

FORM 16B. CAPTION (SHORT TITLE)

(May be used if 11 U.S.C. § 342(c) is not applicable)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF _____

In re _____,
Debtor

Case No. _____

Chapter _____

[Designation of Character of Paper]

**INSTRUCTIONS FOR COMPLETING OFFICIAL FORM 16B
CAPTION (SHORT TITLE)**

I. INTRODUCTION

This "short title" caption may be used when the paper to be filed is not part of an adversary proceeding, and the notice requirement under section 342(c) of the Bankruptcy Code does not apply. Examples of papers on which the short title caption would be appropriate would be most motions filed by a creditor or by a trustee. Additional names, such as any under which the debtor has engaged in business, can be added as appropriate.

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.

Several of the official forms either contain a caption or request all the information contained in a caption. Accordingly, no separate caption need be prepared for these papers. All of the other official forms specify the form of caption required. For many papers filed in a case, the one or two names used most frequently by the debtor(s) are sufficient to identify the case and serve as the title. These can be supplemented as appropriate for the particular paper.

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," the name(s) of the debtor or joint debtors should be stated. A creditor intending to file a paper 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 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 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.

5. 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.

6. 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. . . ."

7. 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.

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

Form 16B. CAPTION (SHORT TITLE)

COMMITTEE NOTE (1991)

This form of caption is prescribed for general use in filing papers in a case under the Bankruptcy Code. Rule 9004(b) requires a caption to set forth the title of the case, and Rule 1005 specifies that the title must include all 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 information is necessary in the petition, the notice of the meeting of creditors, the order of discharge, and the documents relating to the plan in a chapter 11 case. See Rule 2002(m) and Official Form 16A. In other notices, motions, applications, and papers filed in a case, however, a short title containing simply the name of the debtor or joint debtors may be used. Additional names, such as any under which the debtor has engaged in business, may be included in the short title as needed.

1995 COMMITTEE NOTE

The title of this form is amended to specify that it can be used when section 342(c) of the Code, as added by the Bankruptcy Reform Act of 1994, is not applicable.