

## TITLE 11—APPENDIX

### FEDERAL RULES OF BANKRUPTCY PROCEDURE

(Effective August 1, 1983, as amended to January 15, 2013)

#### 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; Apr. 23, 2012, eff. Dec. 1, 2012.

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.
- 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.

#### Rule

- 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.
  - 2010. Qualification by Trustee; Proceeding on Bond.
  - 2011. Evidence of Debtor in Possession or Qualification of Trustee.
  - 2012. Substitution of Trustee or Successor Trustee; Accounting.
  - 2013. Public Record of Compensation Awarded to Trustees, Examiners, and Professionals.
  - 2014. Employment of Professional Persons.
  - 2015. Duty to Keep Records, Make Reports, and Give Notice of Case or Change of Status.
  - 2015.1. Patient Care Ombudsman.
  - 2015.2. Transfer of Patient in Health Care Business Case.
  - 2015.3. Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest.
  - 2016. Compensation for Services Rendered and Reimbursement of Expenses.
  - 2017. Examination of Debtor's Transactions with Debtor's Attorney.
  - 2018. Intervention; Right to Be Heard.
  - 2019. Disclosure Regarding Creditors and Equity Security Holders in Chapter 9 and Chapter 11 Cases.
  - 2020. Review of Acts by United States Trustee.
- #### PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS
- 3001. Proof of Claim.

Rule		Rule	
3002.	Filing Proof of Claim or Interest.	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.
3002.1	Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence.	5010.	Reopening Cases.
3003.	Filing Proof of Claim or Equity Security Interest in Chapter 9 Municipality or Chapter 11 Reorganization Cases.	5011.	Withdrawal and Abstention from Hearing a Proceeding.
3004.	Filing of Claims by Debtor or Trustee.	5012.	Agreements Concerning Coordination of Proceedings in Chapter 15 Cases.
3005.	Filing of Claim, Acceptance, or Rejection by Guarantor, Surety, Indorser, or Other Co-debtor.		<b>PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE</b>
3006.	Withdrawal of Claim; Effect on Acceptance or Rejection of Plan.	6001.	Burden of Proof As to Validity of Post-petition Transfer.
3007.	Objections to Claims.	6002.	Accounting by Prior Custodian of Property of the Estate.
3008.	Reconsideration of Claims.	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.
3009.	Declaration and Payment of Dividends in a Chapter 7 Liquidation Case.	6004.	Use, Sale, or Lease of Property.
3010.	Small Dividends and Payments in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6005.	Appraisers and Auctioneers.
3011.	Unclaimed Funds in Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, and Chapter 13 Individual's Debt Adjustment Cases.	6006.	Assumption, Rejection or Assignment of an Executory Contract or Unexpired Lease.
3012.	Valuation of Security.	6007.	Abandonment or Disposition of Property.
3013.	Classification of Claims and Interests.	6008.	Redemption of Property from Lien or Sale.
3014.	Election Under §1111(b) by Secured Creditor in Chapter 9 Municipality or Chapter 11 Reorganization Case.	6009.	Prosecution and Defense of Proceedings by Trustee or Debtor in Possession.
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.	6010.	Proceeding to Avoid Indemnifying Lien or Transfer to Surety.
3016.	Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case.	6011.	Disposal of Patient Records in Health Care Business Case.
3017.	Court Consideration of Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case.		<b>PART VII. ADVERSARY PROCEEDINGS</b>
3017.1.	Court Consideration of Disclosure Statement in a Small Business Case.	7001.	Scope of Rules of Part VII.
3018.	Acceptance or Rejection of Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	7002.	References to Federal Rules of Civil Procedure.
3019.	Modification of Accepted Plan in a Chapter 9 Municipality or a Chapter 11 Reorganization Case.	7003.	Commencement of Adversary Proceeding.
3020.	Deposit; Confirmation of Plan in a Chapter 9 Municipality or Chapter 11 Reorganization Case.	7004.	Process; Service of Summons, Complaint.
3021.	Distribution Under Plan.	7005.	Service and Filing of Pleadings and Other Papers.
3022.	Final Decree in Chapter 11 Reorganization Case.	7007.	Pleadings Allowed.
	<b>PART IV. THE DEBTOR: DUTIES AND BENEFITS</b>	7007.1.	Corporate Ownership Statement.
4001.	Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements.	7008.	General Rules of Pleading.
4002.	Duties of Debtor.	7009.	Pleading Special Matters.
4003.	Exemptions.	7010.	Form of Pleadings.
4004.	Grant or Denial of Discharge.	7012.	Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings.
4005.	Burden of Proof in Objecting to Discharge.	7013.	Counterclaim and Cross-Claim.
4006.	Notice of No Discharge.	7014.	Third-Party Practice.
4007.	Determination of Dischargeability of a Debt.	7015.	Amended and Supplemental Pleadings.
4008.	Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement.	7016.	Pre-Trial Procedure; Formulating Issues.
	<b>PART V. COURTS AND CLERKS</b>	7017.	Parties Plaintiff and Defendant; Capacity.
5001.	Courts and Clerks' Offices.	7018.	Joinder of Claims and Remedies.
5002.	Restrictions on Approval of Appointments.	7019.	Joinder of Persons Needed for Just Determination.
5003.	Records Kept By the Clerk.	7020.	Permissive Joinder of Parties.
5004.	Disqualification.	7021.	Misjoinder and Non-Joinder of Parties.
5005.	Filing and Transmittal of Papers.	7022.	Interpleader.
5006.	Certification of Copies of Papers.	7023.	Class Proceedings.
5007.	Record of Proceedings and Transcripts.	7023.1.	Derivative Actions.
5008.	Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors.	7023.2.	Adversary Proceedings Relating to Unincorporated Associations.
		7024.	Intervention.
		7025.	Substitution of Parties.
		7026.	General Provisions Governing Discovery.
		7027.	Depositions Before Adversary Proceedings or Pending Appeal.
		7028.	Persons Before Whom Depositions May Be Taken.
		7029.	Stipulations Regarding Discovery Procedure.
		7030.	Depositions Upon Oral Examination.
		7031.	Deposition Upon Written Questions.
		7032.	Use of Depositions in Adversary Proceedings.
		7033.	Interrogatories to Parties.
		7034.	Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes.

Rule  
7035. Physical and Mental Examination of Persons.  
7036. Requests for Admission.  
7037. Failure to Make Discovery: Sanctions.  
7040. Assignment of Cases for Trial.  
7041. Dismissal of Adversary Proceedings.  
7042. Consolidation of Adversary Proceedings; Separate Trials.  
7052. Findings by the Court.  
7054. Judgments; Costs.  
7055. Default.  
7056. Summary Judgment.  
7058. Entering Judgment in Adversary Proceeding.  
7062. Stay of Proceedings to Enforce a Judgment.  
7064. Seizure of Person or Property.  
7065. Injunctions.  
7067. Deposit in Court.  
7068. Offer of Judgment.  
7069. Execution.  
7070. Judgment for Specific Acts; Vesting Title.  
7071. Process in Behalf of and Against Persons Not Parties.  
7087. Transfer of Adversary Proceeding.

**PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL**

8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals.  
8002. Time for Filing Notice of Appeal.  
8003. Leave to Appeal.  
8004. Service of the Notice of Appeal.  
8005. Stay Pending Appeal.  
8006. Record and Issues on Appeal.  
8007. Completion and Transmission of the Record; Docketing of the Appeal.  
8008. Filing and Service.  
8009. Briefs and Appendix; Filing and Service.  
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.  
8019. Suspension of Rules in Part VIII.  
8020. Damages and Costs for Frivolous Appeal.

**PART IX. GENERAL PROVISIONS**

9001. General Definitions.  
9002. Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases under the Code.  
9003. Prohibition of Ex Parte Contacts.  
9004. General Requirements of Form.  
9005. Harmless Error.  
9005.1. Constitutional Challenge to a Statute—Notice, Certification, and Intervention.  
9006. Computing and Extending Time.  
9007. General Authority to Regulate Notices.  
9008. Service or Notice by Publication.  
9009. Forms.  
9010. Representation and Appearances; Powers of Attorney.  
9011. Signing of Papers; Representations to the Court; Sanctions; Verification and Copies of Papers.  
9012. Oaths and Affirmations.  
9013. Motions: Form and Service.  
9014. Contested Matters.  
9015. Jury Trials.  
9016. Subpoena.  
9017. Evidence.  
9018. Secret, Confidential, Scandalous, or Defamatory Matter.

Rule  
9019. Compromise and Arbitration.  
9020. Contempt Proceedings.  
9021. Entry of Judgment.  
9022. Notice of Judgment or Order.  
9023. New Trials; Amendment of Judgments.  
9024. Relief from Judgment or Order.  
9025. Security: Proceedings Against Sureties.  
9026. Exceptions Unnecessary.  
9027. Removal.  
9028. Disability of a Judge.  
9029. Local Bankruptcy Rules; Procedure When There is No Controlling Law.  
9030. Jurisdiction and Venue Unaffected.  
9031. Masters Not Authorized.  
9032. Effect of Amendment of Federal Rules of Civil Procedure.  
9033. Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings.  
9034. Transmittal of Pleadings, Motion Papers, Objections, and Other Papers to the United States Trustee.  
9035. Applicability of Rules in Judicial Districts in Alabama and North Carolina.  
9036. Notice by Electronic Transmission.  
9037. Privacy Protection For Filings Made with the Court.

**PART X. [ABROGATED]**

OFFICIAL FORMS [see United States Courts website]

**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