



# EXPLANATIONS

FORM B9E (9/97)

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is <i>not</i> listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all <i>or</i> if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
—Refer To Other Side For Important Deadlines and Notices—	

**INSTRUCTIONS FOR COMPLETING OFFICIAL FORM 9  
NOTICE OF COMMENCEMENT OF CASE UNDER THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND FIXING OF DATES**

**I. INTRODUCTION**

Official Form 9 is used to give notice to all creditors, equity security holders, and other interested parties of the filing of the bankruptcy case, the time, date, and location of the meeting of creditors, the time for filing a dischargeability complaint (if applicable), instructions for filing proofs of claim, and other information concerning the case.

Official Form 9 consists of several variations, numbered 9A through 9I, created to meet the specialized notice requirements for cases filed under chapters 7, 11, 12, and 13 of the Bankruptcy Code. Selection of the proper form to be used in the case is based on the chapter under which the bankruptcy petition was filed and according to the type of debtor, for example, individual, joint, corporation, or partnership. In addition, Forms 9A, 9B, 9C and 9D, used only for chapter 7 cases, are varied based on whether there are assets available to pay creditors in the chapter 7 case. The several versions of Official Form 9 are listed below:

9A	Chapter 7, Individual/Joint, No-Asset Case
9B	Chapter 7, Corporation/Partnership, No-Asset Case
9C	Chapter 7, Individual/Joint, Asset Case
9D	Chapter 7, Corporation/Partnership, Asset Case
9E	Chapter 11, Individual/Joint Case
9E (Alt.)	Chapter 11, Individual/Joint Case
9F	Chapter 11, Corporation/Partnership Case
9F (Alt.)	Chapter 11, Corporation/Partnership Case
9G	Chapter 12, Individual/Joint Case
9H	Chapter 12, Corporation/Partnership Case
9I	Chapter 13, Individual/Joint Case

Generally, the clerk will complete this form and mail a copy to the creditors and other entities whose names and addresses appear on the mailing list or mailing matrix filed by the debtor. Sometimes, the court delegates the noticing function to a chapter 13 trustee or, in a large chapter 11 case, to the debtor. The information and instructions given here for completing the form are intended primarily for information and reference, as few individuals ever are called upon to complete this form.

## **II. APPLICABLE LAW AND RULES**

Rule 2002(a) of the Federal Rules of Bankruptcy Procedure (referred to as “Bankruptcy Rule” or “Fed. R. Bankr. P.”) requires the bankruptcy clerk (or some other person as the court may direct) to give the debtor, the trustee, all creditors and indenture trustees notice of the meeting of creditors. Creditors and other parties in interest are entitled to “not less than 20 days” notice of the meeting. Id.

## **III. GENERAL DIRECTIONS**

Notice preparers should select the appropriate form from the list above. Only one form should be completed and used at the commencement of the case. Another form may be appropriate to use later if, for example, the case is converted to different chapter and another notice is sent to all parties in interest.