



## UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI  
THOMAS F. EAGLETON U.S. COURTHOUSE  
111 SOUTH TENTH STREET, FOURTH FLOOR  
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CLERK OF COURT

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### PUBLIC NOTICE

## **Amendments to Federal Rules of Bankruptcy Procedure Effective December 1, 2005**

The Judicial Conference of the United States has approved proposed amendments to the Federal Rules of Bankruptcy Procedure. **Barring Congressional action, these amendments will take effect December 1, 2005.** These amendments reflect changes proposed by the Advisory Committee on Bankruptcy Rules prior to and apart from rule changes relative to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Rule changes related to the BAPCPA can be found at <http://www.uscourts.gov/rules/interim.html>

**The following is a summary of the Amendments to the Federal Rules of Bankruptcy Procedure effective December 1, 2005.** Redline text of the changes to the rules effective December 1, 2005 can be accessed at: <http://www.uscourts.gov/rules/BKReports2003-4.pdf>

- Rule 1007** is amended to require the debtor in a voluntary case to submit with the petition a list of parties to which notices will be sent in the case. The listed parties are identified as the entities listed or to be listed on Schedules D through H of the Official Forms. This rule recognizes the practice of submitting a matrix.
- Rule 2002(g)** is amended by adding a new subdivision (g)(4) that authorizes entities and notice providers to agree on the manner and address to which service may be effected. The amendment is intended to facilitate notices to creditors that operate on a national basis, although the rule allows such agreements by any entity with any notice provider. A related amendment to Rule 9001 defines notice providers.
- Rule 3004** is amended to conform Rule 3004 to § 501(c) of the Bankruptcy Code. The amendment clarifies that the debtor or trustee may not file a proof of claim until after the time for filing a proof of claim by a particular creditor has expired.
- Rule 3005** is amended to delete any reference to a creditor filing a proof of claim that supercedes a claim filed on behalf of the creditor by a co-debtor. The amendment thus conforms Rule 3005 to § 501(b) of the Bankruptcy Code.

- Rule 7004** is amended to authorize the clerk specifically to sign, seal, and issue a summons electronically. The amendment does not address the service requirements for a summons which are set out in other provisions of Rule 7004.
- Rule 9001** is amended to add a definition of notice provider to the rule. The definition is to be read in conjunction with the proposed amendment to Rule 2002(g).
- Rule 9006** is amended to clarify that the three day period is added to the end of the time period for taking action when service is accomplished through certain specified means (e.g. mail or electronic transmission). This amendment is intended to conform as closely as possible to the amendment being proposed to Rule 6(e) Fed. R. Civ. P. by the Advisory Committee on Civil Rules.
- Rule 9036** is amended to delete the current language that requires the sender of an electronic notice to have received confirmation of receipt of the notice in order for delivery of the notice to be complete. At the time the rule was promulgated, the sender of an electronic communication generally would receive a notification that the recipient received the notice. For the vast majority of Internet Service Providers, these receipt notifications are no longer given. The amendment affirmatively states that the notice is complete upon its transmission.

A handwritten signature in blue ink that reads "Dana C. McWay". The signature is written in a cursive style and is centered on a light-colored rectangular background.

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Dana C. McWay  
Clerk of Court

Dated: November 23, 2005