

Notice for Subchapter V Debtors

Please note that portions of the OIRR do not apply to Chapter 11 debtors who have elected to proceed under subchapter V. Specifically –

- Subchapter V debtors are not required to pay quarterly fees under 28 U.S.C. § 1930(a)(6)(A). Therefore, Section 10 of the OIRR regarding quarterly fees does not apply to subchapter V debtors.
- Because subchapter V debtors are not required to pay quarterly fees, subchapter V debtors do not need to file post-confirmation quarterly reports of disbursements, pursuant to Interim Bankruptcy Rule 2015(a)(5). Therefore, Section 8H of the OIRR regarding the filing of post-confirmation quarterly reports does not apply to subchapter V debtors in districts that have adopted Interim Bankruptcy Rule 2015(a)(5).
- Unless the Bankruptcy Court orders otherwise for cause, subchapter V debtors are not required to file a disclosure statement, pursuant to 11 U.S.C. § 1181(b). Therefore, Section 2.A. of the OIRR regarding the bankruptcy code, does not include disclosure statements for subchapter V debtors, unless the Court orders them to file a disclosure statement.

However, subchapter V debtors are required to comply with deadlines not imposed in other chapter 11 cases. Specifically –

- The Bankruptcy Court will hold a status conference not later than 60 days after the case is filed “to further the expeditious and economical resolution” of the subchapter V case. 11 U.S.C. § 1188(a).
- Not later than 14 days before the status conference, “the debtor shall file with the court and serve on the trustee and all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.” 11 U.S.C. § 1188(c).
- The subchapter V debtor shall file a plan not later than 90 days after the petition date, except that the court may extend the period “if the need for the extension is attributable to circumstances for which the debtor should not justly be held accountable.” 11 U.S.C. § 1189(b).

The subchapter V debtor also has a duty to cooperate with the subchapter V trustee in the trustee’s performance of his/her statutory duties, under 11 U.S.C. § 521(a)(3).