vacating or remanding—requires a court order.

Modified Language

(a) STIPULATED DISMISSAL. The clerk of the district court or BAP must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any court fees that are due.

(b) APPELLANT'S MOTION TO DISMISS. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the district court or BAP.

(c) OTHER RELIEF. A court order is required for any relief under Rule 8023(a) or (b) beyond the dismissal of an appeal—including approving a settlement, vacating an action of the bankruptcy court, or remanding the case to it.

(d) COURT APPROVAL. This rule does not alter the legal requirements governing court approval of a settlement, payment, or other consideration.

United States Bankruptcy Courts
Southern District of Mississippi

Summary of Amendments to Official Forms

Official Form 101 Voluntary Petition for Individuals Filing for Bankruptcy

Part 1, question 2 is modified is modified to ask the debtor to include “any assumed, trade names, or doing business as names,” and to direct that the debtor should not include the names of separate legal entities that are not filing the petition.

New Language

2. All other names you have used in the last 8 years Include your married or maiden names and any assumed, trade names and doing business as names. Do NOT list the name of any separate legal entity such as a corporation, partnership, or LLC that is not filing this petition.	First name	_____	First name	_____
	Middle name	_____	Middle name	_____
	Last name	_____	Last name	_____
	First name	_____	First name	_____
	Middle name	_____	Middle name	_____
	Last name	_____	Last name	_____
	Business name (if applicable)	_____	Business name (if applicable)	_____
	Business name (if applicable)	_____	Business name (if applicable)	_____

Former Language

2. All other names you have used in the last 8 years Include your married or maiden names.	First name	_____	First name	_____
	Middle name	_____	Middle name	_____
	Last name	_____	Last name	_____
	First name	_____	First name	_____
	Middle name	_____	Middle name	_____
	Last name	_____	Last name	_____

United States Bankruptcy Courts Southern District of Mississippi

Summary of Amendments to Official Forms

Part 1, question 4 is modified to remove language asking the debtor to include any business names the debtor has used in the last 8 years.

New Language

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
4. Your Employer Identification Number (EIN), if any.	EIN _____	EIN _____
	EIN _____	EIN _____

Former Language

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years Include trade names and doing business as names	<input type="checkbox"/> I have not used any business names or EINs.	<input type="checkbox"/> I have not used any business names or EINs.
	Business name _____ Business name _____ EIN _____ EIN _____	Business name _____ Business name _____ EIN _____ EIN _____

Committee Note:

Form 101 is amended to eliminate language in former Part 1, Question 4, which asked for “any business names . . . you have used in the last 8 years.”

Instead, Part 1, Question 2, is modified to add to the direction with respect to “other names you have used in the last 8 years” – which currently directs the debtor to “Include your married and maiden names” – to ask the debtor to include “any assumed, trade names, or doing business as names,” and to direct that the debtor should not include the names of separate legal entities that are not filing the petition.

Many individual debtors erroneously believed that Question 4 was asking for the names of corporations or Limited Liability Corporations in which they held any interest in the past 8 years, and any names listed in response were then treated as additional debtors for purposes of noticing and reporting.

By asking for the information in Question 2, the form now makes it clearer that the only names to be listed are names that were used by the debtor personally in conducting business, not names used by other legal entities. This amendment also conforms Form 101 to Forms 105, 201 and 205 with respect to the same information.

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

Summary of Amendments to Official Forms

Official Form 309E1 - Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors)

Line 7 modified to clarify which deadline applies for filing complaints to deny the debtor a discharge and which applies for filing complaints seeking to except a particular debt from discharge.

New Language

7. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	Deadline to file a complaint objecting to discharge or to challenge whether certain debts are dischargeable (see line 10 for more information): <ul style="list-style-type: none">■ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3), the deadline is the first date set for hearing on confirmation of the plan. The court or its designee will send you notice of that date later.■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), the deadline is: _____.
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Former Language

7. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none">■ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).	First date set for hearing on confirmation of plan. The court will send you a notice of that date later. Filing deadline for dischargeability complaints: _____
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United States Bankruptcy Courts Southern District of Mississippi

Summary of Amendments to Official Forms

Official Form 309E2 - Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors under Subchapter V)

Line 8 modified to clarify which deadline applies for filing complaints to deny the debtor a discharge and which applies for filing complaints seeking to except a particular debt from discharge.

New Language

8. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	Deadline to file a complaint objecting to discharge or to challenge whether certain debts are dischargeable (see line 11 for more information): <ul style="list-style-type: none">■ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3), the deadline is the first date set for hearing on confirmation of the plan. The court or its designee will send you notice of that date later.■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), the deadline is: _____.
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Former Language

8. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none">■ if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).	First date set for hearing on confirmation of plan. The court will send you a notice of that date later. Filing deadline for dischargeability complaints: _____
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