

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

AMENDMENTS TO PETITIONS, LISTS,
SCHEDULES, AND STATEMENTS

GENERAL ORDER
AND NOTICE

PLEASE TAKE NOTICE that on and after January 8, 1992, the Court will no longer enter orders approving or authorizing amendments to voluntary petitions, schedules, statements or lists, nor will the Court address the adequacy, sufficiency, or effect of any such amendment, in the absence of a controversy properly raised.

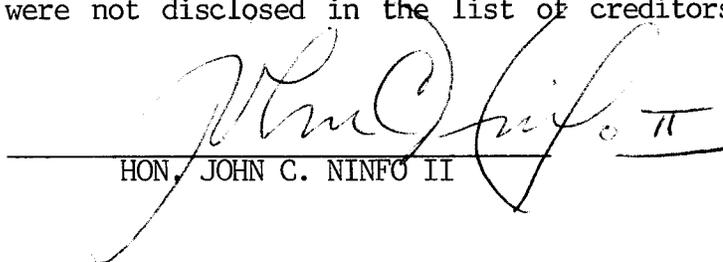
The attention of all attorneys for voluntary debtors, and that of all pro se debtors, is directed to Rule 1009 of the Federal Rules of Bankruptcy Procedure and to the requirement of a verified signature contained in Rule 1008. The Court will no longer monitor compliance with these Rules except to the extent that the administrative processes of the Court or of the Office of the Clerk are impeded. In all other instances, purported "Amendments" will merely be docketed and filed in the form submitted, and neither the Court nor the Clerk will express any opinion regarding their effect unless the Court is properly requested to rule thereon in the context of an actual dispute.

Notwithstanding the above, the Clerk may specify the minimum requirements of form for those amendments which are necessary to move the case through the administrative processes of the Court, and may for that purpose rely on amendments conforming to those requirements, even though said requirements might not be coextensive with those the Court might later enunciate as having been necessary in order to accomplish a legally effective amendment as against other parties. (*)

No purported amendment of any type will be acknowledged, recognized or processed as such by the Office of the Clerk unless there is affixed to the front thereof a completed Amendment Cover Sheet, in a form prescribed by the Clerk. Said form shall require the signature of the attorney for the debtor, or the signature of the debtor if acting pro se, and shall require certification that notice of the amendment has been given as required by the Federal Rules of Bankruptcy Procedure. The Clerk may include such other matters in the form as are desirable or necessary to facilitate recognition of the nature and content of the amendment for administrative purposes.

For purposes of this Order and Notice, the term "amendment" also includes the delayed initial filing of a schedule, statement, list or other document that discloses the existence of parties-in-interest who were not disclosed in the list of creditors that accompanied the petition. SO ORDERED.

Dated: January 8, 1992



HON. JOHN C. NINFO II

*Thus, for example, the Clerk may accept and rely upon an attorney's affidavit "amending" the debtor's petition to provide certain information missing therefrom, such as a d/b/a missing from the case caption. Clearly, such an affidavit would not meet the formal requirements of an amendment to the petition under Rules 1008 and 1009, were there to be a subsequent dispute as to whether the debtor duly disclosed all names by which the debtor was known in the previous six years.