

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE***

Rule 1004.2. Petition in Chapter 15 Cases**

- 1 (a) DESIGNATING CENTER OF MAIN
2 INTERESTS. A petition for recognition of a foreign
3 proceeding under chapter 15 of the Code shall state the
4 country where the debtor has the center of its main interests.
5 The petition shall also identify each country in which a
6 foreign proceeding by, regarding, or against the debtor is
7 pending.
- 8 (b) CHALLENGING DESIGNATION. The United
9 States trustee or a party in interest may file a motion for a
10 determination that the debtor's center of main interests is
11 other than as stated in the petition for recognition
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*New material is underlined; matter to be omitted is lined through.

**In addition to the adoption of Rule 1004.2, proposed revisions to Official Form 1 include a line on the form where the foreign representative indicates the country of the debtor's center of main interests. The Official Form would also be amended to include a line or lines on which the filer would set out the countries in which cases are pending.

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12 commencing the chapter 15 case. Unless the court orders
13 otherwise, the motion shall be filed no later than seven days
14 before the date set for the hearing on the petition for
15 recognition. The motion shall be transmitted to the United
16 States trustee and served on the debtor, all persons or bodies
17 authorized to administer foreign proceedings of the debtor, all
18 entities against whom provisional relief is being sought under
19 § 1519 of the Code, all parties to litigation pending in the
20 United States in which the debtor was a party at the time of
21 the filing of the petition, and such other entities as the court
22 may direct.

COMMITTEE NOTE

This rule is new. Subdivision (a) directs any entity that files a petition for recognition of a foreign proceeding under chapter 15 of the Code to state in the petition the center of the debtor's main interests. The petition must also list each country in which a foreign proceeding involving the debtor is pending. This information will assist the court and parties in interest in determining whether the foreign proceeding is a foreign main or nonmain proceeding.

the Code in order to allow a debtor additional time in which to file a tax return with taxing authorities, the filing of this statement will also discourage premature motions to dismiss or convert the case under § 1307(e).

~~Rule 2019. Representation of Creditors and Equity Security Holders in Chapter 9 Municipality and Chapter 11 Reorganization Cases~~

1 ~~— (a) DATA REQUIRED. In a chapter 9 municipality or~~
2 ~~chapter 11 reorganization case, except with respect to a~~
3 ~~committee appointed pursuant to § 1102 or 1114 of the Code,~~
4 ~~every entity or committee representing more than one creditor~~
5 ~~or equity security holder and, unless otherwise directed by the~~
6 ~~court, every indenture trustee, shall file a verified statement~~
7 ~~setting forth (1) the name and address of the creditor or equity~~
8 ~~security holder; (2) the nature and amount of the claim or~~
9 ~~interest and the time of acquisition thereof unless it is alleged~~
10 ~~to have been acquired more than one year prior to the filing of~~
11 ~~the petition; (3) a recital of the pertinent facts and~~

12 ~~circumstances in connection with the employment of the~~
13 ~~entity or indenture trustee, and, in the case of a committee, the~~
14 ~~name or names of the entity or entities at whose instance,~~
15 ~~directly or indirectly, the employment was arranged or the~~
16 ~~committee was organized or agreed to act, and (4) with~~
17 ~~reference to the time of the employment of the entity, the~~
18 ~~organization or formation of the committee, or the appearance~~
19 ~~in the case of any indenture trustee, the amounts of claims or~~
20 ~~interests owned by the entity, the members of the committee~~
21 ~~or the indenture trustee, the times when acquired, the amounts~~
22 ~~paid therefor, and any sales or other disposition thereof. The~~
23 ~~statement shall include a copy of the instrument, if any,~~
24 ~~whereby the entity, committee, or indenture trustee is~~
25 ~~empowered to act on behalf of creditors or equity security~~
26 ~~holders. A supplemental statement shall be filed promptly,~~
27 ~~setting forth any material changes in the facts contained in the~~
28 ~~statement filed pursuant to this subdivision.~~

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29 ~~— (b) FAILURE TO COMPLY; EFFECT. On motion of~~
30 ~~any party in interest or on its own initiative, the court may (1)~~
31 ~~determine whether there has been a failure to comply with the~~
32 ~~provisions of subdivision (a) of this rule or with any other~~
33 ~~applicable law regulating the activities and personnel of any~~
34 ~~entity, committee, or indenture trustee or any other~~
35 ~~impropriety in connection with any solicitation and, if it so~~
36 ~~determines, the court may refuse to permit that entity,~~
37 ~~committee, or indenture trustee to be heard further or to~~
38 ~~intervene in the case; (2) examine any representation~~
39 ~~provision of a deposit agreement, proxy, trust mortgage, trust~~
40 ~~indenture, or deed of trust, or committee or other~~
41 ~~authorization, and any claim or interest acquired by any entity~~
42 ~~or committee in contemplation or in the course of a case~~
43 ~~under the Code and grant appropriate relief; and (3) hold~~
44 ~~invalid any authority, acceptance, rejection, or objection~~

45 ~~given, procured, or received by an entity or committee who~~
46 ~~has not complied with this rule or with § 1125(b) of the Code.~~

Rule 2019. Disclosure Regarding Creditors and Equity Security Holders in Chapter 9 and Chapter 11 Cases

1 (a) DEFINITION. In this rule, “disclosable economic
2 interest” means any claim, interest, pledge, lien, option,
3 participation, derivative instrument, or any other right or
4 derivative right that grants the holder an economic interest
5 that is affected by the value, acquisition, or disposition of a
6 claim or interest.

7 (b) DISCLOSURE BY ENTITIES, GROUPS,
8 COMMITTEES, INDENTURE TRUSTEES, AND OTHER
9 PARTIES IN INTEREST. In a chapter 9 or 11 case, every
10 entity, group, or committee that consists of or represents more
11 than one creditor or equity security holder and, unless the
12 court directs otherwise, every indenture trustee, shall file a

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13 verified statement setting forth the information specified in
14 subdivision (c) of this rule. On motion of a party in interest,
15 or on its own motion, the court may also require disclosure of
16 some or all of the information specified in subdivision (c)(2)
17 by an entity that seeks or opposes the granting of relief.

18 (c) INFORMATION REQUIRED. The verified
19 statement shall include:

20 (1) the pertinent facts and circumstances
21 concerning:

22 (A) the employment of the entity or
23 indenture trustee, including the name of each entity at whose
24 instance the employment was arranged; or

25 (B) in the case of a group or committee,
26 other than a committee appointed pursuant to §§ 1102 or 1114
27 of the Code, the formation of the group or committee,
28 including the name of each entity at whose instance the group

29 or committee was formed or for whom the group or
30 committee has agreed to act;

31 (2) if not disclosed under subdivision (c)(1), with
32 respect to the entity or indenture trustee, and with respect to
33 each member of the group or committee:

34 (A) name and address;

35 (B) the nature and amount of, and if directed
36 by the court, the amount paid for, each disclosable economic
37 interest held in relation to the debtor as of the date the entity
38 was employed, the group or committee was formed, or the
39 indenture trustee appeared in the case; and

40 (C) the date when each disclosable economic
41 interest was acquired, unless acquired more than one year
42 before the petition was filed;

43 (3) if not disclosed under subdivision (c)(1) or
44 (c)(2), with respect to each creditor or equity security holder
45 represented by the entity, group, or committee, other than a

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46 committee appointed pursuant to §§ 1102 or 1114 of the
47 Code, or by the indenture trustee:

48 (A) name and address;

49 (B) the nature and amount of, and if directed
50 by the court, the amount paid for, each disclosable economic
51 interest held in relation to the debtor as of the date of the
52 statement; and

53 (C) the date each disclosable economic
54 interest was acquired, unless acquired more than one year
55 before the petition was filed; and

56 (4) a copy of the instrument, if any, authorizing
57 the entity, group, committee, or indenture trustee to act on
58 behalf of creditors or equity security holders.

59 (d) SUPPLEMENTAL STATEMENTS. A
60 supplemental verified statement shall be filed monthly, or as
61 the court otherwise orders, setting forth any material change
62 in facts contained in a statement previously filed under this

63 rule, including information about any acquisition, sale, or
64 other disposition of a disclosable economic interest by the
65 entity, members of the group or committee, or the indenture
66 trustee.

67 (e) DETERMINATION OF FAILURE TO COMPLY;
68 SANCTIONS

69 (1) On motion of any party in interest, or on its
70 own motion, the court may determine:

71 (A) whether there has been any failure to
72 comply with the provisions of this rule;

73 (B) whether there has been any failure to
74 comply with any other applicable law regulating the activities
75 and personnel of any entity, group, committee, or indenture
76 trustee; or

77 (C) whether there has been any impropriety
78 in connection with any solicitation.

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79 (2) In making a determination under subdivision

80 (e) (1), the court may examine:

81 (A) any representation provision of a deposit
82 agreement, proxy, trust mortgage, trust indenture, deed of
83 trust, or authorization to act as a representative; and

84 (B) any disclosable economic interest
85 acquired by any entity, group, committee, or indenture trustee
86 in contemplation of or in the course of a case.

87 (3) If, under subdivision (e)(1), the court
88 determines that a failure to comply or an impropriety has
89 occurred, it may:

90 (A) refuse to permit the entity, group,
91 committee, or indenture trustee to be heard or to intervene in
92 the case;

- 93 (B) hold invalid any authority, acceptance,
 94 rejection, or objection given, procured, or received by the
 95 entity, group, committee, or indenture trustee; or
 96 (C) grant other appropriate relief.

COMMITTEE NOTE

The rule is substantially amended to expand the scope of its coverage and the content of its disclosure requirements. Stylistic and organizational changes are also made in order to provide greater clarity. Because the rule no longer applies only to representatives of creditors and equity security holders, the title of the rule has been changed to reflect its broadened focus on disclosure of financial information in chapter 9 and chapter 11 cases.

Subdivision (a). The content of subdivision (a) is new. It sets forth a definition of the term “disclosable economic interest,” which is used in subdivisions (c)(2), (c)(3), (d), and (e). The definition of the term is intended to be sufficiently broad to cover any economic interest that could affect the legal and strategic positions a stakeholder takes in a chapter 9 or chapter 11 case. A disclosable economic interest extends beyond claims and interests owned by a stakeholder.

Subdivision (b). Subdivision (b) specifies who is covered by the rule’s disclosure requirements. In addition to an entity or committee that represents more than one creditor or equity security holder, the amendment extends the rule’s coverage to committees that consist of more than one creditor or equity security holder. It also applies to a group of creditors or equity security holders that act in

concert to advance common interests, even if the group does not call itself a committee. The rule continues to apply to indenture trustees, unless the court directs otherwise.

As amended, the rule authorizes a court, on motion of a party in interest or *sua sponte*, to require disclosure of some or all of the information specified in subdivision (c)(2) by any other entity that seeks or opposes the granting of relief. Although the rule does not automatically require disclosure by parties that act individually and on their own behalf, it allows for such disclosure when a court believes that knowledge of the party's economic stake in the debtor will assist it in evaluating that party's arguments.

Subdivision (c). Subdivision (c) sets forth the information that must be included in a verified statement required to be filed under this rule. Subdivision (c)(1) continues to require disclosure concerning the employment of an entity or indenture trustee and the formation of a committee or group, other than an official committee.

Subdivision (c)(2) specifies information that must be disclosed with respect to the entity, indenture trustee, and each member of the committee and group filing the statement. In the case of a committee or group, the information about the nature and amount of a disclosable economic interest must be specifically provided on a member-by-member basis, and not in the aggregate. The date of acquisition of each disclosable economic interest must also be specifically provided, except for a disclosable economic interest acquired more than a year before the filing of the petition. The amendment leaves to the court's discretion whether to require the disclosure of the amount paid for each disclosable economic interest.

Subdivision (c)(3) specifies information that must be disclosed with respect to creditors or equity security holders that are represented

by an entity, group, committee, or indenture trustee. This provision does not apply with respect to those represented by official committees. The information required to be disclosed under subdivision (c)(3) parallels that required to be disclosed under (c)(2). The amendment also clarifies that under (c)(3) the nature and amount of each disclosable economic interest of represented creditors and shareholders must be stated as of the date of the verified statement.

Subdivision (c)(4) requires the attachment of any instrument authorizing the filer of the verified statement to act on behalf of creditors or equity security holders.

Subdivision (d). Subdivision (d) requires the monthly filing of a supplemental statement if there are material changes in facts contained in an earlier filed verified statement. The required supplementation is not cumulative; changes already disclosed need not be repeated. Supplemental statements may be filed on a different schedule if the court directs.

Subdivision (e). Subdivision (e) addresses the court's authority to determine whether there has been a violation of this rule, any solicitation requirement, or other applicable law, and to impose a sanction for any violation. It also specifies some of the information the court may examine in making its determination. The sanction set forth in subparagraph (3)(B) may now be imposed not only for a failure to comply with this rule or § 1125(b) of the Code, but also for a violation of other applicable law.

Rule 3001. Proof of Claim

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(c) SUPPORTING INFORMATION.

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(1) Claim Based on a Writing. When a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim. When a claim is based on an open-end or revolving consumer credit agreement, the last account statement sent to the debtor prior to the filing of the petition shall also be filed with the proof of claim.

(2) Additional Requirements in an Individual Debtor Case; Sanctions for Failure to Comply. In a case in which the debtor is an individual:

16 (A) If, in addition to its principal amount, a
17 claim includes interest, fees, expenses, or other charges
18 incurred before the petition was filed, an itemized statement
19 of the interest, fees, expenses, or charges shall be filed with
20 the proof of claim.

21 (B) If a security interest is claimed in
22 property of the debtor, the proof of claim shall include a
23 statement of the amount necessary to cure any default as of
24 the date of the petition.

25 (C) If a security interest is claimed in property
26 that is the debtor's principal residence and an escrow account has
27 been established in connection with the claim, the proof of claim
28 shall be accompanied by an escrow account statement prepared
29 as of the date the petition was filed and in a form consistent with
30 applicable nonbankruptcy law.

31 (D) If the holder of a claim fails to provide
32 any information required by this subdivision (c), the holder

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33 shall be precluded from presenting the omitted information,
34 in any form, as evidence in any hearing or submission in any
35 contested matter or adversary proceeding in the case, unless
36 the court determines that the failure was substantially justified
37 or is harmless. In addition to or in lieu of this sanction, the
38 court may, after notice and hearing, award other appropriate
39 relief, including reasonable expenses and attorney's fees
40 caused by the failure.

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COMMITTEE NOTE

Subdivision (c). Subdivision (c) is amended to prescribe with greater specificity the supporting information required to accompany certain proofs of claim and, in cases in which the debtor is an individual, the consequences of failing to provide the required information.

Existing subdivision (c) is redesignated as (c)(1). It is amended to require that a proof of claim based on an open-end or revolving consumer credit agreement (such as an agreement underlying the issuance of a credit card) be accompanied by the last account statement sent to the debtor prior to the filing of the bankruptcy petition. This requirement applies whether the statement was sent by the entity filing the proof of claim or by a prior holder of the claim.

Subdivision (c)(2) is added to require additional information to accompany proofs of claim filed in cases in which the debtor is an individual. When the holder of a claim seeks to recover – in addition to the principal amount of a debt – interest, fees, expenses, or other charges, the proof of claim must be accompanied by a statement itemizing these additional amounts with sufficient specificity to make clear the basis for the claimed amount.

If a claim is secured by property of the debtor and the debtor defaulted on the claim prior to the filing of the petition, the proof of claim must be accompanied by a statement of the amount required to cure the prepetition default. If the claim is secured by the debtor's principal residence and an escrow account has been established in connection with the claim, the proof of claim must also be accompanied by an escrow account statement showing the account balance, and any amount owed, as of the date the petition was filed. The statement shall be prepared in a form consistent with the requirements of nonbankruptcy law. *See, e.g.*, 12 U.S.C. § 2601 *et seq.* (Real Estate Settlement Procedure Act).

Paragraph (D) of subdivision (c)(2) sets forth the sanctions that apply to, or that may be imposed by the court against, a creditor in an individual debtor case that fails to provide information required by subdivision (c).

**Rule 3002.1. Notice Relating to Claims Secured by
Security Interest in the Debtor's Principal Residence**

1 (a) NOTICE OF PAYMENT CHANGES. In a chapter
2 13 case, if a claim secured by a security interest in the
3 debtor's principal residence is provided for under the debtor's
4 plan pursuant to § 1322(b)(5) of the Code, the holder of the
5 claim shall file and serve on the debtor, debtor's counsel, and
6 the trustee notice of any change in the payment amount,
7 including any change that results from an interest rate or
8 escrow account adjustment, no later than 30 days before a
9 payment at a new amount is due.

10 (b) FORM AND CONTENT. A notice filed and
11 served pursuant to subdivision (a) of this rule shall: (1)
12 conform substantially to the form of notice under applicable
13 nonbankruptcy law and the underlying agreement that would
14 be given if the debtor were not a debtor in bankruptcy, (2) be

15 filed as a supplement to the holder's proof of claim, and (3)
16 not be subject to Rule 3001(f).

17 (c) NOTICE OF FEES, EXPENSES, AND
18 CHARGES. In a chapter 13 case, if a claim secured by a
19 security interest in the debtor's principal residence is provided
20 for under the debtor's plan pursuant to § 1322(b)(5) of the
21 Code, the holder of the claim shall file and serve on the
22 debtor, debtor's counsel, and the trustee a notice that itemizes
23 all fees, expenses, or charges incurred in connection with the
24 claim after the bankruptcy case was filed, and that the holder
25 asserts are recoverable against the debtor or against the
26 debtor's principal residence. The notice shall be filed as a
27 supplement to the holder's proof of claim and served no later
28 than 180 days after the date when the fees, expenses, or
29 charges are incurred. The notice shall not be subject to Rule
30 3001(f). On motion of the debtor or trustee filed no later than
31 one year after service of the notice, the court shall, after notice

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32 and hearing, determine whether payment of the fees,
33 expenses, or charges is required by the underlying agreement
34 and applicable nonbankruptcy law to cure a default or
35 maintain payments in accordance with § 1322(b)(5) of the
36 Code.

37 (d) NOTICE OF FINAL CURE PAYMENT. No later
38 than 30 days after making final payment of any cure amount
39 on a claim secured by a security interest in the debtor's
40 principal residence, the trustee in a chapter 13 case shall file
41 and serve upon the holder of the claim, the debtor, and
42 debtor's counsel a notice stating that the amount required to
43 cure the default has been paid in full. If the debtor contends
44 that final cure payment has been made and the trustee does
45 not timely file and serve the notice required by this
46 subdivision, the debtor may file and serve upon the holder of
47 the claim and the trustee a notice stating that the amount
48 required to cure the default has been paid in full.

49 (e) RESPONSE TO NOTICE OF FINAL CURE
50 PAYMENT. No later than 21 days after service of the notice
51 under subdivision (d) of this rule, the holder of a claim
52 secured by a security interest in the debtor's principal
53 residence shall file and serve on the debtor, debtor's counsel,
54 and the trustee a statement indicating (1) whether it agrees
55 that the debtor has paid in full the amount required to cure the
56 default, and (2) whether, consistent with § 1322(b)(5) of the
57 Code, the debtor is otherwise current on all payments. If
58 applicable, the statement shall itemize any required cure or
59 postpetition amounts that the holder contends remain unpaid
60 as of the date of the statement. The statement shall be filed as
61 a supplement to the holder's proof of claim and shall not be
62 subject to Rule 3001(f).

63 (f) MOTION AND HEARING. On motion of the
64 debtor or trustee filed no later than 21 days after service of the
65 statement under subdivision (e) of this rule, the court shall,

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66 after notice and hearing, determine whether the debtor has
67 cured the default and paid all required postpetition amounts
68 in full.

69 (g) FAILURE TO NOTIFY. If the holder of a claim
70 secured by a security interest in the debtor's principal
71 residence fails to provide any information required by
72 subdivision (a), (c), or (e) of this rule, the holder shall be
73 precluded from presenting the omitted information, in any
74 form, as evidence in any hearing or submission in any
75 contested matter or adversary proceeding in the case, unless
76 the court determines that the failure was substantially justified
77 or is harmless. In addition to or in lieu of this sanction, the
78 court may, after notice and hearing, award other appropriate
79 relief, including reasonable expenses and attorney's fees
80 caused by the failure.

COMMITTEE NOTE

This rule is new. It is added to aid in the implementation of § 1322(b)(5), which permits a chapter 13 debtor to cure a default and maintain payments of a home mortgage over the course of the debtor's plan.

In order to be able to fulfill the obligations of § 1322(b)(5), a debtor and the trustee must be informed of the exact amount needed to cure any prepetition arrearage, *see* Rule 3001(c)(2), and the amount of the postpetition payment obligations. If the latter amount changes over time, due to the adjustment of the interest rate, escrow account adjustments, or the assessment of fees, expenses, or other charges, notice of any change in payment amount needs to be conveyed to the debtor and trustee. Timely notice of these changes will permit the debtor or trustee to challenge the validity of any such charges, if necessary, and to adjust postpetition mortgage payments to cover any properly claimed adjustment. Compliance with the notice provision of the rule should also eliminate any concern on the part of the holder of the claim that informing a debtor of a change in postpetition payment obligations might violate the automatic stay.

Subdivision (a). Subdivision (a) requires the holder of a claim secured by the debtor's principal residence to notify the debtor, debtor's counsel, and the trustee of any postpetition change in the mortgage payment amount. Notice must be provided at least 30 days before the new payment amount is due.

Subdivision (b). Subdivision (b) provides the method of giving the notice of a payment change. The holder of the claim must give notice of the change in substantially the same form that would be used according to the underlying agreement and nonbankruptcy law if the debtor were not a debtor in bankruptcy. In addition to serving

the debtor, debtor's counsel, and the trustee, as required by subdivision (a), the holder of the claim must also file the notice of payment change on the claims register in the case as a supplement to its proof of claim. Rule 3001(f) does not apply to this notice, and therefore it will not constitute prima facie evidence of the validity and amount of the payment change.

Subdivision (c). Subdivision (c) requires an itemized notice to be given, within 180 days of incurrence, of any postpetition fees, expenses, or charges that the holder of the claim asserts are recoverable in connection with a claim secured by the debtor's principal residence. This amount might include, for example, inspection fees, late charges, or attorney's fees. Filing and service requirements for this notice are the same as for the notice required under subdivision (a).

Within a year after service of a notice under subdivision (c), the debtor or trustee may move for a court determination of whether the fees, expenses, or charges set forth in the notice are required by the underlying agreement or applicable nonbankruptcy law to cure a default or maintain payments.

Subdivision (d). Subdivision (d) requires the trustee to issue notice within 30 days after making the last payment to cure a prepetition default on a claim secured by the debtor's principal residence. If the trustee fails to file this notice within the required time, this subdivision also permits a debtor who contends that the prepetition default has been cured to file and serve the notice.

Subdivision (e). Subdivision (e) governs the response of the holder of the claim to the trustee's or debtor's notice under subdivision (d). Within 21 days after service of notice of the final cure payment, the holder of the claim must file and serve a statement

indicating whether the prepetition default has been fully cured and also whether the debtor is current on all payments in accordance with § 1322(b)(5) of the Code. If the holder of the claim contends that final cure payment has not been made or that the debtor is not current on other payments required by § 1322(b)(5), the response must itemize all missed amounts the holder contends are still due.

Subdivision (f). Subdivision (f) provides the procedure for the judicial resolution of any disputes that may arise about payment of a claim secured by the debtor's principal residence. The trustee or debtor may move no later than 21 days after the service of the statement under subdivision (e) for a determination by the court of whether the prepetition default has been cured and whether all postpetition obligations have been fully paid.

Subdivision (g). Subdivision (g) specifies sanctions that may be imposed if the holder of a claim secured by the debtor's principal residence fails to provide any of the information required by subdivisions (a), (c), or (e).

If, after the chapter 13 debtor has completed payments under the plan and the case has been closed, the holder of a claim secured by the debtor's principal residence seeks to recover amounts that should have been but were not disclosed under this rule, the debtor may move to have the case reopened in order to seek sanctions against the holder of the claim under subdivision (g).

Rule 4004. Grant or Denial of Discharge

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(b) EXTENSION OF TIME.

(1) On motion of any party in interest, after notice and hearing on notice, the court may for cause extend the time to file a complaint objecting to discharge. Except as provided in subdivision (b)(2), ~~the~~ motion shall be filed before the time has expired.

(2) A motion to extend the time to object to discharge may be filed after the time for objection has expired and before discharge is granted if the objection is based on facts that, if learned after the discharge, would provide a basis for revocation under § 727(d) of the Code, provided that the movant did not have knowledge of those facts in time to permit a timely filed objection. The motion shall be filed promptly after the movant discovers the facts on which the objection is based.

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COMMITTEE NOTE

Subdivision (b). Subdivision (b) is amended to allow, under certain specified circumstances, a party to seek an extension of time to object to discharge after the time for filing has expired. This amendment addresses the situation in which there is a gap between the expiration of the time for objecting to discharge and the entry of the discharge order. If, during that period, a party discovers facts that would provide grounds for revocation of discharge, it may not be able to seek revocation under § 727(d) of the Code because the facts would have been known prior to the granting of the discharge. In that situation, subdivision (b)(2) allows a party to file a motion for an extension of time to object to discharge based on those facts so long as they were not known to the party before expiration of the deadline for objecting. The motion must be filed promptly after discovery of those facts.

Rule 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^{*}**

- 1 Except to the extent that relief is necessary to avoid
2 immediate and irreparable harm, the court shall not, within 21

^{***}Incorporates time computation amendments that are due to take effect on December 1, 2009, if Congress takes no action otherwise.

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3 days after the filing of the petition, ~~grant relief~~ issue an order
4 granting regarding the following:

5 (a) an application under Rule 2014;

6 (b) a motion to use, sell, lease, or otherwise incur an
7 obligation regarding property of the estate, including a motion
8 to pay all or part of a claim that arose before the filing of the
9 petition, but not a motion under Rule 4001; ~~and~~ or

10 (c) a motion to assume or assign an executory contract
11 or unexpired lease in accordance with § 365.

COMMITTEE NOTE

The rule is amended to clarify that it limits the timing of the entry of certain orders, but does not prevent the court from providing an effective date for such an order that may relate back to the time of the filing of the application or motion, or to some other date. For example, while the rule prohibits, absent immediate and irreparable harm, the court from authorizing the employment of counsel during the first 21 days of a case, it does not prevent the court from providing in an order entered after expiration of the 21-day period that the relief requested in the motion or application is effective as of a date earlier than the issuance of the order. In addition, it does not prohibit the filing of an application or motion for relief prior to expiration of the 21-day period. Moreover, nothing in the rule

prevents a professional from representing the trustee or a debtor in possession pending the approval of an application for the approval of the employment under Rule 2014.

The amendment also clarifies that the scope of the rule is limited to granting the specifically identified relief set out in the subdivisions of the rule. Deleting “regarding” from the rule clarifies that the rule does not prohibit the court from entering orders in the first 21 days of the case that may relate to the motions and applications set out in (a), (b), and (c); it is only prohibited from granting the relief requested by those motions or applications. For example, in the first 21 days of the case, the court could grant the relief requested in a motion to establish bidding procedures for the sale of property of the estate, but it could not, absent immediate and irreparable harm, grant a motion to approve the sale of property.

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the information required to be entered on this statement (check one box as directed in Part I, III, or VI of this statement):

- The presumption arises.
- The presumption does not arise.
- The presumption is temporarily inapplicable.

**CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME
AND MEANS-TEST CALCULATION**

In addition to Schedules I and J, this statement must be completed by every individual chapter 7 debtor. If none of the exclusions in Part I applies, joint debtors may complete one statement only. If any of the exclusions in Part I applies, joint debtors should complete separate statements if they believe this is required by § 707(b)(2)(C).

Part I. MILITARY AND NON-CONSUMER DEBTORS

1A	<p>Disabled Veterans. If you are a disabled veteran described in the Declaration in this Part IA, (1) check the box at the beginning of the Declaration, (2) check the box for “The presumption does not arise” at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Declaration of Disabled Veteran. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>
1B	<p>Non-consumer Debtors. If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Declaration of non-consumer debts. By checking this box, I declare that my debts are not primarily consumer debts.</p>
1C	<p>Reservists and National Guard Members; active duty or homeland defense activity. Members of a reserve component of the Armed Forces and members of the National Guard who were called to active duty (as defined in 10 U.S.C. § 101(d)(1)) after September 11, 2001, for a period of at least 90 days, or who have performed homeland defense activity (as defined in 32 U.S.C. § 901(1)) for a period of at least 90 days, are excluded from all forms of means testing during the time of active duty or homeland defense activity and for 540 days thereafter (the “exclusion period”). If you qualify for this temporary exclusion, (1) check the appropriate boxes and complete any required information in the Declaration of Reservists and National Guard Members below, (2) check the box for “The presumption is temporarily inapplicable” at the top of this statement, and (3) complete the verification in Part VIII. During your exclusion period you are not required to complete the balance of this form, but you must complete the form no later than 14 days after the date on which your exclusion period ends, unless the time for filing a motion raising the means test presumption expires in your case before your exclusion period ends.</p> <p><input type="checkbox"/> Declaration of Reservists and National Guard Members. By checking this box and making the appropriate entries below, I declare that I am eligible for a temporary exclusion from means testing because, as a member of a reserve component of the Armed Forces or the National Guard</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> I was called to active duty after September 11, 2001, for a period of at least 90 days and <input type="checkbox"/> I remain on active duty /or/ <input type="checkbox"/> I was released from active duty on _____, which is less than 540 days before this bankruptcy case was filed;</p> <p style="margin-left: 40px;">OR</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> I am performing homeland defense activity for a period of at least 90 days /or/ <input type="checkbox"/> I performed homeland defense activity for a period of at least 90 days, terminating on _____, which is less than 540 days before this bankruptcy case was filed.</p>

Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A (“Debtor’s Income”) for Lines 3-11.</p> <p>b. <input type="checkbox"/> Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: “My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code.” Complete only Column A (“Debtor’s Income”) for Lines 3-11.</p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A (“Debtor’s Income”) and Column B (“Spouse’s Income”) for Lines 3-11.</p> <p>d. <input type="checkbox"/> Married, filing jointly. Complete both Column A (“Debtor’s Income”) and Column B (“Spouse’s Income”) for Lines 3-11.</p>														
	<p>All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.</p>	Column A Debtor’s Income	Column B Spouse’s Income												
3	Gross wages, salary, tips, bonuses, overtime, commissions.	\$	\$												
4	<p>Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:45%;">Gross receipts</td> <td style="width:10%; text-align:center;">\$</td> <td style="width:40%;"></td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Ordinary and necessary business expenses</td> <td style="text-align:center;">\$</td> <td></td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Business income</td> <td></td> <td style="text-align:center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$		b.	Ordinary and necessary business expenses	\$		c.	Business income		Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$													
b.	Ordinary and necessary business expenses	\$													
c.	Business income		Subtract Line b from Line a												
5	<p>Rent and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">a.</td> <td style="width:45%;">Gross receipts</td> <td style="width:10%; text-align:center;">\$</td> <td style="width:40%;"></td> </tr> <tr> <td style="text-align:center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td style="text-align:center;">\$</td> <td></td> </tr> <tr> <td style="text-align:center;">c.</td> <td>Rent and other real property income</td> <td></td> <td style="text-align:center;">Subtract Line b from Line a</td> </tr> </table>	a.	Gross receipts	\$		b.	Ordinary and necessary operating expenses	\$		c.	Rent and other real property income		Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$													
b.	Ordinary and necessary operating expenses	\$													
c.	Rent and other real property income		Subtract Line b from Line a												
6	Interest, dividends and royalties.	\$	\$												
7	Pension and retirement income.	\$	\$												
8	<p>Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor’s dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed. Each regular payment should be reported in only one column; if a payment is listed in Column A, do not report that payment in Column B.</p>	\$	\$												
9	<p>Unemployment compensation. Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width:20%;">Debtor \$ _____</td> <td style="width:20%;">Spouse \$ _____</td> <td style="width:20%;"></td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____		\$	\$								
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____													

19A	<p>National Standards: food, clothing and other items. Enter in Line 19A the "Total" amount from IRS National Standards for Food, Clothing and Other Items for the applicable number of persons. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) The applicable number of persons is the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.</p>	\$																								
19B	<p>National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the applicable number of persons who are under 65 years of age, and enter in Line b2 the applicable number of persons who are 65 years of age or older. (The applicable number of persons in each age category is the number in that category that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.) Multiply Line a1 by Line b1 to obtain a total amount for persons under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for persons 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 19B.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="3" style="text-align: left;">Persons under 65 years of age</th> <th colspan="3" style="text-align: left;">Persons 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:75%;">Allowance per person</td> <td style="width:20%;"></td> <td style="width:5%;">a2.</td> <td style="width:75%;">Allowance per person</td> <td style="width:20%;"></td> </tr> <tr> <td>b1.</td> <td>Number of persons</td> <td></td> <td>b2.</td> <td>Number of persons</td> <td></td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td></td> <td>c2.</td> <td>Subtotal</td> <td></td> </tr> </tbody> </table>	Persons under 65 years of age			Persons 65 years of age or older			a1.	Allowance per person		a2.	Allowance per person		b1.	Number of persons		b2.	Number of persons		c1.	Subtotal		c2.	Subtotal		\$
Persons under 65 years of age			Persons 65 years of age or older																							
a1.	Allowance per person		a2.	Allowance per person																						
b1.	Number of persons		b2.	Number of persons																						
c1.	Subtotal		c2.	Subtotal																						
20A	<p>Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court). The applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.</p>	\$																								
20B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court) (the applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. Do not enter an amount less than zero.</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tbody> <tr> <td style="width:5%;">a.</td> <td style="width:75%;">IRS Housing and Utilities Standards; mortgage/rental expense</td> <td style="width:20%; text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td style="text-align: center;">\$</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td style="text-align: center;">Subtract Line b from Line a.</td> </tr> </tbody> </table>	a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.	\$															
a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$																								
b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$																								
c.	Net mortgage/rental expense	Subtract Line b from Line a.																								
21	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p> <p>_____</p> <p>_____</p> <p>_____</p>	\$																								

Official Form 22B (Chapter 11) (12/10)

In re _____
Debtor(s)

Case Number: _____
(If known)

CHAPTER 11 STATEMENT OF CURRENT MONTHLY INCOME

In addition to Schedules I and J, this statement must be completed by every individual Chapter 11 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. CALCULATION OF CURRENT MONTHLY INCOME						
1	Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed. a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10. b. <input type="checkbox"/> Married, not filing jointly. Complete only Column A ("Debtor's Income") for Lines 2-10. c. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.					
All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.			Column A Debtor's Income	Column B Spouse's Income		
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$	\$	
3	Net income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. Do not enter a number less than zero.					
	a.	Gross receipts	\$			
	b.	Ordinary and necessary business expenses	\$			
	c.	Business income	Subtract Line b from Line a	\$	\$	
4	Net rental and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero.					
	a.	Gross receipts	\$			
	b.	Ordinary and necessary operating expenses	\$			
	c.	Rent and other real property income	Subtract Line b from Line a	\$	\$	
5	Interest, dividends, and royalties.			\$	\$	
6	Pension and retirement income.			\$	\$	
7	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column B is completed. Each regular payment should be reported in only one column; if a payment is listed in Column A, do not report that payment in Column B.			\$	\$	
8	Unemployment compensation. Enter the amount in the appropriate column(s) of Line 8. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:					
	Unemployment compensation claimed to be a benefit under the Social Security Act		Debtor \$ _____	Spouse \$ _____	\$	\$
9	Income from all other sources. If necessary, list additional sources on a separate page. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount.					
	a.		\$			
	b.		\$			
	Total and enter on Line 9			\$	\$	
10	Subtotal of current monthly income. Add Lines 2 thru 9 in Column A, and, if Column B is completed, add Lines 2 through 9 in Column B. Enter the total(s).			\$	\$	

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:

The applicable commitment period is 3 years.

The applicable commitment period is 5 years.

Disposable income is determined under § 1325(b)(3).

Disposable income is not determined under § 1325(b)(3).

(Check the boxes as directed in Lines 17 and 23 of this statement.)

CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD AND DISPOSABLE INCOME

In addition to Schedules I and J, this statement must be completed by every individual chapter 13 debtor, whether or not filing jointly. Joint debtors may complete one statement only.

Part I. REPORT OF INCOME																	
1	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 2-10.</p> <p>b. <input type="checkbox"/> Married. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 2-10.</p> <p>All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.</p>			Column A Debtor's Income	Column B Spouse's Income												
2	Gross wages, salary, tips, bonuses, overtime, commissions.			\$	\$												
3	<p>Income from the operation of a business, profession, or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 3. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part IV.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 15%;">\$</td> <td style="width: 35%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary business expenses</td> <td>\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Business income</td> <td colspan="2">Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$		b.	Ordinary and necessary business expenses	\$		c.	Business income	Subtract Line b from Line a		\$	\$
a.	Gross receipts	\$															
b.	Ordinary and necessary business expenses	\$															
c.	Business income	Subtract Line b from Line a															
4	<p>Rent and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part IV.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 45%;">Gross receipts</td> <td style="width: 15%;">\$</td> <td style="width: 35%;"></td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Ordinary and necessary operating expenses</td> <td>\$</td> <td></td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Rent and other real property income</td> <td colspan="2">Subtract Line b from Line a</td> </tr> </table>			a.	Gross receipts	\$		b.	Ordinary and necessary operating expenses	\$		c.	Rent and other real property income	Subtract Line b from Line a		\$	\$
a.	Gross receipts	\$															
b.	Ordinary and necessary operating expenses	\$															
c.	Rent and other real property income	Subtract Line b from Line a															
5	Interest, dividends, and royalties.			\$	\$												
6	Pension and retirement income.			\$	\$												
7	<p>Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose. Do not include alimony or separate maintenance payments or amounts paid by the debtor's spouse. Each regular payment should be reported in only one column; if a payment is listed in Column A, do not report that payment in Column B.</p>			\$	\$												

19		<p>Marital adjustment. If you are married, but are not filing jointly with your spouse, enter on Line 19 the total of any income listed in Line 10, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If the conditions for entering this adjustment do not apply, enter zero.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">a.</td> <td style="width:65%;"></td> <td style="width:10%; text-align:right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align:right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td style="text-align:right;">\$</td> </tr> </table> <p>Total and enter on Line 19.</p>	a.		\$	b.		\$	c.		\$	\$
a.		\$										
b.		\$										
c.		\$										
20		Current monthly income for § 1325(b)(3). Subtract Line 19 from Line 18 and enter the result.										
21		Annualized current monthly income for § 1325(b)(3). Multiply the amount from Line 20 by the number 12 and enter the result.	\$									
22		Applicable median family income. Enter the amount from Line 16.	\$									
23		<p>Application of § 1325(b)(3). Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> The amount on Line 21 is more than the amount on Line 22. Check the box for "Disposable income is determined under § 1325(b)(3)" at the top of page 1 of this statement and complete the remaining parts of this statement.</p> <p><input type="checkbox"/> The amount on Line 21 is not more than the amount on Line 22. Check the box for "Disposable income is not determined under § 1325(b)(3)" at the top of page 1 of this statement and complete Part VII of this statement. Do not complete Parts IV, V, or VI.</p>										

Part IV. CALCULATION OF DEDUCTIONS FROM INCOME

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

24A		<p>National Standards: food, apparel and services, housekeeping supplies, personal care, and miscellaneous. Enter in Line 24A the "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable number of persons. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) The applicable number of persons is the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.</p>	\$																								
24B		<p>National Standards: health care. Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) Enter in Line b1 the applicable number of persons who are under 65 years of age, and enter in Line b2 the applicable number of persons who are 65 years of age or older. (The applicable number of persons in each age category is the number in that category that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.) Multiply Line a1 by Line b1 to obtain a total amount for persons under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for persons 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 24B.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align:left;">Persons under 65 years of age</th> <th colspan="3" style="text-align:left;">Persons 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width:5%;">a1.</td> <td style="width:60%;">Allowance per person</td> <td style="width:10%;"></td> <td style="width:5%;">a2.</td> <td style="width:60%;">Allowance per person</td> <td style="width:10%;"></td> </tr> <tr> <td>b1.</td> <td>Number of persons</td> <td></td> <td>b2.</td> <td>Number of persons</td> <td></td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td></td> <td>c2.</td> <td>Subtotal</td> <td></td> </tr> </tbody> </table>	Persons under 65 years of age			Persons 65 years of age or older			a1.	Allowance per person		a2.	Allowance per person		b1.	Number of persons		b2.	Number of persons		c1.	Subtotal		c2.	Subtotal		\$
Persons under 65 years of age			Persons 65 years of age or older																								
a1.	Allowance per person		a2.	Allowance per person																							
b1.	Number of persons		b2.	Number of persons																							
c1.	Subtotal		c2.	Subtotal																							
25A		<p>Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court). The applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support.</p>	\$																								

25B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court) (the applicable family size consists of the number that would currently be allowed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 47; subtract Line b from Line a and enter the result in Line 25B. Do not enter an amount less than zero.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 65%;">IRS Housing and Utilities Standards; mortgage/rent expense</td> <td style="width: 30%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net mortgage/rental expense</td> <td style="text-align: right;">Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.	\$
a.	IRS Housing and Utilities Standards; mortgage/rent expense	\$									
b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 47	\$									
c.	Net mortgage/rental expense	Subtract Line b from Line a.									
26	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 25A and 25B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	\$									
27A	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 7. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>If you checked 0, enter on Line 27A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 27A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
27B	<p>Local Standards: transportation; additional public transportation expense. If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for your public transportation expenses, enter on Line 27B the "Public Transportation" amount from IRS Local Standards: Transportation. (This amount is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>	\$									
28	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 47; subtract Line b from Line a and enter the result in Line 28. Do not enter an amount less than zero.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">a.</td> <td style="width: 65%;">IRS Transportation Standards, Ownership Costs</td> <td style="width: 30%; text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: center;">c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td style="text-align: right;">Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 47	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									

COMMITTEE NOTE

Form 22A, lines 19A, 19B, 20A, and 20B, and Form 22C, lines 24A, 24B, 25A, and 25B, are amended to delete the terms “household” and “household size” and to replace them with “number of persons” or “family size.” Under § 707(b)(2)(A)(ii)(I) means test deductions for food, clothing, and other items and for health care are permitted to be taken in the amounts specified in the IRS National Standards. The IRS National Standards are based on numbers of persons, not household size. Similarly, the IRS Local Standards are based on family, not household, size. The IRS itself generally determines the applicable number of persons or family size for these purposes according to the number of dependents that the debtor claims for federal income tax purposes.

In order for Forms 22A and 22C to reflect more accurately the manner in which the specified National and Local Standards are applied by the IRS, the references to “household” and “household size” are deleted, and the substituted terms – “number of persons” and “family size” – are defined in terms of exemptions on the debtor’s federal income tax return and other dependents.

Form 22A, line 8, Form 22B, line 7, and Form 22C, line 7, are amended to add an instruction that only one joint filer should report regular payments by another person for household expenses. Reporting of the figure by both spouses results in an erroneous double-counting of this source of income.

The introductory instruction to Part I of Form 22A is amended to direct debtors in joint cases to file separate forms if only one of the debtors is entitled to an exemption under Part I and the debtors believe that the filing of separate forms is required by § 707(b)(2)(C) of the Code. The language of § 707(b) is ambiguous about how the exclusions from means testing authorized by § 707(b)(1) (for debtors whose debts are not primarily consumer debts) and (b)(2)(D) (for certain disabled veterans, National Guard members, and Armed Forces reservists) are to be applied in joint cases. The form does not impose a particular interpretation of these provisions. It leaves up to joint debtors the initial determination of whether the exclusion of one spouse from means testing relieves the other spouse from the obligation to complete the form, and allows any dispute over this matter to be resolved by the courts.