ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

HONORABLE THOMAS F. HOGAN
Director

WASHINGTON, D.C. 20544

March 13, 2013

MEMORANDUM

To: Chief Judges, United States District Courts
Judges, United States Bankruptcy Courts
Clerks, United States Bankruptcy Courts
Bankruptcy Administrators

From: Judge Thomas F. Hogan

RE: AUTOMATIC ADJUSTMENT OF CERTAIN DOLLAR AMOUNTS IN THE BANKRUPTCY CODE AND OFFICIAL BANKRUPTCY FORMS **(INFORMATION)**

On April 1, 2013, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision in Title 28 of the United States Code will become effective. The amended dollar amounts will apply to cases filed on or after **April 1, 2013.**

In the Bankruptcy Reform Act of 1994, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and Pub. L. No. 110-406 (2008), Congress provided for the automatic adjustment of these dollar amounts at three-year intervals. The relevant provisions are codified in 11 U.S.C. § 104(a). The amended dollar amounts will affect, among other matters:

- the eligibility of a debtor to file under chapters 12 and 13 of the Bankruptcy Code
- certain maximum values of property that a debtor may claim as exempt
- the maximum amount of certain claims entitled to priority
- the calculation of the "means test" for chapter 7 debtors
- the duration of a chapter 13 plan
- the definition of a small business debtor
- the minimum aggregate value of claims needed to commence an involuntary bankruptcy
- the value of "luxury goods and services" deemed to be nondischargeable
- where the trustee may commence certain proceedings to recover a money judgment or property

The adjustments reflect the change in the *Consumer Price Index for All Urban Consumers* published by the United States Department of Labor for the three-year period ending December 31, 2012, and rounded to the nearest $25. Use of this formula to adjust specified dollar amounts in the Bankruptcy Code is prescribed by 11 U.S.C. § 104(a).

On February 21, 2013, the revised dollar amounts were published in volume 78, number 35, of the *Federal Register*, at page 12,089, as required under 11 U.S.C. § 104(c). The next three-year automatic adjustments of these dollar amounts will be published before March 1, 2016, and take effect April 1, 2016. Attached is a chart showing the affected sections of the Bankruptcy Code and Title 28 and both the current and the revised dollar amount in those sections.

Seven of the Official Bankruptcy Forms and two of the Director's Forms contain references to several of the affected dollar amounts.

- Official Form 1, Voluntary Petition
- Official Form 6C, Schedule of Property Claimed as Exempt
- Official Form 6E, Schedule of Creditors Holding Claims Entitled to Priority
- Official Form 7, Statement of Financial Affairs
- Official Form 10, Proof of Claim
- Official Form 22A, Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
- Official Form 22C, Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13)
- Director's Form 200, Required Lists, Schedules, Statements and Fees
- Director's Form 283, Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)

These forms will be amended April 1, 2013, and will apply to cases filed on or after that date. The revised forms incorporating the changes will be posted on the bankruptcy forms pending amendment page of the Judiciary's website at http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx.

Attachment

cc: Chief Judges, United States Courts of Appeals

Affected Sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount
28 U.S.C.		
1409(b) - a trustee may commence a proceeding arising in or related to a case to recover		
(1) - money judgment of or property worth less than	$1,175	$1,250
(2) - a consumer debt less than	$17,575	$18,675
(3) - a non consumer debt against a non insider less than	$11,725	$12,475
~~28 U.S.C.~~ 11 U.S.C.		
Section 101(3) - definition of assisted person	$175,750	$186,825
Section 101(18) - definition of family farmer	$3,792,650 (each time it appears)	$4,031,575 (each time it appears)
101(19A) - definition of family fisherman	$1,757,475 (each time it appears)	$1,868,200 (each time it appears)
101(51D) - definition of small business debtor	$2,343,300 (each time it appears)	$2,490,925 (each time it appears)
Section 109(e) - allowable debt limits for individual filing bankruptcy under chapter 13	$360,475 (each time it appears) $1,081,400 (each time it appears)	$383,175 (each time it appears) $1,149,525 (each time it appears)
Section 303(b) - minimum aggregate claims needed for the commencement of involuntary chapter 7 or chapter 11 bankruptcy		
(1) - in paragraph (1)	$14,425	$15,325
(2) - in paragraph (2)	$14,425	$15,325
Section 507(a) - priority expenses and claims		
(1) - in paragraph (4)	$11,725	$12,475
(2) - in paragraph (5)	$11,725	$12,475
(3) - in paragraph (6)	$5,775	$6,150
(4) - in paragraph (7)	$2,600	$2,775

Section 522(d) - value of property exemptions allowed to the debtor		
(1) - in paragraph (1)	$21,625	$22,975
(2) - in paragraph (2)	$3,450	$3,675
(3) - in paragraph (3)	$550 $11,525	$575 $12,250
(4) - in paragraph (4)	$1,450	$1,550
(5) - in paragraph (5)	$1,150 $10,825	$1,225 $11,500
(6) - in paragraph (6)	$2,175	$2,300
(7) - in paragraph (8)	$11,525	$12,250
(8) - in paragraph (11)(D)	$21,625	$22,975
522(f)(3) - exception to lien avoidance under certain state laws	$5,850	$6,225
522(f)(4)- items excluded from definition of household goods for lien avoidance purposes	$600 (each time it appears)	$650 (each time it appears)
522(n) - maximum aggregate value of assets in individual retirement accounts exempted	$1,171,650	$1,245,475
522(p) - qualified homestead exemption	$146,450	$155,675
522(q) - state homestead exemption	$146,450	$155,675
523(a)(2)(C) - exceptions to discharge		
in subclause (i)(I) - consumer debts, incurred ≤ 90 days before filing owed to a single creditor in the aggregate	$600	$650
in subclause (i)(II) - cash advances incurred ≤ 70 days before filing in the aggregate	$875	$925
541(b)- property of the estate exclusions		
(1) - in paragraph (5)(C) - education IRA funds in the aggregate	$5,850	$6,225
(2) - in paragraph (6)(C) - pre-purchased tuition credits in the aggregate	$5,850	$6,225

547(c)(9) - preferences, trustee may not avoid a transfer if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of property is less than	$5,850	$6,225
707(b) - dismissal of a case or conversion to a case under chapter 11 or 13 (means test)		
(1) - in paragraph (2)(A)(i)(I)	$7,025	$7,475
(2) - in paragraph (2)(A)(i)(II)	$11,725	$12,475
(3) - in paragraph (2)(A)(ii)(IV)	$1,775	$1,875
(4) - in paragraph (2)(B)(iv)(I)	$7,025	$7,475
(5) - in paragraph (2)(B)(iv)(II)	$11,725	$12,475
(6) - in paragraph (5)(B)	$1,175	$1,250
(7) - in paragraph 6(C)	$625	$675
(8) - in paragraph 7(A) (iii)	$625	$675
1322(d) - contents of chapter 13 plan, monthly income	$625 (each time it appears)	$675 (each time it appears)
1325(b) - chapter 13 confirmation of plan, disposable income	$625 (each time it appears)	$675 (each time it appears)
1326(b)(3) - payments to former chapter 7 trustee	$25	$25