

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

REVISIONS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE
EFFECTIVE DECEMBER 1, 2003

Highlights of The Amended Rules and The New Rule

Rule 1005 - Caption of Petition – Name and aliases, employer identification number, last four digits of social security number

The revision applies to the court as well: only the last four digits of the debtor's social security number shall be disclosed. However, a business with an employer identification number will still have to provide its entire identifying number. Revised Official Form No. 9 reflects this requirement.

Comment: If a debtor's attorney uses automatic case upload, the attorney will enter the entire Social Security Number, BUT, only the last four digits will be displayed on public records. The entire Social Security Number will be printed on the 341 Meeting Notice sent to creditors. BUT, only the last four digits will be displayed on the 341 Meeting Notice available for public viewing. Internally, court personnel will be able to see complete number.

Rule 1007 - Lists, Schedules and Statements – corporate ownership statement; statement of social security number

Rule 1007(a)(1) is related to Rule 7007.1. The new section of this rule requires the debtor to file a corporate ownership statement describing the information in Rule 7007.1 with the petition. AND, the debtor must provide supplemental statements if and when ownership of the business is changed.

Rule 1007(f) requires an individual debtor to submit a verified statement that sets out the debtor's social security number. In a voluntary case the debtor shall submit the statement with the petition. In an involuntary case the debtor shall submit the statement within 15 days after the entry of the order for relief.

(SEE LOCAL GENERAL ORDER _____)

Rule 2002 - 341 Notice shall include full social security statement (thereby available to creditors, but not available to general public)

While the debtor's entire social security number will not be available to the general public, creditors will see the complete social security number displayed on the 341 notice . Creditors will therefore be able to search their records for information about the debtor.

Rule 2003 - Meeting of Creditors – reflects subchapter V of Chapter 7 – designation of trustee by Federal Reserve Board

The revisions to Rule 2003(1) reflect the enactment of subchapter V of chapter 7 of the Code governing multilateral clearing organization liquidations. (*We'll probably never have one of these here!*)

Rule 2009 - Trustees for Estates When Joint Administration Ordered

Rule 2009(a), (b), (c) – respond to subchapter V of chapter 7. In the case of a multilateral clearing organization, the Federal Reserve Board will designate the trustee, not the BA nor creditors.

Rule 2016 - Compensation for Services Rendered and Reimbursement of Expenses (Bankruptcy Petition Preparers)

Rule 2016(c) is a new section that requires a bankruptcy petition preparer to fully disclose, under penalty of perjury, fees and the source of any fee received from the debtor within 12 months of the filing of a case and details of the services rendered on behalf of the debtor.

This rule implements Section 110(h)(1) of the Bankruptcy Code.

See Form 19 – Petition Preparer is required to disclose his/her full Social Security Number.

Rule 7007.1 NEW – Corporate Ownership Statement (See p.11, Ex. 4)

A corporation that is party to an adversary proceeding shall file a statement that identifies any corporation that owns 10% or more of any class of the corporation's equity stock.

This disclosure will allow judges to make better-informed disqualification determinations. It is derived from FRCP 26.1 and of course is directly related to Rule 7007 (governing adversary proceedings).

REVISIONS TO OFFICIAL FORMS
(1,3,5,6,7,8,9,10,16A,16C,17,19)

<u>Number</u>	<u>Description</u>
1	Voluntary Petition
3	Application to Pay Filing Fees in Installments
5	Involuntary Petition (Debtor has 15 days to provide Verified Statement of Social Security Number).
6	Schedules – Schedule “I” – do not list <u>names</u> of dependents
7	Statement of Financial Affairs
8	Chapter 7 Individual Debtor’s Statement of Intention
9	Notice of Meeting of Creditors
10	Proof of Claim Form – wage claimant discloses only last 4 SSN digits
16A	Caption – provide all names used by debtor within last 6 years
16C	Caption – Adversary Petition – all names last 6 years
17	Notice of Appeal – no fee required of child support creditor
19	Certification of non-attorney petition preparer

SUMMARY

Official Forms 1,3,6,7,8,9,10,16A,16C reflect last four digits of social security number requirement.

Official Form 5, Involuntary Petition, and Official Form 17, Notice of Appeal, advise child support creditor that no fee required.

Official Form 8 and 19 require full disclosure of compensation by bankruptcy petition preparer.

- Display last four digits of social security number (1005,2002,1007, Forms 1,3,5,6,7,9,10,16A,16C)
- Corporate entities (1007)
- Child support creditors (Forms 5,17)
- Bankruptcy petition preparers (2016, Form 8, Form 19)

