Summary of Amendments and New Official Forms Effective February 19, 2020

Applies to: Chapter 11 Practitioners

Case type: Chapter 11 Bankruptcy Cases

Official Forms: 101, 201, 309E, 309E2 (new) 309F, 209F2 (new), 314, 315, and 425A

Guidance: Small Business Reorganization Act of 2019, P.L. No. 116-54 (SBRA)

Amended and New Official Forms

Official Form 101
Voluntary Petition for Individuals Filing for Bankruptcy

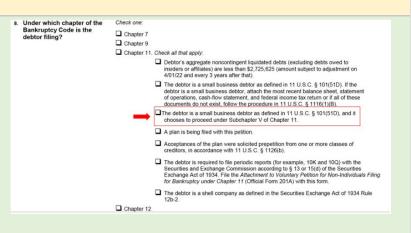
Form amended on page 4, line 13 to:

- 1. The existing checkbox for a small business debtor is modified to indicate the debtor is not electing to proceed under subchapter V of chapter 11; and
- 2. A new checkbox for a small business debtor to indicate the debtor is electing to proceed under subchapter V of chapter 11.
- 13. Are you filing under If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your Chapter 11 of the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if **Bankruptcy Code and** any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B). are you a small business ■ No. I am not filing under Chapter 11. debtor? For a definition of small ☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in business debtor, see the Bankruptcy Code 11 U.S.C. § 101(51D). Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11. A Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

Official Form 201 Voluntary Petition for Non-Individuals Filing for Bankruptcy

Form amended on page 2, line 8 to:

Form amended to include a new checkbox for a small business debtor to indicate that it is electing to proceed under subchapter V of chapter 11.



Summary of Amendments and New Official Forms Effective February 19, 2020

Official Form 309E Notice of Chapter 11 Cases (For Individuals or Joint Debtors)

The form is renumbered as 309E1.

Official Form 309E2 (New)
Notice of Chapter 11 Cases (For Individuals or Joint Debtors under Subchapter V)

The new form provides the name and contact information of the subchapter V trustee.

Official Form 309F Notice of Chapter 11 Case (For Corporations / Partnerships)

The form is renumbered as 309F1.

Official Form 309F2 (New)
Notice of Chapter 11 Cases (For Corporations / Partnerships under Subchapter V)

The form provides the name and contact information of the subchapter V trustee.

Summary of Amendments and New Official Forms Effective February 19, 2020

Official Form 314 Ballot for Accepting or Rejecting Plan of Reorganization

The first three paragraphs, of the form, are amended to place braces around all references to a disclosure statement. When there is a disclosure statement filed in the case, the ballot should include the language in the braces.

<u>Note</u>: Section 1125 of the Code does not apply to subchapter V cases unless the court for cause orders otherwise. Therefore, in most subchapter V cases there will not be a disclosure statement.

Class [] Ballot for Accepting or Rejecting Plan of Reorganization

[Proponent] filed a plan of reorganization dated [Date] (the Plan) for the Debtor in this case. {The Court has [conditionally] approved a disclosure statement with respect to the Plan (the Disclosure Statement). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]}

{Court approval of the Disclosure Statement does not indicate approval of the Plan by the Court.}

You should review {the Disclosure Statement and} the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

Official Form 315 Order Confirming Plan

The form is amended to include citations to the statutory provisions governing subchapter V cases.

Official Form 425A Plan of Reorganization for Small Business Under Chapter 11

The form is amended to:

- 1. Include a new background section for cases filed under subchapter V.
- 2. Article 3.02 includes language regarding a special rule for the treatment of administrative expense claims in subchapter V plans that are confirmed non-consensually.
- 3. Article 9 includes descriptions of the effect of a discharge in a case under subchapter V. The plan proponent is directed to include in the plan the particular provision that is appropriate for the case.