



UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NEW YORK

Paul R. Warren
Clerk of Court

Buffalo (716) 551-4130
Rochester (716) 263-3148

NOTICE OF AMENDED OFFICIAL BANKRUPTCY FORMS AND AMENDMENTS TO BANKRUPTCY RULES EFFECTIVE DECEMBER 1, 2001

No. 01-10

11/01/01

Amendments to Official Form 1, Voluntary Petition, and Official Form 15, Order Confirming Plan, and Bankruptcy Rules 1007, 2002(c)(3), 2002(g), 3016, 3017, 3020, 9006(f), 9020 and 9022 become effective on December 1, 2001.

Official Form 1, the Voluntary Petition, has been amended to require the debtor to disclose whether the debtor owns or has possession of property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety. If any such property exists, the debtor must complete and attach Exhibit "C" describing the property, its location, and the potential danger it poses. Exhibit "C" will alert the United States Trustee and any person selected as trustee that immediate precautionary action may be necessary.

Official Form 15, the Order Confirming a Plan, was amended to conform to amendments to Rule 3020 of the Federal Rules of Bankruptcy Procedure (see below). Those amendments require that, if the plan provides for an injunction against conduct not otherwise enjoined under the Bankruptcy Code, the order of confirmation shall describe in reasonable detail all acts enjoined, be specific regarding the injunction, and identify the entities subject to the injunction. Please note that the Western District of New York utilizes a locally-developed Order Confirming a Plan. These changes have been incorporated into the local form and it can be obtained at the Clerk's Office or from the Court's website at <http://www.nywb.uscourts.gov>.

Synopsis of Amendments to the Federal Rules of Bankruptcy Procedure:

Rule 1007 is amended so that, if the debtor knows that a creditor is an infant or incompetent person, the debtor will be required to include in the list of creditors and schedules the name, address, and legal relationship of any representative upon whom process would be served in an adversary proceeding against the infant or incompetent person. This information will enable the clerk to mail notices required under Rule 2002 to the appropriate representative.

Rule 2002(c) is amended to assure that parties entitled to notice of a hearing on confirmation of a plan are given adequate notice of any injunction included in the plan that would enjoin conduct not otherwise enjoined by operation of the Bankruptcy Code.

Rule 2002(g) is amended to clarify that where a creditor or indenture trustee files both a proof of claim which includes a mailing address and a separate request designating a different mailing address, the last paper filed determines the proper address, and that a request designating a mailing address is effective only with respect to a particular case. The amendments also clarify that a filed proof of claim is considered a request designating a mailing address if a notice of no dividend has been given under Rule 2002(e), but has been superseded by a subsequent notice of possible dividend under Rule 3002(c)(5). A new paragraph has been added to assure that notices to an infant or incompetent person are mailed to the person's legal representative identified in the debtor's schedules or list of creditors.

Rule 3016 is amended to assure that entities whose conduct would be enjoined under a plan, rather than by operation of the Bankruptcy Code, are given adequate notice of the proposed injunction. The amendment would require that the plan and disclosure statement describe in specific and conspicuous language all acts to be enjoined and to identify the entities that would be subject to the injunction.

Rule 3017 is amended to assure that entities whose conduct would be enjoined under a plan, but who would not ordinarily receive copies of the plan and disclosure statement or information regarding the confirmation hearing because they are neither creditors nor equity security holders, are provided with adequate notice of the proposed injunction, the confirmation hearing, and the deadline for objecting to confirmation of the plan.

Rule 3020 is amended so that, if a plan contains an injunction against conduct not otherwise enjoined under the Code, the order confirming the plan must describe in detail all acts enjoined and identify the entities subject to the injunction. The amendments also requires that notice of entry of the order of confirmation be mailed to all known entities subject to the injunction.

Rule 9006(f) is amended to expand the 3-day rule so that it will apply to any method of service, including service by electronic means, authorized under proposed amendments to Civil Rule 5(b), other than service by personal delivery.

Rule 9020 is amended to delete provisions that delay for 10 days the effectiveness of an order of civil contempt issued by a Bankruptcy Judge and that render the order subject to *de novo* review by the District Court. Other procedural provisions in the rule are replaced with a statement that a motion for an order of contempt made by the United States Trustee or a party in interest is governed by Rule 9014 (contested matters).

Rule 9022(a) is amended to authorize the Clerk to serve notice of entry of a judgment or order of a Bankruptcy Judge by any method of service, including service by electronic means, permitted under the proposed amendments to Civil Rule 5(b).

Additionally, Items 15 and 21 of the Bankruptcy Court Miscellaneous Fee Schedule were amended, also effective December 1, 2001, to include new language as follows: *If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized.*

Please direct questions regarding these amendments to the Clerk's Office at the telephone numbers listed above.

PAUL R. WARREN
Clerk of Court

Attachments: Official Form 1, Voluntary Petition
 Official Form 15, Order Confirming a Plan (local adaptation)

FORM B1	United States Bankruptcy Court District of _____	Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle):		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all):		Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code):		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business:		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):		

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<p style="text-align:center;">Type of Debtor (Check all boxes that apply)</p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Individual(s)</td> <td><input type="checkbox"/> Railroad</td> </tr> <tr> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Stockbroker</td> </tr> <tr> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> Commodity Broker</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> Individual(s)	<input type="checkbox"/> Railroad	<input type="checkbox"/> Corporation	<input type="checkbox"/> Stockbroker	<input type="checkbox"/> Partnership	<input type="checkbox"/> Commodity Broker	<input type="checkbox"/> Other _____		<p style="text-align:center;">Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Chapter 7</td> <td><input type="checkbox"/> Chapter 11</td> <td><input type="checkbox"/> Chapter 13</td> </tr> <tr> <td><input type="checkbox"/> Chapter 9</td> <td><input type="checkbox"/> Chapter 12</td> <td></td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding</td> </tr> </table>	<input type="checkbox"/> Chapter 7	<input type="checkbox"/> Chapter 11	<input type="checkbox"/> Chapter 13	<input type="checkbox"/> Chapter 9	<input type="checkbox"/> Chapter 12		<input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding		
<input type="checkbox"/> Individual(s)	<input type="checkbox"/> Railroad																	
<input type="checkbox"/> Corporation	<input type="checkbox"/> Stockbroker																	
<input type="checkbox"/> Partnership	<input type="checkbox"/> Commodity Broker																	
<input type="checkbox"/> Other _____																		
<input type="checkbox"/> Chapter 7	<input type="checkbox"/> Chapter 11	<input type="checkbox"/> Chapter 13																
<input type="checkbox"/> Chapter 9	<input type="checkbox"/> Chapter 12																	
<input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																		
<p style="text-align:center;">Nature of Debts (Check one box)</p> <p><input type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business</p>	<p style="text-align:center;">Filing Fee (Check one box)</p> <p><input type="checkbox"/> Full Filing Fee attached</p> <p><input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.</p>																	
<p style="text-align:center;">Chapter 11 Small Business (Check all boxes that apply)</p> <p><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101</p> <p><input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)</p>																		

Statistical/Administrative Information (Estimates only)

Debtor estimates that funds will be available for distribution to unsecured creditors.

Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THIS SPACE IS FOR COURT USE ONLY

Exhibit "C"

[If, to the best of the debtor's knowledge, the debtor owns or has possession of property that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety, attach this Exhibit "C" to the petition.]

[Caption as in Form 16B]

Exhibit "C" to Voluntary Petition

1. Identify and briefly describe all real or personal property owned by or in possession of the debtor that, to the best of the debtor's knowledge, poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

.....
.....
.....
.....

2. With respect to each parcel of real property or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

.....
.....
.....
.....

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re

Case No.
CHAPTER 11

SSN/Tax ID:

Debtor(s)

ORDER CONFIRMING CHAPTER 11 PLAN

The plan under Chapter 11 of the Bankruptcy Code filed by _____, on _____, or a summary thereof, having been transmitted to creditors and equity security holders; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. Section 1129 (a) have been satisfied;

IT IS ORDERED THAT:

The plan filed by _____ on _____ *[If appropriate, include dates and any other pertinent details of modifications to the plan]* is confirmed. *[If the plan provides for an injunction against any conduct not otherwise enjoined under the Code, include the information required by Rule 3020.1]*

IT IS FURTHER ORDERED that the debtor shall, within **90 days** after the date of the entry of this order; (1) file a report of substantial consummation and final report; or (2) take appropriate action to amend the plan. Failure to comply with these requirements may result in conversion of the case.

IT IS FURTHER ORDERED that all fees payable to the United States Trustee pursuant to 28 U.S.C. Section 1930 shall be paid within **10 days** of the entry of this order.

Dated:

U.S.B.J.