

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

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MEMORANDUM

**TO: Honorable Jeffrey S. Sutton, Chair
Standing Committee on Rules of Practice and Procedure**

**FROM: Honorable Eugene R. Wedoff, Chair
Advisory Committee on Bankruptcy Rules**

DATE: December 5, 2012

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on September 20 and 21, 2012, in Portland, Oregon. The draft minutes of that meeting accompany this report.

At this meeting the Advisory Committee discussed a number of suggestions for rule amendments and new forms that had been submitted by bankruptcy judges, members of the bar, and court personnel. It also continued its discussion of several ongoing projects.

The Advisory Committee has no action items to report at this time. Rather, this report is intended to provide the Standing Committee with information about four matters that may result in rule or form amendments that the Advisory Committee will bring to the June meeting for approval for publication.

Part II of the report presents for the Standing Committee's preliminary consideration revised bankruptcy forms for individual debtor cases. These proposed forms are the products of the Forms Modernization Project. The first group of modernized individual forms was published in August, and the Committee will be reviewing any comments addressing them. The forms included in this report are the remaining revised individual forms. They have not yet been

approved by the Advisory Committee because it wants to take into account any comments received on the published individual forms before acting on the remaining ones. The Advisory Committee anticipates, however, that it will bring these forms to the Standing Committee at the June meeting with a recommendation that they be published for comment in August 2013.

Part III discusses a mini-conference that the Advisory Committee held in Portland on September 19, the day before its regular meeting. The focus of the mini-conference was on the home mortgage forms and related rules that went into effect on December 1, 2011. The invited participants provided feedback to the Committee about how the new reporting requirements are being implemented and whether there is a need for any revision of the forms or rules.

Part IV reports on the progress of the Committee's development of an official form for chapter 13 plans and its consideration of related rule amendments. The Committee hopes to be in a position to seek the Standing Committee's approval in June of the publication of the proposed form and rule amendments.

Finally, Part V of this report discusses the Committee's consideration of whether to propose a bankruptcy rule that would allow bankruptcy filings with the electronic signature of an individual who is not a registered user of the CM/ECF system without requiring the individual's attorney or the court to retain an original document bearing the individual's handwritten signature.

II. Restyled Forms

The Bankruptcy Forms Modernization Project ("FMP") began its work in 2008. The project is being carried out by an ad hoc group composed of members of the Advisory Committee's Subcommittee on Forms, working with representatives of other relevant Judicial Conference committees, the Federal Judicial Center, and the Administrative Office of the U.S. Courts.

The dual goals of the FMP are to improve the official bankruptcy forms and to improve the interface between the forms and available technology. The judiciary is in the process of developing "the next generation" of CM/ECF ("Next Gen"), and the modernized forms are being designed to use the enhanced technology that will become available through Next Gen. From a forms perspective, a major change in Next Gen will be the ability to store as data all information reported on forms so that authorized users can produce customized reports from the forms containing the information they want, displayed in whatever format they choose.

The Advisory Committee approved the FMP's decision to create a separate set of forms for use in cases involving individual debtors. Separating those forms from the forms used by non-individual debtors, such as corporations and partnerships, allows for the elimination of irrelevant questions on both sets of forms and for the incorporation of a more user-friendly style in the individual forms.

In August 2012 the Standing Committee published for public comment the first group of restyled individual forms:

- application forms for the payment of fees in installments and for fee waivers (currently Official Forms 3A and 3B);
- income and expenses forms (currently Official Forms 6I and 6J); and
- means test forms (currently Official Forms 22A, 22B, and 22C).

To date, only one comment has been received on the published forms. It was submitted by a consumer bankruptcy attorney in Pennsylvania and was supportive of the proposed forms. The Advisory Committee, however, expects to receive more comments before the February deadline, and it will review those comments before deciding whether to seek approval for publication of the remaining individual forms. Because of the likelihood, however, that the Committee will bring the balance of the individual forms to the Standing Committee in June with a request that they be approved for publication, the Advisory Committee will present them for preliminary review at this meeting.

Drafts of the eighteen revised individual forms currently under consideration are attached to this report. The accompanying Committee Note for each form discusses the most significant differences between the proposed form and the one it would replace. In order to generate more complete and accurate responses, all of the proposed forms adopt a style and format that is easier to read and understand than the existing forms. This restyling is based on the recognition that there is a need for the forms submitted by individuals to be less technical, both because individuals are generally less sophisticated than other entities and because individuals may not have the assistance of counsel. Accordingly, the proposed forms for individual debtors use language more common in ordinary conversation, employ more intuitive layouts, and include clearer instructions and examples within the forms. Many open-ended and multiple-part questions have been replaced with specific questions.

The forms presented with this report are the following:

- Official Form 101—Voluntary Petition for Individuals Filing for Bankruptcy
- Official Form 101AB—Your Statement About an Eviction Judgment Against You – Parts A and B
- Official Form 104—List in Individual Chapter 11 Cases of Creditors Who Have the 20 Largest Unsecured Claims Against You Who are not Insiders
- Official Form 106 – Summary—A Summary of Your Assets and Liabilities and Certain Statistical Information
- Official Form 106A—Schedule A: Property
- Official Form 106B—Schedule B: Creditors Who Hold Claims Secured by Property
- Official Form 106C—Schedule C: Creditors Who Have Unsecured Claims
- Official Form 106D—Schedule D: The Property You Claim as Exempt

- Official Form 106E—Schedule E: Executory Contracts and Unexpired Leases
- Official Form 106F—Schedule F: Your Codebtors
- Official Form 106 – Declaration—Declaration About an Individual Debtor’s Schedules
- Official Form 107—Your Statement of Financial Affairs for Individuals Filing for Bankruptcy
- Official Form 112—Statement of Intention for Individuals Filing Under Chapter 7
- Official Form 119—Bankruptcy Petition Preparer’s Notice, Declaration and Signature
- Official Form 121—Your Statement About Your Social Security Numbers
- Official Form 318—Discharge of Debtor in a Chapter 7 Case
- Official Form 423—Certification About a Financial Management Course
- Official Form 427—Cover Sheet for Reaffirmation Agreement

As the above list of forms reflects, the FMP has developed a new numbering system that organizes the bankruptcy forms in a logical way and retains a relationship to current form numbering. The basic protocol of the new numbering system is as follows:

- 1xx – Forms for Individuals Filing for Bankruptcy (used early in the case)
- 2xx – Forms for Non-individual Filing for Bankruptcy (used early in the case)
- 3xx – Orders and Court Notices
- 4xx – Additional Official Forms (used later in the case)
- xxxx – Director's Forms

To the extent possible, forms incorporate their current numbers. The following is an example of how the new numbering system relates to the current numbering:

Current Voluntary Petition	Official Form 1
Modernized Individual Voluntary Petition	Official Form 101
Modernized Non-individual Voluntary Petition	Official Form 201

The logic of this numbering system, which is intuitive and easy to explain, is intended to ease the transition to the modernized forms for those who are accustomed to the numbering and organization of the current Official Bankruptcy Forms. A working draft of the conversion table is included in the attachment to this report.

An instruction booklet that would accompany the revised individual forms is also included in the attachment. It contains information about the process of filing for bankruptcy, checklists of forms that must be filed with the petition or within fourteen days thereafter, and the pre-filing notice that § 342(b) of the Bankruptcy Code requires the bankruptcy clerk to give to individuals with primarily consumer debts. The booklet then provides detailed instructions for completing selected forms and a glossary of terms used in the forms.

Setting out detailed instructions in a separate document reduces the need for lengthy instructions in the forms themselves. The Advisory Committee does not anticipate requesting

that the instruction booklet be approved as an Official Form, but the instruction booklet is included with the proposed forms now to illustrate the manner in which the new forms will be presented to debtors.

III. Home Mortgage Forms and Rules

On December 1, 2011, amendments to Rule 3001(c), new Rule 3002.1, and new Official Forms 10A, 10S1, and 10S2 went into effect. These rules and forms were promulgated to ensure that debtors and trustees are fully informed of the basis for home mortgage claims and of the amounts that must be paid to cure any arrearages and to make payments in the proper amount on home mortgages during chapter 13 cases. They require a home mortgage creditor to provide more detailed information in support of its proof of claim and, during the course of a chapter 13 case, to give notice of any changes in the ongoing payment amount and of the assessment of any fees, expenses, and charges. Rule 3002.1 also provides a procedure for obtaining information about the status of a home mortgage at the conclusion of a chapter 13 case.

The Advisory Committee held a mini-conference on September 19, 2012, to explore the effectiveness of the new rules and forms and to consider whether any adjustments to the requirements might be advisable. The Committee invited fifteen participants, consisting of attorneys for consumer debtors and for mortgage servicers, chapter 13 trustees, bankruptcy judges, and a bankruptcy clerk. The participants were asked to discuss a set of issues that the Committee identified in advance of the conference, including the following:

- *Balancing amount and cost of disclosure.* Do the rules and forms strike the optimal balance between disclosure of useful information and the cost of producing the information?
- *Best procedures.* Can there be improvements in the procedures for disclosing the required information and for resolving any disputes about amounts claimed by creditors, arising both before and after the bankruptcy filing?
- *Technical and administrative issues.* Have any administrative or technical problems been encountered in completing or filing the forms?
- *Possible ambiguities.* Are there ambiguous provisions of the rules or forms that need to be amended by the Rules Committee rather than left to judicial interpretation?

The mini-conference revealed general acceptance of the disclosure requirements. Participants expressed a desire, however, to eliminate ambiguities in the rules and forms and to make some adjustments to facilitate compliance and to require the provision of additional information. Some participants agreed to continue discussions with each other after the mini-conference in order to arrive at consensus recommendations for the Committee. They were

invited to submit supplemental information, and the Committee has received several such submissions.

The Committee's Consumer Issues and Forms Subcommittees are considering the feedback that was provided at the mini-conference and are evaluating whether any amendments to the home mortgage rules or forms need to be pursued now. A number of the issues discussed at the conference are likely to be resolved over time as courts and affected parties become more familiar with the new requirements. Others, however, may merit the Committee's consideration. The subcommittees are actively considering the suggestion that a detailed loan payment history be attached to a home mortgage proof of claim in a format that can be automated. They are also considering whether there is a need to amend Rule 9009 (Forms) in response to the desire expressed at the mini-conference to eliminate local variations in the disclosure requirements. The Advisory Committee will take up at its spring meeting any recommendations from the subcommittees.

IV. Chapter 13 Form Plan and Related Rule Amendments

As previously reported, an ad hoc group of the Advisory Committee has been working on drafting an official form for chapter 13 plans. The creation of such a form was the subject of suggestions that a bankruptcy judge and an association of state attorneys general submitted to the Committee. A survey of chief bankruptcy judges revealed strong support for a national form plan.

One benefit of an official form plan would be to make more uniform the procedures for plan confirmation in chapter 13 cases, which now vary substantially among the districts. Many districts require the use of local model plans containing distinctive features. These differences impose substantial costs on creditors with regional or national businesses and on software vendors, whose products must accommodate all of the local variations. Also, a national form could require that any variances from its standard provisions be located in a specific, highlighted section of the plan, allowing for easier review by the court, trustees, and creditors. This would assist courts' compliance with the Supreme Court's direction in *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (2010), that bankruptcy judges independently review chapter 13 plans for conformity with applicable law.

The working group presented a draft of the form plan for preliminary review at the Committee's fall meeting. The group also proposed amendments to Rules 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009, designed to require use of the national form and provide authority needed to implement some of the plan's provisions. The Committee discussed the proposed form and rule amendments in Portland and accepted the working group's suggestion that the drafts be shared with a cross-section of interested parties to obtain their feedback on the proposals.

In order to obtain this feedback, the Committee will hold a mini-conference on the draft plan and proposed rule amendments on January 18 in Chicago. Invited participants include chapter 13 trustees, consumer debtors' attorneys, attorneys for a variety of creditor interests, a representative of the Executive Office for U.S. Trustees, bankruptcy judges, and a bankruptcy clerk. They have been divided into panels and asked to address specific topics relating to the plan or rule amendments.

Assuming that there is a generally favorable response to the proposals at the mini-conference, the working group will make revisions to the plan and rule amendments based on the feedback received and then present the model plan package to the Consumer Issues and Forms Subcommittees for their consideration. The subcommittees will report their recommendation to the Advisory Committee at its spring meeting. If the Committee approves a form chapter 13 plan and rule amendments at that meeting, it will seek the Standing Committee's approval for publication of the package in August 2013.

V. Consideration of Electronic Signature Issues

As the Committee reported at the June 2012 meeting, it has been considering the development of a rule that would allow courts to accept for filing in a bankruptcy case a document that bears the electronic signature of a person who is not registered with the CM/ECF system—without requiring the retention of the original document with the handwritten signature of the non-registrant. Currently, under Rule 5005(b)¹ these issues in bankruptcy courts are governed by local rules that vary significantly from one district to another. The Committee on Court Administration and Case Management (“CACM”) was the originator of model rules regarding electronic case filing, and the Commentary to those rules asserted the need to retain the original hand-signed document.² As a result, many, but not all, bankruptcy courts require the

¹ Bankruptcy Rule 5005(b)(2) provides in part that a “court may by local rule permit or require documents to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes.” This provision was added in 1996 to authorize courts to permit electronic filing, signing, and verification, and later amended in 2006 to allow courts to require those activities to be done electronically, so long as reasonable exceptions are allowed.

² Model Rule 7 (Retention Requirements) imposed a duty on a Filing User (i.e. the filing attorney) to maintain in paper form any electronically filed document that required the original signature of someone other than the Filing User. The Commentary to the rule stated without further elaboration that, “because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future.” The rule did not specify a retention period, but instead left that decision up to each district. The Commentary noted that the then-existing local rules “varied considerably on the required retention period.” It advised that, “[a]ssuming that the purpose of document retention is to preserve relevant evidence for a subsequent proceeding, the appropriate retention period might relate to relevant statutes of limitations.”

attorney for the non-registrant (usually a debtor) to retain the original document with a handwritten signature for a specified period of time.

The Advisory Committee began considering this issue at the request of the Forms Modernization Project. A number of debtors' attorneys who provided feedback on the restyled individual forms expressed concern about the increased length of the proposed forms. The FMP suggested that this concern would be lessened if attorneys were not required to retain paper copies of all of the documents requiring the debtor's signature. That change would also respond to two concerns expressed by representatives of the Department of Justice about the current practice: (1) The debtor's attorney is usually the custodian of documents that might be used to prosecute the debtor, and (2) the required retention periods vary among districts and are not necessarily related to any relevant statutes of limitations.

The Committee, through its Subcommittee on Technology and Cross Border Insolvency, has begun to investigate two approaches to the use of electronic signatures that would not require the retention of documents with handwritten signatures. The first approach, used in at least one bankruptcy court, requires that, for any electronically filed document signed by someone other than the filing attorney, the document be accompanied by a declaration of authenticity that is hand-signed by the non-attorney. That declaration is scanned and maintained in electronic form by the clerk's office. The second approach is used by the Internal Revenue Service pursuant to 26 U.S.C. § 6061(b)(2), which validates electronic signatures on tax returns. The IRS uses personal identification numbers as electronic signatures, with no requirement for any original hand-signed document.

At its June 2012 meeting, the Standing Committee authorized the Committee to continue to pursue this issue as it relates to the Bankruptcy Rules. The Committee thereafter requested the assistance of the Federal Judicial Center to examine existing practices regarding the use of electronic signatures by non-registrants and requirements for the retention of documents with handwritten signatures. Dr. Molly Johnson of the FJC has been gathering information on relevant local bankruptcy and district court rules. She has also surveyed Assistant U.S. Attorneys, U.S. Trustees, and chapter 7 trustees regarding several alternative approaches to the use of electronic signatures by bankruptcy debtors and the retention of documents with handwritten signatures.³ She will report her findings to the Committee by the end of the year. That information will be conveyed to the Standing Committee by oral report at the January meeting.

³ After its fall meeting, the Advisory Committee received a copy of a memorandum from Judge Julie Robinson, CACM chair, to Judge Mark Kravitz that requested the Standing Committee to "explore creating a federal rule regarding electronic signatures and the retention of paper documents containing original signatures." CACM suggested three possible approaches to the issue, and Dr. Johnson included those approaches in her survey, along with the declaration procedure that the Committee has been considering.

APPENDIX A.1

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Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number (if known): _____ Chapter you are filing under:
 Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/14

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car?” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
<p>1. Your full name</p> <p>Write the name that is on your government-issued picture identification (for example, your driver's license or passport).</p> <p>Bring your picture identification to your meeting with the trustee.</p>	<p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p> <p>Suffix (Sr., Jr., II, III) _____</p>	<p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p> <p>Suffix (Sr., Jr., II, III) _____</p>
<p>2. All other names you have used in the last 8 years</p> <p>Include your married or maiden names.</p>	<p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p> <p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p>	<p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p> <p>First name _____</p> <p>Middle name _____</p> <p>Last name _____</p>
<p>3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)</p>	<p>XXX - XX - _____</p> <p>OR</p> <p>9 XX - XX - _____</p>	<p>XXX - XX - _____</p> <p>OR</p> <p>9 XX - XX - _____</p>

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

Include trade names and *doing business as* names

About Debtor 1:

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

About Debtor 2 (Spouse Only in a Joint Case):

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

Number Street

City State ZIP Code

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City State ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

Over the last 180 days before filing this bankruptcy filing package, I have lived in this district longer than in any other district.

I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

Over the last 180 days before filing this bankruptcy filing package, I have lived in this district longer than in any other district.

I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Part 2: Tell the Court About Your Bankruptcy Case

7. **The Chapter of the Bankruptcy Code you are choosing to file under**

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form B2010)). Also, go to the top of page 1 and check the appropriate box.

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

8. **How you will pay the fee**

If you file under Chapter ...	Your total fee is...
7	\$306
11	\$1,213
12	\$246
13	\$281

I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay Your Filing Fee in Installments* (Official Form 103A).

I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may waive your fee only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your bankruptcy filing package.

9. **Have you filed for bankruptcy within the last 8 years?**

- No
- Yes. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, a business partner, or an affiliate?**

- No
- Yes. Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY
- Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY

11. **Do you rent your residence?**

- No. Go to Part 3.
- Yes. Has your landlord obtained an eviction judgment against you?
 - No. Go to Part 3.
 - Yes. Fill out *Part A - Your Statement About an Eviction Judgment Against You* (Official Form 101A) and file it with this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

A sole proprietorship is a business you own as an individual, rather than a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this package.

- No. Go to Part 4.
- Yes. Name and location of business

Name of business, if any _____

Number Street _____

City _____

State _____

ZIP Code _____

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of small business debtor, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines.

- No. I am not filing under Chapter 11.
- No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods or livestock that must be fed?

- No
- Yes. What is the hazard? _____

If immediate attention is needed, why is it needed? _____

Where is the property? _____

Number Street _____

City _____

State _____

ZIP Code _____

15. Tell the court whether you have received credit counseling.

The law requires that you receive credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

I received counseling from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received counseling from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and the following circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the credit counseling and why you were unable to obtain it before filed for bankruptcy.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving credit counseling before you file this bankruptcy filing package.

If the court is satisfied with your reasons, you must still receive credit counseling within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in credit counseling in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

I received counseling from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received counseling from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and the following circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the credit counseling and why you were unable to obtain it before filed for bankruptcy.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving credit counseling before you file this bankruptcy filing package.

If the court is satisfied with your reasons, you must still receive credit counseling within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive credit counseling because of:

Incapacity. I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in credit counseling in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debt do you have?

16a. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”

No. Go to line 16b.
 Yes. Go to line 17.

16b. **Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

No. Go to line 16c.
 Yes. Go to line 17.

16c. State what debts you owe that are not consumer debts or business debts. _____

17. Are you filing under Chapter 7?

No. I am not filing under Chapter 7. Go to line 18.

Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?

No
 Yes

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

18. How many creditors do you estimate that you owe?

<input type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

19. How much do you estimate your assets to be worth?

<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

20. How much do you estimate your liabilities to be?

<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

Part 7: Sign Here

I declare under penalty of perjury that the information provided in this petition is true and correct to the best of my knowledge, information, and belief. I understand that if I make a false statement, I could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

If I have chosen to file under Chapter 7, I am aware that I may proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X	_____	X	_____
	Signature of Debtor 1		Signature of Debtor 2
	Date _____		Date _____
	MM / DD / YYYY		MM / DD / YYYY

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X

Signature of Attorney for Debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City State ZIP Code

Contact phone

Email address

Bar number

State

For you if you are filing this bankruptcy filing package without an attorney

If you are represented by an attorney, you do not need to file this page.

As an individual, the law allows you to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a misstep or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete. **Bankruptcy fraud is a serious crime; you could be fined and imprisoned.**

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

- No
- Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy filing package is inaccurate or incomplete, you could be fined or imprisoned?

- No
- Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out this bankruptcy filing package?

- No
- Yes. Name of Person _____

Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

X

Signature of Debtor 1

Date _____
MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

X

Signature of Debtor 2

Date _____
MM / DD / YYYY

Contact phone _____

Cell phone _____

Email address _____

COMMITTEE NOTE

Official Form 101, *Voluntary Petition for Individuals Filing for Bankruptcy*, applies only in cases of individual debtors. Form 101 replaces Official Form 1, Voluntary Petition. It is renumbered to distinguish it from the forms used by non-individual debtors such as corporations, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 101 has been substantially reorganized. References to Exhibits A, B, C, and D, and the exhibits themselves, have been eliminated because the requested information is now asked in the form or is not applicable to individual debtors.

Part 1, *Identify Yourself*, line 6, replaces the venue box from page 2 of Official Form 1 and deletes venue questions that pertain only to non-individuals.

Part 2, *Tell the Court About Your Bankruptcy Case*, line 7, removes choices for chapters 9 and 15 filings because they do not pertain to individuals. Additionally, Part 2 adds a table at line 8 which lists the applicable filing fees for chapters 7, 11, 12, and 13. The status of “being filed” is added to the question regarding bankruptcy cases pending or filed by a spouse, business partner, or affiliate (line 10). Lastly, the question “Do you rent your residence?” (line 11) and Official Form B101AB, *Your Statement About an Eviction Judgment Against You – Part A & B*, replaces “certification by a debtor who resides as a tenant of residential property,” on page 2 of Official Form 1.

Part 3, *Report About Any Businesses You Own as a Sole Proprietor*, line 12, incorporates options from the “nature of business” box from page 1 of Official Form 1 that would apply to individual debtors, thus eliminating checkboxes for railroads and clearing banks. Part 3, line 13, also eliminates a checkbox to report whether a plan was filed with the petition, or if plan acceptances were solicited prepetition. Additionally, line 13 rephrases the question relating to whether a debtor filing under Chapter 11 is a small business debtor.

Part 4, *Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention*, line 14, replaces Exhibit C from Official Form 1 and adds the category of “property that needs immediate attention.”

Part 5, *Explain Your Efforts to Receive Credit Counseling* (line 15), replaces Exhibit D from Official Form 1. Additionally, this part describes incapacity and disability using a simplified definition, tells the debtor of the ability to file a motion for a waiver, and eliminates statutory reference about districts where credit counseling does not apply because such districts are rare.

Part 6, *Answer These Questions for Reporting Purposes* (line 16c), provides a text field for the debtor to describe the type of debt, if the debtor believes it is neither primarily consumer nor business debt.

Part 7, *Sign Here*, combines the two attorney signature blocks into one certification and eliminates signature lines for corporations/partnerships and chapter 15 Foreign Representative. The declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has also been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official Form 119. That form must be completed and signed by the BPP, and filed with each document prepared by a BPP.

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (If known)

Official Form 101A

Part A: Your Statement About an Eviction Judgment Against You

12/14

Fill out this form only if:

- you rent your residence; and
- your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding (called an *eviction judgment*) against you to possess your residence; and
- you want to stay in your rented residence after you file your case for bankruptcy.

Your Statement About an Eviction Judgment Against You has two parts that you must file at different times:

- File Part A with the court when you first file your bankruptcy filing package. Serve a copy on your landlord.
- File Part B within 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). Also, serve a copy on your landlord.

You must serve your landlord with a copy of this form. Check the Bankruptcy Rules (www.uscourts.gov/rules) and the court's local website (go to www.uscourts.gov/courtlinks to find your court's website) for any specific requirements that you might have to meet to serve this statement.

File this part when you file your bankruptcy filing package

Fill this out if your landlord has an eviction judgment against you AND you wish to stay in your residence for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101) with the court.

11 U.S.C. §§ 362(b)(22) and 362(l)

If your landlord DOES NOT have an eviction judgment, you do not need to fill out this form.

Has your landlord obtained an eviction judgment against you to possess your residence?

No. You do not need to fill out this form.

Yes. Landlord's name _____

Landlord's address _____
 Number Street

City State ZIP Code

If you answered Yes, check all that apply:

I certify under penalty of perjury that:

Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire amount I owe.

I have given the bankruptcy court clerk a deposit for the rent that would be due during the 30 days after I file the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

 Signature of Debtor 1

Date _____
 MM / DD / YYYY

 Signature of Debtor 2

Date _____
 MM / DD / YYYY

If you checked both boxes above, signed the form to certify that both apply, and served your landlord a copy of this statement, the automatic stay under 11 U.S.C. § 362(a)(3) will apply to the continuation of the eviction against you for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

If you wish to stay in your residence after that 30-day period and continue to receive the protection of the automatic stay under 11 U.S.C. § 362(a)(3), you must pay the entire amount you owe to your landlord as stated in the eviction judgment before the 30-day period ends. You must also fill out Part B of this form, file it with the bankruptcy court, and serve your landlord a copy of it before the 30-day period ends.

Fill in this information to identify your case:

Draft August 16, 2012

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (if known)

Official Form 101B

Part B: Your Statement About an Eviction Judgment Against You 12/14

Fill out Part B of this form only if:

- you filed Part A of this form; and
- you served a copy of Part A on your landlord; and
- you want to stay in your rented residence for more than 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

File Part B within 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). Also, serve a copy on your landlord.

File Part B within 30 days after you file your bankruptcy filing package

If your landlord has an eviction judgment against you, do you wish to stay in your residence for MORE than 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101) with the court?

11 U.S.C. §§ 362(b)(22) and 362(l).

If your landlord DOES NOT have an eviction judgment, you do not need to fill out this form.

No. You do not need to fill out this form.

Yes. I certify under penalty of perjury that (Check all that apply):

- Under the state or other nonbankruptcy law that applies to the judgment for possession (eviction judgment), I have the right to stay in my residence by paying my landlord the entire amount I owe.
- Within 30 days after I filed my *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101), I have paid my landlord the entire amount I owe as stated in the judgment for possession (eviction judgment).

Signature of Debtor 1

Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

You must serve your landlord with a copy of this form.

Check the Bankruptcy Rules (www.uscourts.gov/rules) and the court's local website (go to www.uscourts.gov/courtlinks to find your court's website) for any specific requirements that you might have to meet to serve this statement.

COMMITTEE NOTE

Official Form 101AB, *Your Statement About an Eviction Judgment Against You*, is substantially revised as part of the Forms Modernization Project. It replaces the “*Certification by a Debtor Who Resides as a Tenant of Residential Property*” section on Official Form 1, *Voluntary Petition*. The form applies only in cases of individual debtors.

The form is divided into Parts A and B.

Part A explains that debtors need to complete and file the form only if their landlord has a judgment for possession or an eviction judgment against them and they wish to stay in their residence for 30 days after filing their bankruptcy petition. The form adds references to the provisions in the Bankruptcy Code that specify when debtor-tenants subject to eviction may remain in their residence after filing for bankruptcy.

The form eliminates the checkboxes that the debtor has served the landlord with the certification and paid the court the rent that would be due during the 30 days after the filing of the bankruptcy petition. Instead, debtors are required to certify under penalty of perjury that the rent has been paid to the court and the instructions direct debtors to serve a copy of the statement on the landlord.

The form eliminates the checkbox that the debtor claims there are circumstances under applicable nonbankruptcy law under which the debtor would be permitted to cure the monetary default that gave rise to the judgment for possession (or eviction judgment) and remain in residence. Instead, debtors are required to certify under penalty of perjury that they have the right to stay in their residence under state law or other nonbankruptcy law by paying their landlord the entire amount they owe.

Part B is new. If debtors wish to stay in their residence for more than 30 days after filing the petition, they must complete and file Part B of Form 101AB within the 30 days. Under Part B, debtors certify under penalty of perjury that they have paid their landlord the entire amount owed as stated in the judgment for possession or in the eviction judgment.

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 104

For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders

12/14

If you are an individual filing for bankruptcy under Chapter 11, you must fill out this form. If you are filing under Chapter 7, Chapter 12, or Chapter 13, do not fill out this form. Do not include claims by anyone who is an *insider*. Insiders include relatives; general partners of you or your relatives; corporations of which you are an officer, director, or person in control; and any managing agent. 11 U.S.C. § 101. Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

List the 20 Unsecured Claims in Order from Largest to Smallest. Do not include claims by insiders.

		Unsecured claim
1	<p>What is the nature of the claim? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply</p> <p>Does the creditor have a security interest in your property?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p>	\$ _____
2	<p>What is the nature of the claim? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply</p> <p>Does the creditor have a security interest in your property?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p>	\$ _____

Unsecured claim

3

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
 - Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

4

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
 - Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

5

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
 - Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

6

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
 - Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

7

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
 - Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

Unsecured claim

8

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply

Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

9

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply

Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

10

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply

Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

11

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply

Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

12

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____

As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply

Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

Unsecured claim

13

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____
As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply
Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

14

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____
As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply
Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

15

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____
As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply
Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

16

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____
As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply
Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

17

Creditor's Name _____
 Number _____ Street _____

 City _____ State _____ ZIP Code _____
 Contact _____
 Contact phone _____

What is the nature of the claim? _____ \$ _____
As of the date you file, the claim is: Check all that apply.
 Contingent
 Unliquidated
 Disputed
 None of the above apply
Does the creditor have a security interest in your property?
 No
 Yes. Total claim (secured and unsecured): \$ _____
 Value of security: - \$ _____
 Unsecured claim \$ _____

Unsecured claim

18

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____

\$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
- Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

19

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____

\$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
- Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

20

Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact _____

Contact phone _____

What is the nature of the claim? _____

\$ _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Does the creditor have a security interest in your property?

- No
- Yes. Total claim (secured and unsecured): \$ _____
- Value of security: - \$ _____
- Unsecured claim \$ _____

COMMITTEE NOTE

Official Form 104, *For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders*, is revised as part of the Forms Modernization Project. It replaces Official Form 4, *List of Creditors Holding 20 Largest Unsecured Claims* in chapter 11 cases filed by individuals or joint debtors and is renumbered to distinguish it from the version to be used in chapter 11 cases filed by non-individuals, such as corporations and partnerships, and in chapter 9 cases.

Form 104 is reformatted to make it easier to complete and understand and to be more visually appealing. Blanks and checkboxes are provided for specific information about each claim rather than columns for types of information. A separate, numbered section is provided for each of the 20 claims, rather than providing a single section that is to be copied and completed for additional claims.

The instruction not to include fully secured claims is restated in less technical terms. Debtors are instructed to include a secured creditor only if the creditor has an unsecured claim resulting from inadequate collateral value. Blanks are provided to calculate the value of the unsecured portion of a partially secured claim.

Examples of “insiders” are provided in addition to the statutory reference. The form adds an explicit instruction not to file the form in a chapter 7, chapter 12, or chapter 13 case. An instruction to be as complete and accurate as possible is added, along with a warning that, if two married people are filing jointly, both are equally responsible for supplying correct information.

The form eliminates the declaration under penalty of perjury. Also, with respect to children who may be creditors, the direction to state only the initials of a minor child and the name and address of the child's parent or guardian, rather than the child's full name, is moved to the general instruction booklet for the forms, because it applies to all of the forms.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(if known)

Check if this is an amended filing

Official Form 106-Summary

A Summary of Your Assets and Liabilities and Certain Statistical Information 12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. Schedule A: Property (Official Form 106A).	
1a. Copy line 55, Total real estate, from <i>Schedule A</i>	\$ _____
1b. Copy line 62, Total personal property, from <i>Schedule A</i>	\$ _____
1c. Copy line 63, Total of all property on <i>Schedule A</i>	\$ _____

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. Schedule B: Creditors Who Have Claims Secured by Your Property (Official Form 106B)	
2a. Copy the total you listed in the <i>Amount of claim</i> column at the bottom of the last page of Part 1 of <i>Schedule B</i>	\$ _____
3. Schedule C: Creditors Who Have Unsecured Claims (Official Form 106C)	
3a. Copy the total claims from Part 2 (priority unsecured claims) from line 6e of <i>Schedule C</i>	\$ _____
3b. Copy the total claims from Part 3 (nonpriority unsecured claims) from line 6j of <i>Schedule C</i>	+ \$ _____
Your total liabilities	\$ _____

Part 3: Summarize Your Income and Expenses

4. Schedule G: Your Income (Official Form 106G)	
Copy your combined monthly income from line 12 of <i>Schedule G</i>	\$ _____
5. Schedule H: Your Expenses (Official Form 106H)	
Copy your monthly expenses from line 22, Column A, of <i>Schedule H</i>	\$ _____

Part 4: Answer These Questions for Administrative and Statistical Records

6. Are you filing for bankruptcy under Chapters 7, 11, or 13?

- No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
 Yes

7. What kind of debt do you have?

- Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-10 for statistical purposes. 28 U.S.C. § 159.
 Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

8. From the Statement of Your Current Monthly Income (Official Forms 108-1, 109, or 110-1):
 Copy your total current monthly income from line 14 of 108-1, line 11 of 109, or line 11 of 110-1.

\$ _____

9. Copy the following special categories of claims from Part 4, line 6 of Schedule C: Creditors Who Have Unsecured Claims (Official Form 106C):

	Total claim
From Part 4 on Schedule C, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ _____
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ _____
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ _____
From Part 4 on Schedule C, copy the following:	
9d. Student loans. (Copy line 6f.)	\$ _____
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ _____
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+ \$ _____
9g. Total. Add lines 9a through 9f.	\$ _____

Fill in this information to identify your case and this filing:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Check if this is an amended filing

Official Form 106A

Schedule A: Property

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In each category, separately list and describe items worth more than \$500. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest in

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No
- Yes. Where is the property?

1a.

 Street address, if available, or other description

 City State ZIP Code

 County

What is the property? Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Time share
- Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property

Current value of the portion you own

\$ _____

\$ _____

Who is an owner of the property? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this is community property
 (see instructions)

Other information you wish to add about this item, such as local property identification number:

If you own or have more than one, list here:

1b.

 Street address, if available, or other description

 City State ZIP Code

 County

What is the property? Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Time share
- Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property

Current value of the portion you own

\$ _____

\$ _____

Who is an owner of the property? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this is community property
 (see instructions)

Other information you wish to add about this item, such as local property identification number:

1c.

Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Time share
- Other _____

Who is an owner of the property? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property

Current value of the portion you own

\$ _____

\$ _____

Check if this is community property
(see instructions)

Other information you wish to add about this item, such as local property identification number:

2. Add the dollar value of all of your entries from Part 1, including any entries for pages you have attached for Part 1.

Write that number here. _____ →

\$ _____

Part 2: Describe Your Vehicles

Do you own or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. Do not report leased vehicles here. If you lease a vehicle, fill out *Schedule E: Executory Contracts and Unexpired Leases*.

3. **Cars, vans, trucks, tractors, sport utility vehicles, motorcycles**

- No
- Yes

3a. Make: _____
 Model: _____
 Year: _____
 Mileage: 0-24,999
 25,000-49,999
 50,000-74,999
 75,000 or more
 Other information:

Who is an owner of the property? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this is community property
(see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property

Current value of the portion you own

\$ _____

\$ _____

If you own or have more than one, describe here:

3b. Make: _____
 Model: _____
 Year: _____
 Mileage: 0-24,999
 25,000-49,999
 50,000-74,999
 75,000 or more
 Other information:

Who is an owner of the property? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another

Check if this is community property
(see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property

Current value of the portion you own

\$ _____

\$ _____

3c. Make: _____
 Model: _____
 Year: _____
 Mileage: 0-24,999
 25,000-49,999
 50,000-74,999
 75,000 or more
 Other information:

Who is an owner of the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property
 (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property **Current value of the portion you own**

\$ _____ \$ _____

3d. Make: _____
 Model: _____
 Year: _____
 Mileage: 0-24,999
 25,000-49,999
 50,000-74,999
 75,000 or more
 Other information:

Who is an owner of the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property
 (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property **Current value of the portion you own**

\$ _____ \$ _____

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snow mobiles, accessories

- No
 Yes

4a. Make: _____
 Model: _____
 Year: _____
 Other information:

Who is an owner of the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property
 (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property **Current value of the portion you own**

\$ _____ \$ _____

If you own or have more than one, list here:

4b. Make: _____
 Model: _____
 Year: _____
 Other information:

Who is an owner of the property? Check one.
 Debtor 1 only
 Debtor 2 only
 Debtor 1 and Debtor 2 only
 At least one of the debtors and another
 Check if this is community property
 (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule B: Creditors Who Hold Claims Secured by Property*.

Current value of the entire property **Current value of the portion you own**

\$ _____ \$ _____

5. Add the dollar value of all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here

\$ _____

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own

Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

No

Yes. Describe.....

\$ _____

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

No

Yes. Describe.....

\$ _____

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; china and crystal; other collections, memorabilia, collectibles

No

Yes. Describe.....

\$ _____

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

No

Yes. Describe.....

\$ _____

10. Firearms

Examples: Pistols, rifles, shot guns, ammunition, and related equipment

No

Yes. Describe.....

\$ _____

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

No

Yes. Describe.....

\$ _____

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

No

Yes. Describe.....

\$ _____

13. Non-farm animals

Examples: Dogs, cats, birds, horses

No

Yes. Describe.....

\$ _____

14. Any other personal and household items you did not already list, including any health aids you did not list

No

Yes. Give specific information.

\$ _____

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3.

Write that number here

\$ _____

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own

Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

- No
- Yes

Cash: \$ _____

17. Deposits of money

Examples: Checking, savings, money market, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

- No
- Yes

Institution name:

17a. Checking account:	_____	\$ _____
17b. Checking account:	_____	\$ _____
17c. Savings account:	_____	\$ _____
17d. Savings account:	_____	\$ _____
17e. Certificates of deposit:	_____	\$ _____
17f. Other financial account:	_____	\$ _____
17g. Other financial account:	_____	\$ _____
17h. Other financial account:	_____	\$ _____
17i. Other financial account:	_____	\$ _____

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

- No
- Yes

Institution name:

_____	\$ _____
_____	\$ _____
_____	\$ _____

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture

- No
- Yes. Give specific information about them.

Name of entity:	% of ownership:	
_____	_____ %	\$ _____
_____	_____ %	\$ _____
_____	_____ %	\$ _____

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders. *Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.

- No
- Yes. Give specific information about them.

Issuer name:	_____	\$ _____
	_____	\$ _____
	_____	\$ _____

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

- No
- Yes. List each account separately. .

Type of account:	Institution name:	
401(k) or similar plan:	_____	\$ _____
Pension plan:	_____	\$ _____
IRA:	_____	\$ _____
Retirement account:	_____	\$ _____
Keogh:	_____	\$ _____
Additional account:	_____	\$ _____
Additional account:	_____	\$ _____

22. Security deposits and pre-payments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

- No
- Yes

	Institution name or individual:	
Electric:	_____	\$ _____
Gas:	_____	\$ _____
Heating oil:	_____	\$ _____
Security deposit on rental unit:	_____	\$ _____
Prepaid rent:	_____	\$ _____
Telephone:	_____	\$ _____
Water:	_____	\$ _____
Rented furniture:	_____	\$ _____
Other:	_____	\$ _____

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)

- No
- Yes

Issuer name and description:	_____	\$ _____
	_____	\$ _____
	_____	\$ _____

24. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified state tuition plan as defined in 26 U.S.C. § 529(b)(1).

No

Yes

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

_____	\$ _____
_____	\$ _____
_____	\$ _____

25. Trusts, equitable or future interests in property (other than anything listed in Part 1), and rights or powers exercisable for your benefit

No

Yes. Give specific information about them....

_____	\$ _____
-------	----------

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

No

Yes. Give specific information about them....

_____	\$ _____
-------	----------

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

No

Yes. Give specific information about them....

_____	\$ _____
-------	----------

Money or property owed to you

Current value of the portion you own

Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

No

Yes. Give specific information about them, including whether you already filed the returns and the tax years.

_____	Federal:	\$ _____
_____	State:	\$ _____
_____	Local:	\$ _____

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

No

Yes. Give specific information.....

_____	Alimony:	\$ _____
_____	Maintenance:	\$ _____
_____	Support:	\$ _____
_____	Divorce settlement:	\$ _____
_____	Property settlement:	\$ _____

30. Other amounts someone owes you

Examples: Amounts earned and unpaid from wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits

No

Yes. Give specific information.....

_____	\$ _____
-------	----------

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

No

Yes. Name the insurance company of each policy and list its value.....

Company name:

Beneficiary:

Surrender or refund value:

_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, have inherited something from an existing estate

No

Yes. Give specific information.....

_____	\$ _____
-------	----------

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

No

Yes. Describe each claim.

_____	\$ _____
-------	----------

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

No

Yes. Describe each claim.

_____	\$ _____
-------	----------

35. Any financial assets you did not already list

No

Yes. Give specific information.

_____	\$ _____
-------	----------

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4.

Write that number here → \$ _____

Part 5: Describe Any Business-Related Property You Own or Have an Interest in. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

No. Go to Part 6.

Yes. Go to line 38.

Current value of the portion you own

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned

No

Yes. Describe

_____	\$ _____
-------	----------

39. Office equipment, furnishings, and supplies

Examples: Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices

No

Yes. Describe

_____	\$ _____
-------	----------

40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade

No
 Yes. Describe \$ _____

41. Inventory

No
 Yes. Describe \$ _____

42. Interests in partnerships or joint ventures

No
 Yes. Describe Name of entity: _____ % of ownership: _____ % \$ _____
 _____ % \$ _____
 _____ % \$ _____

43. Customer lists, mailing lists, or other compilations

No
 Yes. **Do your lists include personally identifiable information** (as defined in 11 U.S.C. § 101(41A))?
 No
 Yes. Describe \$ _____

44. Any business-related property you did not already list

No
 Yes. Give specific information \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here →

\$ _____

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest in
If you own or have an interest in farmland, fill out Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?
 No. Go to Part 7.
 Yes. Go to line 47.

Current value of the portion you own
 Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish
 No
 Yes \$ _____

48. Crops—either growing or harvested

No
 Yes. Give specific information. \$ _____

49. Farm and fishing equipment and implements

No
 Yes \$ _____

50. Farm and fishing supplies, chemicals, and feed

No
 Yes \$ _____

51. Any farm- and commercial fishing-related property you did not already list

No
 Yes. Give specific information. \$ _____

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6.

Write that number here -> \$ _____

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

No
 Yes. Give specific information. \$ _____
\$ _____
\$ _____

54. Add the dollar value of all of your entries from Part 7. Write that number here ->

\$ _____

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2 -> \$ _____

56. Part 2: Total vehicles, line 5 \$ _____

57. Part 3: Total personal and household items, line 15 \$ _____

58. Part 4: Total financial assets, line 36 \$ _____

59. Part 5: Total business-related property, line 45 \$ _____

60. Part 6: Total farm- and fishing-related property, line 52 \$ _____

61. Part 7: Total other property not listed, line 54 + \$ _____

62. Total personal property. Add lines 56 through 61 \$ _____ Copy personal property total -> + \$ _____

63. Total of all property on Schedule A. Add line 55 + line 62 \$ _____

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (if known)

Check if this is an amended filing

Official Form 106B

Schedule B: Creditors Who Hold Claims Secured by Property

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Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors hold claims secured by your property?

- No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below.

Part 1: List Your Creditors Who Hold Secured Claims

2. List all of your creditors who hold secured claims in alphabetical order. If a creditor has more than one secured claim, list the creditor separately for each claim.

Amount of claim Do not deduct the value of collateral.	Value of collateral that supports this claim	Unsecured portion If any
---	--	-----------------------------

1	Describe the property that is collateral: _____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code	\$ _____	\$ _____	\$ _____
As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply				
Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community claim				
Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other _____				
Date debt was incurred _____		Last 4 digits of account number _____		

2	Describe the property that is collateral: _____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code	\$ _____	\$ _____	\$ _____
As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply				
Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community claim				
Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other _____				
Date debt was incurred _____		Last 4 digits of account number _____		

Add the dollar value of your entries on this page. Write that number here:

\$ _____	\$ _____	\$ _____
----------	----------	----------

<input style="width:20px; height:20px;" type="checkbox"/> Creditor's Name _____ _____ Number Street _____ _____ City State ZIP Code	Describe the property that is collateral: \$ _____	\$ _____	\$ _____
Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community claim	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other _____	Date debt was incurred _____ Last 4 digits of account number _ _ _ _	

<input style="width:20px; height:20px;" type="checkbox"/> Creditor's Name _____ _____ Number Street _____ _____ City State ZIP Code	Describe the property that is collateral: \$ _____	\$ _____	\$ _____
Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community claim	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other _____	Date debt was incurred _____ Last 4 digits of account number _ _ _ _	

<input style="width:20px; height:20px;" type="checkbox"/> Creditor's Name _____ _____ Number Street _____ _____ City State ZIP Code	Describe the property that is collateral: \$ _____	\$ _____	\$ _____
Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community claim	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other _____	Date debt was incurred _____ Last 4 digits of account number _ _ _ _	

Add the dollar value of your entries on this page. Write that number here:	\$ _____	\$ _____	\$ _____
If this is the last page of your form, add the dollar value from all pages. Write that number here:	\$ _____	\$ _____	\$ _____

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, then list the collection agency here.

If you do not have more than one creditor for the same debt, do not fill out or submit this page.

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____
Last 4 digits of account number ____ _ _ _

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106C

Schedule C: Creditors Who Have Unsecured Claims

12/14

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. If you need more space, copy the Part you need, fill it out, and number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your Creditors with PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- No. Go to Part 2.
- Yes.

2. List in alphabetical order all of your creditors with priority unsecured claims and identify what kind of priority claim it is. If you have more than two creditors with priority unsecured claims, fill out the Continuation Page of Part 2. (For an explanation of each type of claim, see *How to Fill Out Schedule C* in the instructions for this form.)

2a

Priority Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Last 4 digits of account number _____

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Total claim	Priority amount	Nonpriority amount
\$ _____	\$ _____	\$ _____

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt

Type of PRIORITY unsecured claim:

- Domestic support obligations
- Taxes and certain other debts you owe the government
- Claims for death or personal injury while you were intoxicated
- Other. Specify _____

2b

Priority Creditor's Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Last 4 digits of account number _____

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

\$ _____	\$ _____	\$ _____
----------	----------	----------

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt

Type of PRIORITY unsecured claim:

- Domestic support obligations
- Taxes and certain other debts you owe the government
- Claims for death or personal injury while you were intoxicated
- Other. Specify _____

Part 1: Your Creditors with PRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 2c, followed by 2d, and so forth.

Total claim	Priority amount	Nonpriority amount
\$ _____	\$ _____	\$ _____

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____		
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community debt			As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____	

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____		
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community debt			As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____	

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____		
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community debt			As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____	

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____		
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this is a community debt			As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <input type="checkbox"/> None of the above apply Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____	

Part 2: List All of Your Creditors with NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

- No. Go to Part 3.
- Yes

4. List in alphabetical order all of your creditors with nonpriority unsecured claims and identify what kind of nonpriority claim it is. After you list your creditors, number the boxes on the left for the creditors you entered in Part 2. Begin numbering with 4a, followed by 4b. If you have more than 4 creditors with nonpriority unsecured claims, attach additional copies of Part 2.

<input type="checkbox"/>	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Total claim \$ _____
--------------------------	---	---	--------------------------------

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify _____

<input type="checkbox"/>	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
--------------------------	---	---	----------

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify _____

<input type="checkbox"/>	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
--------------------------	---	---	----------

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify _____

<input type="checkbox"/>	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	\$ _____
--------------------------	---	---	----------

Who incurred the debt? Check one.

- Debtor 1 only
- Debtor 2 only
- Debtor 1 and Debtor 2 only
- At least one of the debtors and another
- Check if this is a community debt**

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- Contingent
- Unliquidated
- Disputed
- None of the above apply

Type of NONPRIORITY unsecured claim:

- Student loans
- Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- Debts to pension or profit-sharing plans, and other similar debts
- Other. Specify _____

Part 3: List Others to Be Notified for a Debt That You Already Listed

5. Use this page only if you have other creditors for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Part 2, then list the collection agency here. If you do not have more than one creditor for the same debt, do not fill out or submit this page.

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Name

Number Street

City State ZIP Code

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): Part 1: Creditors with Priority Unsecured Claims
 Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims for statistical reporting purposes. For reporting purposes, add the amounts for each type of unsecured claim.

		Total claim
Total claims from Part 2	6a. Domestic support obligations	6a. \$ _____
	6b. Taxes and certain other debts you owe the government	6b. \$ _____
	6c. Claims for death or personal injury while you were intoxicated	6c. \$ _____
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. + \$ _____
	6e. Total. Add lines 6a through 6d.	6e. \$ _____

		Total claim
Total claims from Part 3	6f. Student loans	6f. \$ _____
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. \$ _____
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. \$ _____
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i. + \$ _____
	6j. Total. Add lines 6f through 6i.	6j. \$ _____

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Check if this is an amended filing

Official Form 106D

Schedule D: The Property You Claim as Exempt

1/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A: Property* (Official Form 106A) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known). For each item of property you claim as exempt, you must specify the amount of the exemption you claim. Usually, a specific dollar amount is claimed as exempt, but in some circumstances the amount of the exemption claimed might be indicated as 100% of fair market value. For example, a debtor might claim 100% of fair market value for an exemption that is unlimited in dollar amount, such as some exemptions for health aids.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- You are claiming state and federal non-bankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A</i></small>	Amount of the exemption you claim	Specific laws that allow exemption
Brief description: _____ Line from <i>Schedule A</i> : _____	\$ _____	_____	_____ _____ _____
Brief description: _____ Line from <i>Schedule A</i> : _____	\$ _____	_____	_____ _____ _____
Brief description: _____ Line from <i>Schedule A</i> : _____	\$ _____	_____	_____ _____ _____
Brief description: _____ Line from <i>Schedule A</i> : _____	\$ _____	_____	_____ _____ _____

3. Are you claiming a homestead exemption of more than \$146,450? (Subject to adjustment on 4/01/13 and every 3 years after that for cases filed on or after the date of adjustment.)

- No
- Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
 - No
 - Yes

Part 2: Additional Page

Brief description of the property and line on Schedule A that lists this property		Current value of the portion you own <small>Copy the value from Schedule A</small>	Amount of the exemption you claim	Specific laws that allow exemption
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			
Brief description:		\$ _____	_____	_____ _____ _____
Line from Schedule A:	_____			

Fill in this information to identify your case:

Debtor _____
First Name Middle Name Last Name

Debtor 2 _____
 (Spouse If filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106E

Schedule E: Executory Contracts and Unexpired Leases

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below.

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease	State what the contract or lease is for
<p>1</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p>	
<p>2</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p>	
<p>3</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p>	
<p>4</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p>	
<p>5</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p>	

Additional Page if You Have More Contracts or Leases

Person or company with whom you have the contract or lease	What the contract or lease is for
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	
<input type="checkbox"/> Name _____ Number Street _____ City State ZIP Code _____	

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106F

Schedule F: Your Codebtors

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

- 1. Do you have any codebtors?** (If you are filing a joint case, do not list either spouse as a codebtor.)
 No
 Yes
- 2. Within the last 8 years, have you lived in a community property state or territory?** (*Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.*)
 No. Go to line 3.
 Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

- No
- Yes. In which community state or territory did you live? _____

Fill in the name and current address of that person.

 Name of your spouse

 Number Street

 City State ZIP Code

- 3. In Column 1, list as codebtors all of the people or entities who are also liable for any debts you may have. Include all guarantors and co-signers; do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 above as a codebtor only if that person is a guarantor or co-signer. Make sure you have listed the creditor on Schedule B or Schedule C. Use Schedule B or Schedule C to fill out Column 2.**

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

1 _____
 Name

 Number Street

 City State ZIP Code

Line from *Schedule B*: _____

OR

Line from *Schedule C*: _____

2 _____
 Name

 Number Street

 City State ZIP Code

Line from *Schedule B*: _____

OR

Line from *Schedule C*: _____

3 _____
 Name

 Number Street

 City State ZIP Code

Line from *Schedule B*: _____

OR

Line from *Schedule C*: _____

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 106-Declaration

Declaration About an Individual Debtor's Schedules

12/14

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. If you make a false statement, you could be fined up to \$500,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Sign Here

Did you pay or agree to pay someone who is NOT an attorney to help you fill out this bankruptcy filing package?

- No
- Yes. Name of person _____
 Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Under penalty of perjury, I declare that I have read the forms filed with this declaration, and that they are true and correct.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

COMMITTEE NOTE

The schedules to be used in cases of individual debtors are revised as part of the Forms Modernization Project, making them easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats. Therefore, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions. The individual debtor schedules are also renumbered starting with the number 106 and followed by the letter or name of the schedule to distinguish them from the versions to be used in non-individual cases.

Official Form 106A, *Schedule A: Your Property*, consolidates information about an individual debtor's real and personal property into a single form. It replaces Official Form 6A, *Real Property Schedule* and Official Form 6B, *Personal Property*, in cases of individual debtors. In addition to specific questions about the assets the form also includes open text fields to allow debtors who want to provide additional information regarding particular assets to do so.

The layout and categories of property on Official Form 106A have changed. Instead of dividing property interests into two categories (real or personal property), the new form uses seven categories likely to be more familiar to non-lawyers: real estate, vehicles, personal household items, financial assets, business-related property, farm- and commercial fishing-related property, and a catch-all category for property that was not listed elsewhere in the form. Although the new form categories and the examples provided in many of the categories are designed to prompt debtors to be thorough and list all of their interests in property, the prompts are not intended to require a detailed description of items of little value that are unlikely to be administered by the case trustee. For example, the debtor is directed to separately describe and list individual items of property only if they are worth more than \$500, and is allowed to describe generally items of minimal value (such

as children's clothes) by adding the value of the items and reporting the total.

Because a particular item of property may fit into more than category, the instructions for the form explain that it should be listed only once.

In addition, because property may fit within a particular category, but not be elicited by the particular line items within the category, the debtor is asked in Parts 3 – 6 (lines 14, 35, 44, and 51) to specifically identify and value any other property in the specific category.

Part 1, *Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest in*, avoids legal terms such as “life estate” or “joint tenancy,” because many individual debtors do not fully understand the nature of their ownership interest in real property. Instead, the debtor is asked to state the “current value of the portion you own,” and to also state whether ownership is shared with someone else. Furthermore, instead of asking an open-ended description of the property, the form guides the debtor in answering the description question by providing eight options from which to choose: single-family home, duplex or multi-unit building, condominium or cooperative, manufactured or mobile home, land, investment property, time share, and other.

Part 2, *Describe Your Vehicles*, also guides the debtor in answering the question, asking for the make, model, year, and mileage of the car or other vehicle. Because mileage is just a general indication of vehicle value, the debtor is not required to list the exact mileage, but instead is prompted to provide the approximate mileage by selecting from four checkboxes.

Part 3, *Describe Your Personal and Household Items*, simplifies wording, updates categories, and uses more common terms. For example, “Wearing apparel” is changed to “clothes” and examples include furs, which were previously grouped with jewelry. Firearms, on the other hand, which were previously grouped with sports and other hobbies, are now set out as a separate category. Additionally, because a new Part 6 has been

added to separately describe-farm related property, Part 3 includes a category for “non-farm animals.”

Part 4, *Describe Your Financial Assets*, prompts a listing of the debtor’s financial assets through several questions providing separate space for the institution name after the type of applicable account, and for the value of the debtor’s interest in the asset. Two new categories are added: “bonds, mutual funds, or publicly traded stocks” and “claims against third parties, whether or not you have filed a lawsuit or made a demand for payment.”

Part 5, *Describe Any Business-Related Property You Own or Have an Interest in*, provides prompts for listing business-related property such as accounts receivable, inventory, and machinery, and includes a direction to list business-related real estate in Part 1, to avoid listing real estate twice.

Part 6, *Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest in*, provides prompts for listing farm- or commercial fishing-related property such as farm animals, crops, and feed. It also includes a direction to list any farm- or commercial fishing-related real estate in Part 1.

Part 7, *Describe All Property You Own or Have an Interest In That You Did Not List Above* is a catch-all provision that allows the debtor to report property that is difficult to categorize.

Part 8, *List the Totals of Each Part of This Form*, tabulates the total value of the debtor’s interest in the listed property. The tabulation includes two subtotals, one for real estate, which corresponds to the real property total that is reported on previous Official Form 6A. The second subtotal is of Parts 2-7, which corresponds to the personal property total that is reported on previous Official Form 6B.

Official Form 106B, Schedule B: Creditors Who Hold Claims Secured by Property, replaces Official Form 6D, *Creditors Holding Secured Claims*, in cases of individual debtors.

Part 1, *List Your Creditors Who Hold Secured Claims*, now directs the debtor to list only the last four digits of the account

number. Part 1 also adds four checkboxes with which to describe the nature of the lien: an agreement the debtor made (such as mortgage or secured car loan); statutory lien (such as tax lien, mechanic's lien); judgment lien from a lawsuit; and other.

The form adds Part 2, *List Others to Be Notified for a Debt That You Already Listed*. The debtor is instructed to use Part 2 if there is a need to notify someone other than the creditor for a debt listed in Part 1. For example, if a collection agency is trying to collect for a creditor listed in Part 1, the collection agency would be listed in Part 2.

Official Form 106C, Schedule C: Creditors Who Have Unsecured Claims, consolidates information about priority and nonpriority unsecured claims into a single form. It replaces Official Form 6E – *Creditors Holding Unsecured Priority Claims*, and Official Form 6F – *Creditors Holding Unsecured Nonpriority Claims*, in cases of individual debtors.

Although both priority and non-priority unsecured claims are reported in Official Form 106C, the two types of claims are separately grouped so that the total for each type can be reported for case administration and statistical purposes. The form eliminates the question “consideration for claim” and instructs debtors to list creditors in alphabetical order.

Part 1, *List All of Your Creditors with PRIORITY Unsecured Claims*, includes four checkboxes identifying the type of priority that applies to the claim: domestic support obligations; taxes and certain other debts owed to the government; claims for death or personal injury while intoxicated; and “other.” The first three categories are required to be separately reported for statistical purposes. If the debtor selects “other,” the debtor must specify the basis of the priority, *e.g.* wages, or employee benefit plan contribution.

Part 2, *List All of Your Creditors with NONPRIORITY Unsecured Claims*, no longer asks whether the claim is subject to setoff. The form creates four checkboxes for types of claims that must be separately reported for statistical purposes: student loans; obligations arising out of a separation agreement or divorce not

listed as priority claims; debts to pension or profit-sharing plans and other similar debts; and “other.” If the debtor selects “other,” the debtor must specify the basis of the claim.

Part 3, *List Others to Be Notified for a Debt That You Already Listed*, is a new addition to the form. The debtor is instructed to use Part 3 only if there is a need to notify someone other than the creditor for a debt listed in Parts 1 and 2. For example, if a collection agency is trying to collect for a creditor listed in Part 1, the collection agency would be listed in Part 3.

Finally, Part 4, *Add the Amounts for Each Type of Unsecured Claim*, subtotals particular types of unsecured claims for statistical reporting purposes.

Official Form 106D, *Schedule D: The Property You Claim as Exempt*, replaces Official Form 6C – *Property Claimed as Exempt*, in cases of individual debtors.

Part 1, *Identify the Property You Claim as Exempt*, includes a table to list the property the debtor seeks to exempt, the value of the property owned by the debtor, the amount of the claimed exemption, and the law that allows the exemption. The first column asks for a brief description of the exempt property, and also asks for the line number where the property is listed on Schedule A. The second column asks for the value of the portion if the asset owned by the debtor, rather than the entire asset. The third column asks for the amount, rather than the value, of the exemption claim. The change in the wording of the third column is stylistic.

The form has also been changed in light of the Supreme Court’s ruling in *Schwab v. Reilly*, 130 S.Ct. 2652 (2010). The dollar sign is removed from the entries in the “amount of the exemption you claim” column, and an instruction is added to the form explaining that for each item of property the debtor claims as exempt, the debtor must specify the amount of the exemption claimed. Usually, a specific dollar amount is claimed as exempt because that is what the applicable law allows, but in some circumstances the law may permit the entire item to be claimed as exempt. In such a circumstance, an exemption claim might be

indicated as 100% of fair market value. For example, a debtor might claim 100% of fair market value for an exemption that is unlimited in dollar amount, such as some exemptions for health aids.

Official Form 106E, *Schedule E: Executory Contracts and Unexpired Leases*, replaces Official Form 6G, *Executory Contracts and Unexpired Leases*, in cases of individual debtors.

The form is simplified. Instead of requiring the debtor to make multiple assertions about each potential executory contract or unexpired lease, the form simply requires the debtor to identify the name and address of the entity that the contract or lease is with, and to state what the contract or lease is for. Definitions and examples of executory contracts and unexpired leases are included in the separate instructions for the form.

An additional page is provided in case the debtor has so many executory contracts and unexpired leases that the available page is not adequate. If the debtor needs to use the additional page, the debtor is required to fill-in the entry number.

Official Form 106F, *Schedule F: Your Codebtors*, replaces Official Form 6H, *Codebtors*, in cases of individual debtors.

The form breaks out the questions about whether there are any codebtors, and whether the debtor has lived with a spouse or legal equivalent in a community property state in the prior eight years. It also removes Alaska from the listed community property states. Finally, it asks the debtor to indicate where the debt is listed on Schedule B or Schedule C, thereby eliminating the need to list the name and address of the creditor.

Official Form 106G, *Schedule G: Your Income*, replaces Official Form 6I, *Your Income*, in cases of individual debtors.

The form is one of an initial set of forms that were published as part of the Forms Modernization Project in 2012. It is renumbered and internal cross references are updated to conform to the new numbering system now being introduced by the Forms Modernization Project.

Official Form 106H, *Schedule H: Your Expenses*, replaces Official Form 6J, *Your Expenses*, in cases of individual debtors.

The form is one of an initial set of forms that were published as part of the Forms Modernization Project in 2012. It is renumbered and internal cross references are updated to conform to the new numbering system now being introduced by the Forms Modernization Project.

Official Form 106 – Summary, *A Summary of Your Assets and Liabilities and Certain Statistical Information*, replaces, Official Form 6, *Summary of Schedules and Statistical Summary of Certain Liability and Related Data (28 U.S.C. § 159)*, in cases of individual debtors.

The form is reformatted and updated with cross references indicating from which forms and line numbers the summary information is gathered. In addition, because most filings are now done electronically, the form no longer requires the debtor to list the other schedules being filed with the Summary or to tabulate the total number of sheets used to compile the Schedules.

Official Form 106 – Declaration, *Declaration About an Individual Debtor's Schedules*, replaces Official Form 6, *Declaration Concerning Debtor's Schedules*, in cases of individual debtors.

The form, which is to be signed by the debtor and filed with the debtor's schedules, deletes the Declaration and Signature of Bankruptcy Petition Preparer (BBP). Instead, the debtor is directed to complete and file Official Form 119, *Bankruptcy Petition Preparer's Notice, Declaration, and Signature*, if a BBP helped fill out the bankruptcy forms. The form also deletes the Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership as unnecessary in a bankruptcy case filed by an individual debtor.

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____
 (If known)

Check if this is an amended filing

Official Form 107

Your Statement of Financial Affairs for Individuals Filing for Bankruptcy 12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Where You Lived Before

1. During the last 3 years, have you lived anywhere other than where you live now?

- No
- Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1:	Dates Debtor 1 lived there	Debtor 2:	Dates Debtor 2 lived there
_____ Number Street _____ City State ZIP Code	From _____ To _____	Same as Debtor 1 _____ Number Street _____ City State ZIP Code	Same as Debtor 1 From _____ To _____
_____ Number Street _____ City State ZIP Code	From _____ To _____	Same as Debtor 1 _____ Number Street _____ City State ZIP Code	Same as Debtor 1 From _____ To _____

2. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No
- Yes. Make sure you fill out Schedule F: *Your Codebtors* (Official Form 106F).

Part 2: Explain the Sources of Your Income

3. Did you have any income from being employed or operating a business during this year or the two previous calendar years?

Fill in a total amount for the income you receive from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No
- Yes. Fill in the details.

	Debtor 1		Debtor 2	
	Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Sources of income Check all that apply.	Gross income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	Wages, commissions, bonuses, tips Operating a business	\$ _____	Wages, commissions, bonuses, tips Operating a business	\$ _____
For last calendar year: (January 1 to December 31, _____) YYYY	Wages, commissions, bonuses, tips Operating a business	\$ _____	Wages, commissions, bonuses, tips Operating a business	\$ _____
For the calendar year before that: (January 1 to December 31, _____) YYYY	Wages, commissions, bonuses, tips Operating a business	\$ _____	Wages, commissions, bonuses, tips Operating a business	\$ _____

4. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony, child support, Social Security, unemployment, and other public benefit payments, pensions, rental income, interest, dividends, money collected from lawsuits, royalties, and gambling and lottery winnings. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

List each source and the gross income for each separately. Do not include income that you listed in line 3.

- No
- Yes. Fill in the details.

	Debtor 1		Debtor 2	
	Sources of income Describe below.	Gross income from each source (before deductions and exclusions)	Sources of income Describe below.	Gross income from each source (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____
For last calendar year: (January 1 to December 31, _____) YYYY	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____
For the calendar year before that: (January 1 to December 31, _____) YYYY	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____
	_____	\$ _____	_____	\$ _____

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy

5. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?

No. **My debts are not primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$5,850 or more?

No. Go to line 6.

Yes. List below each creditor to whom you paid a total of \$5,850 or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Yes. **My debts are primarily consumer debts.**

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

No. Go to line 6.

Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

	Dates of payment	Total amount paid	Amount you still owe	Was this payment for...
_____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	Mortgage Car Credit card Loan repayment Suppliers or vendors Other _____
_____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	Mortgage Car Credit card Loan repayment Suppliers or vendors Other _____
_____ Creditor's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	Mortgage Car Credit card Loan repayment Suppliers or vendors Other _____

6. **Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?**

Insiders include relatives; general partners of you or your relatives; corporations of which you are an officer, director, or person in control; and any managing agent. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
 Yes. List all payments to an insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
_____ Insider's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	
_____ Insider's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	

7. **Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefitted an insider?**

Include payments on debts guaranteed or co-signed by an insider.

- No
 Yes. List all payments that benefit an insider.

	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
_____ Insider's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	
_____ Insider's Name _____ Number Street _____ _____ City State ZIP Code	_____	\$ _____	\$ _____	

Part 4: Identify Legal Actions, Repossessions, Foreclosures, and Returns

8. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?

List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- No
- Yes. Fill in the details.

	Nature of the case	Court or agency	Status of the case
Case title _____ _____		Court Name _____	Pending
Case number _____		Number Street _____	On appeal
		City State ZIP Code _____	Concluded
Case title _____ _____		Court Name _____	Pending
Case number _____		Number Street _____	On appeal
		City State ZIP Code _____	Concluded

9. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?

Check all that apply and fill in the details below.

- No. Go to line 10.
- Yes. Fill in the information below.

	Describe the property	Date	Value of the property
Creditor's Name _____ Number Street _____ City State ZIP Code _____			\$ _____
	Explain what happened		
	<input type="checkbox"/> Property was repossessed. <input type="checkbox"/> Property was foreclosed. <input type="checkbox"/> Property was garnished. <input type="checkbox"/> Property was attached. <input type="checkbox"/> Property was seized or levied.		
Creditor's Name _____ Number Street _____ City State ZIP Code _____			\$ _____
	Explain what happened		
	<input type="checkbox"/> Property was repossessed. <input type="checkbox"/> Property was foreclosed. <input type="checkbox"/> Property was garnished. <input type="checkbox"/> Property was attached. <input type="checkbox"/> Property was seized or levied.		

10. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off or otherwise take anything from your accounts without your permission or refuse to make a payment because you owed a debt?

- No
 Yes. Fill in the details.

	Describe the action the creditor took	Date action was taken	Amount
Creditor's Name _____ Number Street _____ City State ZIP Code _____			\$ _____
	Last 4 digits of account number: XXXX-____ _ _ _ _		

11. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, custodian, or other official?

- No
 Yes. Fill in the details.

	Describe the property	Value
Custodian's Name _____ Number Street _____ City State ZIP Code _____		\$ _____
	Case title _____	Court Name _____
	Case number _____	Number Street _____
	Date of order or assignment _____ MM / DD / YYYY	City State ZIP Code _____

Part 5: List Certain Gifts and Contributions

12. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- No
 Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift _____ Number Street _____ City State ZIP Code _____			\$ _____
Person's relationship to you _____			\$ _____

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
_____ Person to Whom You Gave the Gift _____		_____	\$ _____
_____ Number Street		_____	\$ _____
_____ City State ZIP Code			
_____ Person's relationship to you			

13. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- No
 Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600	Describe what you contributed	Date you contributed	Value
_____ Charity's Name _____		_____	\$ _____
_____ Number Street		_____	\$ _____
_____ City State ZIP Code			

Part 6: List Certain Losses

14. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- No
 Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss <small>Include the amount that insurance has paid. List pending insurance claims on line 33 of Schedule A: Property.</small>	Date of your loss	Value of property lost
		_____	\$ _____

Part 7: List Certain Payments or Transfers

15. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- No
- Yes. Fill in the details.

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
_____ Person Who Was Paid _____ Number Street _____ _____ City State ZIP Code _____ Email or website address _____ Person Who Made the Payment, if Not You		_____ \$ _____ _____ \$ _____	

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
_____ Person Who Was Paid _____ Number Street _____ _____ City State ZIP Code _____ Email or website address _____ Person Who Made the Payment, if Not You		_____ \$ _____ _____ \$ _____	

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay anything to anyone who promised to help you deal with your creditors or to make payments to your creditors?

Do not include any payment or transfer that you listed on line 15.

- No
- Yes. Fill in the details.

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
_____ Person Who Was Paid _____ Number Street _____ _____ City State ZIP Code		_____ \$ _____ _____ \$ _____	

17. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?

Include both outright transfers and transfers made as security. Do not include gifts and transfers that you have already listed on this statement.

- No
 Yes. Fill in the details.

	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
_____ Person Who Received Transfer _____ Number Street _____ _____ City State ZIP Code _____ Person's relationship to you _____			_____ _____
_____ Person Who Received Transfer _____ Number Street _____ _____ City State ZIP Code _____ Person's relationship to you _____			_____ _____

18. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- No
 Yes. Fill in the details.

	Description and value of the property transferred	Date transfer was made
_____ Name of trust _____ _____		_____ _____

Part 8: List Certain Financial Accounts, Safety Deposit Boxes, and Storage Units

19. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- No
 Yes. Fill in the details.

	Last 4 digits of account number	Type of account	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
_____ Name of Financial Institution _____ Number Street _____ _____ City State ZIP Code	XXXX-____-____-____	Checking Savings Money market Brokerage Other_____	_____	\$_____
_____ Name of Financial Institution _____ Number Street _____ _____ City State ZIP Code	XXXX-____-____-____	Checking Savings Money market Brokerage Other_____	_____	\$_____

20. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- No
 Yes. Fill in the details.

	Who else had access to it?	Describe the contents	Do you still have it?
_____ Name of Financial Institution _____ Number Street _____ _____ City State ZIP Code	_____ Name _____ Number Street _____ City State ZIP Code		No Yes

21. Do you store property in a storage unit, or have you stored property in a storage unit within 1 year before you filed for bankruptcy? Do not include storage units that are part of the building in which you live.

- No
 Yes. Fill in the details.

	Who else has or had access to it?	Describe the contents	Do you still have it?
_____ Name of Storage Facility _____ Number Street _____ _____ City State ZIP Code	_____ Name _____ Number Street _____ City State ZIP Code		No Yes

Part 9: Identify Property You Hold or Control for Someone Else

22. **Do you hold or control any property that someone else owns?** Include any property you borrowed from, are storing for, or hold in trust for someone.

- No
- Yes. Fill in the details.

	Where is the property?	Describe the property	Value
Owner's Name _____ _____	Number Street _____ _____ City State ZIP Code		\$ _____

Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

- *Environmental law* means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- *Site* means any location, facility, or property that any environmental law defines, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- *Hazardous material* means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

23. **Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?**

- No
- Yes. Fill in the details.

	Governmental unit	Environmental law, if you know it	Date of notice
Name of site _____ _____ Number Street _____ _____ City State ZIP Code	Governmental unit _____ _____ Number Street _____ _____ City State ZIP Code		_____

24. **Have you notified any governmental unit of any release of hazardous material?**

- No
- Yes. Fill in the details.

	Governmental unit	Environmental law, if you know it	Date of notice
Name of site _____ _____ Number Street _____ _____ City State ZIP Code	Governmental unit _____ _____ Number Street _____ _____ City State ZIP Code		_____

25. **Have you been a party in any judicial or administrative proceeding under any environmental law?** Include settlements and orders.

- No
 Yes. Fill in the details.

	Court or agency	Nature of the case	Status of the case
Case title _____	Court Name _____		Pending
_____	Number Street _____		On appeal
Case number _____	City _____ State _____ ZIP Code _____		Concluded

Part 11: Give Details About Your Business or Connections to Any Business

26. **Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?**

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- Member of a limited liability company (LLC) or limited liability partnership (LLP)
- A partner in a partnership
- An officer, director, or managing executive of a corporation
- Owner of at least 5% of the voting or equity securities of a corporation

- No. None of the above applies. Go to Part 12.
 Yes. Check all that apply above and fill in the details below for each business.

_____ Business Name _____ Number Street _____ City State ZIP Code	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		EIN: ____ - ____ - ____ - ____ - ____
	Name of accountant or bookkeeper	Dates business existed
		From _____ To _____
_____ Business Name _____ Number Street _____ City State ZIP Code	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		EIN: ____ - ____ - ____ - ____ - ____
	Name of accountant or bookkeeper	Dates business existed
		From _____ To _____
_____ Business Name _____ Number Street _____ City State ZIP Code	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		EIN: ____ - ____ - ____ - ____ - ____
	Name of accountant or bookkeeper	Dates business existed
		From _____ To _____

27. **Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business?** Include all financial institutions, creditors, or other parties.

- No
- Yes. Fill in the details below.

Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Date issued _____ MM / DD / YYYY
--	---

Part 12: Sign Here

I declare under penalty of perjury that I have read the answers on this Statement of Financial Affairs and any attachments and that the answers are true and correct.

X _____

Signature of Debtor 1

X _____

Signature of Debtor 2

Date _____

Date _____

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (Official Form 107)*?

- No
- Yes

COMMITTEE NOTE

Official Form 107, *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy*, which applies only in cases of individual debtors, is revised in its entirety as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats. Therefore, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions. In addition, the form is renumbered to distinguish it from the version to be used in non-individual cases, and stylistic changes were made throughout the form.

The form is derived from Official Form 7, *Statement of Financial Affairs*. The new form uses eleven sections likely to be more understandable to non-lawyers, groups questions of a similar nature together, and eliminates questions unrelated to individual debtors. The new form deletes the instruction, currently found in many questions, that married debtors filing under chapter 12 or chapter 13 must include information applicable to their spouse, even if their spouse is not filing with them, unless the spouses are separated.

Part 1, *Give Details About Where You Lived Before*, moves the questions regarding the debtor's prior addresses and residences in a community property state to the beginning of the form. The form eliminates the "name used" question in reference to prior addresses. Also, the debtor is no longer required to list the name of a spouse or former spouse who lived with the debtor in a community property state.

Part 2, *Explain the Sources of Your Income*, consolidates the questions regarding income, adding "wages, commissions, bonuses, tips" as a category for sources of income, and eliminates the option to report income on a fiscal year basis. In addition, the form provides examples of types of "other income." The time

period is changed from the prior two years to two calendar years plus the portion of the year in which the bankruptcy is filed.

Part 3, *List Certain Payments You Made Before You Filed for Bankruptcy*, includes questions related to payments made in the 90 days prior to bankruptcy, with a separate question for payments made to insiders within one year before filing for bankruptcy. The statutory definition of consumer debt is provided. The question regarding payments for consumer and non-consumer debts requires the debtor to use checkboxes to specifically indicate the purpose of the payment. The form instructs debtors to include payments for domestic support obligations in the section regarding insider payments. The form provides a separate question regarding payments or transfers on account of a debt that benefited an insider. For both questions regarding payments to insiders, the debtor is required to provide a reason for the payment.

Part 4, *Identify Legal Actions, Repossessions, Foreclosures, and Returns*, consolidates questions regarding actions against the debtor's property. The form provides examples of types of legal actions, and requires the debtor to indicate the status of any action. The form adds the requirement that a debtor include any property levied within a year of filing for bankruptcy, and that the debtor provide the last four digits of any account number for any setoffs. Also, a debtor must list any assignment for the benefit of creditors made within one year of filing for bankruptcy.

Part 5, *List Certain Gifts and Contributions*, changes the reporting threshold to \$600 per person or charity, and increases the look-back period from one to two years.

Part 6, *List Certain Losses*, clarifies how to report insurance coverage for losses, providing that the debtor must include amounts of insurance that have been paid on this form, but must list pending insurance claims on Official Form 106A.

Part 7, *List Certain Payments or Transfers*, includes questions regarding payments or transfers of property by the debtor. The question regarding payments or transfers to anyone who was consulted about seeking bankruptcy or preparing a bankruptcy petition requires the person's email or website address,

as well as the name of the person who made the payment, if it was not the debtor. There is a separate question asked about payments or transfers to anyone who promised to help with creditors or make payments to creditors, reminding the debtors not to include any payments or transfers already listed. Also, the debtor must list any transfers of property, outright or for security purposes, within two years of filing for bankruptcy, unless the transfer is in the ordinary course of the debtor's business. There is a reminder not to list gifts or other transfers already included elsewhere on the form. The question regarding self-settled trusts includes a notation that such trusts are often referred to as asset-protection devices.

Part 8, *List Certain Financial Accounts, Safety Deposit Boxes, and Storage Units*, adds money market accounts to the examples provided for the question regarding financial accounts or instruments, and removes "other instruments" from the examples. Also, the form adds a question about whether the debtor has or had property stored in a storage unit within one year of filing for bankruptcy. The debtor must provide the name and address of the storage facility and anyone who has or had access to the unit, as well as a description of the contents and whether the debtor still has access to the storage unit. Storage units that are part of the building in which the debtor resides are excluded.

Part 9, *Identify Property You Hold or Control for Someone Else*, instructs that the debtor should include any property that the debtor borrowed from, is storing for, or is holding in trust for someone.

Part 10, *Give Details About Environmental Information*, adds any location, facility, or property that a debtor uses or used in the definition of "site." Also, the debtor must list the case title and nature of the case for any judicial or administrative proceedings under any environmental law, and must choose a checkbox option to indicate the status of the case.

Part 11, *Give Details About Your Business or Connections to Any Business*, eliminates any instructions that apply to corporations and partnerships. The debtor must indicate if, within four years (previously six years) before filing for bankruptcy, the debtor owned a business or had certain connections to a business,

with five categories of businesses provided as checkboxes. If the debtor has a connection to a business, the debtor must list the name, address, nature, and Employer Identification Number of the business, the dates of the business' existence, and the name of an accountant or bookkeeper for the business. Accounting information requested is truncated; the debtor is simply required to provide the name of the business bookkeeper or accountant.

Part 12, *Sign Here*, eliminates the signature boxes for a partnership or corporation and a non-attorney bankruptcy petition preparer. Also, the debtor is asked to indicate through checkboxes whether additional pages are attached to the form.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(if known)

Check if this is an amended filing

Official Form 112

Statement of Intention for Individuals Filing Under Chapter 7

12/14

If you are an individual filing under Chapter 7 and creditors have claims secured by your property or you have leased personal property and the lease has not expired, you must fill out this form. You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also have delivered copies to the creditors and lessors you listed on the form.

If two married people are filing together in a joint case, both are equally responsible for supplying correct information. Both debtors must sign and date the form.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: List Your Creditors Who Hold Secured Claims

1. For any creditors that you listed in Part 1 of *Schedule B*, fill in the information below.

Identify the creditor and the property that is collateral		What do you intend to do with the property that is subject to a secured debt?	Did you claim the property as exempt on Schedule D?
Creditor's name:		Give the property to the creditor. Keep the property. <i>Check one:</i> I will redeem the property. I will sign a <i>Reaffirmation Agreement</i> . Other. Explain: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of property securing debt:			
Creditor's name:		Give the property to the creditor. Keep the property. <i>Check one:</i> I will redeem the property. I will sign a <i>Reaffirmation Agreement</i> . Other. Explain: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of property securing debt:			
Creditor's name:		Give the property to the creditor. Keep the property. <i>Check one:</i> I will redeem the property. I will sign a <i>Reaffirmation Agreement</i> . Other. Explain: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of property securing debt:			
Creditor's name:		Give the property to the creditor. Keep the property. <i>Check one:</i> I will redeem the property. I will sign a <i>Reaffirmation Agreement</i> . Other. Explain: _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of property securing debt:			

Part 2: List Your Unexpired Personal Property Leases

For any unexpired personal property leases that you listed in *Schedule E*, fill in the information below. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

Describe your unexpired personal property leases		Will the lease be assumed?
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		
Lessor's name:		<input type="checkbox"/> No <input type="checkbox"/> Yes
Description of leased property:		

Part 3: Sign Here

Under penalty of perjury, I declare that I have indicated my intention about any property of my estate that secures a debt and any personal property that is subject to an unexpired lease.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

COMMITTEE NOTE

Official Form 112, *Statement of Intention for Individuals Filing Under Chapter 7* is revised in its entirety as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. In addition, the form is renumbered, and stylistic changes were made throughout the form.

The form is derived from Official Form 8, *Chapter 7 Individual Debtor's Statement of Intention*. The new form has three parts which use language likely to be understandable to non-lawyers. In addition, the instructions are more extensive, advising an individual Chapter 7 debtor that the form must be completed and filed within 30 days, and that the debtor must deliver copies of the form to creditors and lessors listed on the form.

Part 1, *Your Creditors Who Hold Secured Claims*, refers to signing a "Reaffirmation Agreement" rather than asking whether the debtor intends to "reaffirm the debt." In addition, the debtor is asked if the property is claimed as exempt on Schedule C (Official Form 106C).

Part 2, *List Your Unexpired Personal Property Leases*, defines unexpired leases and explains that a debtor may assume an unexpired personal property lease if the trustee does not assume it.

Fill in this information to identify the case:

Debtor 1 _____
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
 (State)

Case number _____ Chapter _____
 (If known)

Official Form 119

Bankruptcy Petition Preparer's Notice, Declaration, and Signature

12/14

Bankruptcy petition preparers as defined in 11 U.S.C. § 110 must fill out this form. Only bankruptcy petition preparers should fill out this form. Bankruptcy petition preparers must fill out this form anytime they help prepare documents to be filed in the case. If more than one bankruptcy petition preparer helped with the documents, each must sign in Part 3. A bankruptcy petition preparer who does not comply with the provisions of title 11 of the United States Code and the Federal Rules of Bankruptcy Procedure may be fined and imprisoned. 11 U.S.C. § 110; 18 U.S.C. § 156.

Part 1: Notice to Debtor

Bankruptcy petition preparers must give the debtor a copy of this form and have the debtor sign it before they prepare any documents for filing or accept any compensation. A signed copy of this form must be filed with any document prepared.

Bankruptcy petition preparers are not attorneys and may not practice law or give you legal advice, including the following:

- Whether to file a petition under the Bankruptcy Code (11 U.S.C. § 101 et seq.);
- Whether filing a case under Chapter 7, 11, 12, or 13 is appropriate;
- Whether your debts will be eliminated or discharged in a case under the Bankruptcy Code;
- Whether you will be able to keep your home, car, or other property after filing a case under the Bankruptcy Code;
- The tax consequences that may arise because a case is filed under the Bankruptcy Code;
- Whether any tax claims may be discharged;
- Whether you may or should promise to repay debts to a creditor or enter into a reaffirmation agreement;
- How to characterize the nature of your interests in property or your debts; or
- Bankruptcy procedures and rights.

**The bankruptcy petition preparer _____ has notified me of
 Name
 any maximum allowable fee before preparing any document for filing or accepting any fee.**

 Signature of Debtor 1, acknowledging receipt of this notice Date _____
 MM / DD / YYYY

 Signature of Debtor 2, acknowledging receipt of this notice Date _____
 MM / DD / YYYY

COMMITTEE NOTE

Official Form 119, *Bankruptcy Petition Preparer's Notice, Declaration, and Signature*, applies only in cases of individual debtors. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. In addition, the form is renumbered, and stylistic changes were made throughout the form.

The form is derived from Official Form 19, *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer*. An instruction is added to the form that provides statutory citations. Filers are advised that only bankruptcy petition preparers should use the form, and that if more than one bankruptcy petition preparer helped with the documents, each must sign the form.

Part 1, *Notice to Debtor*, is moved to the beginning of the form and revised. An instruction is added that bankruptcy petition preparers must give the debtor a copy of the form and have the debtor sign it before they prepare any documents for filing or accept compensation, and that the form must be filed with any document prepared. It warns the debtor that bankruptcy petition preparers are not attorneys and may not practice law or give legal advice, with a list of examples of advice that may not be provided by a bankruptcy petition preparer. The signature line includes a note that the debtor acknowledges receipt of the notice.

Part 2, *Declaration of Bankruptcy Petition Preparer*, revises the declaration by the bankruptcy petition preparer to include an officer, principal, responsible person, or partner of a bankruptcy petition preparer. The bankruptcy petition preparer must provide a firm name, if applicable, as well as a contact phone, and must indicate which documents the bankruptcy petition preparer prepared from a list of documents. An "other" option is provided if additional documents were prepared.

Part 3, *Sign Here*, provides spaces for the bankruptcy petition preparer to enter a social security number, and adds the

language regarding an officer, principal, responsible person or partner of the bankruptcy petitioner on the signature line.

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____
State

Case number (If known): _____

Draft October 3, 2012

Official Form 121

Your Statement About Your Social Security Numbers

12/14

Use this form to tell the court about any Social Security or federal Individual Taxpayer Identification Numbers you have used. Do not file this form as part of the public case file. This form must be submitted separately and must not be included in the court's public electronic records.

To protect your privacy, the court will not make this form available to the public. You should not include a full Social Security Number or Individual Taxpayer Number on any other document filed with the court. The court will make only the last four digits of your numbers known to the public. However, the full numbers will be available to your creditors, the U.S. trustee or bankruptcy administrator, and the trustee assigned to your case and to help creditors correctly identify a case, full Social Security Numbers may appear on an electronic version of some notices. Please consult local court procedures for submission requirements.

If you do not tell the truth on this form, you may be fined up to \$250,000, you may be imprisoned for up to 5 years, or both.

Part 1: Tell the court about yourself and your spouse if your spouse is filing with you

For Debtor 1:

For Debtor 2 (Only If Spouse Is Filing):

1. Your name

First name

Middle name

Last name

First name

Middle name

Last name

Part 2: Tell the court about all of your Social Security or federal Individual Taxpayer Identification Numbers

2. All Social Security Numbers you have used

____ - ____ - ____ - ____
____ - ____ - ____ - ____

You do not have a Social Security Number.

____ - ____ - ____ - ____
____ - ____ - ____ - ____

You do not have a Social Security Number.

3. All federal Individual Taxpayer Identification Numbers (ITIN) you have used

9 ____ - ____ - ____ - ____
9 ____ - ____ - ____ - ____

You do not have an ITIN.

9 ____ - ____ - ____ - ____
9 ____ - ____ - ____ - ____

You do not have an ITIN.

Part 3: Sign here

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

Signature of Debtor 1

Date _____
MM / DD / YYYY

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

Signature of Debtor 2

Date _____
MM / DD / YYYY

COMMITTEE NOTE

Official Form 121, *Your Statement About Your Social Security Numbers*, is revised as part of the Forms Modernization Project. The form, which applies only in cases of individual debtors, replaces Official Form 21, *Statement of Social Security Number(s)*. It is renumbered to distinguish it from the forms used by non-individual debtors such as corporations and partnerships.

To make Form 121 easier to understand and complete, the form is divided into three sections and directions on the form are simplified. The debtors' address is eliminated from the form and the Employer Tax-Identification number (EIN) is moved from the caption to the body of the form.

Information to identify the case:			
Debtor 1	_____	_____	_____
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	_____	_____	_____
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	_____		District of _____
			(State)
Case number:	_____		
		Last 4 digits of Social Security Number or ITIN	_____
		EIN	____ - _____
		Last 4 digits of Social Security Number or ITIN	_____
		EIN	____ - _____

Order of Discharge

IT IS ORDERED: A discharge under 11 U.S.C. § 727 is granted to:

_____ [_____]

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

Notice to the creditors:

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors with discharged debts cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney's fees.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien.

This order does not prevent debtors from paying any debt voluntarily or from paying reaffirmed debts according to the reaffirmation agreement. 11 U.S.C. § 524(c), (f).

This order does not close or dismiss the case, and it does not determine how much money, if any, the trustee will pay creditors.

Notice to the debtor:

This court order grants you (the debtor) a discharge. Most debts are covered by the discharge, but not all. Generally a discharge removes your personal liability for debts that you owed before you filed your bankruptcy case.

Also, if this case began under a different chapter of the Bankruptcy Code and was later converted to chapter 7, debts that existed before the conversion are discharged.

This order does not close or dismiss the case, and it does not determine how much money, if any, the trustee will pay creditors.

In a case involving community property: Special rules protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.

For more information, see page 2 ►

Creditors cannot collect discharged debts from you

This order means that no one can make any attempt to collect from you personally a debt that has been discharged. For example, creditors with discharged debts cannot sue you, garnish your wages, assert a deficiency claim against you, or otherwise try to collect from you personally. They cannot contact you by mail, phone, or otherwise in any attempt to collect the debt as your personal liability.

A creditor who violates this order can be required to pay you damages and attorney's fees.

However, you may voluntarily pay any debt that has been discharged.

But creditors might collect for some debts

This discharge does not stop creditors from collecting debts that you reaffirmed or from any property in which they have a valid security interest.

Debts covered by a valid reaffirmation agreement are not discharged. When you signed a reaffirmation agreement, you chose to give up your discharge for that particular debt.

In addition, the creditor may have a right to enforce a lien against your property unless the lien was avoided or eliminated. For example, the creditor may have the right to foreclose a home mortgage or repossess an auto.

Also, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as your insurance company or a relative who cosigned or guaranteed a loan.

Some debts are not discharged

Examples of some debts that are not discharged are:

Debts that are domestic support obligations;

Debts for most student loans;

Debts for most taxes;

Debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;

Debts for most fines, penalties, forfeitures, or criminal restitution obligations;

Some debts which you did not properly list;

Debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and

Debts for death or personal injury caused by your operating a vehicle while intoxicated.

This information is only a general summary of the bankruptcy discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of this discharge.

COMMITTEE NOTE

Official Form 318, *Order of Discharge*, is revised and renumbered as part of the Forms Modernization Project. The form is used to issue a discharge in chapter 7 cases filed by individuals or joint debtors. It replaces Official Form 18, *Discharge of Debtor*, Director's Procedural Form 18J, *Discharge of Joint Debtors*, and Director's Procedural Form 18JO, *Discharge of One Joint Debtor*.

To make the discharge order and the explanation of it easier to read and understand, legal terms are explained more fully or replaced with commonly understood terms and the form is reformatted.

Reaffirmed debts are explained more fully and debtors are informed that a discharge will not stop creditors from collecting debts from any property in which they have a valid security interest. In addition, debtors are advised that the discharge does not stop creditors from collecting from anyone else who is liable on the debt, such as cosigner on the loan or an insurance company.

Director's Procedural Forms 18J and 18JO are no longer needed because Form 318 specifies the names of the debtors, or debtor, to whom the discharge is issued.

Fill in this information to identify the case:

Debtor 1	_____	_____	_____
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	_____	_____	_____
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	_____		District of _____
			(State)
Case number (If known)	_____		

Official Form B423

Certification About a Financial Management Course

12/14

If you are an individual and you filed for bankruptcy under chapter 7 or 13, or under chapter 11 if § 1141(d)(3)(C) applies, you must take an approved course about personal financial management. In a joint case, each debtor must take the course. 11 U.S.C. 727(a)(11).

After you finish the course, the provider will give you a certificate. The provider may notify the court that you have completed the course. If the provider does not do so, then Debtor 1 and Debtor 2 must each file this form with the certificate number before your debts will be discharged.

If you filed under chapter 7 and you need to file this form, file it within 60 days after the first date set for the meeting of creditors under § 341 of the Bankruptcy Code.

If you filed under chapter 11 or 13 and you need to file this form, file it before you make the last payment that your plan requires or before you file a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Bankruptcy Code. Fed. R. Bankr. P. 1007(c).

In some cases, the court can waive the requirement to take the financial management course. To have the requirement waived, you must file a motion with the court and obtain a court order.

Part 1: Tell the Court About the Required Course

You must check one:

I completed an approved course in personal financial management:

Date I took the course _____
MM / DD / YYYY

Name of approved provider _____

Certificate number _____

I am not required to complete a course in personal financial management because the court has granted my motion for a waiver of the requirement based on (check one):

- Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- Disability.** My physical disability causes me to be unable to complete a course in personal financial management in person, by phone, or through the internet, even after I reasonably tried to do so.
- Active duty.** I am currently on active military duty in a military combat zone.
- Residence.** I live in a district in which the United States trustee (or bankruptcy administrator) has determined that the approved instructional courses cannot adequately meet my needs.

Part 2: Sign Here

I certify that the information I have provided is true and correct.

_____	_____	Date _____
Signature of debtor named on certificate	Printed name of debtor	MM / DD / YYYY

COMMITTEE NOTE

Official Form 423, *Certification About a Financial Management Course*, is revised as part of the Forms Modernization Project. The form replaces Official Form 23, *Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management*. Form 423 is renumbered to distinguish it from the forms used by non-individual debtors such as corporations and partnerships.

To make Form 423 easier to understand, legal terms are explained more fully or replaced with commonly understood terms and the form is reformatted. Part 1, *Tell the Court About the Required Course*, provides definitions for “incapacity” and “disability,” rather than providing statutory citations.

A statement is added that, in some cases, the court can waive the requirement to complete the financial management course. To have the requirement waived, the debtor must file a motion with the court and obtain a court order.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Draft
 August 23, 2012

Official Form 427
Cover Sheet for Reaffirmation Agreement

12/14

Anyone who is a party to a reaffirmation agreement may fill out and file this form. Fill it out completely, attach it to the reaffirmation agreement, and file the documents within the time set under Bankruptcy Rule 4008.

Part 1: Explain the Repayment Terms of the Reaffirmation Agreement

1. Who is the creditor? _____
Name of the creditor

2. How much is the debt? On the date that the bankruptcy case is filed \$ _____
 To be paid under the reaffirmation agreement \$ _____
 \$ _____ per month for _____ months (if fixed interest rate)

3. What is the annual percentage rate (APR) of interest?
 Before the bankruptcy case was filed _____ %
 Under the reaffirmation agreement _____ % Fixed rate
 Adjustable rate

4. Does collateral secure the debt? No
 Yes. Describe the collateral. _____
 Current market value \$ _____

5. Does the creditor assert that the debt is nondischargeable? No
 Yes. Attach an explanation of the nature of the debt and the basis for contending that the debt is nondischargeable.

6. Using information from <i>Schedule G: Your Income</i> (Official Form 106G) and <i>Schedule H: Your Expenses</i> (Official Form 106H), fill in the amounts.	Income and expenses reported on Schedules G and H	Income and expenses stated on the reaffirmation agreement
	6a. Combined monthly income from line 12 of Schedule G \$ _____	6e. Monthly income from all sources after payroll deductions \$ _____
6b. Monthly expenses from Column A, line 22 of Schedule H \$ _____	6f. Monthly expenses — \$ _____	
6c. Monthly payments on all reaffirmed debts not listed on Schedule H — \$ _____	6g. Monthly payments on all reaffirmed debts not included in monthly expenses — \$ _____	
6d. Scheduled net monthly income \$ _____ Subtract lines 6b and 6c from 6a. If the total is less than 0, put the number in brackets.	6h. Present net monthly income \$ _____ Subtract lines 6f and 6g from 6e. If the total is less than 0, put the number in brackets.	

COMMITTEE NOTE

Official Form 427, *Cover Sheet for Reaffirmation Agreement*, is revised and renumbered as part of the Forms Modernization Project. The form replaces Official Form 27, *Reaffirmation Agreement Cover Sheet*. To make it easier to understand, the form is reformatted and legal terms are explained more fully or replaced with commonly understood terms.

The calculation of the debtor's net monthly income is expanded to include the debtor's net monthly income at the time the bankruptcy petition is filed as well as debtor's net monthly income at the time of the reaffirmation agreement. Rather than requiring filers to state their relationship to the case, checkboxes are provided for the debtor or the debtor's attorney and for the creditor or the creditor's attorney.

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APPENDIX A.2

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OFFICIAL FORMS

Chart Draft -- 9.27.2012

B 1	Voluntary Petition	B101	Voluntary Petition for Individuals Filing for Bankruptcy (<i>incorporates exhibits – carves out eviction judgment statement as new form B101AB</i>)	Fall 2012	August 2013
		B101A B101B	Your Statement About an Eviction Judgment Against You – Parts A and B (<i>was in Form B1</i>)	Fall 2012	August 2013
		B201	Voluntary Petition for Non-Individuals Filing for Bankruptcy		
	Exhibit A	B201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11		
	Exhibit C	B101 B201	<i>Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201</i>		
	Exhibit D	B101	<i>Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in Form B101</i>		
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202	Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership (<i>For petition, schedules, SOFA, etc</i>)		
B 3A	Application and Order to Pay Filing Fee in Installments	B103A	Application for Individuals to Pay the Filing Fee in Installments	Spring 2011	August 2012
B 3B	Application for Waiver of Chapter 7 Filing Fee	B103B	Application to Have the Chapter 7 Filing Fee Waived	Spring 2011	August 2012

B 4	List of Creditors Holding 20 Largest Unsecured Claims	B104	For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders (<i>individuals</i>)	Fall 2012	August 2013	
		B204	For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders (<i>non-individuals</i>)			
B 5	Involuntary Petition	B105	Involuntary Petition Against an Individual	Spring 2013	August 2013	
		B205	Involuntary Petition Against a Non-Individual			
B6	Cover Sheet for Schedules	No coversheet created				
B6	Summary of Schedules (Includes Statistical Summary of Certain Liabilities)	B106 -- Summary	A Summary of Your Assets and Liabilities and Certain Statistical Information (<i>individuals</i>)	Fall 2012	August 2013	
		B206 -- Summary	A Summary of Your Assets and Liabilities (<i>non-individuals</i>)			
B 6A	Schedule A - Real Property	}	B106-A	Schedule A: Property (Official Form 106A) (<i>combines real and personal property, individuals</i>)	Fall 2012	August 2013
B 6B	Schedule B - Personal Property		B206-A	Schedule A: Property (<i>combines real and personal property, non-individuals</i>)		
B 6C	Schedule C - Property Claimed as Exempt	B106-D	Schedule D: The Property You Claim as Exempt (<i>individuals</i>)	Fall 2012	August 2013	
B 6D	Schedule D - Creditors Holding Secured Claims	B106-B	Schedule B: Creditors Who Hold Claims Secured By Property (<i>against individuals</i>)	Fall 2012	August 2013	

		B206-B	Schedule B: Creditors Who Hold Claims Secured By Property (<i>against non-individuals</i>)			
B 6E	Schedule E - Creditors Holding Unsecured Priority Claims	}	B106C	Schedule C: Creditors Who Have Unsecured Claims (<i>against individuals, combines priority and non-priority</i>)	Fall 2012	August 2013
B 6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims		B206C	Schedule C: Creditors Who Have Unsecured Claims (<i>against non-individuals, combines priority and non-priority</i>)		
B 6G	Schedule G - Executory Contracts and Unexpired Leases	B106E	Schedule E: Executory Contracts and Unexpired Leases (<i>individuals</i>)	Fall 2012	August 2013	
		B206E	Schedule E: Executory Contracts and Unexpired Leases (<i>non-individuals</i>)			
B 6H	Schedule H - Codebtors	B106F	Schedule F: Your Codebtors (<i>individuals</i>)	Fall 2012	August 2013	
		B206F	Schedule F: Your Codebtors (<i>non-individuals</i>)			
B 6I	Schedule I - Current Income of Individual Debtor(s)	B106G	Schedule G: Your Income (<i>individuals – published as B6I</i>)	Fall 2011	August 2012	
			no non-individual version			
B 6J	Schedule J- Current Expenditures of Individual Debtor(s)	B106H	Schedule H: Your Expenses (<i>individuals- published as 6J</i>)	Fall 2011	August 2012	
			no non-individual version			
B 6	Declaration Concerning Debtor's Schedules	B106 -- Declaration	Declaration About an Individual Debtor's Schedules	Fall 2012	August 2013	
		B202	Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership (<i>For petition, schedules, SOFA, etc</i>)			

B 7	Statement of Financial Affairs	B107	Your Statement of Financial Affairs for Individuals Filing for Bankruptcy	Fall 2012	August 2013
		B207	Statement of Your Financial Affairs (<i>non-Individuals</i>)		
B 8	Chapter 7 Individual Debtor's Statement of Intention	B112	Statement of Intention for Individuals Filing Under Chapter 7	Fall 2012	August 2013
B 9	Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Deadlines	No coversheet created.			
B 9A	Chapter 7 Individual or Joint Debtor No Asset Case	B 309A	(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline	Spring 2013	August 2013
B 9B	Chapter 7 Corporation/Partnership No Asset Case	B 309C	(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline Set	Spring 2013	August 2013
B 9C	Chapter 7 Individual or Joint Debtor Asset Case	B 309B	(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set	Spring 2013	August 2013
B 9D	Chapter 7 Corporation/Partnership Asset Case (12/11)	B 309D	(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set	Spring 2013	August 2013
B 9E	Chapter 11 Individual or Joint Debtor Case	}	B 309E (For Individuals or Joint Debtors) Notice of Chapter 11 Bankruptcy Case (<i>former Alt version combined with Form B309-E</i>)	Spring 2013	August 2013
B 9E(Alt.)	Chapter 11 Individual or Joint Debtor Case				
B 9F	Chapter 11 Corporation/Partnership Case	}	B 309F (For Corporations or Partnerships) Notice of Chapter 11 Bankruptcy Case (<i>former Alt version combined with Form B309-F</i>)	Spring 2013	August 2013
B 9F(Alt.)	Chapter 11 Corporation/Partnership Case				
B 9G	Chapter 12 Individual or Joint Debtor Family Farmer	B 309G	(For Individuals or Joint Debtors) Notice of Chapter 12 Bankruptcy Case	Spring 2013	August 2013

B 9H	Chapter 12 Corporation/Partnership Family Farmer	B 309H	(For Corporations or Partnerships) Notice of Chapter 12 Bankruptcy Case	Spring 2013	August 2013
B 9I	Chapter 13 Case	B 309I	Notice of Chapter 13 Bankruptcy Case	Spring 2013	August 2013
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Instructions

Bankruptcy Forms for Individuals

U.S. Bankruptcy Court

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September 2012

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About this Booklet of Instructions

This booklet provides instructions for completing selected forms that individuals filing for bankruptcy must submit to the U.S. Bankruptcy Court. You can download all of the required forms without charge from:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

The instructions are designed to accompany the forms and are intended to help you understand what information is required to properly file.

Completing the forms is only a part of the bankruptcy process. You are strongly encouraged to hire a qualified attorney not only to help you complete the forms but also to give you general advice about bankruptcy and to represent you in your bankruptcy case. If you cannot afford to pay an attorney, you might qualify for free legal services if they are provided in your area. Contact your state or local bar association for help in obtaining free

legal services or in hiring an attorney. **Note: It is particularly difficult to succeed in a chapter 11, 12, or 13 case without an attorney.**

If an attorney represents you, you must provide information so the attorney can prepare your forms. Once the attorney prepares the forms, you must make sure that the forms are accurate and complete. These instructions may help you perform those tasks. If you are filing for bankruptcy without the help of an attorney, this booklet tells you which forms must be filed and provides information about them.

You should carefully read this booklet and keep it with your records. Review the individual forms as you read the instructions for each.

Although bankruptcy petition preparers can help you type the bankruptcy forms, they cannot file the documents for you and cannot give you legal advice. Court employees cannot give you legal advice either.

Read This Important Warning

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a misstep or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You may not file bankruptcy if you are not eligible to file or if you do not intend to file the documents necessary to complete the bankruptcy.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. If you deliberately make a false statement, you could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

About the bankruptcy forms and filing bankruptcy

Use the forms that are numbered in the 100 series to file bankruptcy for an individual or a married couple. Use the forms that are numbered in the 200 series if you are preparing a bankruptcy on behalf of a non-individual, such as a corporation, partnership, or limited liability company (LLC).

When a bankruptcy is filed, the U.S. Bankruptcy Court opens a case and reviews information. It is important that the answers to the questions on the forms be complete and accurate so that the case proceeds smoothly. A person filing bankruptcy who gives false information could be charged with a federal crime or could lose all the benefits of filing for bankruptcy.

You should understand that filing a bankruptcy case is not private. Anyone has a right to see your bankruptcy forms after you file them. However, in some circumstances, if a court issues a protective order to keep your address, telephone number, or other information from being disclosed to the public, it may be possible to protect your information under 11 U.S.C. § 107 and Bankruptcy Rule 9037.

Understand the terms used in the forms

The forms for individuals use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car?” the answer would be *yes* if either

debtor owns a car. When information is needed about the spouses separately, the forms use *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

To understand other terms used in the forms and the instructions, see the *Glossary* at the end of this booklet.

Things to remember when filling out these forms

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to the form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.
- For your records, be sure to keep a copy of your bankruptcy documents and all attachments that you file.
- Do not file these instructions with the bankruptcy forms that you file with the court.
- Do not list a minor child’s full name. Instead, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write A.B., a minor child (*John Doe, parent, 123 Main St., City, State*). 11 U.S.C. § 112; Bankruptcy Rule 1007(m) and 9037.

About the Process for Filing a Bankruptcy Case for Individuals

Before you file your bankruptcy case

Before you file for bankruptcy, you must do several things:

- ❑ **Receive a briefing about credit counseling from an approved agency** within 180 days before you file. (If you and your spouse are filing together, each of you must receive a briefing before you file. Failure to do so will almost certainly result in the dismissal of your case.) You may have a briefing about credit counseling one-on-one or in a group, by telephone, or by internet.

For a list of approved providers, go to:
http://www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm

In Alabama and North Carolina, go to:
<http://www.uscourts.gov>.

After you finish the briefing, you will receive a certificate that you will need to file in your bankruptcy case.

- ❑ **Find out in which bankruptcy court you must file your bankruptcy case.** It is important that you file in the correct district within your state. To find out which district you are in, go to:
<http://www.uscourts.gov/courtlinks>

- ❑ **Check the court's local website** for any specific local requirements that you might have to meet. Go to:
<http://www.uscourts.gov/courtlinks>
- ❑ **Find out which chapters of the Bankruptcy Code you are eligible for.** For descriptions of each chapter, review the information contained in the notice, *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form B2010), which is included in this booklet.

Note: It is particularly difficult to succeed in a chapter 11, 12, or 13 case without an attorney.

To file for bankruptcy, you must give the court several forms and documents. Some must be filed at the time you file the case. Others may be filed up to 14 days later.

When you file your bankruptcy case

You must file the forms listed below on the date you open your bankruptcy case. For copies of the forms listed here, go to <http://www.uscourts.gov>. (The list continues on the next page.):

- ❑ *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). This form opens the case. Directions for filling it out are included in the form itself.
- ❑ *Your Statement About Your Social Security Numbers* (Official Form 102). This form gives the court your full Social Security number or federal Individual Taxpayer Identification number. To protect your privacy, the court will make only the last four digits of your number known to the general public. However, the court will make your full number available to your creditors, the U.S. trustee or bankruptcy administrator, and the trustee assigned to your case. This form has no separate instructions.
- ❑ Your filing fee. If you cannot pay the entire filing fee, you must also include:
 - ❑ *Application for Individuals to Pay the Filing Fee in Installments* (Official Form B103A), or
 - ❑ *Application to Have the Chapter 7 Filing Fee Waived* (Official Form B103B). Use this form only if you are filing under chapter 7 and you meet the criteria to have the chapter 7 filing fee waived.
- ❑ A list of names and addresses of all of your creditors, formatted as a mailing list according to instructions from the bankruptcy court in which you file. (Your court may call this a *creditor matrix* or *mailing matrix*.)
- ❑ Your credit counseling certificate from an approved credit counseling agency. (See *Before you file your bankruptcy case*, above). If you have received the briefing about credit counseling but have not yet received the certificate, file it when you receive it. If you have not already received the briefing and believe you are entitled to a temporary waiver from receiving it or that you are not required to receive the briefing, see line 15 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). Waivers are rare and if you do not qualify for a waiver, your case will be dismissed.
- ❑ *For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders* (Official Form 104). Fill out this form only if you file under chapter 11.
- ❑ *Your Statement About an Eviction Judgment Against You—Parts A and B* (Official Form 101A and B). Use this form if your landlord has an eviction judgment against you and you want to stay in your residence after you file your forms to open your bankruptcy case.
- ❑ *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119) and *Disclosure of Compensation of Bankruptcy Petition Preparer* (Form 2800). Use these forms if a bankruptcy petition preparer helped you fill out your forms.

When you file your bankruptcy case or within 14 days after you file

You must file the forms listed below either when you file your bankruptcy case or within 14 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). If you do not do so, your case may be dismissed. Although it is possible to open your case by submitting only the documents that are listed under *When you file your bankruptcy case*, you should file the entire set of forms at one time to help your case proceed smoothly.

Although some forms may ask you similar questions, you must fill out all of the forms completely to protect your legal rights.

The list below shows the forms that all individuals must file as well as the forms that are specific to each chapter. For copies of the official forms listed here, go to <http://www.uscourts.gov>.

All individuals who file for bankruptcy must file these forms and the forms for the specific chapter:

- Schedules of Assets and Liabilities* (Official Form 106) which includes these forms:
 - Schedule A: Property* (Official Form 106A)
 - Schedule B: Creditors Who Hold Claims Secured by Your Property* (Official Form 106B)
 - Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C)
 - Schedule D: The Property You Claim as Exempt* (Official Form 106D)
 - Schedule E: Executory Contracts and Unexpired Leases* (Official Form 106E)
 - Schedule F: Your Codebtors* (Official Form 106F)
 - Schedule G: Your Income* (Official Form 106G)
 - Schedule H: Your Expenses* (Official Form 106H)
- A Summary of Your Schedules for Individuals Filing for Bankruptcy* (Official Form 106 Summary). This form gives an overview of the totals on the schedules
- Declaration About an Individual Debtor's Schedules* (Official Form 106 Declaration)
- Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)
- Disclosure of Compensation to Debtor's Attorney* (Form 2030)
- Credit counseling certificate that you received from an approved credit counseling agency
- Copies of all payment advices (*pay stubs*) or other evidence of payment that you received within 60 days before you filed your bankruptcy case. Some local courts may require that you submit these documents to the trustee assigned to your case rather than filing them with the court. Check the court's local website to find out if local requirements apply. Go to <http://www.uscourts.gov/courtlinks>.

If you file under chapter 7, you must also file:

- Statement of Intention for Individuals Filing Under Chapter 7* (Official Form 112)
- Chapter 7 Statement of Your Current Monthly Income* (Official Form 108-1)
- If necessary, *Chapter 7 Means Test Calculation* (Official Form 108-2).

If you file under chapter 11, you must also file:

- Chapter 11 Statement of Your Current Monthly Income* (Official Form 109)

If you file under chapter 11 and are a small business debtor (that is, if you are self-employed and your debts are less than \$2,343,300), within 7 days after you file your bankruptcy forms to open your case, you must also file your most recent:

- Balance sheet
- Statement of operations
- Cash-flow statement
- Federal income tax return

If you do not have these documents, you must file a statement made under penalty of perjury that you have not prepared either a balance sheet, statement of operations, or cash-flow statement or you have not filed a federal tax return.

If you file under chapter 11, you must also file additional documents.

If you file under chapter 12, you must also file:

- Chapter 12 Plan (within 90 days after you file your bankruptcy forms to open your case)

If you file under chapter 13, you must also file:

- Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 110-1)
- If necessary, *Chapter 13 Calculation of Your Disposable Income* (Official Form 110-2)
- Chapter 13 Plan (Many bankruptcy courts require you to use a local form plan. Check the court's local website for any specific form that you might have to use. Go to <http://www.uscourts.gov/courtlinks>.)

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

You are an individual filing for bankruptcy,
and

Your debts are primarily consumer debts.
Consumer debts are defined in 11 U.S.C.
§ 101(8) as “incurred by an individual
primarily for a personal, family, or
household purpose.”

The types of bankruptcy that are
available to individuals

Individuals who meet the qualifications may file
under one of four different chapters of the
Bankruptcy Code:

- Chapter 7 — Liquidation
- Chapter 11— Reorganization
- Chapter 12— Voluntary repayment plan
for family farmers or
fishermen
- Chapter 13— Voluntary repayment plan
for individuals with regular
income

**You should have an attorney review your
decision to file for bankruptcy and the choice of
chapter.**

Chapter 7: Liquidation

	\$245	filing fee
	\$46	administrative fee
+	\$15	trustee surcharge
	\$306	total fee

Chapter 7 is for individuals who have financial
difficulty and cannot pay their debts. The
primary purpose for a debtor to file under
chapter 7 is to have your debts discharged. The
bankruptcy discharge relieves you from having
to pay any of your pre-bankruptcy debts unless
an exception to discharge applies to particular
debts.

However, if the court finds that you have
committed certain kinds of improper conduct
described in the Bankruptcy Code, the court
may deny your discharge.

You should know that even if you receive a
discharge, some debts are not discharged under
the law. Therefore, you may still be
responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement
obligations;
- most fines, penalties, forfeitures, and
criminal restitution obligations; and
- certain debts that are not properly listed in
your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- breach of fiduciary duty;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 108–1) if you are an individual filing for bankruptcy under Chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to fill out the second form *Chapter 7 Means Test Calculation* (Official Form 108–2).

If your income is above the median for your state, you must file that form. The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be

dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for bankruptcy, the law may allow you to keep some property, or it may entitle you to part of the proceeds if the property is sold after your case is filed. Property that the law permits you to keep is called *exempt property*. For example, exemptions may enable you to keep your home, a car, clothing, and household items.

Exemptions are not automatic. To be considered exempt, you must list the property on *Schedule D: The Property You Claim as Exempt* (Official Form 106D). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$46	administrative fee
	\$1,213	total fee

Chapter 11 is for reorganizing a business but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$46	administrative fee
	\$246	total fee

Similar to Chapter 13, Chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$46	administrative fee
	\$281	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts are not more than certain dollar amounts set in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The court must approve your plan and may allow you to repay your debts within 3 years or 5 years, depending on your income and other factors.

After you make the payments under your plan, your debts are generally discharged. However, you may still be responsible to pay:

- domestic support obligations,
- most student loans,
- certain taxes,
- most criminal fines and restitution obligations,
- certain debts that are not properly listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured obligations.

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

The clerk of the bankruptcy court has a list of approved agencies. If you are filing a joint case, both spouses must receive the briefing.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. The clerk also has a list of approved financial management instructional courses. If you are filing a joint case, both spouses must complete the course.

Read This Warning

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. An attorney can explain to you what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions. Bankruptcy petition preparers can only help you type the forms required; they cannot give you legal advice of any kind.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it extremely difficult to represent themselves successfully. The rules are very technical, and a misstep or inaction may affect your rights. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You may not file bankruptcy if you are not eligible to file or if you do not intend to file the documents necessary to complete the bankruptcy.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. If you make a false statement, you could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Instructions for Selected Forms

Schedule A: Property (Official Form 106A)

Schedule A: Property (Official Form 106A) lists property interests that are involved in a bankruptcy case. All individuals filing for bankruptcy must honestly list everything they own or have a legal or equitable interest in. *Legal or equitable interest* is a broad term and includes all kinds of property interests in both tangible and intangible property, whether or not anyone else has an interest in that property.

The information in this form is grouped by category and includes several examples for many items. Note that those examples are meant to give you an idea of what to include in the categories. They are not intended to be complete lists of everything within that category. Make sure you list everything you own or have an interest in.

You must verify under penalty of perjury that the information you provide is complete and accurate. If you fail to list any property, you may lose the property, lose your bankruptcy discharge, be fined up to \$250,000, and be imprisoned for up to 5 years. 11 U.S.C. §§ 554, 727; 18 U.S.C. §§ 152, 157, 3559, 3571, and 3581.

Understand the terms used in this form

Community property — Type of property ownership available in certain states for property owned by spouses and, in some instances, legal equivalents of spouses. Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.

Current value — In this form, report the *current value* of the property that you own in each category. *Current value* is sometimes called *fair market value* and, for this form, is the fair market value as of the date of the filing of the petition. *Current value* is how much the property is worth, which may be more or less than when you purchased the property. *Property you own* includes property you have purchased, even if you owe money on it, such as a home with a mortgage or an automobile with a lien.

Report the current value of the portion you own

For each question, report the current value of the portion of the property that you own. To do this, you would usually determine the current value of the entire property and the percentage of the property that you own. Multiply the current value of the property by the percentage that you own. Report the result where the form asks for *Current value of the portion you own*. For example:

- If you own a house by yourself, you own 100% of that house. Report the entire current value of the house.
- If you and a sister own the house equally, report 50% of the value of the house (or half of the value of the house).

In certain categories, current value may be difficult to figure out. When you cannot find the value from a reputable source (such as a pricing guide for your car), estimate the value and be prepared to explain how you determined it.

List items once on this form

List items only once on this form; do not list them in more than one category. List all real estate in Part 1 and other property in the other parts of the form.

Where you list similar items of minimal value (such as clothing), add the value of the items and report a total.

Be specific when you describe each item. If you have an item that you think could fit into more than one category, select the most suitable category and list the item there.

Separately describe and list individual items worth more than \$500.

Match the values to the other schedules

Make sure that the values you report on this form match the values you report on *Schedule B: Creditors Who Hold Claims Secured by Your Property* (Official Form 106B) and *Schedule D: The Property You Claim as Exempt* (Official Form 106D).

On this form, do not list any interests you may have in executory contracts (for example, an unexpired lease for your apartment, a contract for improvements or repairs for your home, a real estate listing agreement, or a lease for your car). List those contracts or leases on *Schedule E: Executory Contracts and Unexpired Leases* (Official Form 106E).

Schedule B: Creditors Who Hold Claims Secured by Property (Official Form 106B)

The people or organizations to whom you owe money are called your *creditors*. A *claim* is a creditor's right to payment. When you file for bankruptcy, the court needs to know who all your creditors are and what types of claims they have against you.

Typically in bankruptcy cases, there are more debts than assets to pay those debts. The court must know as much as possible about your creditors to make sure that their claims are properly treated according to the rules.

Creditors may have different types of claims:

- **Secured claims.** Report these on *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B).
- **Unsecured claims.** Report these on *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C).

If your debts are not paid, creditors with secured claims may be able to get paid from specific property in which that creditor has an interest, such as a mortgage or a lien. That property is sometimes called *collateral* for your debt and could include items such as your house, your car, or your furniture. Creditors with unsecured claims do not have rights against specific property.

Many claims have a specific amount, and you clearly owe them. However, some claims are uncertain when you file for bankruptcy, or they become due only after you file. You must list all claims in your schedules, even if the claims are contingent, unliquidated, or disputed.

Claims may be contingent, unliquidated, or disputed

Claims may be:

- Contingent claims,
- Unliquidated claims, or
- Disputed claims.

A claim is *contingent* if you are not obligated to pay it unless a particular event occurs after you file for bankruptcy. You owe a contingent claim, for example, if you cosigned someone else's loan. You may not have to pay unless that person later fails to repay the loan.

A claim is *unliquidated* if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the value has not been set. For instance, if you were involved in a car accident, the victim may have an unliquidated claim against you because the amount of damages has not been set.

A claim is *disputed* if you disagree about whether you owe the debt. For instance, your claim is disputed if a bill collector demands payment for a bill you believe you already fully paid.

A single claim can have one, more than one, or none of these characteristics.

On *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B), list all creditors who have a claim that is secured by your property.

Do not leave out any secured creditors

In alphabetical order, list anyone who has judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests against your property. When listing creditors who hold secured claims, be sure to include all of them. For example, include the following:

- Your relatives or friends who hold a lien or security interest in your property;
- Car or truck lenders, stores, banks, credit unions, and others who made loans to enable you to finance the purchase of property and who have a lien against that property;
- Anyone who holds a mortgage or deed of trust on real estate that you own;
- Contractors or mechanics who have liens on property you own because they did work on the property and were not paid;
- Someone who won a lawsuit against you and has a judgment lien;
- Another parent or a government agency that has a lien for unpaid child support;
- Doctors or attorneys who have liens on the outcome of a lawsuit;
- Federal, state, or local government agencies such as the IRS that have tax liens against property for unpaid taxes; and
- Anyone who is trying to collect a secured debt from you, such as collection agencies and attorneys.

List the debt in Part 1 only once and list any others that should be notified about that debt in Part 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the person to whom you owe the debt in Part 1, and list the collection agency in Part 2. If you are not sure who the creditor is, list the person you are paying in Part 1 and list anyone else who has contacted you about this debt in Part 2.

If a creditor's full claim is more than the value of your property securing that claim—for instance, a car loan in an amount greater than the value of the car—the creditor's claim may be partly secured and partly unsecured. In that situation, list the claim only once on *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B). Do not repeat it on *Schedule C: Creditors Who Hold Unsecured Claims* (Official Form 106C). List a creditor in *Schedule B* even if it appears that there is no value to support that creditor's secured claim.

Determine the unsecured portion of secured claims

To determine the amount of a secured claim, compare the amount of the claim to the value of the property that supports the claim. If the value of the property is greater than the amount of the claim, then the entire amount of the claim is secured. But if the value of the property is less than the amount of the claim, the difference is an *unsecured portion*. For example, if the outstanding balance of a car loan is \$10,000 and the car is worth \$8,000, the car loan has a \$2,000 unsecured portion.

If there is more than one secured claim against the same property, the claim that is entitled to be paid first must be subtracted from the property value to determine how much value remains for the next claim. For example, if a home worth \$300,000 has a first mortgage of \$200,000 and a second mortgage of \$150,000, the first mortgage would be fully secured, and there would be \$100,000 of property value for the second mortgage, which would have an unsecured portion of \$50,000.

\$300,000	value of a home
- \$200,000	<u>first mortgage</u>
\$100,000	remaining property value
\$150,000	second mortgage
- \$100,000	<u>remaining property value</u>
\$ 50,000	unsecured portion of second mortgage

Schedule C: Creditors Who Have Unsecured Claims (Official Form 106C)

The people or organizations to whom you owe money are called your *creditors*. A *claim* is a creditor's right to payment. When you file for bankruptcy, the court needs to know who all your creditors are and what types of claims they have against you.

Typically in bankruptcy cases, there are more debts than assets to pay those debts. The court must know as much as possible about your creditors to make sure that their claims are properly treated according to the rules.

Use *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C) to identify everyone who holds an unsecured claim against you when you file your bankruptcy petition, unless you have already listed them on *Schedule B: Creditors Who Hold Claims Secured by Your Property* (Official Form 106B).

Creditors may have different types of claims:

- **Secured claims.** Report these on *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B).
- **Unsecured claims.** Report these on *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C).

If your debts are not paid, creditors with secured claims may be able to get paid from specific property in which that creditor has an interest, such as a mortgage or a lien. That property is sometimes called *collateral* for your debt and could include items such as your house, your car, or your furniture. Creditors

with unsecured claims do not have rights against specific property.

Many claims have a specific amount, and you clearly owe them. However, some claims are uncertain when you file for bankruptcy, or they become due only after you file. You must list all claims in your schedules, even if the claims are contingent, unliquidated, or disputed.

Claims may be contingent, unliquidated, or disputed

Claims may be:

- Contingent claims,
- Unliquidated claims, or
- Disputed claims.

A claim is *contingent* if you are not obligated to pay it unless a particular event occurs after you file for bankruptcy. You owe a contingent claim, for example, if you cosigned someone else's loan. You may not have to pay unless that person later fails to repay the loan.

A claim is *unliquidated* if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the value has not been set. For instance, if you were involved in a car accident, the victim may have an unliquidated claim against you because the amount of damages has not been set.

A claim is *disputed* if you disagree about whether you owe the debt. For instance, your claim is disputed if a bill collector demands payment for a bill you believe you already fully paid.

A single claim can have one, more than one, or none of these characteristics.

Creditors with unsecured claims do not have liens on or other security interests in your property. Secured creditors have a right to take property if you do not pay them. Common examples are lenders for your car, your home, or your furniture.

Do not leave out any unsecured creditors

List all unsecured creditors in each part of the form in alphabetical order. Even if you plan to pay a creditor, you must list that creditor. When listing creditors who hold unsecured claims, be sure to include all of them. For instance, include the following:

- Your relatives or friends to whom you owe money;
- Your ex-spouse, if you are still obligated under a divorce decree or settlement agreement to pay joint debts;
- A credit card company, even if you intend to fully pay your credit card bill;
- A lender, even if the loan is cosigned;
- Anyone who holds a loan or promissory note that you cosigned for someone else;
- Anyone who has sued or may sue you because of an accident, dispute, or similar event that has occurred; or
- Anyone who is trying to collect a debt from you such as a bill collector or attorney.

Unsecured claims could be priority or nonpriority claims

What are priority unsecured claims?

In bankruptcy cases, *priority unsecured claims* are those debts that the Bankruptcy Code requires to be paid before most other unsecured claims are paid. The most common priority unsecured claims are certain income tax debts and past due alimony or child support. Priority unsecured claims include those you owe for:

- **Domestic support obligations**—If you owe domestic support to a spouse or former spouse; a child or the parent, legal guardian, or responsible relative of a child; or a governmental unit to whom such a domestic support claim has been assigned.
11 U.S.C. § 507(a)(1).
- **Taxes and certain other debts you owe the government**—If you owe certain federal, state, or local government taxes, customs duties, or penalties.
11 U.S.C. § 507(a)(8).
- **Claims for death or personal injury that you caused while you were intoxicated**—If you have a claim against you for death or personal injury that resulted from your unlawfully operating a motor vehicle or vessel while you were unlawfully intoxicated from alcohol, drugs, or another substance. This priority does not apply to claims for property damage.
11 U.S.C. § 507(a)(10).

■ **Other:**

- **Deposits by individuals**—If you took money from someone who planned to purchase, lease, or rent your property or use your services but you never delivered or performed. For the debt to have priority, the property or services must have been intended for personal, family, or household use (only the first \$2,600 per person is a priority debt). 11 U.S.C. § 507(a)(7).
- **Wages, salaries, and commissions**—If you owe wages, salaries, and commissions, including vacation, severance, and sick leave pay and those amounts were earned within 180 days before you open your bankruptcy case or ceased business. In either instance, only the first \$11,775 per claim is a priority debt. 11 U.S.C. § 507(a)(4).
- **Contributions to employee benefit plans**—If you owe contributions to an employee benefit plan for services an employee rendered within 180 days before you file your bankruptcy petition, or within 180 days before your business ends. Count only the first \$11,775 per employee, less any amounts owed for wages, salaries, and commissions. 11 U.S.C. § 507(a)(5).
- **Certain claims of farmers and fishermen**—Only the first \$5,775 per farmer or fisherman is a priority debt. 11 U.S.C. § 507(a)(6).

What are nonpriority unsecured claims?

Nonpriority unsecured claims are those debts that generally will be paid after priority unsecured claims are paid. The most common examples of nonpriority unsecured claims are credit card bills, medical bills, and educational loans.

What if a claim has both priority and nonpriority amounts?

If a claim has both priority and nonpriority amounts, list that claim in Part 2 and show both priority and nonpriority amounts. Do not list it again in Part 3.

In Part 3, list all of the creditors you have not listed before. You must list every creditor that you owe, regardless of the amount you owe and even if you plan to pay a particular debt. If you do not list a debt, it may not be discharged.

What is needed for statistical purposes?

For statistical reasons, the court must collect information about some specific categories of unsecured claims.

The categories for priority unsecured claims are:

- **Domestic support obligations**
- **Taxes and certain other debts you owe the government**
- **Claims for death or personal injury that you caused while you were intoxicated**

The categories for nonpriority unsecured claims are:

- **Student loans**—If you owe money for any loans that you used to pay for your education;
- **Obligations arising out of a separation agreement or divorce that you did not report**

as priority claims—If you owe debts for separation or divorce agreements or for domestic support and you did not report those debts in Part 2; and

- **Debts to pension or profit-sharing plans and other similar debts**—If you owe money to a pension or profit-sharing plan.

Schedule D: The Property You Claim as Exempt (Official Form 106D)

How exemptions work

If you are an individual filing for bankruptcy, the law may allow you to keep some property, or it may entitle you to part of the proceeds if the property is sold after your case is filed. Property that the law permits you to keep is called *exempt* property. For example, exemptions may enable you to keep your home, a car, clothing, and household items.

Exemptions are not automatic. To be considered exempt, you must list the property on *Schedule D: The Property You Claim as Exempt* (Official Form 106D). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

You may unnecessarily lose property if you do not claim exemptions to which you are entitled. You are strongly encouraged to hire a qualified attorney to advise you.

Determine which set of exemptions you will use

Before you fill out this form, you must learn which set of exemptions you can use. In general, exemptions are determined on a state-by-state basis. Some states permit you to use the exemptions provided by the Bankruptcy Code. 11 U.S.C. § 522.

The Bankruptcy Code provides that you use the exemptions in the law of the state where you had your legal home for 730 days before you file for bankruptcy. Special rules may apply if you did

not have the same home state for 730 days before you file.

You may lose property if you do not use the best set of exemptions for your situation.

If your spouse is filing with you and you are filing in a state in which you may choose between state and federal sets of bankruptcy exemptions, you both must use the same set of exemptions.

Claiming exemptions

Using the property and values that you listed on *Schedule A: Property* (Official Form 106A) as your source, list on this form the property that you claim as exempt.

Listing the amount of each exemption

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. Usually, a specific dollar amount is claimed as exempt, but in some circumstances, the amount of the exemption claimed might be indicated as 100% of fair market value. For example, a debtor might claim 100% of fair market value for an exemption that is unlimited in dollar amount, such as some exemptions for health aids.

Listing which laws apply

In the last column of the form, you must identify the laws that allow you to claim the property as exempt. If you have questions about exemptions, consult a qualified attorney.

Schedule E: Executory Contracts and Unexpired Leases (Official Form 106E)

Use *Schedule E: Executory Contracts and Unexpired Leases* (Official Form 106E) to identify your ongoing leases and certain contracts. List all of your executory contracts and unexpired leases.

Executory contracts are contracts between you and someone else in which neither you nor the other party has performed all of the requirements by the time you file for bankruptcy. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended.

You must list all agreements that may be executory contracts or unexpired leases, including the following:

- Residential leases (for example, a rental agreement for a place where you live or vacation, even if it is only a verbal or month-to-month arrangement);
- Service provider agreements (for example, contracts for cell phones and personal electronic devices);
- Internet and cable contracts;
- Vehicle leases;
- Supplier or service contracts (for example, contracts for lawn care or home alarm or security systems);
- Timeshare contracts or leases that you did not list on *Schedule A: Property* (Official Form 106A);
- Rent-to-own contracts;
- Employment contracts;
- Realtor listing agreements;
- Contracts to sell a residence, building, land, or other real property;
- Equipment leases;
- Leases for business or investment property;
- Supplier and service contracts for your business;
- Copyright and patent license agreements; and
- Development contracts.

Schedule F: Your Codebtors (Official Form 106F)

If you have any debts that someone else may also be responsible for paying, these people or entities are called *codebtors*. Use *Schedule F: Your Codebtors* (Official Form 106F) to list any codebtors who are responsible for any debts you have listed on the other schedules.

To help fill out this form, use both *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B) and *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C).

List all of your codebtors and the creditors to whom you owe the debt. For example, if someone cosigned for the car loan that you owe, you must list that person on this form.

If you are filing a joint case, do not list either spouse as a codebtor.

Other codebtors could include the following:

- Cosigner;
- Guarantor;
- Former spouse;
- Unmarried partner;
- Joint contractor; or
- Nonfiling spouse—even if not the spouse a cosigner—where the debt is for necessities (such as food or medical care) if state law makes the nonfiling spouse legally responsible for debts for necessities.

Schedule G: Your Income (Official Form 106G)

In *Schedule G: Your Income* (Official Form 106G), you will give the details about your employment and monthly income as of the date you file this form. If you are married and your spouse is living with you, include information about your spouse even if your spouse is not filing with you. If you are separated and your spouse is not filing with you, do not include information about your spouse.

How to report employment and income

If you have nothing to report for a line, write \$0.

In Part 1, line 1, fill in employment information for you and, if appropriate, for a nonfiling spouse. If either person has more than one employer, attach a separate page with information about the additional employment.

In Part 2, give details about the monthly income you currently expect to receive. Show all totals as monthly payments, even if income is not received in monthly payments.

If your income is received in another time period, such as daily, weekly, quarterly, annually, or irregularly, calculate how much income would be by month, as described below.

If either you or a nonfiling spouse has more than one employer, calculate the monthly amount for each employer separately, and then combine the income information for all employers for that person on lines 2-7.

If all or part of your income is sporadic, such as overtime or commissions, include your best estimate of the monthly amount you expect to receive.

One easy way to calculate how much income you receive per month is to total the payments earned in a year, then divide by 12 to get a monthly figure. For example, if you are paid annually, you would simply divide your annual salary by 12 to get the monthly amount.

Below are other examples of how to calculate monthly amount.

Example for weekly payments:

If you are paid \$1,000 every week, figure your monthly income in this way:

$$\begin{array}{r} \$1,000 \quad \text{income every week} \\ \times \quad 52 \quad \text{number of pay periods in the year} \\ \hline \$52,000 \quad \text{total income for the year} \end{array}$$

$$\frac{\$52,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$4,333 \text{ monthly income}$$

Example for bi-weekly payments:

If you are paid \$2,500 every other week, figure your monthly income in this way:

$$\begin{array}{r} \$2,500 \quad \text{income every other week} \\ \times \quad 26 \quad \text{number of pay periods in the year} \\ \hline \$65,000 \quad \text{total income for the year} \end{array}$$

$$\frac{\$65,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$5,417 \text{ monthly income}$$

Example for daily payments:

If you are paid \$75 a day and you work about 8 days a month, figure your monthly income in this way:

	\$75	income a day
X	96	days a year
	\$7,200	total income for the year

$\frac{\$7,200 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$600 \text{ monthly income}$

or this way:

	\$75	income a day
X	8	payments a month
	\$600	income for the month

Example for quarterly payments:

If you are paid \$15,000 every quarter, figure your monthly income in this way:

	\$15,000	income every quarter
X	4	pay periods in the year
	\$60,000	total income for the year

$\frac{\$60,000 \text{ (income for year)}}{12} = \$5,000 \text{ (number of months in year)}$
monthly income

Example for irregular payments:

If you are paid \$4,000 8 times a year, figure your monthly income in this way:

	\$4,000	income a payment
X	8	payments a year
	\$32,000	income for the year

$\frac{\$32,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$2,667 \text{ monthly income}$

In Part 2, line 11, fill in amounts that other people provide to pay the expenses you list on *Schedule H: Your Expenses*. For example, if you and a person to whom you are not married deposit the income from both of your jobs into a single bank account and pay all household expenses and you list all your joint household expenses on *Schedule H*, you must list the amounts that person contributes monthly to pay the household expenses on line 11. If you have a roommate and you divide the rent and utilities, do not list the amounts your roommate pays on line 11 if you have listed only your share of those expenses on *Schedule H*. However, if you have listed the cost of the rent and utilities for your entire house or apartment on *Schedule H*, you must list your roommate's contribution to those expenses on *Schedule G*, line 14. Do not list line 11 contributions that you already disclosed on line 5.

Note that the income you report on *Schedule G* may be different from the income you report on other bankruptcy forms. For example, the *Chapter 7 Statement of Your Current Monthly Income* (Official Form 108-1), *Chapter 11 Statement of Your Current Monthly Income* (Official Form 109), and the *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 110-1) all use a different definition of income and apply that definition to a different period of time. *Schedule G* asks about the income that you are now receiving and expect to receive, while the other forms ask about income you received in the applicable time period before filing. So the amount of income reported in any of those forms may be different from the amount reported here.

Schedule H: Your Expenses (Official Form 106H)

Use Column A of *Schedule H: Your Expenses* (Official Form 106H) to estimate the monthly expenses, as of the date you file for bankruptcy, for you, your dependents, and the other people in your household whose income is included on *Schedule G: Your Income* (Official Form 106G).

If you are filing under chapter 13, you must also complete Column B. In Column B, itemize what your monthly expenses would be under the plan that you are submitting with this schedule or, if no plan is being submitted now, under the most recent plan you previously submitted.

Include your nonfiling spouse's expenses unless you are separated. If both spouses are filing but one of you keeps a separate household, fill out separate *Schedule H* for Debtor 1 and Debtor 2 and write *Debtor 1* or *Debtor 2* at the top of page 1 of the form.

Do not include expenses that other members of your household pay directly from their income if you did not include that income on *Schedule G*. For example, if you have a roommate and you divide the rent and utilities and you have not

listed your roommate's contribution to household expenses in line 11 of *Schedule G*, you would list only your share of these expenses on *Schedule H*.

Show all totals as monthly payments. If you have weekly, quarterly, or annual payments, calculate how much you would spend on those items every month.

Do not list as expenses any payments on credit card debts incurred before filing bankruptcy.

Do not include business expenses on this form. You have already accounted for those expenses as part of determining net business income on *Schedule G*.

On line 20, do not include expenses for your residence or for any rental or business property. You have already listed expenses for your residence on lines 4 and 5 of this form. You listed the expenses for your rental and business property as part of the process of determining your net income from that property on *Schedule G* (line 8a).

If you have nothing to report for a line, write \$0.

A Summary of Your Assets and Liabilities and Certain Statistical Information (Official Form 106-Summary)

When you file for bankruptcy, you must summarize certain information from the following forms:

- *Schedule A: Property* (Official Form 106A)
- *Schedule B: Creditors Who Have Claims Secured by Property* (Official Form 106B)
- *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C)
- *Schedule G: Your Income* (Official Form 106G)
- *Schedule H: Your Expenses* (Official Form 106H)
- *Chapter 7 Statement of Your Current Monthly Income* (Official Form 108-1), *Chapter 11 Statement of Your Current Monthly Income* (Official Form 109), or *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 110-1)

After you fill out all of the forms, complete *A Summary of Your Assets and Liabilities and Certain Statistical Information* (Official Form 106-Summary) to report the totals of certain information that you listed in the forms.

If you are filing an amended version of any of these forms at some time after you file your original forms, you must fill out a new *Summary* to ensure that your information is up to date and you must check the box at the top.

Your Statement of Financial Affairs if You Are an Individual Filing for Bankruptcy (Official Form 107)

Your Statement of Financial Affairs provides a summary of your financial history over certain periods of time before you file for bankruptcy. If you are an individual in a bankruptcy case, you must fill out this statement. 11 U.S.C. § 521(a) and Bankruptcy Rule 1007(b)(1).

If you are married and your spouse is not filing this case with you, you need only provide information on this form about your spouse if you are filing under chapter 12 or chapter 13 and are not separated from your spouse.

If you are in business as a sole proprietor, partner, family farmer, or self-employed professional, you must provide the information

about all of your business and personal financial activities.

Although this statement may ask you questions that are similar to some questions on the schedules, you must fill out all of the forms completely to protect your legal rights.

Understand the terms used in this form

Legal equivalent of a spouse — A person whom applicable nonfederal law recognizes as having a relationship with the debtor that grants legal rights and responsibilities equivalent, in whole or in part, to those granted to a spouse.

Chapter 7 Statement of Your Current Monthly Income and Means Test Calculation (Official Forms 108-1 and 108-2)

If you are filing under chapter 11, 12, or 13, do not fill out this form.

Official Forms 108-1 and 108-2 determine whether your income and expenses create a presumption of abuse that may prevent you from obtaining relief from your debts under chapter 7 of the Bankruptcy Code. Chapter 7 relief can be denied to a person who has primarily consumer debts if the court finds that the person has enough income to repay creditors a portion of their claims according to a formula set out in the Bankruptcy Code.

You must file Official Form 108-1, the *Chapter 7 Statement of Your Current Monthly Income* if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income for households of the same size in your state. If your income is not above the median, there is no presumption of abuse and you will not have to fill out the second form.

If your income is above the median, you must file the second form, Official Form 108-2, *Chapter 7 Means Test Calculation*. The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay other debts. If this amount is high enough, it will

give rise to a *presumption of abuse*. A presumption of abuse does not mean you are actually trying to abuse the bankruptcy system. Rather, the presumption simply means that you are presumed to have enough income that you should not be granted relief under chapter 7. You may overcome the presumption by showing special circumstances that reduce your income or increase your expenses.

If you cannot obtain relief under chapter 7, you may be eligible to continue under another chapter of the Bankruptcy Code and pay creditors over a period of time.

Read each question carefully. You may not be required to answer every question on this form. For example, your military status may determine whether you must fill out the entire form. The instructions will alert you if you may skip questions.

If you have nothing to report for a line, write \$0.

Some of the questions require you to go to other sources for information. In those cases, the form has instructions for where to find the information you need.

If you and your spouse are filing together, you and your spouse may file a single statement. However, if an exclusion in Parts 1 or 2 applies to either of you, separate statements may be required. 11 U.S.C. § 707(b)(2)(C).

Chapter 11 Statement of Your Current Monthly Income (Official Form 109)

**If you are filing under chapter 7, 12,
or 13, do not fill out this form.**

You must file the *Chapter 11 Statement of Your Current Monthly Income* (Official Form 109) if you are an individual filing for bankruptcy under chapter 11.

If you have nothing to report for a line, write \$0.

Chapter 13 Statement of Your Current Monthly Income, Calculation of Commitment Period and Chapter 13 Calculation of Your Disposable Income (Official Forms 110–1 and 110–2)

If you are filing under chapter 7, 11, or 12, do not fill out this form.

Official Forms 110–1 and 110–2 determine the commitment period for your payments to creditors, how the amount you may be required to pay to creditors is established, and, in some situations, how much you must pay.

You must file 110–1, the *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 110–1) if you are an individual and you are filing under chapter 13. This form will report your current monthly income and determine whether your income is at or below the median income for households of the same size in your state. If your income is equal to or less than the median, you will not have to fill out the second form. Form 110-1 also will determine your applicable commitment period—the time period for making payments to your creditors.

If your income is above the median, you must file the second form, 110–2, *Chapter 13 Calculation of Your Disposable Income*. The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay unsecured debts. Your chapter 13 plan may be required to provide for payment of this amount toward unsecured debts.

Read each question carefully. You may not be required to answer every question on this form. The instructions will alert you if you may skip questions.

Some of the questions require you to go to other sources for information. In those cases, the form has instructions for where to find the information you need.

Generally, if you and your spouse are filing together, you should file one statement together.

Statement of Intention for Individuals Filing Under Chapter 7 (Official Form 112)

If you are filing under chapter 11, 12, or 13, do not fill out this form.

You must fill out the *Statement of Intention for Individuals Filing Under Chapter 7* (Official Form 112) if you are an individual filing under chapter 7 or if your case has been converted to chapter 7 and creditors have claims secured by your property or you have any unexpired leases of personal property. The Bankruptcy Code requires you to state your intentions about such claims and provides for early termination of the automatic stay as to personal property if the statement is not timely filed. The same early termination of the automatic stay applies to any unexpired lease of personal property unless you state that you intend to assume the unexpired lease if the trustee does not do so.

To help fill out this form, use the information you have already provided on the following forms:

- *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B),
- *Schedule D: The Property You Claim as Exempt* (Official Form 106D), and
- *Schedule E: Executory Contracts and Unexpired Leases* (Official Form 106E).

Explain what you intend to do with your property that is collateral for a claim

If you have property that is collateral (or security) for a claim, you must state what you intend to do with that property.

You may choose to either give the property to the creditor, or keep the property. Below is more information about each of these options.

You may give the property to the creditor. If you give the property to the creditor (*you surrender the property*), your bankruptcy discharge will protect you from any claim for a deficiency if the property is worth less than what you owe the creditor, unless the court determines that the debt is non-dischargeable.

You may want to keep the property. If you want to keep your secured personal property, you may be able to reaffirm the debt, redeem the property, or take other action (for example, avoid a lien using 11 U.S.C. 522(f)).

- **You may be able to reaffirm the debt.** You may decide to remain legally obligated to pay a debt so that you can keep the property securing the debt. This is called *reaffirming a debt*. You may reaffirm the debt in full on its original terms or you and the creditor may agree to change the terms. For example, if you want to keep your car, you may reaffirm a car loan, stating that you will continue to make monthly payments for it. **Only reaffirm those debts that you are confident you can repay.** You may seek to reaffirm the debt if you sign a *Reaffirmation Agreement*, which is a contract between you and a creditor and you follow the proper

procedure for the *Reaffirmation Agreement*. 11 U.S.C. § 524. The procedure is explained in greater detail in the Disclosures that are part of the reaffirmation documents.

- **You may be able to redeem your property.** 11 U.S.C. § 722. You can redeem property only if all of the following apply:
 - The property secures a debt that is a *consumer debt* — you incurred the debt primarily for personal, family, or household use.
 - The property is *tangible personal property* — the property is physical, such as furniture, appliances, and cars.
 - You are either claiming the property as exempt or the trustee has abandoned it.

To obtain court authorization to redeem your property, you must file a motion to redeem. If the court grants your motion, you pay the creditor the value of the property or the amount of the claim, whichever is less. The payment will be a single lump-sum payment.

Explain what you intend to do with your leased personal property

If you lease personal property such as your car, you may be able to continue your lease if the trustee does not assume the lease. To continue your lease, you can write to the lessor that you want to assume your lease. The creditor may respond by telling you whether it agrees that you may assume the lease and may require you to pay any past-due amounts before you can do so. If the lessor agrees to your request to assume the lease, you must write to the lessor within 30 days stating that you assume the lease.

11 U.S.C. § 365(p)(2).

File the *Statement of Intention* before the deadline

You must file this form either within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier. You must also deliver copies of this statement to the creditors and lessors you listed on the form. Bankruptcy Rule 1007(b)(2).

If two married people are filing together in a joint case, both are equally responsible for supplying correct information. Both debtors must sign and date the form.

Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A)

If you cannot afford to pay the full filing fee when you first file for bankruptcy, you may pay the fee in installments. However, in most cases, you must pay the entire fee within 120 days after you file, and the court must approve your payment timetable. Your debts will not be discharged until you pay your entire fee.

Do not file this form if you can afford to pay your full fee when you file.

If you are filing under chapter 7 and cannot afford to pay the full filing fee at all, you may be qualified to ask the court to waive your filing fee.

See *Application to Have Your Chapter 7 Filing Fee Waived* (Official Form 103B).

If a bankruptcy petition preparer helped you complete this form, make sure that person fills out the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 113); include a copy of it when you file this application.

Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B)

The fee for filing a bankruptcy case under chapter 7 is \$306. If you cannot afford to pay the entire fee now in full or in installments within 120 days, use this form. If you can afford to pay your filing fee in installments, see *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A).

If you file this form, you are asking the court to waive your fee. After reviewing your application, the court may waive your fee, set a hearing for further investigation, or require you to pay the fee in installments or in full.

For your fee to be waived, all of these statements must be true:

- You are filing for bankruptcy under chapter 7.
- You are an individual.
- The total combined monthly income for your family is less than 150% of the official poverty guideline last published by the U.S. Department of Health and Human Services (DHHS). (For more information about the guidelines, go to <http://www.uscourts.gov>.)
- You cannot afford to pay the fee in installments.

Your family includes you, your spouse, and any dependents listed on *Schedule H*. Your family may be different from your *household*, referenced on *Schedules G* and *H*. Your household may include your unmarried partner and others who live with you and with whom you share income and expenses.

If a bankruptcy petition preparer helped you complete this form, make sure that person fills out *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 113); include a copy of it when you file this application.

If you have already completed the following forms, the information on them may help you when you fill out this application:

- *Schedule A: Property* (Official Form 106A)
- *Schedule G: Your Income* (Official Form 106G)
- *Schedule H: Your Expenses* (Official Form 106H)

For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders (Official Form 104)

If you are filing under chapter 7, 12, or 13, do not fill out this form.

The people or organizations to whom you owe money are called your *creditors*. A *claim* is a creditor's right to payment. If you are an individual filing for bankruptcy under chapter 11, you must fill out the *For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders* (Official Form 104).

Creditors may have different types of claims:

- Secured claims, or
- Unsecured claims.

If your debts are not paid, creditors with secured claims may be able to get paid from specific property in which that creditor has an interest, such as a mortgage or a lien. If a creditor has security in your property, but the value of the security available to pay the creditor is less than the amount you owe the creditor, the creditor has both a secured and unsecured claim against you. The amount of the unsecured claim is the total claim minus the value of the security that is available to pay the creditor.

Generally, creditors with unsecured claims do not have rights against specific property, or the specific property in which the creditor has

rights is not worth enough to pay the creditor in full. For example, if you owe a creditor \$30,000 for your car and the creditor has a security interest in your car but the car is worth only \$20,000, the creditor has a \$20,000 secured claim and a \$10,000 unsecured claim.

\$30,000	Total amount you owe creditor
– \$20,000	Amount your car is worth (amount of secured claim)
<hr/>	
\$10,000	Amount of unsecured claim

Many claims have a specific amount, and you clearly owe them. However, some claims are uncertain when you file for bankruptcy, or they become due only after you file. You must include such claims when listing your 20 largest unsecured claims on this list.

Claims may be contingent, unliquidated, or disputed.

The form asks you to identify claims that are:

- Contingent claims,
- Unliquidated claims, or
- Disputed claims.

A claim is *contingent* if you are not obligated to pay it unless a particular event occurs after you file for bankruptcy. You owe a contingent claim, for example, if you cosigned someone else's loan. You may not have to pay unless that person later fails to repay the loan.

A claim is *unliquidated* if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the amount has not been set. For instance, if you were involved in a car accident, the victim may have an unliquidated claim against you because the amount of damages has not been set.

A claim is *disputed* if you do not agree that you owe the debt. For instance, your claim is disputed if a bill collector demands payment for a bill you believe you already fully paid.

A single claim can have one, more than one, or none of these characteristics.

On this form, list the creditors with the 20 largest unsecured claims who are not insiders

You must file this form when you file your chapter 11 bankruptcy case with the court.

When you list the 20 largest unsecured creditors, include all unsecured creditors, except for the following two types of creditors, even if you plan to pay them. Do not include:

- Anyone who is an *insider*. *Insiders* include relatives; general partners of you or your relatives; corporations of which you are an officer, director, or person in control; and any managing agent. 11 U.S.C. § 101(31).
- Secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Make sure that all of the creditors listed on this form are also listed on either *Schedule B: Creditors Who Hold Claims Secured by Property* (Official Form 106B) or *Schedule C: Creditors Who Have Unsecured Claims* (Official Form 106C).

On the form, you will fill in what the claim is for. Examples include trade debts, bank loans, professional services, and government contracts.

Glossary

Definitions Used in the Forms for Individuals Filing for Bankruptcy

Here are definitions for some of the important terms used in the forms for individuals who are filing for bankruptcy. See *Bankruptcy Basics* (<http://www.uscourts.gov/FederalCourts>) for more information about filing for bankruptcy and other important terms you should know.

Annuity — A contract for the periodic payment of money to you, either for life or for a number of years.

Bankruptcy petition preparer — Any person or business, other than a lawyer or someone who works for a lawyer, that charges a fee to prepare bankruptcy documents. Under your direction and control, the bankruptcy petition preparer generates bankruptcy forms for you to file by typing them. Because they are not attorneys, they cannot give legal advice or represent you in bankruptcy court. Also called *typing services*.

Business debt — Debt that you incurred to obtain money for a business or investment or through the operation of the business or investment.

Claim — A creditor's right to payment.

Codebtor — If you have any debts that someone else may also be responsible for paying, this person or entity is called a *codebtor*.

Collateral for your debt — If your debts are not paid, creditors with secured claims such as a mortgage or a lien may be able to get paid from specific property in which that

creditor has an interest.

Community property — Type of property ownership available in certain states for property owned by spouses and, in some instances, legal equivalents of spouses. Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.

Consumer debt — Debt incurred by an individual primarily for a personal, family, or household purpose.

Contingent claim — Debt you are not obligated to pay unless a particular event occurs after you file for bankruptcy. You owe a contingent claim, for example, if you cosigned someone else's loan. You may not have to pay unless that person later fails to repay the loan.

Creditor matrix or mailing matrix — A list of names and addresses of all of your creditors, formatted as a mailing list according to instructions from the bankruptcy court in which you file.

Creditor — The person or organization to whom you owe money.

Creditor with secured claims — Creditors who have a right to take property if you do not pay them. Common examples are lenders for your car, your home, or your furniture.

Creditor with unsecured claims — Creditor who does not have lien on or other security interest in your property.

Current value, fair market value, or value — Generally, the fair market value as of the date of the filing of the petition. It is how much the property is worth, which may be more or less than when you purchased the property. See the instructions for specific forms regarding whether the value requested is as of the date of the filing of the petition, the date you complete the form, or some other date.

Debtor 1 — A debtor filing alone or one person in married couple who is filing a bankruptcy case with a spouse.

Debtor 2 — The second person in a married couple who is filing a bankruptcy case with a spouse.

Dependent — The term *dependent* generally means people who are economically dependent on the debtor regardless of whether they can be claimed as a dependent on the debtor's federal tax return. However, *Chapter 7 Means Test Calculation*, (Official Form 108-2) and *Chapter 13 Calculation of Your Disposable Income*, (Official Form 110-2) use the term in a more limited way. See the instructions on those forms.

Discharge — A discharge in bankruptcy relieves you from having to pay debts that you owed before you filed your bankruptcy case. Most debts are covered by the discharge, but not all. (The instruction booklet explains more about common debts that are excepted from discharge.)

Only your personal liability is removed by the discharge; creditors with discharged debts cannot sue you, garnish your wages, assert a deficiency against you, or otherwise try to collect from you personally.

But a discharge does not stop creditors from collecting debts from any property in which they have a security interest—such as foreclosing a home mortgage or repossessing an auto. Similarly, a discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as a relative who cosigned or guaranteed a loan.

Even if a debt has been discharged, you can choose to repay it by either *reaffirming the debt* (see the definition below) or by voluntarily paying the debt. The creditor may negotiate a reaffirmation agreement with you, but may not suggest that you make voluntary payment.

Disputed claim — If you disagree about whether you owe a debt. For instance, your claim is disputed if a bill collector demands payment for a bill you believe you already fully paid.

Eviction judgment — Your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding.

Executory contract — Contract between you and someone else in which neither you nor the other party has performed all of the requirements by the time you file for bankruptcy.

Exempt property — Property that the law permits you to keep.

Individual debtor — You are a person who is filing for bankruptcy by yourself or with your spouse.

Joint case — A single case filed by a married couple.

Legal equivalent of a spouse — A person whom applicable nonfederal law recognizes as having a relationship with the debtor that grants legal rights and responsibilities equivalent, in whole or in part, to those granted to a spouse.

Legal or equitable interest — A broad term that includes all kinds of property interests in both tangible and intangible property, whether or not anyone else has an interest in that property.

Negotiable instrument — Include personal checks, cashiers' checks, promissory notes, and money orders.

Non-individual debtor — You are filing for bankruptcy on behalf of a non-individual, such as a corporation, partnership, or limited liability company (LLC).

Non-negotiable instrument — Financial instrument that you cannot transfer to someone by signing or delivering it.

Nonpriority unsecured claim — Debt that generally will be paid after priority unsecured claims are paid. The most common examples are credit card bills, medical bills, and educational loans.

Payment advice — A statement such as a pay stub or earnings statement from your employer that shows all earnings and deductions from your pay.

Presumption of abuse — A legal determination meaning you may have too much income to be granted relief under chapter 7. You may overcome the presumption by showing special circumstances that reduce your income or increase your expenses.

Priority unsecured claim — Debt that the Bankruptcy Code requires to be paid before most other unsecured claims are paid. The most common examples are certain income tax debts and past due alimony or child support.

Property you own — Includes property you have purchased, even if you owe money on it, such as a home with a mortgage or an automobile with a lien.

Reaffirming a debt — You may agree to repay a debt that would otherwise be discharged by entering into a reaffirmation agreement with the creditor. A reaffirmation agreement may allow you to keep property that a creditor has the right to take from you because it secures the debt being reaffirmed. For a reaffirmation agreement to be effective, you must enter into it before discharge. You may ask the court to delay your discharge if you need more time to complete your reaffirmation agreement. The court may have to find that the agreement is not an undue burden on you before it can become effective.

Sole proprietorship — A business you own as an individual, rather than a separate legal entity such as a corporation, partnership, or LLC.

Unexpired lease — Lease that is still in effect; the lease period has not yet ended.

Unliquidated claim — If the amount of a debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the value has not been set. For instance, if you were involved in a car accident, the victim may have an unliquidated claim against you because the amount of damages has not been set.

You — A debtor filing alone or one person in married couple who is filing a bankruptcy case with a spouse.

TAB 5B

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ADVISORY COMMITTEE ON BANKRUPTCY RULES
Meeting of September 20 - 21, 2012
Portland, Oregon

(DRAFT MINUTES)

The following members attended the meeting:

Bankruptcy Judge Eugene R. Wedoff, Chair
Circuit Judge Sandra Segal Ikuta
Circuit Judge Adalberto Jordan (by telephone)
District Judge Karen Caldwell
District Judge Jean Hamilton
District Judge Robert James Jonker
Bankruptcy Judge Arthur I. Harris
Bankruptcy Judge Elizabeth L. Perris
Bankruptcy Judge Judith H. Wizmur
Professor Edward R. Morrison (by telephone)
Michael St. Patrick Baxter, Esquire
Richardo I. Kilpatrick, Esquire
J. Christopher Kohn, Esquire
David A. Lander, Esquire
John Rao, Esquire

The following persons also attended the meeting:

Professor S. Elizabeth Gibson, reporter
Professor Troy A. McKenzie, assistant reporter
Circuit Judge Edward Levi, former chair
District Judge James A. Teilborg, liaison from the Committee on Rules of
Practice and Procedure (Standing Committee)
Chief Bankruptcy Judge Pamela Pepper, Eastern District of Wisconsin
Peter G. McCabe, secretary of the Standing Committee
Patricia S. Ketchum, advisor to the Committee
Ramona D. Elliott, Deputy Director /General Counsel, Executive Office for U.S.
Trustees (EOUST)
Lisa Tracy, Associate General Counsel, EOUST
James J. Waldron, Clerk, U.S. Bankruptcy Court for the District of New Jersey
Jonathan Rose, Rules Committee Support Officer, Administrative Office of the
U.S. Courts (Administrative Office)
Benjamin Robinson, Administrative Office
James H. Wannamaker, Administrative Office
Scott Myers, Administrative Office
Molly Johnson, Federal Judicial Center
Debra L. Miller, Chapter 13 Trustee, South Bend, IN

Raymond J. Obuchowski, Esquire, on behalf of the National Association of
Bankruptcy Trustees
Habbo G. Fokkens, Senior Counsel, Law Division, Wells Fargo

Introductory Items

The Chair asked participants to introduce themselves, and then he announced that this would be Mr. Rao's last meeting. He thanked Mr. Rao for his six years of service to the Committee and in particular for his stewardship of the model chapter 13 plan that was being presented to the Committee at this meeting.

2. Approval of minutes of Phoenix meeting of March 29 - 30, 2012.

The Committee approved the Phoenix minutes with several minor changes.

3. Oral reports on meetings of other committees.
 - (A) June 2012 meeting of the Committee on Rules of Practice and Procedure, including approval of the amendments to Civil Rules 37 and 45, which are scheduled to take effect on December 1, 2013.

The Chair said the Standing Committee adopted all the proposals put forth by the Advisory Committee. With respect to the pending amendments to Civil Rules 37 and 45, the Reporter said that no changes in the bankruptcy versions would be necessary. In response to a question about e-filing, the Reporter added that the Advisory Committee had been encouraged to move forward in its consideration of rules governing the use of electronic signatures for bankruptcy filings.

- (B) June 2012 meeting of the Committee on the Administration of the Bankruptcy System.

The Chair said that the primary focus of the June meeting of the Bankruptcy Administration Committee was cost containment and the reduction of funding for bankruptcy courts. He said bankruptcy courts were being encouraged to pursue shared services with district courts in order to deal with reduced funding.

- (C) Upcoming November 2012 meeting of the Advisory Committee on Civil Rules.

Judge Harris said that he would report on the November 2012 Civil Rules meeting when the Advisory Committee meets in the spring.

- (D) April 2012 meeting and upcoming October 2012 meeting of the Advisory Committee on Evidence Rules.

Judge Wizmur said that at its spring 2012 meeting the Evidence Advisory Committee approved for public comment several rules dealing with the hearsay exception. She added that the Standing Committee has adopted the recommendation and that the rules have been published for comment. She said that electronic discovery rules will be discussed at a symposium in conjunction with the fall 2012 Evidence Committee meeting.

- (E) April 2012 meeting and upcoming September 2012 meeting of the Advisory Committee on Appellate Rules.

The Reporter said that Appellate Rule 6 was currently published for public comment with changes designed to coordinate with the bankruptcy appellate rules that are also published for comment.

- (F) Bankruptcy CM/ECF Working Group and the CM/ECF NextGen Project.

Judge Perris said the last big release for CM/ECF will be delivered to the courts in the next few weeks, and that the first release of NextGen is scheduled for early 2014.

Subcommittee Reports and Other Action Items

4. Report by the Subcommittee on Consumer Issues.

- (A) Recommendation concerning Suggestion 12-BK-I by Judge John E. Waites (on behalf of the Bankruptcy Judges Advisory Group) to amend Rule 1006(b) to provide that courts may require a minimum initial payment with requests to pay filing fees in installments.

Judge Harris said the Subcommittee considered a suggestion by the Bankruptcy Judges Advisory Group (BJAG) to amend Rule 1006(b) to make clear that a court may require a minimum initial payment when approving requests to pay filing fees in installments. Some courts require an initial payment when a filing is made, Judge Harris said, because of concerns about collecting the filing fee if the case is dismissed before the full fee is paid. Courts do not construe Rule 1006(b) uniformly, however. The BJAG suggestion pointed out that some courts read the rule to prohibit requiring payment of a first installment at filing, and courts that require payment of a first installment at filing vary as to its amount.

BJAG suggested that uncertainty about the practice could be eliminated by amending Rule 1006(b) to clearly state that courts may require a minimum payment to accompany an application to pay in installments. BJAG also recommended that the rule set a maximum amount

for the first installment of 25% of the filing fee as a fair balance between maintaining debtor access to bankruptcy relief and reducing the court burden of collecting unpaid fees.

The Subcommittee concluded that the current language of Rule 1006(b)(1) is inconsistent with a local rule that requires an initial payment with an application to pay in installments. The Subcommittee considered whether to recommend that efforts be made to bring courts requiring an initial installment into conformity with Rule 1006(b), but ultimately concluded that the national rule should be changed to permit a local practice of requiring an upfront payment of a reasonable amount with an application to pay in installments. Subcommittee members favored a flexible approach so long as the initial payment would not be so great as to discourage applications to pay in installments or to prompt more requests for fee waivers. Accordingly, the Subcommittee accepted BJAG's recommendation of 25% of the total filing fee as the maximum amount that could be required by local rule.

The Subcommittee also discussed but could not come to a consensus on whether the clerk's office should be affirmatively authorized to reject a filing if an initial installment payment required by local rule is not tendered at the time of filing.

Judge Harris said that he had reconsidered his own position since the Subcommittee discussed the BJAG's suggestion, and he thought it would be more equitable to debtors to set a national initial installment amount. Other members also supported a national minimum first installment. Mr. Rao, however, pointed out that an initial installment requirement might actually drive up requests for fee waivers in chapter 7. He said that approximately 30% of chapter 7 filers are eligible to request a fee waiver, but only 2-3% actually request a waiver. After additional discussion, most members favored revising Rule 1006 either to allow or to require a minimum first installment of some amount, but several members thought that additional research should be done to determine the scope of the problem and the likelihood that requiring an initial installment will drive up chapter 7 fee waiver requests. **The Subcommittee agreed to investigate and to report back in the spring.** The Subcommittee was also asked to consider procedures for dealing with any failure to pay an installment when due. No member supported a procedure that allowed the clerk to reject a filing for failure to provide a required initial payment, but there was support for immediately setting a hearing on dismissal.

- (B) Recommendation concerning Suggestion 11-BK-N by for a rule and form for applications to waive fees other than filing fees, under 28 U.S.C. § 1930(f)(2) and (f)(3).

David Yen, an attorney at the Legal Assistance Foundation of Chicago, submitted a suggestion (11-BK-N) regarding the waiver of bankruptcy fees other than the ones that Rule 1006(c) and Official Form 3B currently address. That rule and form govern the waiver of filing fees by individual chapter 7 debtors, as authorized by 28 U.S.C. § 1930(f)(1). Subsection (f)(2) of that statute authorizes waiver of other bankruptcy fees for debtors who qualify for a filing-fee

waiver under (f)(1). And subsection (f)(3) provides that subsection (f) “does not restrict the district court or the bankruptcy court from waiving . . . fees prescribed under this section for other debtors and creditors.”

Mr. Yen proposes that procedures and Official Forms be adopted for (1) debtors who have qualified for a filing-fee waiver and who seek the waiver of additional fees, and (2) debtors as well as creditors who seek fee waivers but who are not entitled to a filing-fee waiver under section 1930(f)(1). Mr. Yen gives some suggestions for the content of these forms.

The Subcommittee concluded that there was no need for a national form to process “other fee” waiver requests from debtors who had already been granted a filing fee waiver under subsection (f)(1) because the information reported in Official Form 3B would either be sufficient for the court to process the request or could be easily updated at the time the new request was made. The Subcommittee also did not think that an official form for waivers under 28 U.S.C. § 1930(f)(3) was necessary, but recommended that the Forms Subcommittee consider the creation of a director’s form for such waivers that could be used by courts if they thought it would be useful to parties seeking fee waivers. **After discussing the Subcommittee’s analysis, the Advisory Committee referred to the Forms Subcommittee the issue of creating a director’s form for fee waivers other than for the chapter 7 filing fee.**

- (C) Recommendation concerning Suggestion 12-BK-B Matthew T. Loughney (on behalf of the Bankruptcy Noticing Working Group) to amend Rule 2002(f)(7) to require notice of the confirmation of the debtor’s chapter 13 plan.

Judge Harris gave the report. He said it is not clear why chapter 13 was omitted from the requirement in Rule 2002(f)(7) to notice confirmation orders, and that members of the Subcommittee saw potential benefits in providing notice of confirmation orders in chapter 13 cases. The Subcommittee also identified two concerns with the suggestion. First, the omission of chapter 13 cases from Rule 2002(f)(7) has not created any confusion in the case law, and nothing prevents courts from invoking their authority in appropriate cases to order service of notice of confirmation on creditors. Second, there is a concern that the costs of requiring notice will outweigh the benefits, particularly if the burden of noticing the confirmation order is placed on the debtor. **After a short discussion, the Advisory Committee deferred consideration and asked the Subcommittee to contact clerks’ offices about whether notice is already being made already under local practice and, if so, whether the court, the trustee, or the debtor bears the cost of the noticing.**

- (D) Oral report concerning Suggestion 12-BK-D Judge S. Martin Teel, Jr., to amend Rule 7001(1) as it concerns compelling the debtor to deliver the value of property to the trustee.

The Reporter said that the Judge Teel's suggestion would allow a trustee to seek turnover of the value of property, in addition to property itself, by a turnover motion against a debtor. Judge Teel's concern arose because sometimes the property subject to a turnover motion has already been disposed of by the time the trustee learns about it, and adding the recovery of the value of property to this procedure would eliminate the requirement for the trustee to file a separate adversary proceeding against the debtor. **The Reporter said that there were concerns about whether this was a sufficiently significant problem to require rule changes and that the Subcommittee would consider the issue further and report back at the spring meeting.**

5. Joint Report by the Subcommittees on Consumer Issues and Forms.

Oral report on the mini-conference to gather input on new Rules 3001(c) and 3002.1 and the new mortgage forms –Form 10 (Attachment A), Form 10 (Supplement 1), and Form 10 (Supplement 2).

The Reporter explained that the day before the meeting the Advisory Committee's Consumer and Forms Subcommittees held a mini-conference on users' experiences with the new mortgage rules (Bankruptcy Rules 3001(c) and 3002.1) and forms (B10 Attachment, B10 Supplement 1, and B10 Supplement 2). Attorneys for consumer debtors and mortgage servicers, chapter 13 trustees, bankruptcy judges, and a bankruptcy clerk participated in the mini-conference and provided constructive feedback about their experiences with the rules and forms.

The participants were divided into panels, and each panel met by phone before the mini-conference to discuss pre-assigned topics. The panels then presented their topics to the rest of the participants at the meeting. The presentations revealed general acceptance of the disclosure requirements in the rules and forms, but also a desire to eliminate ambiguities and to make adjustments to facilitate compliance and provide additional information.

There was general agreement among the participants on the following topics:

- A detailed payment history should be attached to the proof of claim. The payment history should be in a form that can be automated.
- Disclosure requirements should be uniform nationwide with no local variations permitted.
- The proof of claim attachment should include the amount of the mortgage payment as of the petition date.
- Home equity lines of credit (HELOCs) should be treated differently from other types of claims secured by the debtor's principal residence.
- There should be a procedure for objecting to payment changes.
- An official form should be adopted for the Trustee's Notice of Final Cure Payment.

- Rule 3002.1 should specify when the creditor's notice obligation terminates if the residence is surrendered or the stay is lifted.
- Rule 3002.1 should state clearly that it applies whenever a plan provides for maintenance of current mortgage payments, even if there is no arrearage to be cured.
- The attachment to the proof of claim should be revised so that it calculates the claim amount.

Some of the participants agreed to gather additional information for the Advisory Committee's benefit, and others indicated that they would continue to engage in discussions in an effort to arrive at agreement on additional suggestions.

The Consumer and Forms Subcommittees will carefully consider the feedback received at the mini-conference and report at the spring 2013 meeting of the Advisory Committee on any proposals they recommend for amending the mortgage rules or forms.

6. Report by the Chapter 13 Form Plan Working Group.

Recommendation concerning adopting an official form for chapter 13 plans; amending Rules 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009 in connection with adopting an official form; and contacting interest groups to obtain reactions to the proposed official form and rules amendments.

Mr. Rao said that a working group has been working on a proposal for an official form for chapter 13 plans. He said the working group started by surveying the many form plans used in districts across the country. It has attempted to incorporate common provisions from those plans into an official form and to provide a structure that allows for easy discovery of uncommon provisions.

In its deliberations, the working group also concluded that amendments to the bankruptcy rules would be helpful – if not essential – to an effective national form. Mr. Rao said that the working group has now created an initial draft of a proposed official form as well as proposed amendments to eight rules (Rules 3002, 3007, 3012, 3015, 4003, 5009, 7001, and 9009), all of which were included in the agenda materials.

Mr. Rao said that the working group is now seeking feedback from the Advisory Committee on the draft proposals. He said he anticipated that the working group and the Consumer and Forms Subcommittees would use the feedback in revising the proposed plan and rules and would present a recommendation to the Advisory Committee at its spring meeting about publication for public comment. Mr. Rao said the working group members also recommend seeking feedback over the winter from outside groups, such as the National

Association of Chapter 13 Trustees and consumer and creditor attorney groups that practice in chapter 13.

Mr. Rao reviewed the draft plan and rules in the agenda materials and received a number of comments from members identifying issues with the proposals or suggesting improvements to the drafts. One proposal that generated significant discussion among members was the treatment of secured claims under the proposed rules and official form. Mr. Rao explained that a proposed change to the rules that would require secured creditors to file a proof of claim before the plan confirmation hearing date was designed to facilitate resolution of any differences between the plan and the proof of claim and thereby enhance the plan confirmation process.

Mr. Rao said that the Advisory Committee previously agreed in concept to a proposed rule amendment that would require secured creditors to file proofs of claim by a specified deadline. Some Advisory Committee members questioned whether the requirement should apply across all chapters, however, or only in chapter 13, and the question of whether it should apply in chapter 11 cases was referred to the Business Subcommittee. Mr. Rao said the Working Group favored applying the requirement to all chapters, and that the proposed amendment to Rule 3002(a) in the agenda materials would do that. The working group also proposed that the deadline for filing proofs of claim under Rule 3002(c) – which deals with claims in chapters 7, 12, and 13 – be reduced from 90 days after the first date set for the § 341 meeting of creditors to 60 days after the filing of the petition to ensure that claims are filed before the confirmation hearing in chapter 12 or chapter 13. He noted that a different time period is set out for involuntary chapter 7 cases, and that, consistent with the limitation in section 502(b)(9) of the Code, the proposed deadline would not apply to governmental creditors.

Judge Wizmur reviewed concerns considered by the Business Subcommittee about requiring secured creditors to file claims in chapter 11 cases. She said a memo discussing the issues was in the agenda materials at Tab 8A. The main concern, she said, is that there is nothing in chapter 11 practice that would be “fixed” by requiring secured creditors to file a proof of claim and that such a requirement might have unintended consequences. Under 11 U.S.C. § 1111(a), she said, all claims are “deemed filed” if scheduled by the debtor in a chapter 11 case unless they are scheduled as “disputed, contingent or unliquidated.” Accordingly, if the creditor is satisfied with how its claim is scheduled, it does not need to file a proof of claim.

Judge Wizmur said that one perceived advantage of not filing a claim is that the creditor can avoid subjecting itself to the jurisdiction of the bankruptcy court. But, she pointed out, that strategy only works if the creditor is willing to accept how the debtor scheduled the claim. If the creditor wishes to dispute how the claim is scheduled, it must file a proof of claim in order to get the bankruptcy court to resolve the dispute, and, in so doing, will subject itself to bankruptcy court jurisdiction. Judge Wedoff added that changing Rule 3002(a) to require a deadline for filing such a claim just establishes a timeframe for bringing the dispute to the attention of the court. Section 1111(a) along with Rule 3003(c) would still allow the creditor to take advantage

of the “deemed filing” status, and thereby avoid the jurisdiction of the bankruptcy court, if there is no dispute. After further discussion, members who had initially expressed concern about applying a requirement for secured proofs of claim in chapter 11 said their concerns had been addressed.

Members also discussed proposed changes to Rule 9009. Judge Perris explained that the need for the proposed changes stemmed from past experience with the current language which says that, except as provided in Rule 3016(d), the Official Forms “shall be observed and used with alterations as may be appropriate.” She said that some courts have interpreted “with alterations as may be appropriate” as allowing them to require a local variation of a form instead of the official version, and that filers sometimes modified Official Forms without clearly showing the modification. As an example, she said that some creditors simply refused to incorporate the new signature block that was added to the proof of claim form in 2011, and instead used an older version of the signature block. Judge Perris said that the version of Rule 9009 in the agenda materials was amended with the following principles in mind: (1) require courts to accept the official forms, (2) allow users to alter some forms to eliminate questions that are not relevant, (3) prohibit alteration of some forms, such as the proposed official form chapter 13 plan and the proposed detailed loan payment history being considered as a replacement for the official form attachment to the proof of claim form, and (4) allow a court to create local versions of official forms, as long as the court does not require use of a local version instead of the national version.

Members generally agreed with the objectives of the proposed changes to Rule 9009. There was concern, however, about whether the draft in the agenda materials clearly met the objectives. One member said that the phrase “shall be observed and used” seemed imprecise and suggested instead stating simply “shall be used.” Some members pointed out that it may be necessary to go through the forms one by one to decide which should be alterable and which should not. Then Rule 9009 could state a general principle that the Official Forms should (or should not) be alterable, with a carve-out listing the forms to which the general principle does not apply. Another member suggested stating in the rule a general principle of non-alterability that would apply unless the Official Form itself allows for different treatment.

The Reporter pointed out that in deciding whether some official forms should be alterable, and others not alterable, the Subcommittee should be mindful that several rules have different phrasing regarding the use of official forms, such as “prepared as prescribed by the appropriate Official Form,” or “shall conform to the appropriate Official Form” or “conform substantially to the appropriate Official Form.” Finally, Ms. Ketchum pointed out that many of the forms that are designed to be altered, such as the forms used in chapter 11 cases, might be reclassified as director’s forms so it is clear that alterations are not restricted by Rule 9009.

Members also discussed several options for obtaining feedback from outside groups about the proposed rules and form chapter 13 plan. **The Advisory Committee decided that the**

best approach to develop dialog among different chapter 13 constituencies would be to hold a one day mini-conference in Chicago on January 17, 2013, the day before the planned public hearing in Chicago on the bankruptcy rules currently published for comment. [After the meeting concluded, the proposed date was changed to **January 18, 2013**, the same date as the scheduled public hearing in Chicago].

7. Report by the Subcommittee on Forms and the Forms Modernization Project.

(A) Report on the status of the Forms Modernization Project.

Judge Perris gave an overview of the progress of the Forms Modernization Project (FMP) since its inception in 2008. She noted that the fee forms, income and expense forms, and means test forms were all approved for publication by the Standing Committee at its June meeting and were out for public comment now. She said that there was one comment so far (positive) but that she expected more feedback by the end of the comment period, February 15, 2013.

Judge Perris said the FMP was largely done with the individual filing package, and the agenda materials included the most recent versions of the following forms: proposed new Official Forms B101, B101AB, B102, B104, B106-Summary, B106A, B106B, B106C, B106D, B106E, B106F, B106-Declaration, B107, B112, B119, B318, B423, and B427 and the committee notes and instructions. She said the new numbering system was a result of creating different forms for filing individual and non-individual bankruptcy cases. She said that the 1XX series was used for forms filed early in individual bankruptcy cases, the 2XX series was for forms filed early in non-individual cases, the 3XX series was for orders and court notices, and the 4XX series was for forms filed later in the case. She added that because all the new official forms would be three digits, the director's forms (which currently use three digits) would use four digits, generally by adding a zero to the end of the current three-digit number.

Judge Perris explained that general instructions were now in the form of a booklet, rather than associated with each particular form, to avoid repetition of common instructions and to more clearly separate the instructions from the forms that would be filed. She said her purpose in bringing the forms to the Advisory Committee for this meeting was to solicit feedback to consider along with any comments received on the FMP forms that are currently out for public comment. She added that she anticipated resubmission of revised versions at the spring meeting with a request for publication.

Judge Perris explained the development of the non-individual forms is well underway, and those forms would likely look much different than the individual forms. The non-individual forms are being designed with the following guiding principles:

- Eliminate requests for information that pertains only to individuals.

- To the extent possible, parallel how businesses commonly keep their financial records.
- Include information identifying where and how the requested information departs from information maintained according to standard accounting practices.
- Provide better instructions about how to value assets on the schedules, and provide a valuation methodology that will allow people who commonly sign schedules to respond without needing expert valuations of assets.
- Revise the secured debt schedule to clarify the status of debts that are cross-collateralized and the relative priority of secured creditors.
- Require responsive information to be set out in the forms themselves and not simply included as attachments.
- Use a more open-ended response format, as compared to the draft individual debtor forms.
- Keep inter-district variations to a minimum, particularly with respect to the mailing matrix.

Judge Perris said that it was not yet clear when the non-individual forms would be ready to publish for comment, and that further consideration would be appropriate at the spring meeting. A likely possibility is that the individual and non-individual forms will have to be published in successive years. That means, Judge Perris said, that the Advisory Committee will have to decide whether to recommend that each group of forms go into effect in the normal course (i.e., in successive years), or if instead it would be less disruptive to the bankruptcy community to hold the effective date for the individual forms for a year to allow both individual and non-individual forms to go into effect at the same time.

The Advisory Committee reviewed the individual forms in the agenda materials and had the following comments:

B102: A member noted that there are missing checkboxes on questions 2 and 3. Another member asked whether including the leading “9” in the space for the debtor’s Individual Taxpayer Identification Number (to be filled out if the debtor has an ITIN instead of a social security number) might be confusing to some debtors because there were only eight digits left to fill out. Another member suggested that it might be clearer if the “9” were underlined, and members agreed to defer to the judgment of the FMP’s forms consultant.

B104 CN: A member suggested adding an “s” to “eliminate” in first line of last paragraph of the Committee Note for the list of 20 Largest Unsecured Creditors.

B106-Summary: The Advisory Committee discussed replacing “married people” with “spouses” because “married” is not in the Bankruptcy Code, but most members favored using “married people.”

B106A: A member pointed out that there are missing checkboxes on question 1a. Another member suggested that the form ask for the purchase price of listed vehicles as a check on the accuracy of the figure reported for current value, but most members thought auto valuation books already provided a sufficient check on reported current value.

B106C: Judge Perris explained that the form combines both priority and non-priority unsecured claims, which are currently on separate forms, into a single form. One member suggested that, although it is clear from the layout and instructions on B106B that the unsecured portion of a secured claim should be reported on that form, a cross reference in the instructions for this form might also be helpful.

B106D: Judge Perris said that form incorporates a proposed change addressing *Schwab v. Reilly*, 130 S. Ct. 2652 (2010), that is further discussed at Tab 7B of the Agenda Book.

After the Advisory Committee reviewed all of the individual schedules, one member asked for reconsideration of the proposed numbering scheme as it pertains to the schedules. The suggestion would change Schedule B106A to B106AB, to signal that it is derived from current schedules A and B, and change B106C to B106EF to signal that it is derived from current schedules E and F. The proposed changes would allow the remaining schedules to retain the same letter designation as current versions which could be less disruptive. No other member seconded the proposal for reconsideration of the new numbering scheme.

B112: A member noted that checkboxes are missing from the first column in the middle of the first page of the form.

Instruction Book: A member said the table of contents should be updated, and noted that page numbers in the table of contents for the glossary seem to show only the leading digit (i.e., “4” instead of “40”).

After further discussion, the Advisory Committee decided to include the individual forms, related committee notes, and instruction book in its report to the Standing Committee with a request for preliminary comments.

- (B) Recommendation concerning revision of the exemption schedule as a result of the Supreme Court's holding in *Schwab v. Reilly*, 130 S. Ct. 2652 (2010).

The Reporter explained that last spring, based on concerns raised during the public comment period, the Committee withdrew a proposed amendment to the exemption schedule that was designed to implement the holding in *Schwab*. The proposal would have added a checkbox to the form to allow debtors to state the value of a claimed exemption as the “full fair market value of the exempted property”—as an alternative to stating “Exemption limited to \$_____.”

The Reporter said that the FMP, and the Consumer and Forms Subcommittees, subsequently developed an alternative approach that was incorporated into the version of the exemption schedule included with the new FMP form at Tab 7A. **Because the Advisory Committee is not being asked to take action on any of the FMP forms at this meeting, however, the Chair tabled the recommendation regarding the *Schwab* holding until the spring meeting.**

8. Report by the Subcommittee on Business Issues.

- (A) Report concerning amending the Bankruptcy Rules to require the filing of proofs of secured claims in chapter 11 cases.

See discussion at Tab 6.

- (B) Recommendation concerning Suggestion 11-BK-M by attorney Jim F. Spencer, Jr., on behalf of the Advisory Committee to the Uniform Local Rules for the Northern and Southern Districts of Mississippi, to amend Rule 9027 to require that a notice of removal be filed with the bankruptcy clerk for the district and division where the civil action to be removed is pending.

Judge Wizmur said that the Subcommittee recommends no action on this item because the majority of the case law now holds that a notice of removal should be filed with the bankruptcy court, and because Bankruptcy Rule 9013 defines “clerk” as the bankruptcy clerk. **The Committee declined to take any action.**

9. Report by the Subcommittee on Privacy, Public Access, and Appeals.

Recommendation concerning Suggestion 12-BK-H by Professor Alan N. Resnick to amend the Bankruptcy Rules in response to *Stern v. Marshall*, 131 S. Ct. 2594 (2011).

Judge Jordon said that the Subcommittee recommends reconsidering the suggestion at a future meeting because the Advisory Committee’s *Stern*-related rules amendments are still out for public comment, because case law is still developing on *Stern*, and because a number of courts have created local rules that address the suggestion. **The Advisory Committee agreed to reconsider suggestion 12-BK-H at a future meeting.**

10. Report by the Subcommittee on Technology and Cross Border Insolvency.

Report concerning adopting a bankruptcy rule establishing standards for electronic signatures by parties other than attorneys.

Mr. Baxter said that, as described in the agenda materials, the Subcommittee has considered two options for the use of electronic signatures by debtors or others who are not part of the CM/ECF system: a declaration procedure similar to the one used in the Northern District of Illinois, or an amendment to Bankruptcy Rule 5005(b) that would allow electronic filing for documents filed and signed in accordance with Judicial Conference procedures. He said that, since there are not currently any Judicial Conference filing procedures for electronic signatures, the Subcommittee favored the declaration procedure as being easier to implement. The Subcommittee would like to do further research to determine how many other bankruptcy courts are already using declaration procedures like the one in Illinois, and to evaluate the experiences the three courts that are testing the pro se electronic filing pilot in NextGen. Dr. Johnson has agreed to undertake this research and will report her findings to the Subcommittee. **The Subcommittee will report back at the spring 2013 meeting.**

11. Oral report by the Subcommittee on Attorney Conduct and Health Care.

Mr. Rao said that the Subcommittee had no assignments.

Discussion Items

12. Oral report on the revision of Interim Rule 1007-I to conform the Interim Rule to the proposed amendment to Rule 1007, which is scheduled to take effect on December 1, 2012.

The Committee agreed that the Director should advise the courts to amend their local rule version of Interim Rule 1007-I so that it conforms to the pending Rule 1007 changes that are scheduled to go into effect on December 1, 2012.

13. Oral report on Suggestion 12-BK-E by Judge Richard Schmidt to amend Rules 7008, 7012, 9014, 9027, and 9033 in response to the Supreme Court's decision in *Stern v. Marshall*, 131 S. Ct. 2594 (2011).

The Chair said that part of the suggestion has already been incorporated into the *Stern*-amendments that are currently out for public comment, and that the Advisory Committee previously considered and rejected the possibility of requiring a litigant to affirmatively demand an Article III judge or face waiver of that right. **No further action required by the Committee.**

14. Oral report on Suggestion 12-BK-L by Judge Neil P. Olack to amend Rule 7008(b) to clarify the pleading requirements to recover statutory attorney's fees.

The Chair said this matter has already been considered and the current amendments published for public comment would eliminate 7008(b) in its entirety and replace it with 7054. **No further action required.**

Information Items

15. Oral report on the status of bankruptcy-related legislation, including the revision of Forms B200 and B201 as a result of the enactment of the Temporary Bankruptcy Judgeships Extension Act of 2012 (Pub. L. No. 112-121).

Mr. Wannamaker reviewed pending legislation. He explained that in light of the upcoming election it was unlikely that anything would pass this year, but that much of the legislation would probably be reintroduced in the next legislative session. He said that the Temporary Bankruptcy Judgeships Extension Act of 2012 did pass and has been enacted as Pub. L. No. 112-121. He said the new law would have a minor impact on two Director's Forms, B200 and B201, both of which would need to be updated to reflect an increase in the Chapter 11 filing fee that occurred to pay for the extended judgeships.

16. Oral update on opinions interpreting section 109(h) of the Bankruptcy Code.

The Reporter said that 11 U.S.C. § 109(h) requires individual debtors to complete an approved course on credit counseling in order to be a debtor under title 11. She said that courts were split on the meaning of the original language of that subsection and whether it allowed the debtor to file a petition on the same day as taking the course (so long as the course was completed prior to filing) or if it instead required the debtor to wait a calendar day before filing. The Reporter said that a technical amendment made to section 109(h) in 2011 was apparently designed to settle the court split by making clear that the debtor may file a case the same day as completing the required course. Unfortunately, however, the technical amendment introduced a new ambiguity, and might now be read to allow the debtor to file the petition and then complete the counseling course later in the day.

The Reporter said that if courts interpreting section 109(h) allow completion of the credit counseling course on the same day but after the petition is filed, the Advisory Committee may need to consider amendments to Rule 1007 and Official Form 23. She said no changes were needed yet, however, because the two bankruptcy courts that have reviewed the new language so far have both concluded that the credit counseling course must be completed before the bankruptcy petition is filed. She said she would report on further case law developments at the spring 2013 meeting.

17. *Bull Pen.*

Amendment to Official Form 23 to implement the proposed amendment to Rule 1007(b)(7) which would authorize providers of financial management course providers to file notification of the debtor's completion of the course, approved at September 2010 meeting.

The proposed amendment is scheduled to go forward at the spring 2013 meeting.

18. Rules Docket.

Mr. Wannamaker asked members to review the Rules Docket and to let him know if any changes are needed.

19. Future meetings: Spring 2013 meeting, April 2 – 3, in New York City. Possible locations for the fall 2013 meeting.

The Chair suggested Minneapolis for the fall 2013 meeting.

20. New business.

The Chair expressed his profound thanks to District Judge James A. Teilborg, who was attending his last meeting as liaison from the Standing Committee.

21. Adjourn.

Respectfully submitted,

Scott Myers