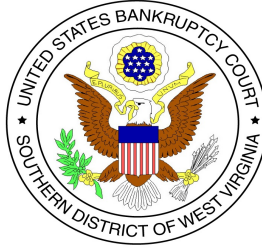


**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

ROBERT C. BYRD U. S. COURTHOUSE
300 VIRGINIA STREET EAST, ROOM 3200
CHARLESTON, WEST VIRGINIA 25301

MARGARET JO PROOPS
Clerk of Court



Telephone: 304-347-3003
Fax: 304-347-3018

March 15, 2010

To: Bankruptcy Bar and Public

On April 1, 2010, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision of Title 28 of the United States Code will become effective.

The amended dollar amounts will apply to cases filed on or after April 1, 2010. The amended dollar amounts will affect, among other matters, the items listed below.

- the eligibility of a debtor to file under chapters 12 and 13 of the Bankruptcy Code
- certain maximum values of property that a debtor may claim as exempt
- the maximum amount of certain claims entitled to priority
- the calculation of the "means test" for chapter 7 debtors
- the duration of a chapter 13 plan
- the definition of a small business debtor
- the minimum aggregate value of claims needed to commence an involuntary bankruptcy
- the value of "luxury goods and services" deemed to be nondischargeable
- where the trustee may commence certain proceedings to recover a money judgment or property.

In the Bankruptcy Reform Act of 1994, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and Pub. L. No. 110-406(2008), Congress provided for the automatic adjustment of these dollar amounts at three-year intervals. The relevant provisions are codified in 11 U.S.C. § 104(a).

The adjustments reflect the change in the *Consumer Price Index for All Urban Consumers* published by the United States Department of Labor for the three-year period ending December 31, 2009, and rounded to the nearest \$25. Use of this formula to adjust specified dollar amounts in the Bankruptcy Code is prescribed by 11 U.S.C. § 104(a). On February 25, 2010, the Judicial Conference published the revised dollar amounts in volume 75, number 37, of the *Federal Register*, at page 8747, as required under 11 U.S.C. § 104(c). The next three-year automatic adjustments of these dollar amounts will be published before March 1, 2013, and take effect April 1, 2013. Attached is a chart showing

the affected sections of the Bankruptcy Code and Title 28 and both the current and the revised dollar amounts in those sections.

Seven of the Official Bankruptcy Forms contain references to several of the affected dollar amounts.

- [Official Form 1, Voluntary Petition](#)
- [Official Form 6C, Schedule of Property Claimed as Exempt](#)
- [Official Form 6E, Schedule of Creditors Holding Claims Entitled to Priority](#)
- [Official Form 7, Statement of Financial Affairs](#)
- [Official Form 10, Proof of Claim](#)
- [Official Form 22A, Statement of Current Monthly Income and Means Test Calculation \(Chapter 7\)](#)
- [Official Form 22C, Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income \(Chapter 13\)](#)

These forms will be amended April 1, 2010, and will apply to cases filed on or after that date. The revised forms incorporating the changes will be posted on the bankruptcy forms pending amendment page of the Judiciary's website at <http://www.uscourts.gov/bankform/index.html>