

2019 LEGISLATION AFFECTING BANKRUPTCY PRACTICE

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Appendix D – Side-by-Side Comparison of Terms of Section 1202 and Section 1183

11 U.S.C. § 1202 § 1202. Trustee	11 U.S.C. § 1183 (eff. Feb. 19, 2020) § 1183. Trustee
<p>(a) If the United States trustee has appointed an individual under section 586(b) of title 28 to serve as standing trustee in cases under this chapter and if such individual qualifies as a trustee under section 322 of this title, then such individual shall serve as trustee in any case filed under this chapter. Otherwise, the United States trustee shall appoint one disinterested person to serve as trustee in the case or the United States trustee may serve as trustee in the case if necessary.</p> <p>(b) The trustee shall--</p> <p>(1) perform the duties specified in sections 704(a)(2), 704(a)(3), 704(a)(5), 704(a)(6), 704(a)(7), and 704(a)(9) of this title;</p> <p>(2) perform the duties specified in section 1106(a)(3) and 1106(a)(4) of this title if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;</p> <p>(3) appear and be heard at any hearing that concerns--</p> <p>(A) the value of property subject to a lien;</p> <p>(B) confirmation of a plan;</p> <p>(C) modification of the plan after confirmation; or</p> <p>(D) the sale of property of the estate;</p> <p>(4) ensure that the debtor commences making timely payments required by a confirmed plan;</p>	<p>(a) IN GENERAL.—If the United States trustee has appointed an individual under section 586(b) of title 28 to serve as standing trustee in cases under this subchapter, and if such individual qualifies as a trustee under section 322 of this title, then that individual shall serve as trustee in any case under this subchapter. Otherwise, the United States trustee shall appoint one disinterested person to serve as trustee in the case or the United States trustee may serve as trustee in the case, as necessary.</p> <p>(b) DUTIES.—The trustee shall—</p> <p>(1) perform the duties specified in paragraphs (2), (5), (6), (7), and (9) of section 704(a) of this title;</p> <p>(2) perform the duties specified in paragraphs (3), (4), and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;</p> <p>(3) appear and be heard at the status conference under section 1188 of this title and any hearing that concerns—</p> <p>(A) the value of property subject to a lien;</p> <p>(B) confirmation of a plan filed under this subchapter;</p> <p>(C) modification of the plan after confirmation; or</p> <p>(D) the sale of property of the estate;</p> <p>(4) ensure that the debtor commences making timely payments required by a plan confirmed under this subchapter;</p>

11 U.S.C. § 1202 § 1202. Trustee	11 U.S.C. § 1183 (eff. Feb. 19, 2020) § 1183. Trustee
<p>(5) if the debtor ceases to be a debtor in possession, perform the duties specified in sections 704(a)(8), 1106(a)(1), 1106(a)(2), 1106(a)(6), 1106(a)(7), and 1203; and</p> <p>(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).</p>	<p>(5) if the debtor ceases to be a debtor in possession, perform the duties specified in section 704(a)(8) and paragraphs (1), (2), and (6) of section 1106(a) of this title, including operating the business of the debtor;</p> <p>(6) if there is a claim for a domestic support obligation with respect to the debtor, perform the duties specified in section 704(c) of this title; and</p> <p>(7) facilitate the development of a consensual plan of reorganization.</p>