

TITLE 11—APPENDIX

BANKRUPTCY RULES AND OFFICIAL FORMS

(Effective August 1, 1983, as amended to January 4, 1995)

<p>Part I. Commencement of Case; Proceedings Relating to Petition and Order for Relief</p> <p>II. Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants</p> <p>III. Claims and Distribution to Creditors and Equity Interest Holders; Plans</p> <p>IV. The Debtor: Duties and Benefits</p> <p>V. Bankruptcy Courts and Clerks</p> <p>VI. Collection and Liquidation of the Estate</p> <p>VII. Adversary Proceedings</p> <p>VIII. Appeals to District Court or Bankruptcy Appellate Panel</p> <p>IX. General Provisions</p> <p>X. United States Trustees</p> <p style="text-align: center;">BANKRUPTCY RULES</p> <p>Rule 1001. Scope of Rules and Forms; Short Title.</p> <p>PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF</p> <p>1002. Commencement of Case.</p> <p>1003. Involuntary Petition.</p> <p>1004. Partnership Petition.</p> <p>1005. Caption of Petition.</p> <p>1006. Filing Fee.</p> <p>1007. Lists, Schedules, and Statements; Time Limits.</p> <p>1008. Verification of Petitions and Accompanying Papers.</p> <p>1009. Amendments of Voluntary Petitions, Lists, Schedules and Statements.</p> <p>1010. Service of Involuntary Petition and Summons; Petition Commencing Ancillary Case.</p> <p>1011. Responsive Pleading or Motion in Involuntary and Ancillary Cases.</p> <p>1012. [Abrogated].</p> <p>1013. Hearing and Disposition of a Petition in an Involuntary Case.</p> <p>1014. Dismissal and Change of Venue.</p> <p>1015. Consolidation or Joint Administration of Cases Pending in Same Court.</p> <p>1016. Death or Incompetency of Debtor.</p> <p>1017. Dismissal or Conversion of Case; Suspension.</p> <p>1018. Contested Involuntary Petitions; Contested Petitions Commencing Ancillary Cases; Proceedings To Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings.</p>	<p>Rule 1019.</p> <p>1002</p> <p>2001</p> <p>3001</p> <p>4001</p> <p>5001</p> <p>6001</p> <p>7001</p> <p>8001</p> <p>9001</p> <p>X-1001</p> <p>2007.1.</p> <p>2008.</p> <p>2009.</p> <p>2010.</p> <p>2011.</p> <p>2012.</p> <p>2013.</p> <p>2014.</p> <p>2015.</p> <p>2016.</p> <p>2017.</p> <p>2018.</p> <p>2019.</p> <p>2020.</p> <p>3001.</p> <p>3002.</p> <p>3003.</p> <p>3004.</p> <p>3005.</p>	<p>Conversion of Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to Chapter 7 Liquidation Case.</p> <p>PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS</p> <p>Appointment of Interim Trustee Before Order for Relief in a Chapter 7 Liquidation Case.</p> <p>Notices to Creditors, Equity Security Holders, United States, and United States Trustee.</p> <p>Meeting of Creditors or Equity Security Holders.</p> <p>Examination.</p> <p>Apprehension and Removal of Debtor to Compel Attendance for Examination.</p> <p>Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases.</p> <p>Review of Appointment of Creditors' Committee Organized Before Commencement of the Case.</p> <p>Appointment of Trustee or Examiner in a Chapter 11 Reorganization Case.</p> <p>Notice to Trustee of Selection.</p> <p>Trustees for Estates When Joint Administration Ordered.</p> <p>Qualification by Trustee; Proceeding on Bond.</p> <p>Evidence of Debtor in Possession or Qualification of Trustee.</p> <p>Substitution of Trustee or Successor Trustee; Accounting.</p> <p>Public Record of Compensation Awarded to Trustees, Examiners, and Professionals.</p> <p>Employment of Professional Persons.</p> <p>Duty to Keep Records, Make Reports, and Give Notice of Case.</p> <p>Compensation for Services Rendered and Reimbursement of Expenses.</p> <p>Examination of Debtor's Transactions with Debtor's Attorney.</p> <p>Intervention; Right to be Heard.</p> <p>Representation of Creditors and Equity Security Holders in Chapter 9 Municipality and Chapter 11 Reorganization Cases.</p> <p>Review of Acts by United States Trustee.</p> <p>PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS</p> <p>Proof of Claim.</p> <p>Filing Proof of Claim or Interest.</p> <p>Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases.</p> <p>Filing of Claims by Debtor or Trustee.</p> <p>Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Co-debtor.</p>
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Rule		Rule	
3006.	Withdrawal of Claim; Effect on Acceptance or Rejection of Plan.	6004.	Use, Sale, or Lease of Property.
3007.	Objections to Claims.	6005.	Appraisers and Auctioneers.
3008.	Reconsideration of Claims.	6006.	Assumption, Rejection and Assignment of Executory Contracts and Unexpired Leases.
3009.	Declaration and Payment of Dividends in a Chapter 7 Liquidation Case.	6007.	Abandonment or Disposition of Property.
3010.	Small Dividends and Payments in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6008.	Redemption of Property from Lien or Sale.
3011.	Unclaimed Funds in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6009.	Prosecution and Defense of Proceedings by Trustee or Debtor in Possession.
3012.	Valuation of Security.	6010.	Proceeding to Avoid Indemnifying Lien or Transfer to Surety.
3013.	Classification of Claims and Interests.		PART VII. ADVERSARY PROCEEDINGS
3014.	Election Pursuant to §1111(b) by Secured Creditor in Chapter 9 Municipality and Chapter 11 Reorganization Cases.	7001.	Scope of Rules of Part VII.
3015.	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case.	7002.	References to Federal Rules of Civil Procedure.
3016.	Filing of Plan and Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases.	7003.	Commencement of Adversary Proceeding.
3017.	Court Consideration of Disclosure Statement in Chapter 9 Municipality and Chapter 11 Reorganization Cases.	7004.	Process; Service of Summons, Complaint.
3018.	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	7005.	Service and Filing of Pleadings and Other Papers.
3019.	Modification of Accepted Plan Before Confirmation in a Chapter 9 Municipality or Chapter 11 Reorganization Case.		Pleadings Allowed.
3020.	Deposit; Confirmation of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	7007.	Pleadings Allowed.
3021.	Distribution Under Plan.	7008.	General Rules of Pleading.
3022.	Final Decree in Chapter 11 Reorganization Case.	7009.	Pleading Special Matters.
	PART IV. THE DEBTOR: DUTIES AND BENEFITS	7010.	Form of Pleadings.
4001.	Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements.	7011.	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings.
4002.	Duties of Debtor.	7012.	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings.
4003.	Exemptions.	7013.	Counterclaim and Cross-Claim.
4004.	Grant or Denial of Discharge.	7014.	Third-Party Practice.
4005.	Burden of Proof in Objecting to Discharge.	7015.	Amended and Supplemental Pleadings.
4006.	Notice of No Discharge.	7016.	Pre-Trial Procedure; Formulating Issues.
4007.	Determination of Dischargeability of a Debt.	7017.	Parties Plaintiff and Defendant; Capacity.
4008.	Discharge and Reaffirmation Hearing.	7018.	Joinder of Claims and Remedies.
	PART V. COURTS AND CLERKS	7019.	Joinder of Persons Needed for Just Determination.
5001.	Courts and Clerks' Offices.	7020.	Permissive Joinder of Parties.
5002.	Restrictions on Approval of Appointments.	7021.	Misjoinder and Non-Joinder of Parties.
5003.	Records Kept by the Clerk.	7022.	Interpleader.
5004.	Disqualification.	7023.	Class Proceedings.
5005.	Filing and Transmittal of Papers.	7023.1.	Derivative Proceedings by Shareholders.
5006.	Certification of Copies of Papers.	7023.2.	Adversary Proceedings Relating to Unincorporated Associations.
5007.	Record of Proceedings and Transcripts.	7024.	Intervention.
5008.	[Abrogated].	7025.	Substitution of Parties.
5009.	Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	7026.	General Provisions Governing Discovery.
5010.	Reopening Cases.	7027.	Depositions Before Adversary Proceedings or Pending Appeal.
5011.	Withdrawal and Abstention from Hearing a Proceeding.	7028.	Persons Before Whom Depositions May Be Taken.
	PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE	7029.	Stipulations Regarding Discovery Procedure.
6001.	Burden of Proof As to Validity of Post-petition Transfer.	7030.	Depositions Upon Oral Examination.
6002.	Accounting by Prior Custodian of Property of the Estate.	7031.	Deposition Upon Written Questions.
6003.	[Abrogated].	7032.	Use of Depositions in Adversary Proceedings.
		7033.	Interrogatories to Parties.
		7034.	Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes.
		7035.	Physical and Mental Examination of Persons.
		7036.	Requests for Admission.
		7037.	Failure to Make Discovery; Sanctions.
		7040.	Assignment of Cases for Trial.
		7041.	Dismissal of Adversary Proceedings.
		7042.	Consolidation of Adversary Proceedings; Separate Trials.
		7052.	Findings by the Court.
		7054.	Judgments; Costs.
		7055.	Default.
		7056.	Summary Judgment.
		7062.	Stay of Proceedings to Enforce a Judgment.
		7064.	Seizure of Person or Property.
		7065.	Injunctions.
		7067.	Deposit in Court.
		7068.	Offer of Judgment.
		7069.	Execution.
		7070.	Judgment for Specific Acts; Vesting Title.
		7071.	Process in Behalf of and Against Persons Not Parties.
		7087.	Transfer of Adversary Proceeding.
			PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL
		8001.	Manner of Taking Appeal; Voluntary Dismissal.

Rule		Form
8002.	Time for Filing Notice of Appeal.	4.
8003.	Leave to Appeal.	
8004.	Service of the Notice of Appeal.	5.
8005.	Stay Pending Appeal.	6.
8006.	Record and Issues on Appeal.	7.
8007.	Completion and Transmission of the Record; Docketing of the Appeal.	8.
8008.	Filing and Service.	9.
8009.	Briefs and Appendix; Filing and Service.	
8010.	Form of Briefs; Length.	10.
8011.	Motions.	11A.
8012.	Oral Argument.	11B.
8013.	Disposition of Appeal; Weight Accorded Bankruptcy Judge's Findings of Fact.	12.
8014.	Costs.	13.
8015.	Motion for Rehearing.	
8016.	Duties of Clerk of District Court and Bank- ruptcy Appellate Panel.	14.
8017.	Stay of Judgment of District Court or Bank- ruptcy Appellate Panel.	15.
8018.	Rules by Circuit Councils and District Courts.	16A.
8019.	Suspension of Rules in Part VIII.	16B.
	PART IX. GENERAL PROVISIONS	16C.
9001.	General Definitions.	17.
9002.	Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases under the Code.	18.
9003.	Prohibition of Ex Parte Contacts.	
9004.	General Requirements of Form.	
9005.	Harmless Error.	
9006.	Time.	
9007.	General Authority to Regulate Notices.	
9008.	Service or Notice by Publication.	
9009.	Forms.	
9010.	Representation and Appearances; Powers of Attorney.	
9011.	Signing and Verification of Papers.	
9012.	Oaths and Affirmations.	
9013.	Motions: Form and Service.	
9014.	Contested Matters.	
9015.	[Abrogated].	
9016.	Subpoena.	
9017.	Evidence.	
9018.	Secret Confidential, Scandalous, or Defama- tory Matter.	
9019.	Compromise and Arbitration.	
9020.	Contempt Proceedings.	
9021.	Entry of Judgment.	
9022.	Notice of Judgment or Order.	
9023.	New Trials; Amendment of Judgments.	
9024.	Relief from Judgment or Order.	
9025.	Security: Proceedings Against Sureties.	
9026.	Exceptions Unnecessary.	
9027.	Removal.	
9028.	Disability of a Judge.	
9029.	Local Bankruptcy Rules.	
9030.	Jurisdiction and Venue Unaffected.	
9031.	Masters Not Authorized.	
9032.	Effect of Amendment of Federal Rules of Civil Procedure.	
9033.	Review of Proposed Findings of Fact and Con- clusions of Law in Non-Core Proceedings.	
9034.	Transmittal of Pleadings, Motion Papers, Ob- jections, and Other Papers to the United States Trustee.	
9035.	Applicability of Rules in Judicial Districts in Alabama and North Carolina.	
9036.	Notice by Electronic Transmission.	
	PART X. [ABROGATED]	
	OFFICIAL BANKRUPTCY FORMS	
Form		
1.	Voluntary Petition.	
2.	Declaration under Penalty of Perjury on Be- half of a Corporation or Partnership.	
3.	Application and Order to Pay Filing Fee in Installments.	

BANKRUPTCY RULES

EFFECTIVE DATE; APPLICATION; SUPERSEURE OF PRIOR RULES; TRANSMISSION TO CONGRESS

Sections 2 to 4 of the Order of the Supreme Court, dated Apr. 25, 1983, provided:

"2. That the aforementioned Bankruptcy Rules shall take effect on August 1, 1983, and shall be applicable to proceedings then pending, except to the extent that in the opinion of the court their application in a pending proceeding would not be feasible or would work injustice, in which event the former procedure applies.

"3. That the Bankruptcy Rules, heretofore prescribed by this Court, be, and they hereby are, superseded by the new rules, effective August 1, 1983.

"4. That the Chief Justice be, and he hereby is, authorized to transmit these new Bankruptcy Rules to the Congress in accordance with the provisions of Section 2075 of Title 28, United States Code."

Rule 1001. Scope of Rules and Forms; Short Title

The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. The rules shall be cited as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms. These rules shall be construed to secure the just, speedy, and inexpensive determination of every case and proceeding.

(As amended Mar. 30, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Aug. 1, 1991.)

NOTES OF ADVISORY COMMITTEE ON RULES

Section 247 of Public Law 95-598, 92 Stat. 2549 amended 28 U.S.C. §2075 by omitting the last sentence. The effect of the amendment is to require that procedural rules promulgated pursuant to 28 U.S.C. §2075 be consistent with the bankruptcy statute, both titles 11 and 28 U.S.C. Thus, although Rule 1001 sets forth the scope of the bankruptcy rules and forms, any procedural matters contained in title 11 or 28 U.S.C. with respect to cases filed under 11 U.S.C. would control. See 1 Collier, *Bankruptcy* ¶3.04 [2][c] (15th ed. 1980).

28 U.S.C. §151 establishes a United States Bankruptcy Court in each district as an adjunct to the district court. This provision does not, however, become effective until April 1, 1984. Public Law 95-598, §402(b). From October 1, 1979 through March 31, 1984, the courts of