

Rule 3002-1

DEADLINE FOR FILING PROOFS OF CLAIM IN REINSTATED CASES; LATE-FILED PROOFS OF CLAIM

(a) ***Deadline for Filing Proofs of Claim in Reinstated Cases.*** If a case is dismissed before the deadline for filing proofs of claim under Fed. R. Bankr. P. 3002(c) has expired and the case is thereafter reinstated, a proof of claim is timely filed if it is filed not later than 70 days after the date of entry of the order vacating the dismissal and reinstating the case.

(b) ***Tardily Filed Proofs of Claim in Chapter 7 Cases.*** A creditor in a Chapter 7 case that failed to file a claim before the deadline under Fed. R. Bankr. P. 3002(c) may tardily file a proof of claim without first obtaining leave of Court. However, under 11 U.S.C. § 726(a)(3), tardily filed claims receive a distribution only if all claims that were timely filed under 11 U.S.C. § 726(a)(2) are paid in full. A creditor that did not have notice or actual knowledge of the case in time for timely filing of a claim before the deadline may file a motion seeking relief under 11 U.S.C. § 726(a)(2)(C) to have the claim deemed timely filed.

Notes of Advisory Committee

2020 Amendment

This amendment revises section (b) of the rule to distinguish between “tardily filed” claims that, under 11 U.S.C. § 726(a)(3), receive distribution only after all timely filed claims are paid in full, and tardily filed claims that receive distributions with timely filed claims if the holder of the claim did not have notice or actual knowledge in time for timely filing of a proof of claim under 11 U.S.C. § 726(a)(2)(C). This amended rule is effective August 1, 2020.