

**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

November 10, 2010

Notice Regarding Changes Effective 12/1/2010 to Bankruptcy Rules and Forms

On December 1, 2010, amendments to the Federal Rules of Bankruptcy Procedure and to certain Official Forms, as described below, will become effective. The amendments to the Rules and revised forms are available from the Clerk or on the Court's website at www.wvsb.uscourts.gov.

- Bankruptcy Rule 1007 (shortens time for debtor to file a list of creditors after the entry of an order for relief in an involuntary case. Also extends time for individual chapter 7 debtors to file statement of completion of course in personal financial management)
- Bankruptcy Rule 1014 (includes chapter 15 cases in the rule that authorizes the court to determine where cases should go forward when multiple petitions involving the same debtor are pending)
- Bankruptcy Rule 1015 (includes chapter 15 cases in the rule that authorizes the court to order consolidation or joint administration of cases)
- Bankruptcy Rule 1018 (reflects enactment of chapter 15 in 2005)
- Bankruptcy Rule 1019 (with some exceptions, a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13)
- Bankruptcy Rule 4001 (technical and conforming amendment on the computation of time)
- Bankruptcy Rule 4004 (is amended to: (a) include a new deadline for filing of motions (rather than complaints) under Rule 7001(b) objecting to a debtor's discharge; (b) direct the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor; and (c) direct the court in chapter 11 and 13 cases to withhold the entry of the discharge if the debtor has not filed with the court a statement of completion of a course concerning personal financial management)
- Bankruptcy Rule 5009 (amended to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and 13 cases that their cases may be closed if they fail to file a statement of completion of financial management course. Subdivision (c) requires a foreign representative in a chapter 15 case to file and give notice of the filing of a final report)
- Bankruptcy Rule 5012 (new rule establishing procedures in chapter 15 cases for obtaining approval of an agreement regarding communications and coordinating of proceedings with cases involving the debtor pending in other countries)
- Bankruptcy Rule 7001 (objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) are to be commenced by motion rather than by complaint, corresponding to the proposed amendment to Rule 4004)
- Bankruptcy Rule 9001 (amended to add §1502 to the list of definitions)
- Official Forms 9A, 9C, and 9I (technical changes that conform to the amendments to Bankruptcy Rules 4004 and 7001).
- Official Forms 20A and 20B (technical and conforming amendments)
- Official Forms 22A, 22B, and 22C (Forms 22A, 22B, and 22C instructs that only one joint filer should report payments by another for household expenses. Forms 22A and 22C are amended to delete references to "household" and "household size" and are replaced by "number of persons" or "family size." Form 22A directs debtors in joint cases to file separate forms only if one of the debtors is entitled to a Part I exemption).