

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ALASKA

In the Matter of the Adoption of
Amendment to Interim Federal Bankruptcy
Rule 1020 and Interim Official Bankruptcy
Forms.

Misc. Proceeding No. 05-60001-GS

GENERAL ORDER NO. 2023-1

**ORDER ADOPTING AMENDED INTERIM FEDERAL RULE
OF BANKRUPTCY PROCEDURE 1020
AND INTERIM OFFICIAL BANKRUPTCY FORMS**

On June 21, 2022, Congress enacted and the President signed into law the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATC Act). The BTATC Act made several technical corrections to the Bankruptcy Code, necessitating interim changes to the Federal Rules of Bankruptcy Procedure and Official Forms. Among these changes is an amendment to Interim Federal Rule of Bankruptcy Procedure 1020 (Interim Rule 1020). A redline of amended Interim Rule 1020 is attached hereto. Conforming two-year technical changes to two bankruptcy forms (Official Forms 101 and 201) have also been made.

To maintain nation-wide continuity in the administration of bankruptcy cases,

IT IS HEREBY ORDERED that pursuant to 28 U.S.C. § 2071, Federal Rule of Civil Procedure 83, and Federal Rule of Bankruptcy Procedure 9029, amended Interim Rule 1020 and the related Official Forms are adopted in their entirety, without further revision by the undersigned, and are deemed effective as of the date of entry of this Order. The amendment to Interim Rule 1020 and related Official Bankruptcy Forms are made applicable only to cases and proceedings governed by the SBRA.

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IT IS FURTHER ORDERED that amended Interim Rule 1020 and related Official Forms will remain in effect until such time as they, or revised versions thereof, expire under the terms of the BTATC Act.

DATED: October 30, 2023.

/s/ Gary Spraker
GARY SPRAKER
United States Bankruptcy Judge

Serve: Janet Stafford, Clerk of Court
Anna Russell, Librarian

ATTACHMENT

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**
2 **Small Business Debtors or Debtors Under Subchapter V**

3 (a) ~~SMALL—BUSINESS—DEBTOR~~
4 DESIGNATION. In a voluntary chapter 11 case, the debtor
5 shall state in the petition whether the debtor is a small
6 business debtor or a debtor as defined in § 1182(1) of the
7 Code and, if the latter ~~so~~, whether the debtor elects to have
8 subchapter V of chapter 11 apply. In an involuntary chapter
9 11 case, the debtor shall file within 14 days after entry of the
10 order for relief a statement as to whether the debtor is a small
11 business debtor or a debtor as defined in § 1182(1) of the
12 Code and, if the latter ~~so~~, whether the debtor elects to have
13 subchapter V of chapter 11 apply. The status of the case as
14 a small business case or a case under subchapter V of chapter
15 11 shall be in accordance with the debtor's statement under
16 this subdivision, unless and until the court enters an order
17 finding that the debtor's statement is incorrect.

18 (b) OBJECTING TO DESIGNATION. The United
19 States trustee or a party in interest may file an objection to
20 the debtor's statement under subdivision (a) no later than 30
21 days after the conclusion of the meeting of creditors held
22 under § 341(a) of the Code, or within 30 days after any
23 amendment to the statement, whichever is later.

24 (c) PROCEDURE FOR OBJECTION OR
25 DETERMINATION. Any objection or request for a
26 determination under this rule shall be governed by Rule 9014
27 and served on: the debtor; the debtor’s attorney; the United
28 States trustee; the trustee; the creditors included on the list
29 filed under Rule 1007(d) or, if a committee has been
30 appointed under § 1102(a)(3), the committee or its
31 authorized agent; and any other entity as the court directs.

Committee Note

The Interim Rule is amended in response to the enactment of the Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, ___ Stat. _____. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.