

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

**ADMINISTRATIVE ORDER #146 ON ADOPTION OF AMENDED BANKRUPTCY
RULE 1020 TO REFLECT THE BANKRUPTCY THRESHOLD AND TECHNICAL
CORRECTIONS ACT (BTATCA) IMPLEMENTATION**

WHEREAS The Bankruptcy Threshold and Technical Corrections Act (BTATCA), Pub. L. 117-151 reinstates the total debt limit for determining eligibility of a debtor to proceed under subchapter V of chapter 11 to \$7,500,000 – the amount previously in effect under the CARES Act. Interim Rule 1020 was revised to implement the CARES Act debt limit from March 27, 2020 to March 27, 2022, when the relevant CARES Act provisions expired. The BTATCA restores the \$7,500,000 limit retroactively for cases commenced on or after March 27, 2020 through June 21, 2024 (two years after the date of enactment of the BTATCA), and Interim Rule 1020 is amended accordingly. The Advisory Committee on Bankruptcy Rules recommends that courts adopt Interim Rule 1020 as a local rule while the BTATCA subchapter V limit is in effect.

IT IS ORDERED that all Interim Rule 1020 with the BTATCA Amendments as reflected in the attached “Revised Interim Rule 1020” applies to cases filed from March 27, 2020 through June 20, 2022, and cases still pending as of June 21, 2022 as well as cases filed on or after June 21, 2022, until further order of the Court; and

IT IS FURTHER ORDERED, that this order supersedes Administrative Order #135 on the Adoption of Interim Bankruptcy Rule 1020 Related to the CARES Act Effective April 20, 2020.

IT IS SO ORDERED this 7 day of September, 2022.



JAMES P. SMITH

Chief Judge

United States Bankruptcy Court

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.