

Form 16A. CAPTION (FULL)

United States Bankruptcy Court

_____ District Of _____

In re _____,)

*Set forth here all names including married,)
maiden, and trade names used by debtor within)
last 6 years.])*

Debtor)

Case No. _____

Address _____)

_____)

Chapter _____

Employer's Tax Identification (EIN) No(s). [if any]: _____)

_____)
Last four digits of Social Security No(s): _____)

[Designation of Character of Paper]

**INSTRUCTIONS FOR COMPLETING OFFICIAL FORM 16A
CAPTION (FULL)**

I. INTRODUCTION

Official Form 16A, the full caption form, illustrates the format in which all the required information should be presented. This form of caption maybe used for every type of paper except an adversary proceeding.

II. APPLICABLE LAW AND RULES

Federal Rule of Bankruptcy Procedure (usually referred to as "Bankruptcy Rule" or "Fed. R. Bankr. P.") 9004(b) requires every paper filed in a bankruptcy case to contain a caption. The caption must state the name of the court, the title of the case, the bankruptcy case number, and a brief description of the paper being filed. Fed. R. Bankr. P. 9004(b). The title of the case includes the name, social security number or taxpayer identification number of the debtor, and all other names used by the debtor within six years of filing the petition. Fed. R. Bankr. P. 1005.

Section 342(c) of the Bankruptcy Code requires any notices given by a debtor to a creditor to contain the debtor's address and taxpayer identification number. Often, a copy of a motion or other paper is used as notice of the filing of the motion or other document, or may be attached to a separate notice. Official Form 16A satisfies the requirements under section 342(c) for a notice given by a debtor.

III. DIRECTIONS

1. After the words, "United States Bankruptcy Court," the name of the federal judicial district in the which the particular bankruptcy court is located should be inserted. Some districts include an entire state, and their names should be written as follows: "District of Utah." Other districts comprise only part of a state and should be written as follows: "Eastern District of Tennessee."

2. Following the words "In re," all names used by the debtor or joint debtors in the six years prior to the filing of the case should be stated. This includes married, maiden, and trade names. A creditor intending to file a paper using this caption form can obtain the debtor's full list of names from a copy of the petition or from the "Notice of Commencement of Case . . . Meeting of Creditors, and Fixing Dates" (sometimes referred to as a "section 341 notice") that was mailed to creditors at the beginning of the case.

3. The list of the debtor's or joint debtors' names should be followed by the designation "Debtor."

4. The debtor's address, including zip code, should be stated in the spaces provided. A creditor can obtain the debtor's address from the "Notice of Commencement of Case . . . Meeting of Creditors, and Fixing Dates" (sometimes referred to as a "section 341 notice") that was mailed to creditors at the beginning of the case.

5. The debtor's Social Security number(s) and any taxpayer identification number(s) should be inserted in the spaces provided. A creditor can obtain this information from the "Notice of Commencement of Case . . . Meeting of Creditors, and Fixing Dates" (sometimes referred to as a "section 341 notice") that was mailed to creditors at the beginning of the case, from the court docket, or from the clerk's office.

6. The case number should be stated in the space provided. The case number will be assigned by the clerk's office when the petition is filed; it also appears on the "Notice of Commencement of Case . . . Meeting of Creditors, and Fixing Dates" mailed to creditors at the beginning of the case.

7. The chapter number to be inserted in the space provided is the chapter of the Bankruptcy Code under which the case is proceeding at the time the paper is filed. A bankruptcy case can be filed under one chapter, but converted to a different chapter later in the case. If a case has been converted, the court will have sent notice of that fact.

8. The designation of the character of the paper should be brief. Most papers on which a caption must appear are either motions or responses to motions. Some examples are "MOTION TO EXTEND TIME TO FILE CHAPTER 13 PLAN," or "ANSWER TO MOTION FOR RELIEF FROM STAY." The designation or title of the paper should be written in all capital letters. For clarity, the designation or title may include a reference to who filed it, for example, "DEBTOR'S MOTION TO. . . ."

9. Some courts may have local requirements for additional information that must be provided as part of the caption. Some of the more frequent local requirements are to state the name of the judge to whom the case or matter is assigned and for an attorney to state the attorney's name and state bar number or other identification number. Anyone planning to file a motion or other paper in a bankruptcy case should check with the clerk's office at the bankruptcy court concerning local requirements.

10. Once the caption is complete, the text of the paper to be filed should begin.

1991 COMMITTEE NOTE

This form has been transferred from former Official Form No. 1, which included the form of caption for the case. Rule 9004(b) requires a caption to set forth the title of the case. Rule 1005 provides that the title of the case shall include the debtor's name, all other names used by the debtor within six years before the commencement of the case, and the debtor's social security and tax identification numbers. This form of caption is prescribed for use on the petition, the notice of the meeting of creditors, the order of discharge, and the documents relating to a chapter 11 plan, (Official Forms 1, 9, 12, 13, 14, 15, and 18). See Rule 2002(m). In the petition, (Official Form 1), and the notice of the meeting of creditors, (Official Form 9), the information required by Rule 1005 appears in a block format. A notation of the chapter of the Bankruptcy Code under which the case is proceeding has been added to the form.

1995 COMMITTEE NOTE

The form is amended to provide for the debtor's address to appear in the caption in furtherance of the duty of the debtor to include this information on every notice given by the debtor. The Bankruptcy Reform Act of 1994 amended section 342 of the Code to add this requirement.

2003 COMMITTEE NOTE

The form is amended to require disclosure of only the last four digits of the debtor's social security number to afford greater privacy to the individual debtor, whose bankruptcy case records may be available over the Internet.