

B-1002-1
Minimum Filing Requirements to Commence a Case

(a) The minimum filing requirements necessary to initiate a voluntary case under title 11 of the United States Code are set forth in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Official Forms. At the time of the adoption of these rules they require:

(1) The petition and, if the debtor has issued publicly-traded securities and is filing for relief under Chapter 11, Official Form 201A to the voluntary petition (11 U.S.C. § 301, Fed. R. Bankr. P. 1002 and Official Form 101/201);

(2) The appropriate filing fee, or, in an individual case, an application to either pay the filing fee in installments or, if the case is filed under Chapter 7, to waive that fee. (Fed. R. Bankr. P. 1006);

(3) Any miscellaneous fee applicable to the case (28 U.S.C. § 1930(b) and Bankruptcy Court Fee Schedule);

(4) A list of all creditors or a schedule of liabilities or a motion, together with a notice of the motion, directed to the United States trustee, for an extension of time to file the required list (Fed. R. Bankr. P. 1007(a)); and

(5) In cases under Chapter 9 and Chapter 11 a list of the creditors holding the twenty largest unsecured claims (Fed. R. Bankr. P. 1007(d)).

(b) The clerk may refuse to accept any case for filing which does not comply with the minimum filing requirements established by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Official Forms in effect at the time the case is presented for filing. If such a case is accepted for filing, it may be stricken by the court, *sua sponte*, without notice.

(c) A case that has been terminated pursuant to the provisions of this rule shall not constitute a case for the purpose of determining the creation, existence, or duration of the automatic stay as a result of any future petition that might be filed concerning the debtor, including § 362(c)(3), (c)(4), and (n).

Commentary (1994)

This rule is based upon the general orders the court has issued concerning the consequences of an insufficient filing, in order to make those consequences publicly known.

HISTORICAL AND REGULATORY NOTES

By Order Making Technical Amendments to Local Bankruptcy Rules dated November 25, 2015, this rule was amended to change the reference to "exhibit 'A'" to "Official Form 201A"; and to change the reference from "Official Form 1" to "Official Form 101/201."

By Order Making Technical Amendments to Local Bankruptcy Rules dated July 7, 2015, this rule was amended to delete the reference to Interim Bankruptcy Rule 1006(c).

Pursuant to Order Amending Local Bankruptcy Rules dated November 30, 2007, paragraph (c) was added to this rule.

Pursuant to Order Adopting Interim Bankruptcy Rules and Amending Local Bankruptcy Rules dated October 14, 2005, this rule was revised to better implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.