

TITLE 11—APPENDIX

**FEDERAL RULES OF BANKRUPTCY PROCEDURE AND OFFICIAL
BANKRUPTCY FORMS**

(Effective August 1, 1983, as amended to January 3, 2012)

HISTORICAL NOTE

The Federal Rules of Bankruptcy Procedure were adopted by order of the Supreme Court on Apr. 25, 1983, transmitted to Congress by the Chief Justice on the same day, and became effective Aug. 1, 1983.

The Rules have been amended Aug. 30, 1983, Pub. L. 98-91, §2(a), 97 Stat. 607, eff. Aug. 1, 1983; July 10, 1984, Pub. L. 98-353, title III, §321, 98 Stat. 357; Apr. 29, 1985, eff. Aug. 1, 1985; Mar. 30, 1987, eff. Aug. 1, 1987; Apr. 25, 1989, eff. Aug. 1, 1989; Apr. 30, 1991, eff. Aug. 1, 1991; Apr. 22, 1993, eff. Aug. 1, 1993; Apr. 29, 1994, eff. Aug. 1, 1994; Oct. 22, 1994, Pub. L. 103-394, title I, §114, 108 Stat. 4118; Apr. 27, 1995, eff. Dec. 1, 1995; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 11, 1997, eff. Dec. 1, 1997; Apr. 26, 1999, eff. Dec. 1, 1999; Apr. 17, 2000, eff. Dec. 1, 2000; Apr. 23, 2001, eff. Dec. 1, 2001; Apr. 29, 2002, eff. Dec. 1, 2002; Mar. 27, 2003, eff. Dec. 1, 2003; Apr. 26, 2004, eff. Dec. 1, 2004; Apr. 25, 2005, eff. Dec. 1, 2005; Apr. 12, 2006, eff. Dec. 1, 2006; Apr. 30, 2007, eff. Dec. 1, 2007; Apr. 23, 2008, eff. Dec. 1, 2008; Mar. 26, 2009, eff. Dec. 1, 2009; Apr. 28, 2010, eff. Dec. 1, 2010; Apr. 26, 2011, eff. Dec. 1, 2011.

Part		Rule
I.	Commencement of Case; Proceedings Relating to Petition and Order for Relief	1002
II.	Officers and Administration; Notices; Meetings; Examinations; Elections; Attorneys and Accountants	2001
III.	Claims and Distribution to Creditors and Equity Interest Holders; Plans	3001
IV.	The Debtor: Duties and Benefits	4001
V.	Bankruptcy Courts and Clerks	5001
VI.	Collection and Liquidation of the Estate	6001
VII.	Adversary Proceedings	7001
VIII.	Appeals to District Court or Bankruptcy Appellate Panel	8001
IX.	General Provisions	9001
X.	United States Trustees [Abrogated].	
	Official Forms.	

BANKRUPTCY RULES

Rule	
1001.	Scope of Rules and Forms; Short Title.
PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF	
1002.	Commencement of Case.
1003.	Involuntary Petition.
1004.	Involuntary Petition Against a Partnership.
1004.1.	Petition for an Infant or Incompetent Person.
1004.2.	Petition in Chapter 15 Cases.
1005.	Caption of Petition.
1006.	Filing Fee.

Rule	
1007.	Lists, Schedules, Statements, and Other Documents; Time Limits.
1008.	Verification of Petitions and Accompanying Papers.
1009.	Amendments of Voluntary Petitions, Lists, Schedules and Statements.
1010.	Service of Involuntary Petition and Summons; Petition For Recognition of a Foreign Nonmain Proceeding.
1011.	Responsive Pleading or Motion in Involuntary and Cross-Border Cases.
1012.	[Abrogated].
1013.	Hearing and Disposition of a Petition in an Involuntary Case.
1014.	Dismissal and Change of Venue.
1015.	Consolidation or Joint Administration of Cases Pending in Same Court.
1016.	Death or Incompetency of Debtor.
1017.	Dismissal or Conversion of Case; Suspension.
1018.	Contested Involuntary Petitions; Contested Petitions Commencing Chapter 15 Cases; Proceedings to Vacate Order for Relief; Applicability of Rules in Part VII Governing Adversary Proceedings.
1019.	Conversion of a Chapter 11 Reorganization Case, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case to a Chapter 7 Liquidation Case.
1020.	Small Business Chapter 11 Reorganization Case.
1021.	Health Care Business Case.
PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS	
2001.	Appointment of Interim Trustee Before Order for Relief in a Chapter 7 Liquidation Case.
2002.	Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee.
2003.	Meeting of Creditors or Equity Security Holders.
2004.	Examination.
2005.	Apprehension and Removal of Debtor to Compel Attendance for Examination.
2006.	Solicitation and Voting of Proxies in Chapter 7 Liquidation Cases.
2007.	Review of Appointment of Creditors' Committee Organized Before Commencement of the Case.
2007.1.	Appointment of Trustee or Examiner in a Chapter 11 Reorganization Case.
2007.2.	Appointment of Patient Care Ombudsman in a Health Care Business Case.
2008.	Notice to Trustee of Selection.
2009.	Trustees for Estates When Joint Administration Ordered.

Rule 2010.	Qualification by Trustee; Proceeding on Bond.	Rule 3021.	Distribution Under Plan.
2011.	Evidence of Debtor in Possession or Qualification of Trustee.	3022.	Final Decree in Chapter 11 Reorganization Case.
2012.	Substitution of Trustee or Successor Trustee; Accounting.	PART IV. THE DEBTOR: DUTIES AND BENEFITS	
2013.	Public Record of Compensation Awarded to Trustees, Examiners, and Professionals.	4001.	Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements.
2014.	Employment of Professional Persons.	4002.	Duties of Debtor.
2015.	Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status.	4003.	Exemptions.
2015.1.	Patient Care Ombudsman.	4004.	Grant or Denial of Discharge.
2015.2.	Transfer of Patient in Health Care Business Case.	4005.	Burden of Proof in Objecting to Discharge.
2015.3.	Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest.	4006.	Notice of No Discharge.
2016.	Compensation for Services Rendered and Reimbursement of Expenses.	4007.	Determination of Dischargeability of a Debt.
2017.	Examination of Debtor's Transactions with Debtor's Attorney.	4008.	Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement.
2018.	Intervention; Right to Be Heard.	PART V. COURTS AND CLERKS	
2019.	Disclosure Regarding Creditors and Equity Security Holders in Chapter 9 and Chapter 11 Cases.	5001.	Courts and Clerks' Offices.
2020.	Review of Acts by United States Trustee.	5002.	Restrictions on Approval of Appointments.
PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS		5003.	Records Kept By the Clerk.
3001.	Proof of Claim.	5004.	Disqualification.
3002.	Filing Proof of Claim or Interest.	5005.	Filing and Transmittal of Papers.
3002.1	Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence.	5006.	Certification of Copies of Papers.
3003.	Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases.	5007.	Record of Proceedings and Transcripts.
3004.	Filing of Claims by Debtor or Trustee.	5008.	Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors.
3005.	Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Co-debtor.	5009.	Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, Chapter 13 Individual's Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases.
3006.	Withdrawal of Claim; Effect on Acceptance or Rejection of Plan.	5010.	Reopening Cases.
3007.	Objections to Claims.	5011.	Withdrawal and Abstention from Hearing a Proceeding.
3008.	Reconsideration of Claims.	5012.	Agreements Concerning Coordination of Proceedings in Chapter 15 Cases.
3009.	Declaration and Payment of Dividends in a Chapter 7 Liquidation Case.	PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE	
3010.	Small Dividends and Payments in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6001.	Burden of Proof As to Validity of Post-petition Transfer.
3011.	Unclaimed Funds in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6002.	Accounting by Prior Custodian of Property of the Estate.
3012.	Valuation of Security.	6003.	Interim and Final Relief Immediately Following the Commencement of the Case—Applications for Employment; Motions for Use, Sale, or Lease of Property; and Motions for Assumption or Assignment of Executory Contracts.
3013.	Classification of Claims and Interests.	6004.	Use, Sale, or Lease of Property.
3014.	Election Under §1111(b) by Secured Creditor in Chapter 9 Municipality or Chapter 11 Reorganization Case.	6005.	Appraisers and Auctioneers.
3015.	Filing, Objection to Confirmation, and Modification of a Plan in a Chapter 12 Family Farmer's Debt Adjustment or a Chapter 13 Individual's Debt Adjustment Case.	6006.	Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease.
3016.	Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case.	6007.	Abandonment or Disposition of Property.
3017.	Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case.	6008.	Redemption of Property from Lien or Sale.
3017.1.	Court Consideration of Disclosure Statement in a Small Business Case.	6009.	Prosecution and Defense of Proceedings by Trustee or Debtor in Possession.
3018.	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	6010.	Proceeding to Avoid Indemnifying Lien or Transfer to Surety.
3019.	Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	6011.	Disposal of Patient Records in Health Care Business Case.
3020.	Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case.	PART VII. ADVERSARY PROCEEDINGS	
		7001.	Scope of Rules of Part VII.
		7002.	References to Federal Rules of Civil Procedure.
		7003.	Commencement of Adversary Proceeding.
		7004.	Process; Service of Summons, Complaint.
		7005.	Service and Filing of Pleadings and Other Papers.
		7007.	Pleadings Allowed.
		7007.1.	Corporate Ownership Statement.
		7008.	General Rules of Pleading.
		7009.	Pleading Special Matters.
		7010.	Form of Pleadings.
		7012.	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings.

Rule		Rule	
7013.	Counterclaim and Cross-Claim.	8019.	Suspension of Rules in Part VIII.
7014.	Third-Party Practice.	8020.	Damages and Costs for Frivolous Appeal.
7015.	Amended and Supplemental Pleadings.		PART IX. GENERAL PROVISIONS
7016.	Pre-Trial Procedure; Formulating Issues.	9001.	General Definitions.
7017.	Parties Plaintiff and Defendant; Capacity.	9002.	Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases under the Code.
7018.	Joinder of Claims and Remedies.	9003.	Prohibition of Ex Parte Contacts.
7019.	Joinder of Persons Needed for Just Determination.	9004.	General Requirements of Form.
7020.	Permissive Joinder of Parties.	9005.	Harmless Error.
7021.	Misjoinder and Non-Joinder of Parties.	9005.1.	Constitutional Challenge to a Statute—Notice, Certification, and Intervention.
7022.	Interpleader.	9006.	Computing and Extending Time.
7023.	Class Proceedings.	9007.	General Authority to Regulate Notices.
7023.1.	Derivative Actions.	9008.	Service or Notice by Publication.
7023.2.	Adversary Proceedings Relating to Unincorporated Associations.	9009.	Forms.
7024.	Intervention.	9010.	Representation and Appearances; Powers of Attorney.
7025.	Substitution of Parties.	9011.	Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers.
7026.	General Provisions Governing Discovery.	9012.	Oaths and Affirmations.
7027.	Depositions Before Adversary Proceedings or Pending Appeal.	9013.	Motions: Form and Service.
7028.	Persons Before Whom Depositions May Be Taken.	9014.	Contested Matters.
7029.	Stipulations Regarding Discovery Procedure.	9015.	Jury Trials.
7030.	Depositions Upon Oral Examination.	9016.	Subpoena.
7031.	Deposition Upon Written Questions.	9017.	Evidence.
7032.	Use of Depositions in Adversary Proceedings.	9018.	Secret, Confidential, Scandalous, or Defamatory Matter.
7033.	Interrogatories to Parties.	9019.	Compromise and Arbitration.
7034.	Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes.	9020.	Contempt Proceedings.
7035.	Physical and Mental Examination of Persons.	9021.	Entry of Judgment.
7036.	Requests for Admission.	9022.	Notice of Judgment or Order.
7037.	Failure to Make Discovery: Sanctions.	9023.	New Trials; Amendment of Judgments.
7040.	Assignment of Cases for Trial.	9024.	Relief from Judgment or Order.
7041.	Dismissal of Adversary Proceedings.	9025.	Security: Proceedings Against Sureties.
7042.	Consolidation of Adversary Proceedings; Separate Trials.	9026.	Exceptions Unnecessary.
7052.	Findings by the Court.	9027.	Removal.
7054.	Judgments; Costs.	9028.	Disability of a Judge.
7055.	Default.	9029.	Local Bankruptcy Rules; Procedure When There is No Controlling Law.
7056.	Summary Judgment.	9030.	Jurisdiction and Venue Unaffected.
7058.	Entering Judgment in Adversary Proceeding.	9031.	Masters Not Authorized.
7062.	Stay of Proceedings to Enforce a Judgment.	9032.	Effect of Amendment of Federal Rules of Civil Procedure.
7064.	Seizure of Person or Property.	9033.	Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings.
7065.	Injunctions.	9034.	Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee.
7067.	Deposit in Court.	9035.	Applicability of Rules in Judicial Districts in Alabama and North Carolina.
7068.	Offer of Judgment.	9036.	Notice by Electronic Transmission.
7069.	Execution.	9037.	Privacy Protection For Filings Made with the Court.
7070.	Judgment for Specific Acts; Vesting Title.		PART X. [ABROGATED]
7071.	Process in Behalf of and Against Persons Not Parties.		OFFICIAL FORMS
7087.	Transfer of Adversary Proceeding.	Form	
	PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL	1.	Voluntary Petition.
8001.	Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals.	2.	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership.
8002.	Time for Filing Notice of Appeal.	3A.	Application to Pay Filing Fee in Installments.
8003.	Leave to Appeal.	3B.	Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments.
8004.	Service of the Notice of Appeal.	4.	List of Creditors Holding 20 Largest Unsecured Claims.
8005.	Stay Pending Appeal.	5.	Involuntary Petition.
8006.	Record and Issues on Appeal.	6.	Schedules.
8007.	Completion and Transmission of the Record; Docketing of the Appeal.	7.	Statement of Financial Affairs.
8008.	Filing and Service.	8.	Chapter 7 Individual Debtor's Statement of Intention.
8009.	Briefs and Appendix; Filing and Service.	9.	Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Deadlines.
8010.	Form of Briefs; Length.		
8011.	Motions.		
8012.	Oral Argument.		
8013.	Disposition of Appeal; Weight Accorded Bankruptcy Judge's Findings of Fact.		
8014.	Costs.		
8015.	Motion for Rehearing.		
8016.	Duties of Clerk of District Court and Bankruptcy Appellate Panel.		
8017.	Stay of Judgment of District Court or Bankruptcy Appellate Panel.		
8018.	Rules by Circuit Councils and District Courts; Procedure When There is No Controlling Law.		

- Form
10. Proof of Claim.
- 11A. General Power of Attorney.
- 11B. Special Power of Attorney.
12. Order and Notice for Hearing on Disclosure Statement.
13. Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof.
14. Class [] Ballot for Accepting or Rejecting Plan of Reorganization.
15. Order Confirming Plan.
- 16A. Caption (Full).
- 16B. Caption (Short Title).
- 16C. Caption of Complaint in Adversary Proceeding Filed by a Debtor. [Abrogated]
- 16D. Caption for Use in Adversary Proceeding.
17. Notice of Appeal.
18. Discharge of Debtor.
19. Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (*See* 11 U.S.C. §110).
- [19A. Abrogated.]
- [19B. Abrogated.]
- 20A. Notice of [Motion to] [Objection to].
- 20B. Notice of Objection to Claim.
21. Statement of Social Security Number.
- 22A. Chapter 7 Statement of Current Monthly Income and Means-Test Calculation.
- 22B. Chapter 11 Statement of Current Monthly Income.
- 22C. Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income.
23. Debtor's Certification of Completion of Post-petition Instructional Course Concerning Personal Financial Management.
24. Certification to Court of Appeals by All Parties.
- 25A. Plan of Reorganization in Small Business Case under Chapter 11.
- 25B. Disclosure Statement in Small Business Case under Chapter 11.
- 25C. Small Business Monthly Operating Report.
26. Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest.
27. Reaffirmation Agreement Cover Sheet.

BANKRUPTCY RULES

EFFECTIVE DATE; APPLICATION; SUPERSEDITION OF PRIOR RULES; TRANSMISSION TO CONGRESS

Sections 2 to 4 of the Order of the Supreme Court, dated Apr. 25, 1983, provided:

"2. That the aforementioned Bankruptcy Rules shall take effect on August 1, 1983, and shall be applicable to proceedings then pending, except to the extent that in the opinion of the court their application in a pending proceeding would not be feasible or would work injustice, in which event the former procedure applies.

"3. That the Bankruptcy Rules, heretofore prescribed by this Court, be, and they hereby are, superseded by the new rules, effective August 1, 1983.

"4. That the Chief Justice be, and he hereby is, authorized to transmit these new Bankruptcy Rules to the Congress in accordance with the provisions of Section 2075 of Title 28, United States Code."

Rule 1001. Scope of Rules and Forms; Short Title

The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. The rules shall be cited as the Federal Rules of Bankruptcy Procedure and the forms as the Official Bankruptcy Forms. These rules shall be construed to secure the just,

speedy, and inexpensive determination of every case and proceeding.

(As amended Mar. 30, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Aug. 1, 1991.)

NOTES OF ADVISORY COMMITTEE ON RULES—1983

Section 247 of Public Law 95-598, 92 Stat. 2549 amended 28 U.S.C. §2075 by omitting the last sentence. The effect of the amendment is to require that procedural rules promulgated pursuant to 28 U.S.C. §2075 be consistent with the bankruptcy statute, both titles 11 and 28 U.S.C. Thus, although Rule 1001 sets forth the scope of the bankruptcy rules and forms, any procedural matters contained in title 11 or 28 U.S.C. with respect to cases filed under 11 U.S.C. would control. See 1 Collier, *Bankruptcy* ¶3.04 [2][c] (15th ed. 1980).

28 U.S.C. §151 establishes a United States Bankruptcy Court in each district as an adjunct to the district court. This provision does not, however, become effective until April 1, 1984. Public Law 95-598, §402(b). From October 1, 1979 through March 31, 1984, the courts of bankruptcy as defined in §1(10) of the Bankruptcy Act, and created in §2a of that Act continue to be the courts of bankruptcy. Public Law 95-598, §404(a). From their effective date these rules and forms are to be applicable in cases filed under chapters 7, 9, 11 and 13 of title 11 regardless of whether the court is established by the Bankruptcy Act or by 28 U.S.C. §151. Rule 9001 contains a broad and general definition of "bankruptcy court," "court" and "United States Bankruptcy Court" for this purpose.

"Bankruptcy Code" or "Code" as used in these rules means title 11 of the United States Code, the codification of the bankruptcy law. Public Law 95-598, §101. See Rule 9001.

"Bankruptcy Act" as used in the notes to these rules means the Bankruptcy Act of 1898 as amended which was repealed by §401(a) of Public Law 95-598.

These rules apply to all cases filed under the Code except as otherwise specifically stated.

The final sentence of the rule is derived from former Bankruptcy Rule 903. The objective of "expeditious and economical administration" of cases under the Code has frequently been recognized by the courts to be "a chief purpose of the bankruptcy laws." See *Katchen v. Landy*, 382 U.S. 323, 328 (1966); *Bailey v. Glover*, 88 U.S. (21 Wall.) 342, 346-47 (1874); *Ex parte Christy*, 44 U.S. (3 How.) 292, 312-14, 320-22 (1845). The rule also incorporates the wholesome mandate of the last sentence of Rule 1 of the Federal Rules of Civil Procedure. 2 Moore, *Federal Practice* ¶1.13 (2d ed. 1980); 4 Wright & Miller, *Federal Practice and Procedure-Civil* §1029 (1969).

NOTES OF ADVISORY COMMITTEE ON RULES—1987 AMENDMENT

Title I of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353, 98 Stat. 333 (hereinafter the 1984 amendments), created a new bankruptcy judicial system in which the role of the district court was substantially increased. 28 U.S.C. §1334 confers on the United States district courts original and exclusive jurisdiction over all cases under title 11 of the United States Code and original but not exclusive jurisdiction over civil proceedings arising under title 11 and civil proceedings arising in or related to a case under title 11.

Pursuant to 28 U.S.C. §157(a) the district court may but need not refer cases and proceedings within the district court's jurisdiction to the bankruptcy judges for the district. Judgments or orders of the bankruptcy judges entered pursuant to 28 U.S.C. §157(b)(1) and (c)(2) are subject to appellate review by the district courts or bankruptcy appellate panels under 28 U.S.C. §158(a).

Rule 81(a)(1) F.R.Civ.P. provides that the civil rules do not apply to proceedings in bankruptcy, except as they may be made applicable by rules promulgated by the Supreme Court, e.g., Part VII of these rules. This amended Bankruptcy Rule 1001 makes the Bankruptcy