

B-4002-1
Debtor's Duties

(a) In addition to the other duties imposed upon a debtor by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure, the debtor under any chapter shall:

(1) Cooperate with the United States trustee by furnishing such information as the United States trustee may reasonably require in supervising the administration of the estate; and

(2) Immediately upon the entry of an order for relief, give written notice of the bankruptcy to any court or other tribunal where an action or other proceeding is being maintained against the debtor, whether or not the matter has proceeded to final judgment, and to all the parties involved in any such action or proceeding.

(b) The payment advices or other evidence of payment referred to in 11 U.S.C. § 521(a)(1)(B)(iv) need not be filed with the court.

Commentary (1994)

Paragraph (a) is based upon former Bankruptcy Rule X-1007(b). Although the obligation to cooperate with the UST is certainly implicit, the current version of the Bankruptcy Rules has not continued the explicit commandment of former rule X-1007(b).

Paragraph (b) [now paragraph (a)(2)] is based upon S.D.Ind.L.B.R. 4002(a). It is designed to minimize or eliminate any problems that might arise due to a delay between the actual filing of a petition for relief (with the resulting creation of the automatic stay) and ultimate notice to creditors of it. Consequently, despite the filing of the petition, when no one is told about it, employers continue to observe garnishment orders and sheriffs continue to sell property upon foreclosure, as previously ordered by the state court. Such a situation accomplishes nothing beyond breeding unnecessary litigation to undo something that could have been so easily avoided. Furthermore, given the safe harbor of §549(c) it may not be possible to undo some of these otherwise improper transactions.

Although the rule does not and cannot change the scope or impact of the automatic stay, it places the burden of informing other courts of it upon the debtor, since it is the debtor (or debtor's counsel), who will first become aware of its creation and is also most vitally interested in taking advantage of its protection.

HISTORICAL AND REGULATORY NOTES

By Order Amending Local Bankruptcy Rules dated December 16, 2009, this rule was amended effective January 1, 2010, to provide for substantive changes including renumbering of paragraphs and adding paragraph (b). General Order 2005-03 is vacated with the amendment of this rule.