

# UNITED STATES BANKRUPTCY COURT

Southern District of Georgia

MICHAEL F. McHUGH  
Clerk

OFFICE OF THE CLERK

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## AMENDED PUBLIC NOTICE

### AMENDMENTS TO THE BANKRUPTCY RULES of PROCEDURE

Congress has not taken action on the amendments to the Federal Rules of Bankruptcy Procedure approved by the Supreme Court on April 29, 2002. Accordingly, the amendments to the rules take **effect on December 1, 2002**. Those amendments follow:

**Rule 1004 (Involuntary Petition Against a Partnership)** is amended to clarify that it applies only to involuntary cases against partnerships and sets out the procedure for serving a summons and a copy of the involuntary petition on the partners who are not petitioners.

**Rule 1004.1 (Petition for an Infant or an Incompetent Person)** establishes procedures for a case commenced on behalf of an infant or an incompetent person.

**Rule 2004 (Examination)** is amended to compel a witness to attend an examination of an entity in accordance with procedures in Civil Rule 45 governing a subpoena, whether the examination is conducted within or outside the district in which the case is pending. Under the amendments, an attorney authorized to practice either in a court in which the case is pending or in a court for the district in which the examination will be held may issue and sign the subpoena.

**Rule 2015 (Duty to Keep Records, Make Reports, and Give Notice of Case)** is amended to clarify the trustee's or debtor in possession's duty to report disbursements in accordance with recent statutory changes.

**Rule 4004 (Grant or Denial of Discharge)** is amended to reflect that the filing of a motion to dismiss under Section 707 of the Bankruptcy Code would postpone the entry of discharge in a Chapter 7 case.

**Rule 9014 (Contested Matters)** is amended to permit service by electronic means; clarifies that an evidentiary hearing must be held if a disputed unresolved material issue of fact exists; and establishes procedures notifying attorneys at an early date of a hearing at which witnesses are to appear.

**Rule 9027 (Removal)** is amended to clarify the time limits for filing a notice of removal of a claim or cause of action filed after the commencement of a bankruptcy case, whether the bankruptcy case is still pending or has been suspended, dismissed, or closed.

**Official Form 1** is revised to require the debtor to disclose ownership or possession of property that poses a threat of harm to the public health or safety. A copy of the revised Official Form 1 appears on the court's web site.

Michael F. McHugh, Clerk

Dated: December 6, 2002