

PREFERRED CREDITOR ADDRESSES

AMENDMENTS TO 11 U. S. C. § 342

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 includes provisions that amend 11 U. S. C. § 342 as follows:

1. Section 342 (e) provides that a creditor may file with the court and serve on the debtor a notice of the address that must thereafter be used to give notice to the creditor in that case. The court and debtor must use that address beginning five (5) days after they receive the creditor's notice.

2. Section 342 (f) permits a creditor to file a notice with any bankruptcy court setting out the address or addresses to which notices must be sent to the creditor by all bankruptcy courts or by particular bankruptcy courts. This address notice becomes effective thirty (30) days after it is filed with a court. The notice in a specific case under subsection (e) supercedes the more global address notice that might be filed under subsection (f).

MODIFICATIONS TO FEDERAL RULES 2002 (G)(4) AND 9001 (9) EFFECTIVE DECEMBER 1, 2005

A pending modification to Federal Rule of Bankruptcy Procedure 2002 (g), scheduled to become effective December 1, 2005, adds the following provision:

(4) Notwithstanding Rule 2002 (g)(1)-(3), an entity and a notice provider may agree that when the notice provider is directed by the court to give a notice, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

Bankruptcy Rule 9001(9) will be amended to define a "Notice Provider" as any entity approved by the Administrative Office to give notice to creditors under Rule 2002(g)(4).

BANKRUPTCY NOTICING CENTER AND NATIONAL CREDITOR REGISTRATION SERVICE

The Bankruptcy Noticing Center (BNC) will support preferred creditor address requirements that go into effect under 11 U. S. C. § 3432 (e) and (f) through an expansion of the BNC National Creditor Registration Service (NCRS). The new provisions of Federal Rule of Bankruptcy Procedure 2002 (g) that will go into effect on December 1, 2005, will be supported through the NCRS process as well. The expanded NCRS program will handle

most aspects of the new statutory and federal rule noticing requirements. Through the expanded service, the BNC will be able to redirect notices to a creditor's preferred U. S. mailing address.

BNC NATIONAL CREDITOR REGISTRATION WEBSITE

Forms and instructions to be used by creditors to file address notifications will be available on the BNC National Creditor Registration website at <https://ncrs.uscourts.gov/> by October 17, 2005.

Creditors with questions about the new service may call the NCRS support line toll-free at (877) 837-3424.