

**INSTRUCTIONS AND PROCEDURAL GUIDANCE
FOR CHAPTER 11 CONFIRMATION AND
REQUIREMENTS UNDER SECTION 1129(a)**

(1) In order to enable the court to adequately and efficiently rule on whether or not to confirm a chapter 11 plan, the following procedural steps must be followed by the proponent of a plan:

(a) The following items are required by the court at least seven (7) days prior to the confirmation hearing:

- (1) a statement regarding compliance with the requirements of §1129(a); and
- (2) a list of the outstanding pre-petition tax claims, other priority claims and expenses of administration.

(b) The following items are required by the court at least two (2) days prior to the confirmation hearing:

- (1) a list of acceptances and rejections; and
- (2) a computation of acceptances and rejections.

[Note: If a case has more than 100 potential voting parties, contact the clerk of the bankruptcy court regarding the time for filing items (b) (1) and (b) (2) above]

(2) The following explanatory directions and exhibits are intended as guidance towards compliance with the aforementioned procedure:

(a) Statement of Requirements of §1129(a)

This document must state how the proponent of the plan will show during the confirmation hearing that the plan complies with each of the requirements of §1129. All calculations and projections must be a part of this statement.

(b) Declaration of Outstanding Pre-Petition Unsecured Tax Claims, Outstanding Involuntary Gap Expenses, Other Priority Claims, and Expenses of Administration

A sample format is shown in Exhibit 1. Counsel for the proponent of the plan, should contact the various creditors shown on the list for accurate figures concerning expenses, fees, commissions etc., before filing the list. An amended declaration must be filed at the confirmation hearing if any amendment occurs during the week prior to the hearing.

(c) List of Acceptances and Rejections

The list of acceptances and rejections must show the total dollar amount and total number of acceptances and rejections for each class and only those creditors or interest holders filing an acceptance or rejection are to be shown on the list. A sample format is shown in Exhibit 2.

All acceptances and rejections filed with the court are recorded and docketed, but the only votes which will be counted are those by creditors and interest holders of impaired classes. Acceptances and rejections received by attorneys should be marked with the class number or claim number and should be filed with the court as soon as possible. They should never be returned to the creditor or interest holder because of alleged defects.

(d) Computation of Acceptances and Rejections

The computation of acceptances and rejections must accompany the list of acceptances and rejections. The format is shown at Exhibit 3. If the box marked “unimpaired” is checked, there is no need to complete the balance of the form for the particular class of creditors.