**Procedure Under Chapter 11** Voluntary Petition Bankruptcy Visuals<sup>TM</sup> and advices is 14 days after order for relief 002, 1007(a)(1); of the Bankruptcy Code and Rules updated through December 1, 2009 Code and Rules changes obtains credit Rule 1007(c) ounseling from ar iles with pay oproved agency within 180 days before filing Lynn M. LoPucki 020, Code §1116(1 ode §109(h) iling constitutes order for relief," Copyright 1992, 1995, 2006, 2010 Notice of filed and served 7 days before date set for Hearing on Filing Fee payable roposed sale with liens or Sale, Objection 8 U.S.C. §1930 **§363 Asset** and place for date of hearin and time for cause shown. Rule Rule 2002(c)(1 6004(a), (b) Stay expires 30 days afte debtor, stay lifted 90 days after concluded not later than 30 Motion to Lift Stay Secured order for relief unless debtor §362(e)(2) Code §362 Stay ments, Code §362(d)(3) Code §362(e) Hearing Hearing Cour Any party in Valuation holds hearing to Litigation stay; may be stay, Code §362(e bined with fin of Security 362(d), Rule a secured claim. Rule 3012 001; filing fee secured claim, Rule 3012 Discharge of must file most recen-Deadline for complain tax return, 7 days before §341 Meeti Deadline for complaint to determine debt nondischargeable, Code objecting to discharge is U.S. trustee holds Findings and Hearing rives 21 days e meeting of creditor irst date set for hearing Meeting of 21 to 40 days after the "order for relief," Rule discharge of individual ourt uses Official code §521(e)(2) \$523(c) is 60 days after first date se Discharge Litigation for §341 Meeting, Rule 4007(c) Rule 4004(a) **Discharge** A proceeding to object to the granting of a discharge or determine the dischargeability of a debt is in the cases of individual **Creditors** debtor or a 2002(a), also 2003(a); debtor must Litigation appear, Code §343; judge form of an adversary proceeding, Rule 7001, 4007 mails notice of ent Rules 7052, 7054, 7058 does not attend, Code §341(c) to creditors. Rule Code §1141(d) ourt cannot extend Proofs of claim must be filed within a time deadline for schedule Objections to Claims Parties Deadline for a governmental unit to file a proof of notice to claimar Hearings on Claims Court holds hearings on for creditors, Code §501(c). §1111(b) filed within 14 Claim election is conclusion hearing on objection fixed by the court. 30 days after creditors' order for relief initially fix the Allowance Code §1116(3) to Claims may be filed even after resolved objectio disputed, claims, Code §502(a), Rule to claims. Code resolved objection of Claims file Code 02(b), on minim 81111(b) Code §502(b) must file, Code §1111(a) 30 days notice, may require affidavits Code §1111(a) Rule 3007 Objections to Confirmatio Parties in nterest file Motion to Use vritten objec Hearing Court Cash Hearing on Confirmation Court holds hearing on right to use cash collateral, Code §363(c)(2)(B) he plan, Rule **Collateral** Order Confirming Disclosure Hearing Court holds 020(b)(1) Chapter 11 Plan fter estate is full In a small business case, debtor has exclusive right to file plan for 180 days after order for relief. Debtor must file plan and disclosure statement within 300 days after order for relief. Court has authority to extend either period, Code §1121(e) nakes Rule 3020 disclosure objections to plan and to ring to consider appro onsider confirmation of plan Code §1128, Rule 3020(b). Minimum 28 days notice of confir mation hearing, Rule 2002(b)(2) closure stater Chapter 11 ion, shall enter Plan can be modified after vith the court, Rul Valuation of assets or a the plan of reorga nal decree closing 3016(c). Plan classifies claims proponent of plan mails plan perform under plan that ne case, Rule 3022, lode §350(a); cases Plan determination on allowance of ation Rule In a small business case, court mu Debtor has exclusive right to file plan for 120 days after order for relief, Code §1121(c). Court Minimum 28 days notice aims may be necessary to make a decision on confirmation. If confirm plan within 45 days of plan filing. Court can extend this ding voting, conf has no authority to extend that period beyond 18 months after order for relief. Code \$1121(d) nterests and nay be reopened f pecifies their Rule 2002(b)(1) court is inclined to confirm the discharge in deadline. Code §1129(e) treatment, Code §1123(a)(1), (3) shareholders, Rule plan, court orders debtor to 3017(d) make Rule 3020 Motion to nust begin Schedule of nonresidential real esidential real property filed by deadlin fixed by court, **Executory** notion to of real or perso ssume or ry contracts may be Rule 3017(c) within 14 day Contracts property within 60 days, Code §365(d)(3), (5) reject leases and executor within 120 days imed or rejected until shareholders file ballots onfirmation of plan 365(d)(2), (p)(3) relief, Rule 1007(b)(1),(c) Recommenda-Committee Order not to appoint In a U.S. Trustee Change ons on Plan Change Committee Membership Changes Organizational Committee Membership Monitoring consummation Creditors' Investigation and Monitoring **Ieeting** Commit fluences vo Membership Committee investigates debtor, monitors operation of the business, provides creditors access to information,

Code §1102(b)(3) olds initial meeting Made by an **Committee** mbers of by adding or e continues in existence and monitors ganizes and selection counsel, Code §1103(a) ns in discloparty in interest Code change to ens consummation of plan pointed, Coo 1102(a)(1) tter. Code §1102(a)(4) §1103(c)(3) Fee application and Order Order to Em-Interim Fees ploy Attorney ploy Attorney Debtor must and Order Attorneys file Payment of Attorneys file final fee Payment of Attorneys Payment of last fee applica payment of Attorneys Fees authority to ttorneys Fees Fees interim fees from estate permitted at 120 day intervals, Code §331 U.S. Trustee attorneys, Code §1103(a Rule 2014(a) Code § 327 Rule 2014(a) may review 28 U.S.C. §586(a) Periodic Report Debto atement of Progress Report Debt Report Debte Report Debt Fees and rest reau ne for calend rter on last ithin 30 day Reporting vithin times fixed ast file tax av of the after date of quired by t 704(a)(8), and order confirm-ing plan, Code §1106(a)(7) §704(a)(8), and 704(a)(8), and 704(a)(8), and hen filed with ule 2015(a)(5) Rule 2015(a)(3 ule 2015(a)( Rule 2015(a)(3 Quarterly Fee Pay