

## **Summary of Changes to Bankruptcy Court's Implementation Order (effective October 16, 2006)**

The Judges of the United States Bankruptcy Court for the Eastern District of Missouri have adopted revisions to the Court's Order Implementing Interim Procedures under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Implementation Order"). **The Amended Implementation Order will be effective October 16, 2006**

Significant changes are summarized below. A redline version of the Implementation Order is available at [http://www.moeb.uscourts.gov/pdfs/impl\\_order\\_redline.pdf](http://www.moeb.uscourts.gov/pdfs/impl_order_redline.pdf).

### **General Practice Changes**

- ¶ 6 is amended to coordinate with the new dismissal process stated in paragraph 16. If the debtor does not provide payment advices prior to the first meeting of creditors, ¶ 6 now directs the debtor to provide payment advices to the trustee seven days before a continued meeting.
- ¶¶ 9 and 10 are amended to conform to § 521(e)(2)(A)(i) by requiring tax documents be provided to the trustee no later than seven calendar days before the first or a continued meeting of creditors.
- ¶ 16 is amended to outline a revised process for automatic dismissal following a continued meeting of creditors if the debtor does not provide payment advice or tax documents to the trustee.
- ¶ 31 amends the Chapter 13 Form Plan to require debtor pay 50% of any bonus or pension benefit into the plan
- ¶¶ 36, 37 and 38 address disclosure and payment of mortgage claims in Chapter 13 Cases.
- ¶ 43 amends Local Rule 4001-1 Relief from the Automatic Stay by requiring post-petition payment histories, by clarifying exhibit and consent motion practice, and by stating a process for continued imposition of the stay beyond the 60 day deadline of § 362(e)(2).
- ¶ 44 adopts a sample Form Consent Order & Stipulation.
- ¶ 49 amends Local Rule 3002-1 B. Service of Proof of Claim, by requiring a copy of supporting documentation be provided to the trustee when filing a proof of claim.

### **National Forms & Interim Rule 1007 - Effective October 1, 2006**

Official Bankruptcy Forms (1, 5, 6, 9, 22A, 22C and 23 ) have been amended and one new Official Form, Exhibit D to the Voluntary Petition has been approved effective October 1, 2006. The Director's Procedural Form 104 (Adversary Proceeding Cover sheet) has also been amended and is provided in Appendix C to the Implementation Order. Many form changes are stylistic and designed to conform language on the forms to terms in the BAPCPA. The more substantial changes for practitioners to note are:

- **Exhibit D to the Voluntary Petition** highlights the debtor's obligation to obtain pre-petition credit counseling. It also implements Amended Interim Rule 1007(b)(3) and 1007 (c) which afford the debtor 15 days to file the certificate of credit counseling when the debtor has completed counseling pre-petition but does not have the certificate to file with the petition. Paragraph 17 addresses how this Court will implement this form.
- **Form 6, Statistical Summary of Certain Liabilities and Related Data** is added to the Summary of Schedules to gather information about non-dischargeable debts and priority debt in individual consumer cases under chapters 7, 11 and 13. Paragraph 7 addresses how this Court will implement this form.
- **Form 23, Certificate of Completion of Instructional Course Concerning Personal Financial Management** is amended to include the certificate number and to require a separate form be filed with the certificate for each debtor in a joint case. Paragraph 18 addresses how this Court will implement this form.

All new forms are available on the Court's website at:

[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#official](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official)

### **CM/ECF Release 3.1**

All bankruptcy courts must upgrade to CM/ECF Release 3.1 by October 17, 2006 in order to collect the statistics required by the BAPCPA and meet other statistical reporting requirements.

**The U.S. Bankruptcy Court for the Eastern District of Missouri will convert to CM/ECF Release 3.1 on October 16, 2006.** Because of the extensive statistical data to be collected, attorneys should upgrade their petition preparation software to conform to Release 3.1

Statistical requirements impacting attorneys are addresses in the Implementation Order ¶ 7, which details procedures for filing the Statistical Summary form and consequences of failing to provide the form; ¶ 46, which outlines new events for filing Chapter 11 First Day Motions; and ¶ 47, which outlines requirements for proposed orders on certain motions valuing collateral.

A brief summary of CM/ECF Release 3.1 changes impacting external filers is available at:

[http://www.moeb.uscourts.gov/pdfs/v31\\_pacer\\_notes.pdf](http://www.moeb.uscourts.gov/pdfs/v31_pacer_notes.pdf).

Date: October 6, 2006