

## Federal Bankruptcy Rule Changes Effective December 1, 2016

RULE	DESCRIPTION
1010: Service of Involuntary Petition and Summons	Amended to remove reference to service of summons in chapter 15 cases. Now found in Rule 2002(q).
Rule 1011: Responsive Pleading or Motion in Involuntary Cases	Amended to remove reference to chapter 15 cases. Chapter 15 responses are governed by Rule 1012.
Rule 1012: Responsive Pleading in Cross-Border Cases	(a): Debtor or party in interest may contest petition; (b): Responsive pleadings must be filed seven days prior to the hearing; (c): Corporate entities responding to the petition required to file a corporate ownership statement as described in Rule 7007.1
Rule 2002 (q) Notice of Petition for Recognition of Foreign Proceeding and of Court's Intention to Communicate with Foreign Courts and Foreign Representatives	Petition for provisional relief must be on 21 days notice unless combined with hearing on recognition, in which case the hearing could be noticed for less than 21 days.
Rule 3002.1. Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence	Rule amended to remove reference to Sec. 1322(b) of the code, and applies whether or not mortgage or arrearage payments are paid by the trustee in the plan. ALSO: Unless ordered by the court, notice requirements cease upon entry of order terminating the stay.
Rule 7008. General Rules of Pleading	In an adversary proceeding before a bankruptcy court, the complaint, counterclaim, cross-claim, or third-party complaint shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court.
Rule 7012. Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings	A responsive pleading shall include a statement that the party does or does not consent to entry of final orders or judgment by the bankruptcy court.

Rule 7016. Pretrial Procedures	<p>NEW subdivision (b):</p> <p>(b) DETERMINING PROCEDURE. The bankruptcy court shall decide, on its own motion or a party's timely motion, whether:</p> <p>(1) to hear and determine the proceeding;</p> <p>(2) to hear the proceeding and issue proposed findings of fact and conclusions of law; or</p> <p>(3) to take some other action.</p>
Rule 9006. Computing and Extending Time; Time for Motion Papers	<p>(f) ADDITIONAL TIME AFTER SERVICE BY MAIL OR UNDER RULE 5(b)(2)(D) OR (F) F.R.CIV.P.: subdivision (f) amended to remove reference to electronic service as a means of service requiring a 3 day extension to act <i>after service is made</i>.</p>
Rule 9027. Removal	<p>(a)(1) Notice of Removal amended to require the party filing the removal to state that the party does or does not consent to entry of final orders and judgments by the bankruptcy court.</p>
Rule 9027. Removal	<p>(e) Procedure after removal</p> <p>(3) Any party, other than the party filing the notice of removal, must file a statement that the party does or does not consent to entry of final orders and judgments by the bankruptcy court.</p>
Rule 9033. Proposed Findings of Fact and Conclusions of Law	<p>(a)Service: Amended to direct clerk to serve all parties copies of proposed findings of fact and conclusions of law, along with notice of entry.</p>

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## December 1, 2016 Fee Changes

For filing the following motions the new fee is \$181.00:

- To terminate, annul, modify or condition the automatic stay:
- To compel the abandonment of property of the estate. . .
- To withdraw the reference of a case or proceeding. . .
- To sell property of the estate free and clear of liens under [11 U.S.C. §363(f)].

The following fees are \$31.00:

- For reproduction of an audio recording of a court proceeding
- For filing an amendment to the debtor's schedule of creditors, lists of creditors, or mailing list...
- For conducting a search of the bankruptcy court records

Exemplification of any document: \$22.00

For filing a document not related to a pending case or proceeding: \$47.00

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## Form Changes

The following forms are updated to conform to the new numbering system and include stylistic changes:

- Form 420A Notice of [Motion To] [Objection To]
- Form 420B Notice of Objection to Claim

The following form is modified to clarify reporting instructions for the creditor:

- Form 410S2 Notice of Postpetition Mortgage Fees, Expenses, and Charges