

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

Amendments to Bankruptcy Rules and Forms
Not Related to Time Computation, Effective December 1, 2009

Several Bankruptcy Rules and forms are amended and one new rule and five new forms are adopted effective December 1, 2009, to make technical, conforming, and other changes not related to time computation as follows:

Rule 2016. Compensation for Services Rendered and Reimbursement of Expenses. In addition to the change in time period, the rule is amended to correct a cross-reference to a subsection of the Bankruptcy Code that was recently changed.

Rule 4008. Filing of Reaffirmation Agreement; Statement in Support of Reaffirmation Agreement. The rule is amended to require an entity filing a reaffirmation agreement to file a cover sheet (new Official Form 27) that includes sufficient information for the court to determine whether the proposed reaffirmation agreement is presumed to be an undue hardship for the debtor.

Rule 7052. Findings by the Court. The rule is amended to conform to the “separate judgment rule” of Civil Rule 58.

Rule 7058. Entering Judgment in Adversary Proceeding. This *new* rule makes the separate-document requirement applicable only to a judgment in an adversary proceeding and not to a judgment or order in other actions, including contested matters.

Rule 9006(f). Computing and Extending Time. The amendment to Rule 9006(f) is a technical change to correct the cross-reference to Civil Rule 5(b)(2), which was renumbered as part of the recent restyling of the Civil Rules.

Rule 9015(a) and (c). Jury Trials. The amendment sets a 14-day deadline to file certain post-judgment motions.

Rule 9021. Entry of Judgment. The amendment to Rule 9021 removes any reference to Civil Rules.

Rule 9023. New Trials; Amendment of Judgments. The amendment sets a 14-day deadline to file certain post-judgment motions.

The new forms not related to time computation are

Official Form 27, Reaffirmation Agreement Cover Sheet - **now required by Rule 4008**
B201B, Certification of Notice to Individual Consumer Debtors
B250F, Summons in a Foreign Nonmain Proceeding
B18RI, Discharge in Individual Chapter 11 Case
B261C, Judgment in an Adversary Proceeding

The amended forms not related to time computation are five forms of summonses amended to conform the Certificates of Service to the service of process provisions of Fed. R. Bankr. P. 7004. The certification regarding age and non-party status was limited to instances in which service of the summons is accomplished by one of the methods permitted under Federal Rule of Civil Procedure 4:

B250A, Summons in an Adversary Proceeding
B250B, Summons and Notice of Pretrial Conference in an Adversary Proceeding
B250C, Summons and Notice of Trial in an Adversary Proceeding
B250D, Third-Party Summons
B250E, Summons to Debtor in Involuntary Case

Please note that in the District of New Mexico, each judge issues his own form of summons, in lieu of these forms. The Clerk's Office will amend the Court's local generic Certificate of Service accordingly. We will post the amended court form to our website prior to December 1.

We have been advised by the Bankruptcy Court Administration Division of the Administrative Office of the United States Courts that the Reaffirmation Agreement, Form B240, is in the process of being amended, along with the motion and order forms. As soon as they become available, the Clerk's Office will let practitioners know.

All forms referenced above are *or will soon be* available at

<http://www.uscourts.gov/bankform/index.html>.

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