



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

Paul R. Warren
Clerk of Court

A handwritten signature in black ink, appearing to be "P. Warren", is written over the printed name and title.

Buffalo (716) 362-3200
Rochester (585) 613-4200

NOTICE OF NEW OFFICIAL BANKRUPTCY FORMS AND AMENDMENTS TO
OFFICIAL BANKRUPTCY FORMS EFFECTIVE DECEMBER 1, 2008

No.08-02

November 7, 2008

NEW OFFICIAL FORMS:

Official Form 25A, Plan of Reorganization in Small Business Case under Chapter 11. This form for a small business chapter 11 plan of reorganization may be used in cases where the debtor (whether an individual or an artificial entity) is a small business debtor under § 101(51D) of the Code. The form is intended to be used in conjunction with new Official Form 25B (see below.) The form includes instructions and examples of the types of information needed to complete it.

Official Form 25B, Disclosure Statement in Small Business Case under Chapter 11. The form provides a format for disseminating information to parties in interest about the plan of reorganization in a small business debtor's chapter 11 case, so that a party can make a reasonably informed judgment whether to accept, reject, or object to a proposed plan of reorganization or liquidation. The form is intended to be used in conjunction with new Official Form 25A (see above.) The form highlights the factual and legal disclosures required for adequate disclosure under § 1125 of the Code. The form is not intended to restrict a plan proponent from providing additional information where that would be useful. The form includes instructions and examples of the types of information needed to complete it.

Official Form 25C, Small Business Monthly Operating Report. The form directs the debtor to disclose the information required under § 308 of the Code.

Official Form 26, Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest. A chapter 11 debtor is required to file periodic reports on the profitability of any entities in which the estate holds a substantial or controlling interest. This form is to be used when required by new Bankruptcy Rule 2015.3. The form includes instructions and examples of the types of information needed to complete it.

AMENDED OFFICIAL FORMS:

Official Form 1, Exhibit D, Individual Debtor's Statement of Compliance with Credit Counseling Requirement. Paragraph 3 is amended to delete any reference to a requirement that a debtor file a motion with the court to obtain an order approving a request for the postponement of the debtor's obligation to obtain a credit counseling briefing prior to the commencement of the case. The paragraph immediately following numbered paragraph 3 is amended to reflect the deletion of the need for a separate motion beyond the completion of the certification itself.

Official Form 8, Chapter 7 Individual Debtor's Statement of Intention. The form is amended to conform to §362(h) and §521(a)(2) by expanding the questions directed to the debtor regarding leased personal property and property subject to security interests. The form is also amended and reformatted to required the debtor to complete a series of statements describing the property and setting out what actions the debtor intends to take for each listed asset. The form is further amended to specify that the debtor's signature is a declaration under perjury, as required by Rule 1008, and to provide space for the co-debtor's signature. The Declaration of Non-Attorney Bankruptcy Petition Preparer has been deleted from the form.

Official Form 9F, Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors and Deadlines – Corporation/Partnership case. The form was revised to delete the debtor's phone number, in conformity with the other versions of Official Form 9.

Official Form 10, Proof of Claim. Box seven on page one and instructions two and seven on page two are amended to instruct the claimant that the information contained in or attached to a claim based on the delivery of health care goods or services should be limited so as to avoid embarrassment or the unnecessary disclosure of confidential information. The claimant is further informed that additional disclosure may be required if the trustee or another party in interest objects to the claim. Page two is also amended to revise slightly the definitions of "creditor" and "claim" to conform more closely to the definitions of those terms in the Code.

Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Financial Management. The paragraph describing Filing Deadlines at the bottom of the form was revised to include a reference to § 1141(d)(5)(B).

Use of the current version of the Official Bankruptcy forms and Director's Procedural Bankruptcy forms is required.

Additional information regarding these amendments may be found at www.uscourts.gov/bankform. This notice is for informational purposes only. You should refer to the Interim Rules of Bankruptcy Procedures, Official Forms, and official comments for complete information and guidance.

PAUL R. WARREN
Clerk of Court