

Courthouse Connection



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Winter 2012

Federal Bankruptcy Rules Amendments

Proposed amendments to Federal Rules of Bankruptcy Procedure 1007, 2015, 3001, 7054, and 7056 will become effective December 1, 2012. The complete text of these rules is available on the US Courts web site.

Here is a summary of the changes.

The amendments to Rules 1007 and 2015 are technical. The amendments conform Rule 1007(c) to the

amendment to Rule 1007(a)(2) in 2011 and Rule 2015 to the renumbering of section 704(a)(8) of the Bankruptcy Code in 2005.

New Rule 3001(c)(3) provides additional information on claims based on an open-end or revolving consumer credit agreement, such as claims for credit card debts. The creditor would be required to file a statement that

provides the name of the entity from whom the creditor purchased the account; the name of the entity to whom the debt was owed

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For more information on pending rules, go to:
<http://www.uscourts.gov/RulesandPolicies/rules/pending-rules.aspx>



Did you know?

When filing a Financial Management Certification, the only document that is required to be filed on the Court's docket is Form 23. The actual certificate is not required.

Reminder - Increase in Chapter 11 Filing Fees

Congress passed the Temporary Bankruptcy Judgeships Extension Act of 2012 (Pub. L. No. 112-121) which was signed into law by the President on May 25, 2012. This law includes a provision that increases the fee for filing a bankruptcy

case under Chapter 11 of the Bankruptcy Code. **This fee increase applies to all new Chapter 11 cases filed on or after November 21, 2012.** On that date, the statutory filing fee for a Chapter 11 case increased to \$1,167.

The total fee for filing a Chapter 11 case increased to \$1,213 (statutory fee of \$1,167 under 28 U.S.C. § 1930(a)(3) plus the administrative fee of \$46 under Item 8 of the Bankruptcy Court Miscellaneous Fee Schedule).

Returned ACH on the Rise

An ACH or “Automated Clearing House” is an electronic debit from a checking or savings account. Due to an increased occurrence of ACH payments being returned unpaid, beginning January 1, 2013, the Court will no longer accept ACH payments. All electronic payments must be

made using one of the following: Visa, MasterCard, American Express, or Discover card.



Amendments to Official Forms – effective 12.1.12

The Clerk's office will enter a Notice on the docket alerting attorneys of the need to file the new forms. After 30 days, a deficiency will be issued to anyone still using the outdated forms.

The following forms are being updated effective December 1st, 2012:

Official Form 7

(Statement of Financial Affairs) is amended to make the form's definition of an insider consistent with the definition in the Bankruptcy Code.

Official Forms 9A – 9I

(meeting of creditor notices) are updated on the first page and in the claims box on the explanation page to remind creditors that the form should not be included with or attached to any proof of claim or other filing in the case. Stylistic changes to the form are also made.

Official Form 10 (Proof of Claim) is amended at Section 7 to remind filers to attach the documents required by Rule 3001(c) for claims based on an

open-end or revolving consumer credit agreement or claims secured by a security interest in the debtor's principal residence. Section 8 is revised to delete a direction requiring an authorized agent to attach a power of attorney if one exists. Rule 9010(c) does not require that an agent's authority to file a proof of claim be evidenced by a power of attorney.

Official Form 21

(Statement of Social Security Number or Individual Taxpayer-Identification Number) is amended to remind debtors that, in accordance with Rule 1007(f), it should be submitted to the court, but not filed on the public docket. This rule protects an individual debtor's social-security number or

taxpayer-identification number from becoming accessible to the public.

In addition, **Director's Procedural Form 200** (Required Lists, Schedules, Statements and Fees) and **Director's Procedural Form 201A** (Notice to Individual Consumer Debtor) was amended effective **November 21, 2012**, to conform to the increase in the chapter 11 filing fee which became effective on that date.

To obtain the new forms, go to:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

Rule changes, continued

at the time of the account holder's last transaction; the date of the account holder's last transaction; the date of the last payment on the account; and the charge-off date. Official Form B10, the Proof of Claim form, will be amended effective December 1, 2012 to reflect these additional requirements, but no Official Form is currently planned to contain the information detailed in this new Rule.

Rule 7054 increases the time for a party to respond to the prevailing party's bill of costs in an adversary proceeding from 1 day to 14 days, and extend the time for seeking court review of the costs taxed by the clerk from 5 days to 7 days.

The amendment to Rule 7056 sets a new default deadline for filing a summary judgment motion. The current rule incorporates Civil Rule 56, which sets the default deadline at 30 days after the close of discovery. Because hearings in bankruptcy cases sometimes occur shortly after the close of discovery, the new default deadline would be 30 days before the initial date set for an evidentiary hearing.



Electronically Filing Proofs of Claim

Effective November 1, 2012, claims in all cases may be filed electronically through the Court's website. A login/password to the CM/ECF system is not required, and filing a claim electronically through the website eliminates the need to first create the claim form, as the form is created upon the completion of the filing.

To access this new service, a new link has been added to the upper left hand corner of the website entitled "File a Proof of Claim".

Office Hours:

Monday, Wednesday, Thursday Friday

8:30a.m. - 4:30p.m.

Tuesday

8:30a.m. - 3:00p.m.

Closed on Federal Holidays

Suite 105

224 South Boulder

Tulsa, Oklahoma 74103

(918) 699-4000

General
Bankruptcy
Questions

helpdesk@oknb.uscourts.gov

CM/ECF
Questions
Help Desk
918-699-4072
CM/ECF Email
cmecf@oknb.uscourts.gov