

United States Bankruptcy Court
Southern District of Texas

New Bankruptcy Fees, Rules and Forms

Certain fee increases, and rule and form changes will take effect in the next few weeks.

Chapter 11 Fee Increase

On November 21, 2012, the fees for filing petitions under Chapter 11 will increase by \$167 to \$1213. Other fees tied to the Chapter 11 filing fee will also increase by \$167. These are the fees for filing a motion to reopen a Chapter 11 Bankruptcy case, for filing a case under Chapter 15 and for filing a motion by a debtor to divide a joint Chapter 11 case, and for converting a case filed under Chapters 7 or 13 to Chapter 11.

Federal Bankruptcy Rules Amendments

In addition, 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:

<http://www.uscourts.gov/RulesAndPolicies/rules/pending-rules.aspx>

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 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.

Official Forms Changes

Finally, Official Forms B7, B9, B10 and B21 will be changed effective December 1, 2012.

Copies of the new forms are available on the US Courts web site:

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

Below is a summary of the changes:

- Form B7 Statement of Financial Affairs is amended to conform the definition of “insider” to the statutory definition.
- Forms B9A through B9I Notices of Bankruptcy Case Meeting of Creditors and Deadlines are amended to remind creditors not to attach the form Notice to any proof of claim or other filing in the case for privacy reasons.
- Form B10 Proof of Claim is amended to remind filers of attachment requirements under Rule 3001(c). A previous direction requiring a power of attorney for authorized agents has been removed.
- Form B21 Statement of Social Security Number of Taxpayer-Identification Number is amended to remind debtors that this form should be submitted to the court, but not filed on the public docket. This form and debtors’ social security numbers or taxpayer-identification numbers are non-public information.

Links to forms used by the bar and the public on the Southern District of Texas web site will be updated at the beginning of December.

Please contact us if you have questions at 866-358-6201 or 713-250-5500, or by email at:

bankruptcy_ecf_helpdesk@txs.uscourts.gov