



UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NEW YORK

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NOTICE OF AMENDED OFFICIAL BANKRUPTCY FORMS AND AMENDMENTS TO BANKRUPTCY RULES EFFECTIVE DECEMBER 1, 2005

No. 05-04

November 21, 2005

Synopsis of Amendments to the Federal Rules of Bankruptcy Procedure:

Rule 1007 is amended to require the debtor in a voluntary case to submit with the petition a list of entities to which notices will be sent in the case. The listed parties are identified as the entities listed or to be listed on Schedules D through H of the Official Forms.

Rule 2002(g) is amended to allow a creditor to register a central address for the purpose of receiving notices.

Rule 3004 is amended to conform the rule to § 501(c) of the Bankruptcy Code. The amendment clarifies that the debtor or trustee may not file a proof of claim until after the time for filing a proof by a particular creditor has expired.

Rule 3005 is amended to delete any reference to a creditor filing a proof of claim that supersedes a claim filed on behalf of the creditor by a codebtor. The amendment thus conforms the rule to § 501(b) of the Bankruptcy Code.

Rule 4008 is amended to establish a deadline for filing a reaffirmation agreement with the court. The amendment deletes the former version of the rule that governed the timing of the reaffirmation agreement and discharge hearing. These restrictions on the court's docket are unduly burdensome and the amendment provides the court with the discretion to set and hold these hearings at appropriate times in the circumstances presented in the case.

Rule 7004 is amended to authorize the clerk specifically to sign, seal, and issue a summons electronically. The amendment does not address the service requirements for a summons which are set out in other provisions of Rule 7004.

Rule 9001 is amended to allow a creditor to register a central address for the purpose of receiving notices.

Rule 9006 is amended to clarify that the three-day period is added to the end of the time period for taking action when service is accomplished through certain specified means. This amendment is intended to conform as closely as possible to the amendment being proposed by the Advisory Committee on Civil Rules.

Rule 9036 is amended to remove the requirement that notice sent electronically is complete only upon confirmation to the sender that the notice was received.

Summary of Amendments to Official Bankruptcy Forms:

Official Form 6G (Executory Contracts and Unexpired Leases) - technical amendment that implements changes to Rule 1007.

Official Form 16D (Caption for Use in Adversary Proceeding) - technical amendment reflecting the abrogation of Form 16C.

Official Form 17 (Notice of Appeal) - technical amendment reflecting the abrogation of Form 16C.

Additional information regarding these amendments may be found at: www.uscourts.gov.

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