

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**PUBLIC NOTICE**

**AUTOMATIC ADJUSTMENT OF CERTAIN DOLLAR AMOUNTS IN THE  
BANKRUPTCY CODE, TITLE 28, UNITED STATES CODE, AND OFFICIAL AND  
DIRECTOR'S BANKRUPTCY FORMS**

**Effective April 1, 2016**

On April 1, 2016, 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, 2016.

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;
- the definition of a small business owner;
- 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 minimum value for trustee avoidance actions; and
- 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, 2015, 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 22, 2016, the revised dollar amounts were published in volume 81, number 34, of the *Federal Register*, at page 8,748-49, as required by 11 U.S.C. § 104(b). On March 14, 2016, a correction to include a previously omitted adjusted dollar amount was published in volume 81, number 49, of the federal register, at page 13421. The next three-year automatic adjustments of these dollar amounts will be published before March 1, 2019, and take effect April 1, 2019. 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, as follows:

- Official Form 106C, Schedule C: The Property You Claim as Exempt;
- Official Form 107, Statement of Financial Affairs for Individuals Filing for Bankruptcy;
- Official Form 122A-2, Chapter 7 Means Test Calculation;
- Official Form 122C-2, Chapter 13 calculation of Your Disposable Income;
- Official Form 201, Voluntary Petition for Non-Individuals Filing for Bankruptcy;
- Official Form 207, Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy;
- Official Form 410, Proof of Claim;
- Director's Form 2000, Required Lists, Schedules, Statements and Fees; and
- Director's Form 2830, Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q).

The revised forms will be effective on April 1, 2016, and will apply to cases filed on or after that date. Prior to the April 1, 2016, effective date, the revised forms incorporating the dollar amount changes will be available on the pending bankruptcy forms page at <http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>. Once effective, the revised forms will be available on the bankruptcy forms page at <http://www.uscourts.gov/forms/bankruptcy-forms>.

William C. Redden  
Clerk of Court

Date: March 25, 2016

Attachment

**ATTACHMENT**  
Effective April 1, 2016

Affected Sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount <sup>1</sup>
<b>28 U.S.C.</b>		
Section 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	\$1,250	\$1,300
(2) - a consumer debt less than	\$18,675	\$19,250
(3) - a non consumer debt against a non insider less than	\$12,475	\$12,850
<b>11 U.S.C.</b>		
Section 101(3) - definition of assisted person	\$186,825	\$192,450
Section 101(18) - definition of family farmer	\$4,031,575 (each time it appears)	\$4,153,150 (each time it appears)
Section 101(19A) - definition of family fisherman	\$1,868,200 (each time it appears)	\$1,924,550 (each time it appears)
Section 101(51D) - definition of small business debtor	\$2,490,925 (each time it appears)	\$2,566,050 (each time it appears)
Section 109(e) - debt limits for individual filing bankruptcy under chapter 13	\$383,175 (each time it appears)	\$394,725 (each time it appears)
	\$1,149,525 (each time it appears)	\$1,184,200 (each time it appears)
Section 303(b) - minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition		
(1) - in paragraph (1)	\$15,325	\$15,775
(2) - in paragraph (2)	\$15,325	\$15,775
Section 507(a) - priority expenses and claims		
(1) - in paragraph (4)	\$12,475	\$12,850
(2) - in paragraph (5)(B)(i)	\$12,475	\$12,850
(3) - in paragraph (6)(B)	\$6,150	\$6,325
(4) - in paragraph (7)	\$2,775	\$2,850

<sup>1</sup> The New (Adjusted) Dollar Amounts reflect a 3.016 percent increase, rounded to the nearest \$25.

<b>Section 522(d) - value of property exemptions allowed to the debtor</b>		
(1) - in paragraph (1)	\$22,975	\$23,675
(2) - in paragraph (2)	\$3,675	\$3,775
(3) - in paragraph (3)	\$575 \$12,250	\$600 \$12,625
(4) - in paragraph (4)	\$1,550	\$1,600
(5) - in paragraph (5)	\$1,225 \$11,500	\$1,250 \$11,850
(6) - in paragraph (6)	\$2,300	\$2,375
(7) - in paragraph (8)	\$12,250	\$12,625
(8) - in paragraph (11)(D)	\$22,975	\$23,675
<b>Section 522(f)(3) - exception to lien avoidance under certain state laws</b>	\$6,225	\$6,425
<b>Section 522(f)(4) - items excluded from definition of household goods for lien avoidance purposes</b>	\$650 (each time it appears)	\$675 (each time it appears)
<b>Section 522(n) - maximum aggregate value of assets in individual retirement accounts exempted</b>	\$1,245,475	\$1,283,025
<b>Section 522(p) - qualified homestead exemption</b>	\$155,675	\$160,375
<b>Section 522(q) - state homestead exemption</b>	\$155,675	\$160,375
<b>Section 523(a)(2)(C) - exceptions to discharge</b>		
(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	\$650	\$675
(2) - in paragraph (i)(II) - cash advances incurred < 70 days before filing in the aggregate	\$925	\$950

<b>Section 541(b) - property of the estate exclusions</b>		
(1) - in paragraph (5)(C) - education IRA funds in the aggregate	\$6,225	\$6,425
(2) - in paragraph (6)(C) - pre-purchased tuition credits in the aggregate	\$6,225	\$6,425
(3) - in paragraph (10)(C) - qualified ABLE program funds in the aggregate	\$6,225	\$6,425
<b>Section 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</b>	\$6,225	\$6,425
<b>Section 707(b) - dismissal of a chapter 7 case or conversion to chapter 11 or 13 (means test)</b>		
(1) - in paragraph (2)(A)(i)(I)	\$7,475	\$7,700
(2) - in paragraph (2)(A)(i)(II)	\$12,475	\$12,850
(3) - in paragraph (2)(A)(ii)(IV)	\$1,875	\$1,925
(4) - in paragraph (2)(B)(iv)(I)	\$7,475	\$7,700
(5) - in paragraph (2)(B)(iv)(II)	\$12,475	\$12,850
(6) - in paragraph (5)(B)	\$1,250	\$1,300
(7) - in paragraph (6)(C)	\$675	\$700
(8) - in paragraph (7)(A)(iii)	\$675	\$700
<b>Section 1322(d) - contents of chapter 13 plan, monthly income</b>	\$675 (each time it appears)	\$700 (each time it appears)
<b>Section 1325(b) - chapter 13 confirmation of plan, disposable income</b>	\$675 (each time it appears)	\$700 (each time it appears)
<b>Section 1326(b)(3) - payments to former chapter 7 trustee</b>	\$25	\$25