

AWHIFY PUBLISHING

- ADJUSTMENTS TO CERTAIN \$ AMOUNTS IN THE BANKRUPTCY CODE EFFECTIVE 4-1-22
- ERRATA SHEET WITH CORRECTIONS TO CODE §365(d) AND RULE 2016(b)

Affected sections of Title 28 U.S.C. and the bankruptcy code	Dollar amount to be adjusted	New (adjusted) dollar amount ¹
28 U.S.C.		
<p>Section 1409(b)—a trustee may commence a proceeding arising in or related to a case to recover:</p> <p style="padding-left: 40px;">(1)—money judgment of or property worth less than</p> <p style="padding-left: 40px;">(2)—a consumer debt less than</p> <p style="padding-left: 40px;">(3)—a non-consumer debt against a non-insider less than</p>	<p>\$1,375</p> <p>\$20,450</p> <p>\$25,000</p>	<p>\$1,525.</p> <p>\$22,700.</p> <p>\$27,750.</p>
11 U.S.C.		
<p>Section 101(3)—definition of assisted person</p> <p>Section 101(18)—definition of family farmer</p> <p>Section 101(19A)—definition of family fisherman</p> <p>Section 101(51D)—definition of small business debtor</p> <p>Section 109(e)—debt limits for individual filing bankruptcy under chapter 13</p> <p>Section 303(b)—minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition</p> <p>Section 507(a)—priority expenses and claims:</p> <p style="padding-left: 40px;">(1)—in paragraph (4)</p> <p style="padding-left: 40px;">(2)—in paragraph (5)(B)(i)</p> <p style="padding-left: 40px;">(3)—in paragraph (6)</p>	<p>\$204,425</p> <p>\$10,000,000 (each time it appears)</p> <p>\$2,044,225 (each time it appears)</p> <p>\$2,725,625 (each time it appears)</p> <p>\$419,275 (each time it appears)</p> <p>\$1,257,850 (each time it appears)</p> <p>\$16,750 (each time it appears)</p> <p>\$13,650</p> <p>\$13,650</p> <p>\$6,725</p>	<p>\$226,850.</p> <p>\$11,097,350 (each time it appears).</p> <p>\$2,268,550 (each time it appears).</p> <p>\$3,024,725 (each time it appears).</p> <p>\$465,275 (each time it appears).</p> <p>\$1,395,875 (each time it appears).</p> <p>\$18,600 (each time it appears).</p> <p>\$15,150.</p> <p>\$15,150.</p> <p>\$7,475.</p>

Affected sections of Title 28 U.S.C. and the bankruptcy code	Dollar amount to be adjusted	New (adjusted) dollar amount ¹
(4)—in paragraph (7)	\$3,025	\$3,350.
Section 522(d)—value of property exemptions allowed to the debtor:		
(1)—in paragraph (1)	\$25,150	\$27,900.
(2)—in paragraph (2)	\$4,000	\$4,450.
(3)—in paragraph (3)	\$625 \$13,400	\$700. \$14,875.
(4)—in paragraph (4)	\$1,700	\$1,875.
(5)—in paragraph (5)	\$1,325 \$12,575	\$1,475. \$13,950.
(6)—in paragraph (6)	\$2,525	\$2,800.
(7)—in paragraph (8)	\$13,400	\$14,875.
(8)—in paragraph (11)(D)	\$25,150	\$27,900.
Section 522(f)(3)—exception to lien avoidance under certain state laws	\$6,825	\$7,575.
Section 522(f)(4)—items excluded from definition of household goods for lien avoidance purposes	\$725 (each time it appears)	\$800 (each time it appears).
Section 522(n)—maximum aggregate value of assets in individual retirement accounts exempted	\$1,362,800	\$1,512,350.
Section 522(p)—state homestead exemption, limit for interest acquired 1215 days before filing	\$170,350	\$189,050.
Section 522(q)—state homestead exemption, limit under particular circumstances	\$170,350	\$189,050.
Section 523(a)(2)(C)—exceptions to discharge—presumption of nondischargeability:		
(1)—in paragraph (i)(I)—consumer debts for luxury goods or services incurred ≤90 days before filing owed to a single creditor in the aggregate	\$725	\$800.

Affected sections of Title 28 U.S.C. and the bankruptcy code	Dollar amount to be adjusted	New (adjusted) dollar amount ¹
(2)—in paragraph (i)(II)—certain cash advances obtained ≤70 days before filing, in the aggregate	\$1,000	\$1,100.
Section 541(b)—certain property of the estate exclusion limits	\$6,825 (each time it appears)	\$7,575 (each time it appears).
Section 547(c)(9)—minimum preference avoidance value in cases with primarily non-consumer debts	\$6,825	\$7,575.
Section 707(b)—dismissal of a chapter 7 case or conversion to chapter 11 or 13 (means test):		
(1)—in paragraph (2)(A)(i)(I)	\$8,175	\$9,075.
(2)—in paragraph (2)(A)(i)(II)	\$13,650	\$15,150.
(3)—in paragraph (2)(A)(ii)(IV)	\$2,050	\$2,275.
(4)—in paragraph (2)(B)(iv)(I)	\$8,175	\$9,075.
(5)—in paragraph (2)(B)(iv)(II)	\$13,650	\$15,150.
(6)—in paragraph (5)(B)	\$1,375	\$1,525.
(7)—in paragraph (6)(C)	\$750	\$825.
(8)—in paragraph (7)(A)(iii)	\$750	\$825.
Section 1322(d)—length of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears).
Section 1325(b)—confirmation of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears).
Section 1326(b)(3)—payments to former chapter 7 trustee	\$25	\$25.

¹ The New (Adjusted) Dollar Amounts reflect a 10.97347880254584 percent increase, rounded to the nearest \$25. These increases do NOT apply to cases commenced before the effective date of the adjustments.

ERRATA SHEET 2022 MINI•CODES AND MINI•RULES

A portion of the amendment to § 365(d) 11 U.S.C. was not included in the 2022 Mini•Codes. Section 365(d) was amended to read as follows

(3)(A) The trustee shall timely perform all the obligations of the debtor, except those specified in section 365(b)(2), arising from and after the order for relief under any unexpired lease of nonresidential real property, until such lease is assumed or rejected, notwithstanding section 503(b)(1) of this title. The court may extend, for cause, the time for performance of any such obligation that arises within 60 days after the date of the order for relief, but the time for performance shall not be extended beyond such 60-day period, except as provided in subparagraph (B). This subsection shall not be deemed to affect the trustee's obligations under the provisions of subsection (b) or (f) of this section. Acceptance of any such performance does not constitute waiver or relinquishment of the lessor's rights under such lease or under this title.

(B) In a case under subchapter V of chapter 11, the time for performance of an obligation described in subparagraph (A) arising under any unexpired lease of nonresidential real property may be extended by the court if the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic until the earlier of-

(i) the date that is 60 days after the date of the order for relief, which may be extended by the court for an additional period of 60 days if the court determines that the debtor is continuing to experience a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic; or

(ii) the date on which the lease is assumed or rejected under this section.

(C) An obligation described in subparagraph (A) for which an extension is granted under subparagraph (B) shall be treated as an administrative expense described in section 507(a)(2) for the purpose of section 1191(e).

(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of-

(i) the date that is 210 days after the date of the order for relief; or

(ii) the date of the entry of an order confirming a plan.

(B) (i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 210-day period, for 90 days on the motion of the trustee or lessor for cause.

(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.

Rule 2016(b) of the 2022 Mini•Rules should read as follows —

(b) Disclosure of Compensation Paid or Promised to Attorney for Debtor. Every attorney for a debtor, whether or not the attorney applies for compensation, shall file and transmit to the United States trustee within 14 days after the order for relief, or at another time as the court may direct, the statement required by § 329 of the Code including whether the attorney has shared or agreed to share the compensation with any other entity. The statement shall include the particulars of any such sharing or agreement to share by the attorney, but the details of any agreement for the sharing of the compensation with a member or regular associate of the attorney's law firm shall not be required. A supplemental statement shall be filed and transmitted to the United States trustee within ~~15~~ 14 days after any payment or agreement not previously disclosed.

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