



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

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**PUBLIC NOTICE OF AMENDMENTS TO THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE AND OFFICIAL FORM 122B**

Amendments to the Federal Rules of Bankruptcy Procedure 2005, 3007, 7007.1, 9036, and Official Form 122B [*Chapter 11 Statement of Your Current Monthly Income*] Scheduled to Take Effect on **December 1, 2021**.

Bankruptcy Rule amendments, Official Form, and Committee Notes are attached to this notice or may be viewed on the U.S. Courts website at www.uscourts.gov.

Joe Falzone
Clerk of Court

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 2005. Apprehension and Removal of Debtor to**
2 **Compel Attendance for Examination**

3 * * * * *

4 (c) CONDITIONS OF RELEASE. In determining
5 what conditions will reasonably assure attendance or
6 obedience under subdivision (a) of this rule or appearance
7 under subdivision (b) of this rule, the court shall be governed
8 by the relevant provisions and policies of title 18, U.S.C.,
9 § ~~3146(a) and (b)~~ 3142.

Committee Note

 The rule is amended to replace the reference to 18 U.S.C. § 3146(a) and (b) with a reference to 18 U.S.C. § 3142. Sections 3141 through 3151 of Title 18 were repealed by the Bail Reform Act of 1984, Pub. L. No. 98-473, Title II, § 203(a), 98 Stat. 1976 (1984), and replaced by new provisions dealing with bail. The current version of 18 U.S.C. § 3146 deals not with conditions to assure attendance or appearance, but with penalties for failure to appear. The topic of conditions is in 18 U.S.C. § 3142. Because 18 U.S.C. § 3142 contains provisions bearing on

¹ New material is underlined; matter to be omitted is lined through.

topics not included in former 18 U.S.C. § 3146(a) and (b), the rule is also amended to limit the reference to the “relevant” provisions and policies of § 3142.

1 **Rule 3007. Objections to Claims**

2 (a) TIME AND MANNER OF SERVICE

3 * * * * *

4 (2) *Manner of Service.*

5 (A) The objection and notice shall be served
6 on a claimant by first-class mail to the person
7 most recently designated on the claimant's
8 original or amended proof of claim as the
9 person to receive notices, at the address so
10 indicated; and

11 * * * * *

12 (ii) if the objection is to a claim of an
13 insured depository institution as
14 defined in section 3 of the Federal
15 Deposit Insurance Act, in the manner
16 provided in Rule 7004(h).

17 * * * * *

Committee Note

Subdivision (a)(2)(A)(ii) is amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813. Rule 7004(h) was enacted by Congress as part of the Bankruptcy Reform Act of 1994. It applies only to insured depository institutions that are insured by the Federal Deposit Insurance Corporation and does not include credit unions, which are instead insured by the National Credit Union Administration. A credit union, therefore, may be served with an objection to a claim according to Rule 3007(a)(2)(A)—by first-class mail sent to the person designated for receipt of notice on the credit union’s proof of claim.

1 **Rule 7007.1. Corporate Ownership Statement**

2 (a) REQUIRED DISCLOSURE. Any
3 nongovernmental corporation that is a party to an adversary
4 proceeding, other than the debtor, ~~or a governmental unit,~~
5 shall file ~~two copies of~~ a statement that identifies any parent
6 corporation and any publicly held corporation, ~~other than a~~
7 ~~governmental unit, that directly or indirectly that~~ owns 10%
8 or more of ~~any class of the corporation's equity interests, its~~
9 stock or states that there ~~are no entities to report under this~~
10 ~~subdivision is no such corporation.~~ The same requirement
11 applies to a nongovernmental corporation that seeks to
12 intervene.

13 (b) TIME FOR FILING; SUPPLEMENTAL
14 FILING. ~~A party shall file the~~ The corporate ownership
15 statement shall: ~~required under Rule 7007.1(a)~~

16 (1) be filed with ~~its~~ the corporation's first
17 appearance, pleading, motion, response, or other
18 request addressed to the court; and

19 (2) be supplemented whenever the
20 information required by this rule changes A
21 ~~party shall file a supplemental statement~~
22 ~~promptly upon any change in circumstances~~
23 ~~that this rule requires the party to identify or~~
24 ~~disclose.~~

Committee Note

The rule is amended to conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1. Subdivision (a) is amended to encompass nongovernmental corporations that seek to intervene. Stylistic changes are made to subdivision (b) to reflect that some statements will be filed by nonparties seeking to intervene.

1 **Rule 9036. Notice and Service Generally—by**
2 **Electronic Transmission**

3 (a) IN GENERAL. This rule applies ~~W~~whenever
4 these rules require or permit sending a notice or serving a
5 paper by mail or other means. ~~the clerk, or some other~~
6 ~~person as the court or these rules may direct, may send the~~
7 ~~notice to— or serve the paper on—~~

8 (b) NOTICES FROM AND SERVICE BY THE
9 COURT.

10 (1) Registered Users. The clerk may send
11 notice to or serve a registered user by filing the notice
12 or paper it with the court's electronic-filing system.

13 (2) All Recipients. For any recipient, the
14 clerk may send notice or serve a paper ~~Or it may be sent~~
15 ~~to any person by other~~ electronic means that the person
16 recipient consented to in writing, including by
17 designating an electronic address for receipt of notices.

18 But these exceptions apply:

19 (A) if the recipient has registered an
20 electronic address with the Administrative Office
21 of the United States Courts' bankruptcy-noticing
22 program, the clerk shall send the notice to or serve
23 the paper at that address; and

24 (B) if an entity has been designated by the
25 Director of the Administrative Office of the
26 United States Courts as a high-volume paper-
27 notice recipient, the clerk may send the notice to
28 or serve the paper electronically at an address
29 designated by the Director, unless the entity has
30 designated an address under § 342(e) or (f) of the
31 Code.

32 (c) NOTICES FROM AND SERVICE BY AN
33 ENTITY. An entity may send notice or serve a paper in the
34 same manner that the clerk does under (b), excluding
35 (b)(2)(A) and (B).

36 (d) COMPLETING NOTICE OR SERVICE. ~~In~~
37 ~~either of these events,~~ Electronic service or notice or service
38 is complete upon filing or sending but is not effective if the
39 filer or sender receives notice that it did not reach the person
40 to be served. It is the recipient's responsibility to keep its
41 electronic address current with the clerk.

42 (e) INAPPLICABILITY. This rule does not apply
43 to any ~~pleading or other~~ paper required to be served in
44 accordance with Rule 7004.

Committee Note

The rule is amended to take account of the Administrative Office of the United States Courts' program for providing notice to high-volume paper-notice recipients. Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient. As such, this "threshold notice" will inform the entity that it must register an electronic address with the BNC. If, within a time specified in the threshold notice, a notified entity enrolls in Electronic Bankruptcy Noticing with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director. If a notified entity does not timely enroll in Electronic Bankruptcy Noticing, it will

be informed that court-generated notices will be sent to an electronic address designated by the Director. Any designation by the Director, however, is subject to the entity's right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.

The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The title of the rule is revised to more accurately reflect the rule's applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.

Fill in this information to identify your case:

Debtor 1
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: District of

Case number
(if known)

☐ Check if this is an amended filing

Official Form 122B

Chapter 11 Statement of Your Current Monthly Income

12/21

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11 (other than Subchapter V). If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Current Monthly Income

1. **What is your marital and filing status?** Check one only.

- ☐ **Not married.** Fill out Column A, lines 2-11.
- ☐ **Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
- ☐ **Married and your spouse is NOT filing with you.** Fill out Column A, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

Column A Debtor 1	Column B Debtor 2
----------------------	----------------------

- | | | |
|---|----|----|
| 2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions). | \$ | \$ |
| 3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in. | \$ | \$ |
| 4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3. | \$ | \$ |

5. **Net income from operating a business, profession, or farm**

Debtor 1	Debtor 2
----------	----------

Gross receipts (before all deductions) \$ \$

Ordinary and necessary operating expenses - \$ - \$

Net monthly income from a business, profession, or farm \$ \$

Copy
here →

\$ \$

6. **Net income from rental and other real property**

Debtor 1	Debtor 2
----------	----------

Gross receipts (before all deductions) \$ \$

Ordinary and necessary operating expenses - \$ - \$

Net monthly income from rental or other real property \$ \$

Copy
here →

\$ \$

7. Interest, dividends, and royalties

\$ _____ \$ _____

8. Unemployment compensation

\$ _____ \$ _____

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:..... ↓

For you \$ _____

For your spouse..... \$ _____

9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.

\$ _____ \$ _____

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act; payments made under the Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19); payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.

_____ \$ _____ \$ _____

_____ \$ _____ \$ _____

Total amounts from separate pages, if any. + \$ _____ + \$ _____

11. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ _____

+

\$ _____

=

\$ _____

Total current monthly income

Part 2: Sign Below

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

✕ _____
Signature of Debtor 1

✕ _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

COMMITTEE NOTE

Official Form 122B is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, the initial instruction in the form includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.