

SUPREME COURT REPORTER



Volume 104

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Covering

VOLUMES 463-466 U. S. REPORTS

*Cases Argued and Determined
in the*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

ST. PAUL, MINN.

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1987

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JUSTICES

OCTOBER TERM, 1983

CHIEF JUSTICE

HON. WARREN E. BURGER

ASSOCIATE JUSTICES

HON. WILLIAM J. BRENNAN, Jr.

HON. BYRON R. WHITE

HON. THURGOOD MARSHALL

HON. HARRY A. BLACKMUN

HON. LEWIS F. POWELL, Jr.

HON. WILLIAM H. REHNQUIST

HON. JOHN PAUL STEVENS

HON. SANDRA DAY O'CONNOR

ATTORNEY GENERAL

HON. WILLIAM FRENCH SMITH

SOLICITOR GENERAL

HON. REX E. LEE

CLERK

ALEXANDER L. STEVAS

REPORTER OF DECISIONS

HENRY C. LIND

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*

ALLOTMENT OF THE JUSTICES

DISTRICT OF COLUMBIA CIRCUIT

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

FIRST CIRCUIT.

Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico.

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;
took office October 16, 1956.

SECOND CIRCUIT.

Connecticut, New York, and Vermont.

JUSTICE THURGOOD MARSHALL, of New York.

Appointed by President Johnson August 30, 1967;
took office October 2, 1967.

THIRD CIRCUIT.

Delaware, New Jersey, Pennsylvania, and Virgin Islands.

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;
took office October 16, 1956.

FOURTH CIRCUIT.

Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

FIFTH CIRCUIT.

Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and Canal Zone.

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy April 12, 1962;
took office April 16, 1962.

ALLOTMENT OF THE JUSTICES

SIXTH CIRCUIT.

Kentucky, Michigan, Ohio, and Tennessee.

JUSTICE SANDRA DAY O'CONNOR, of Arizona.

Appointed by President Reagan September 22, 1981;
took office September 25, 1981.

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE JOHN PAUL STEVENS, of Illinois.

Appointed by President Ford, December 17, 1975;
took office December 19, 1975.

EIGHTH CIRCUIT.

*Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota,
and South Dakota.*

JUSTICE HARRY A. BLACKMUN, of Minnesota.

Appointed by President Nixon May 14, 1970;
took office June 9, 1970.

NINTH CIRCUIT.

*Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada,
Oregon, and Washington.*

JUSTICE WILLIAM H. REHNQUIST, of Arizona.

Appointed by President Nixon December 15, 1971;
took office January 7, 1972.

TENTH CIRCUIT.

Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy April 12, 1962;
took office April 16, 1962.

ELEVENTH CIRCUIT.

Alabama, Georgia, and Florida.

JUSTICE LEWIS F. POWELL, Jr., of Virginia.

Appointed by President Nixon December 9, 1971;
took office January 7, 1972.

FEDERAL CIRCUIT.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

ALLOTMENT OF THE JUSTICES

TEMPORARY EMERGENCY COURT OF APPEALS.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

*

COURT RULES

AMENDMENT OF BANKRUPTCY RULE 2002(f)

**PUBLIC LAW 98-91 [H.R. 3549] [97 Stat. 607];
August 30, 1983**

AN ACT To amend the Bankruptcy Rules with respect to providing notice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rule 2002(f) of the Bankruptcy Rules, as proposed by the United States Supreme Court in the order of April 25, 1983, of the Court, shall take effect on August 1, 1983, except as otherwise provided in section 2.

SEC. 2. (a) Rule 2002(f) of the Bankruptcy Rules, as proposed by the United States Supreme Court in the order of April 25, 1983, of the Court, is amended by inserting “, or some other person as the Court may direct,” after “clerk”.

(b) The amendment made by subsection (a) shall take effect on August 1, 1983.

COURT RULES

BANKRUPTCY RULES AND OFFICIAL FORMS

(Effective to cases filed 90 days after
the date of enactment)

The Bankruptcy Amendments and Federal Judgeship Act of 1984, P.L. 98-353 [H.R. 5174] July 10, 1984, 98 Stat. 333, amended the Bankruptcy Rules and Official Forms as follows:

SEC. 321. Rule 2002 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(n) In a voluntary case commenced under the Code by an individual debtor whose debts are primarily consumer debts, the clerk, or some other person as the court may direct, shall give the trustee and all creditors notice by mail of the order for relief not more than 20 days after the entry of such order."

SEC. 354. Rule 3001 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(g) To the extent not inconsistent with the United States Warehouse Act or applicable State law, a warehouse receipt, scale ticket, or similar document of the type routinely issued as evidence of title by a grain storage facility, as defined in section 557 of title 11, shall constitute prima facie evidence of the validity and amount of a claim of ownership of a quantity of grain."

SEC. 322. Official Bankruptcy Form No. 1, referred to in Rule 1002 of the Bankruptcy Rules, is amended—

(1) by inserting after paragraph (5) the following:

"(6) [If petitioner is an individual whose debts are primarily consumer debts.] Petitioner is aware that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, understands the relief available under each such chapter, and chooses to proceed under chapter 7 of such title.

"(7) [If petitioner is an individual whose debts are primarily consumer debts and such petitioner is represented by an attorney.] A declaration or an affidavit in the form of Exhibit 'B' is attached to and made a part of this petition." and

(2) by inserting after Exhibit "A" at the end thereof the following new exhibit:

Amendments to rules and new rules of appellate courts when timely furnished are published in the National Reporter System to provide notice to the bench and bar. Since not all new rules or amendments are supplied for publication the National Reporter System is not a complete rules service. The clerk of the court should be consulted for current rule information.

COURT RULES

"Exhibit 'B'

"[If petitioner is an individual whose debts are primarily consumer debts, this Exhibit 'B' shall be completed and attached to the petition pursuant to paragraph (7) thereof.]

"[*Caption as in Form No. 1*]

"FOR COURT USE ONLY

"Date Petition Filed

"Case Number

"Bankruptcy Judge

"I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

"Executed on _____

"Signature _____
Attorney for Petitioner".