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West's Federal Forms

Bankruptcy Courts Volumes 6A and 6B

Enclosed is are the newly revised versions of volumes 6A and 6B of West's Federal Forms—Bankruptcy Courts. This enclosure replaces the 2013 version of both volumes and their accompanying pocket part supplements. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

Shelving Instructions

- REMOVE and RECYCLE the 2013 edition of West's Federal Forms – Bankruptcy Courts, volumes 6A and 6B, and accompanying supplements.
- PLACE the new 2019 editions on your shelf next to volumes 6A and 6B.

Highlights

The 2019 edition of Volumes 6A and 6B includes extensive reorganization and revision of forms related to Case administration (Chapter 3 of the Bankruptcy Code), Creditors, debtor and the estate (Chapter 5 of the Bankruptcy Code), Liquidation (Chapter 7 of the Bankruptcy Code), Adjustment of debts of a municipality (Chapter 9 of the Bankruptcy Code) and Reorganization (Chapter 11 of the Bankruptcy Code) and includes analyses of developments through June 30, 2019, in statutes, rules, caselaw and regulations and appropriate revision of forms and commentary.

Alert – Late Developments

Four bankruptcy-related bills were enacted August 23, 2019, which affect both business and consumer cases. They have been followed by urgent action of the Advisory Committee on Bankruptcy Rules. These changes will be analyzed in future updates.

The Family Farmer Relief Act of 2019, Public Law No. 116-182, amends subsection 101(18) of the Bankruptcy Code, by increasing the maximum debt allowed to qualify as a "family farmer" under chapter 12 to \$10,000,000, from the former debt limit of \$4,411,400.

The Honoring American Veterans In Extreme Need Act of 2019 (the HAVEN Act), Public Law 116-52, revised 11 U.S.C.A. § 101(10A)(B) to exclude from current monthly income (used for bankruptcy "means testing") defined veterans' disability benefits paid by the Department of Veterans Affairs and the Department

of Defense, placing those exclusions on par with the treatment of Social Security benefits under the means test and allowing financially troubled veterans and others to retain their disability funds during bankruptcy, rather than being required to use them to pay down debt in bankruptcy.

The National Guard and Reservists Debt Relief Extension Act of 2019, Public Law 116-53, amended subsection 4(b) of the National Guard and Reservists Debt Relief Act of 2008 § 4(b), Pub. L. 110-438; 122 Stat. 5000, to exempt for an additional four years the application of the means-test presumption of abuse under Chapter 7 to qualified members of reserve components of the Armed Forces or National Guard.

The Small Business Reorganization Act of 2019 (SBRA), Public Law 116-54, is the most complex part of this 2019 legislative effort and will become effective February 19, 2020. SBRA amends the definitions of "small business case" and "small business debtor," in 11 U.S.C.A. §§ 101(51C) & (51D) and adds a new subchapter V (containing 15 new sections) to Chapter 11.

New rules and forms. As a result of the 2019 legislation, the Advisory Committee on Bankruptcy Rules recommended several amended and new bankruptcy forms related to small business reorganization, as well as local adoption of several Interim Rules, all necessary to implement the legislation, before the effective date of SBRA in February 2020. Thus, the Advisory Committee has proposed interim rules for adoption as local rules or by general order in each judicial district, along with form amendments and new forms: Rules 1007(b) and (h), 1020, 2009, 2012(a), 2015, 3010(b), 3011 and 3016, Official Forms 101, 201, 309E, 309F, 314, 315 and 425A and new Official Forms 309E2 and 309F2.

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