

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**FORMS AND ECF EVENT CHANGES FOR
SMALL BUSINESS REORGANIZATION ACT**

The Small Business Reorganization Act (“SBRA”) takes effect on February 19th. SBRA establishes a new Subchapter V within Chapter 11 and will result in changes to forms and to ECF events on its effective date.

All practitioners: the official petition forms for both individual and non-individual debtors, Forms 101 and 201, are changing. Please be sure to update your forms and use the new official version on and after February 19th.

SBRA case filers: The new law requires different treatment of these cases, as compared to other Chapter 11 cases. ECF events have been created to ensure use of the new procedures. The ECF events unique to SBRA cases have been grouped in the ECF dictionary under the heading Subchapter V Events.

The new events are as follows:

- Notice of Appointment of Trustee: for use by the United States Trustee only.
- Statement of Small Business Designation: use when a case converts to Chapter 11 from a different chapter and the debtor elects to be treated as a small business, either ‘regular’ or under Subchapter V. The Statement is to be filed within five days of the entry of the conversion order. If the debtor is already in Chapter 11 and wishes to change status (i.e., from ‘regular’ small business to Subchapter V), the debtor should file an amended petition. (The validity of such a change in status is subject to judicial determination.)
- Objection to Small Business Designation: as permitted by Fed.R.Bankr.P. 1020(b).
- Subchapter V Status Report Pursuant to 1188(c): this event should be used by the debtor to file the report required before the status conference. For that report, the debtor should use the form soon to be available on the Court’s website under Rules & Forms>Forms > Local Forms>Chapter 11.
- Notice of Substantial Consummation of Subchapter V Plan: this event is for filing the pleading required by Section 1183(c) when the plan has been confirmed under Section 1191(a).

February 12, 2020

/s/ Kevin Dempsey
Bankruptcy Clerk