

January 29, 2013

Judicial Conference of the United States
Committee on Rules of Practice and Procedure
Washington, D.C. 20544

Re: Proposed new bankruptcy forms

To the Committee:

I am a bankruptcy attorney and a developer of bankruptcy petition software. As such, I would like to provide the following comments on the revised bankruptcy forms published in August 2012. I have organized my comments into three sections: technical (related to aspects of the forms such as typography), form contents (related to the information presented on the forms), and substantive (related to the substantive law applicable to the forms).

In order to focus on the new forms with what I considered to be the necessary precision, I found it easiest to construct “straw man” forms that build upon the forms that were published for comment. As described in the body of this letter, I think that the wording of many of the in-form instructions can be tweaked to make it even more understandable to ordinary people. In a few instances, I think that reordering questions or adding new questions will facilitate the overall goal of gathering accurate information. I will discuss in greater detail further on why I believe that modifying Schedule J to include both petition-date and confirmation-date expenses is not a good idea.

Technical Comments

The shaded background of the new forms works well on a computer screen but less well on a printed form. The reduced contrast between text and background enhances readability for dislexic users, but this benefit is lost when the most important parts of the forms (namely, the blanks that contain personalized information) do not have a shaded background. The shading also provides a visual cue for where users need to add information. This benefit is not important for software-generated forms, of course, because the software already knows where to put the numbers. I routinely print two copies of a petition package in preparation for a review meeting with the client. Extensive shading increases the amount of print toner or ink that will be used and greatly slows printing on ink-jet equipment.

Recommendation: Eliminate the shaded background on the forms.

The forms published for comment use a large number of different fonts. The commentary about the forms suggests that CM/ECF will eventually be redesigned to capture just the data about a case. Until CM/ECF is redesigned, however, attorneys will perforce have to create, upload, and download PDF files that contain bulky font programs for each font. In the interest of reducing space requirements and upload/download times, it would be far better to use just a few fonts whose programs do not need to be imbedded.¹

Recommendation: Use only the standard Type 1 fonts,² which every PDF rendering program is required to support even when the font programs are not contained in the PDF file. To enhance readability for dyslexic readers, the only fonts used should in fact be Helvetica and Helvetica-Bold. Eliminate symbols that require non-textual fonts and substitute simple glyphs drawn using graphical elements like lines and circles for elements like check-boxes and signature X's.

The reason for shading the background of the page footer and for not capitalizing the word “page” is not apparent. Shading is used elsewhere in the forms to direct the reader's attention to instructional text, but the page footer obviously does not require emphasis.

Recommendation: Capitalize the word “Page” appearing in the page footer and eliminate the shaded background.

The instruction for line 1 of new Form 3B italicizes “*Schedule J . . . Individual Debtors*” but not “Official Form 6J.” The “official form” phrases are italicized in the instructions to Part 3 of the same form.

Recommendation: Use consistent typography throughout the forms.

One goal of the modernization project is to make it easier for pro-se individuals to fill out bankruptcy forms. Although I believe that we should not be encouraging pro-se filings because untutored debtors frequently make catastrophic mistakes, making the forms more comprehensible to debtors is a worthy goal. Nevertheless, debtors whose attorneys use petition preparation software will not be filling out the forms. They will *reading* the forms their attorneys prepare. Consequently, the forms generated by petition software need to be understandable, but they do not necessarily have to contain the same features that are needed to elicit correct responses from individuals who are filling them out on their own.

Recommendation: Enunciate a clear policy concerning how slavishly software-generated forms need to mimic the published official forms, to the end that software vendors may more easily generate forms that meet the spirit of the modernization initiative.

Comments on the Contents of the Forms

¹ The PDF/A standard requires that all font programs be imbedded, which I find silly in light of the requirement that rendering programs *must* support 14 standard fonts, including a sans-serif font named Helvetica. Software-generated PDF files cannot imbed the Adobe font programs for these standard fonts without violating Adobe's copyright.

² These fonts are Times-Roman, Helvetica, and Courier (with their bold, italic, and bold-italic variants), Symbol, and ZapfDingbats.

The instructions for all forms direct the person who fills it out to put “your name” at the top of each sheet. The word “your” is ambiguous, because Debtor 2 may be the person filling out the form. In addition, the instructions refer to “the top of any additional pages.” It would be more grammatical to say “the top of each additional page.”

Recommendation: Change all instructions to place “Debtor 1’s name and your case number at the top of each additional page.”

Pro-se filers may interpret the qualifier “if known” literally and may therefore omit their case number simply because they misplaced (or didn’t write down) the docket number of their case.

Recommendation: Say “if your case has been filed” instead of “if known.”

Courts differ widely on the format of captions of orders they issue, and many courts prefer that proposed orders be uploaded in word processing format to special e-mail alias addresses.

Recommendation: Do not include a form of proposed order with any of the new forms.

I believe that the signature blocks on the forms should be revised to address several concerns. In a joint case, each debtor who signs is an “I” for purposes of the affirmation. The affirmation includes a statement (“information . . . in this application is true and correct”) that is properly attributed to each “I”. But the attribution of information to “I” is not exactly accurate because, in a joint case, it may be either “we” or one of the “I”s who filled out the form. In addition, saying that “[b]y signing here under penalty of perjury, I declare” is not the same thing as saying “[b]y signing here, I declare under penalty of perjury.” The affirmation should also reflect the practical fact that, if the debtor is represented by counsel, the information on the form will be inserted by the debtor’s attorney and will probably not be laboriously cross-checked by the debtor. Some of the forms include forward looking projections that by their nature are not unambiguously true or false, or legal conclusions whose accuracy the debtor should not be required to guarantee on pain of criminal sanctions. Hence, the affirmation under penalty of perjury should be qualified by information and belief, and legal conclusions should be stated as a belief rather than a fact.

Recommendation: Reword the signature affirmation to read “By signing here, I declare under penalty of perjury that the information provided in this application is true and complete to the best of my knowledge and belief.” In Form 3B (the fee waiver form), add “I believe that I(we) cannot afford to pay the filing fee either in full or in installments.”

Form 3A

A few courts have form Chapter 13 plans that assume debtors will be paying part of the case filing fee through their plans.³ The combined effect of Rule 2003(a) and § 1324(b) is that the court will confirm a debtor’s plan (if at all) within 95 days, by which time the debtor will have made at least three monthly payments. Because debtors are presumably paying all of their disposable income to the trustee, we must

³ The national Chapter 13 plan that has been circulated for early comment does not.

assume that they don't have any money left over from which to pay the remainder of the filing fee.

Recommendation: Make a policy decision about whether debtors should generally be permitted to include the filing fee in their Chapter 13 plans. If yes, revise Form 3A to allow for that choice. (See new line 2 on strawman 3A.)

Line 2. Although the instructions for line 2 indicate that debtors must explain why they are asking for more than 120 days to finish paying the fee, the form doesn't have a blank where they can give that explanation. I suggest adding a line (see new line 4 on the strawman 3A) to capture the explanation.

Line 2. Literal-minded debtors will read "after you first file for bankruptcy" as referring to a prior case. I suggest changing this phrase to "after you file this bankruptcy case."

Part 2. It is not clear why debtors' counsel is being asked to sign this form, given that the *debtors* are the persons who are undertaking to pay the filing fee.

Form 3B

The instruction to "answer every question" immediately before Part 1 is inconsistent with the instruction to skip Part 3 if Schedules A and B have been completed.

Recommendation: Change the wording of the last sentence in the form instructions to read "Unless otherwise directed by the instructions for this form, answer every question."

Line 1. Information generally flows from top to bottom and left to right in the new forms. It therefore seems odd that the checkboxes for the subsidiary elements of the response to line 1 are to the right of the final number. I recommend interchanging the 2d and 3d columns.

Lines 2 & 3. Even though I already understood why non-cash governmental assistance is excluded from the income used to determine eligibility, I found the instructions on the form to be confusing. The Schedule I data will include the value of non-cash assistance, so the user will need to subtract that value before entering numbers into the line 2 blanks. Yet, the form doesn't capture the value until line 3. Moreover, the instructions for what numbers to include in line 3 ("such as food stamps or housing subsidies") actually appear with line 2. I suggest reversing the order of lines 2 and 3 and incorporating an explicit subtraction step. (See line 4 on strawman 3B.)

Line 2. I think that a pro-se debtor will not understand how to include all of the family income that the statute [28 U.S.C. § 1930(f)(1)] contemplates. New Schedule I captures only so much of the family income as is contributed to household expenses, so the form can't simply direct users to copy numbers from Schedule I. The strawman form contains a line intended to capture this additional income, but I believe that the committee should make a policy decision about how much (if any) income needs to be shown on the form.

Line 2. Under the holding of *In re Donahue*, 410 B.R. 751 (Bankr. N.D. Ga. 2009), a debtor's expenses for domestic support obligations should be subtracted from income

in determining eligibility for a fee waiver. The strawman form contains a new question (line 3) aimed at capturing this expense and a line within question 4 where that can be subtracted, but I believe the committee should make a policy decision about whether *Donahue* should be adopted.

Lines 4 & 9. It's not clear why six months is a relevant time frame when most chapter 7 cases are over in three and when Rule 1006(b)(2) requires installment payment arrangements to be finished within 120 days unless special cause is shown. Additionally, debtors are asked in two other places to make predictions about the future—on Schedules I and J, where the time frame is 1 year, and on the means-test forms (in the context of disclosing known or virtually certain changes) where there is no explicit time frame.

Recommendation: Consider not asking for expected changes in income or expense or asking a single question whether the debtor might be able to save enough during the 90 days post-petition to pay the fee in full.

Part 2. The only information part 2 captures that is not on Schedule J is expected changes during the next six months. If the preceding recommendation were adopted, debtors could supply a copy of Schedule J in lieu of filling out this part of the form.

Line 6. Use “estimate,” which describes the number, rather than “estimation,” which describes the process of arriving at an estimate.

Line 8. The subquestion should refer to “these persons” rather than “this person. The layout doesn't seem to provide a way to “list” contributions—just to list the persons who contribute. See line 10 of the strawman 3B for possible alternative wording and layout.

Line 10. The blank for the dollar amount should be at the right margin to line up with the other blanks in part 3.

Lines 11-14. The layout of the published form is just what one needs to be sure of capturing all of the information from a pro-se filer, but it is not easy for software generated forms to mimic. See lines 13-16 of the strawman 3B for some suggested additions to the instructions that will allow a debtor inspecting a machine-generated form to understand how their attorney completed the blanks.

Lines 12-16. Presumably, the reason for asking about assets is to determine if the applicant could easily liquidate an asset in order to pay the filing fee. Therefore, liens that might be avoided under § 522(f) should not be subtracted from values. Pro-se debtors will not often understand this subtlety. More problematically, all assets (even assets that the debtor exempts) will be estate property unless and until the trustee explicitly abandons them, because § 554(c) abandonment can't happen until the case is closed and *that* won't happen until the fee is paid. Finally, I think that practice around the country has crystallized into giving conditional approval to fee-waiver motions so that trustees can object once they finish their evaluation of the estate. Hence, no real purpose is served by capturing the asset information separately on this form.

Recommendation: Consider omitting lines 12-16 altogether.

Line 15. To avoid nit-picking litigation, it might be well to enumerate the lines of Schedule B that are to be included in the response.⁴

Line 16. In any case, the collectability of a claim is something that ought to be included in the description of the claim on Schedule B. Purely as a technical matter, asking one question (“Do you believe you will likely receive payment?”) about multiple assets is going to confuse debtors. A slight change in the wording of the question would make it easier for software to capture the information for both Schedule B and this form. (See line 18 of the strawman 3B for suggested wording.)

Lines 17-19. The instructions should clarify that all applicable boxes need to be checked, since debtors can receive help from multiple people and can pay multiple people.

Line 20. The statute does not condition a fee waiver on whether the debtor is a serial filer. It is duplicative of Form B1 to ask whether the debtor has filed for bankruptcy in the last eight years. I do not understand why it is relevant to *this* debtor’s ability to pay the filing fee whether his or her non-filing spouse has filed for bankruptcy—this being the only additional information that question 20 elicits.

Recommendation: Omit line 20: do not ask for information about prior (or affiliate) cases.

I wonder whether judges have handy a schedule of the poverty guidelines that govern statutory eligibility for a fee waiver. To assist judges and clerks in the initial triage of these requests, it would be helpful for the form to contain the relevant threshold amount. Asking pro-se filers to determine the amount is probably unwise because of the high likelihood of errors. Attorney filers, however, will ordinarily be using software that can reliably provide the right value.

Recommendation: Add a line to the form for computing the threshold amount for a fee waiver. Instruct pro-se filers that they need not fill in that line. See line 7 of the strawman 3B for possible wording and layout.

Form 6I

Line 1. I believe that married debtors will not easily understand when they should report their spouse’s income.

Recommendation: Use a series of questions with check-box answers, similar to lines 2 and 3 on the revised B22A form, to lead debtors to the correct conclusion about whether they need to report their spouse’s income. See the attached illustrative sample.

Line 1. It’s not obvious why the form calls for an employer’s address or which address of many possible addresses is the one required. Given that BAPCPA requires debtors to furnish copies of their paystubs, trustees will nearly always have another way to locate the employer if they need to. Debtors may, however, be reluctant to

⁴ In the strawman 3B, the response to the corresponding line includes a household pet that the debtor classified as an “animal.” Machine-generated forms are pretty much destined to be similarly literal.

publish the address of their workplace in a publicly accessible document for fear of harassment.

Recommendation: Do not require debtors to furnish their employer's address. If an address is to be required despite this recommendation, specify whether debtors should supply the address of their workplace, the address of their payroll department, or what.

Line 1. I see no useful purpose to asking unemployed debtors to indicate that they are a "student or homemaker" because they will not be reporting income from these activities. Why not also ask retired debtors, disabled debtors, or debtors who are on temporary leave to so indicate? In addition, the form instructions can be read to require that *employed* debtors who are also students or homemakers attach a separate page simply to indicate that additional status. Asking self-employed debtors to fill out part 1 is silly because they will be providing their own contact information (which is captured on Form B1) and the duration of their self employment (which is captured on the SOFA). Asking for self employment information in part 1 will also lead to confusion as to whether self-employment income should be listed on lines 2-7, on line 8a, or on both. Finally, mentioning seasonal employment will confuse debtors who are not presently working at a seasonal job because the instruction apparently conflicts with the instruction to report income "as of the date you file this form."

Recommendation: Don't ask for self-employment income. Omit mention of seasonal employment. Don't ask debtors to indicate that they are students or homemakers.

Lines 2-7. I think it is unrealistic to hope that pro-se filers can reliably combine their income from multiple jobs with different pay periods, as the revised form directs. Additionally, no matter how often I remind my clients that there are 52 weeks in a year, they persist in multiplying weekly amounts by 4 to get monthly amounts. Even when a debtor has just one job, the elaborate instructions about how to convert figures to a monthly basis are likely to be ignored or to send pro-se debtors screaming to a petition preparer because the instructions will seem overwhelmingly confusing.

Recommendation: Reorganize the form to capture information about each job separately. (See Part 1 of the strawman I for a possible way to do this.)

Line 5c. Under the holding of *Seafort v. Burden (In re Seafort)*, 669 F.3d 662 (6th Cir. 2012), Chapter 13 debtors should be deemed to realize additional disposable income once they finish repaying retirement plan loans. Trustees are therefore likely to want to know when a payroll deduction for repaying a retirement loan is scheduled to end.

Line 5d. Because health insurance has a special status under both bankruptcy and non-bankruptcy law, I think that the form should not ask debtors to combine this deduction with other insurance deductions. Moreover, bankruptcy software should be collecting information about health insurance, disability insurance, and health savings plans separately anyway in order to complete the means test.

Recommendation: Add separate lines for health insurance, disability insurance, and health savings plan payroll deductions.

Line 8. Payroll information and other income seem to me to be very different animals, but the form design seems to equate them because line 7 flows to line 8 without any separation. I suggest inserting a major “part” break and renumbering the lines, perhaps as shown on the strawman I.

Line 8a. The instructions to line 8a are confusing. On one hand, the instructions call for “[n]et income from rental property and from operating a business . . .” On the other, they ask only for “ordinary and necessary business expenses” to be shown on an attachment. The instructions for Schedule J make clear that debtors are to net out their business income and expenses on Schedule I. But, because Schedule J captures most of the expenses of owning real-estate, debtors are *not* supposed to net out their real estate income and expenses. The distinction is implicit in the wording of the instructions for line 8a, but it is so subtle that debtors are likely to miss it.

Recommendation: Treat real-estate and businesses expenses the same way: either net both of them out on Schedule I, or else require income and expenses in both categories to be reported on Schedules I and J, respectively.

Line 8a. The term “rental property” on line 8a is unnecessarily restrictive. Debtors might earn income that isn’t “rent” from real estate—for example, Conservation Reserve Program (soil bank) payments.

Recommendation: Use a more expansive term than “rental property,” such as “real estate that generates income.”

Line 8a. Asking debtors to attach a statement concerning real estate and business income invites chaos because debtors, especially pro-se debtors, often lack even rudimentary bookkeeping skills. I believe that clarity of presentation would be better served by prescribing a form, such as the one used in the Southern District of Indiana, for reporting income in a consistent way. Alternatively, debtors might be directed to use their bookkeeping software to generate a statement of profit and loss covering a specific period.

Recommendation: Prescribe a form for reporting business and real estate income and expenses.

Line 8e. Pro-se debtors may not realize that the “social security” income item on this schedule is the same as the “benefits under the social security act” they are supposed to exclude from the means test. I suggest using the phrase “benefits under the Social Security Act” for consistency with the means test.

Line 8f. Debtors will not realize that they are supposed to report as income items like food stamps, housing subsidies, WIC vouchers, and fuel assistance that they receive in kind or indirectly. Furthermore, it will be easier for pro-se debtors to complete the fee-waiver form if all non-cash government benefits are shown on Schedule I.

Line 11. Joint filers who live in separate households may each be receiving contributions to their (separate) household expenses from other people. As presently designed, this schedule lumps these separate contributions together, which will require trustees to ask questions in order to disaggregate the amounts. Moving line 11 to a new subpart of line 8 would solve this problem.

Form 6J

Revised Schedule J is much easier to read than the current form because it includes grid lines to visually separate the line items and because the line numbers are repeated next to the number blanks. In addition, it makes far better sense to include information about dependents on this schedule than on Schedule I because expenses (and not income) are typically associated with dependents.

Recommendation: Preserve these features.

In my experience, laymen do not understand instructions very well that include conditional statements. Therefore, I don't think pro-se filers will understand the instructions for filing separate copies of this form when they are separated and filing a joint petition. In addition, I think that pro-se chapter 7 filers will be confused by the presence of the second column.

Recommendation: Create two variants of the new Schedule J, similar to the strawman 6J-1a and 6J-2a attached to these comments, to be used when there is one household and when there are two households. Eliminate the Chapter 13 column.

Real people can't budget with the precision we pretend to demand on Schedule J, and courts and trustees don't really need to know debtors' budgets in fine detail anyway because feasibility is proven by the event: do debtors actually make their plan payments. In my experience, the majority of Chapter 13 filers are trying to save their home from foreclosure. They will find some way to make the plan work—for example, by adjusting expenditures on a week-to-week basis to make sure they have enough money to pay their basic expenses and their plan payments or by borrowing from relatives. They cannot forecast in detail how they will make these adjustments, though. The Schedule J they file is therefore necessarily going to include arbitrary downward adjustments in dollar figures that are motivated purely by the need to demonstrate feasibility. The disutility of using Schedule J for determining disposable income is even more profound with respect to above-median debtors, for whom Congress has crafted the means test as an objective measure of ability to pay.⁵

Recommendation: Create a separate form to capture the proposed budget (both income and expense) for Chapter 11, 12, and 13 debtors, to be used in conjunction with the disclosure and confirmation process. The instructions for this form would explicitly ask for forward-looking projections. The income side of the form might include a space for anticipated contributions by other people. For expense items like rent and payments on secured debt, the form would ask for exact numbers. Rather than itemize variable expenses, however, the form would simply ask for an estimate of all other expenses. Administrative convenience would be served by asking debtors to total all of the variable expenses from Schedule J, so that readers can easily determine whether debtors are proposing to pay more or less than they were paying on the petition date.

⁵ Cf., e.g., *In re Phillips*, 382 B.R. 153 (Bankr. D. Mass. 2008) (above median debtor's plan could pay amount determined by B22C, even though that was less than the monthly net income shown by Schedules I and J, subject only to requirement that plan be proposed in good faith).

Neither the new form nor the instructions tells us how to treat expenses that will be paid through a Chapter 12 or Chapter 13 plan. I believe that the form presents a truer picture of a debtor's moment-of-filing situation if it captures contractually required payments, even if the debtor's plan will surrender the collateral, cram the expense down, or call for conduit payments. On the other hand, plan feasibility implicates the debtor's expected cash flow, and so Schedule J should *not* reflect expenses that will be paid by the trustee.

Recommendation: Change the form instructions to ask for all expenses as of the filing date in the first column but projected out-of-pocket expenses in the second column. (Since these instructions are going to be *very* confusing to pro-se filers, this problem is actually an additional reason why the proposed two-column form is not the optimal way to capture a confirmation-date budget.)

In my experience, forms that contain blanks are easier to read than forms that contain explicit zero amounts. Having seen many questionnaires filled out by laymen, I do not believe that being forced to enter a zero instead of leaving an entry blank will result in more accurate responses. Placing the line number next to the blank for the dollar amount eliminates the need to have an explicit placeholder to allow readers to line up numbers with captions. Software programs can, of course, do either with equal ease, but I still favor blanks for readability.

Recommendation: Change the instructions to require blank entries for amounts that are zero.

My clients already have great difficulty providing me with the many separate expense items required by the current Schedule J, and the new form will exacerbate that problem. As examples of the difficulty that I believe most ordinary people will have with these categories, consider these points:

- Ordinary people buy groceries, household products, and personal care products at one or two stores (such as a regular grocery store or a discount store) on a regular basis. They might be able to total up their spending at these stores, but they cannot easily categorize their expenses in the way Schedule J demands.
- Ordinary people purchase linens, utensils, minor appliances like toasters and clocks, etc., at the same time and in the same place as items like toothpaste and paper towels. These expense items are properly considered as recurring expenses because the items purchased have little or no resale value, but they are neither "housekeeping supplies" nor "personal care products" and therefore have no obvious place on the new schedule.
- Stamps, stationery, pens and pencils, and the like are likewise orphan expenses on both the current and the proposed Schedule J forms.
- I believe it will be hard for ordinary people to total up expenses that they incur with different periodicities, such as clothing (twice yearly) and laundry (weekly); or child care (weekly or monthly) and education (twice or three times yearly).

- In my experience, bankruptcy debtors do not send their laundry out and do their dry cleaning (if at all) at a self-service laundromat.
- Having a separate line item for personal care services seems to me to exalt the importance of these expenses.

Recommendation: Replace the proposed line items for food & housekeeping supplies and personal care services with a single item labeled “Food and other household expenses”. Eliminate laundry & dry cleaning and personal care services from the form and, instead, instruct debtors to include these expenses as “other” expenses on line 21.

Lines 1 & 3. The instructions misuse the conjunction “and.” That is, a user can literally obey the instruction on line 1 not to list “debtor 1 and debtor 2” by listing one of them but not both.

Line 4. Pro-se filers may be confused by the terms “first mortgage payments” and “other mortgage payments” if there are non-consensual liens on their primary residence, particular if those liens prime one of the mortgages.

Recommendation: In the separate set of instructions for the form, explain which recurring obligations are being requested.

Line 20. The category of “mortgages on other property” is incomplete because it does not include ground rent or rent for properties the debtor subleases. In addition, there is no provision for an “other” category of real-estate expenses. Finally, when a debtor has multiple investment properties, creditors and other parties will surely want to see expenses itemized by property.

Recommendation: Change the caption for line 20a to be parallel to the caption for line 4. Add a blank for identifying any single investment property whose expenses are reported on line 20, and provide an on-form instruction to attach a separate itemization of expenses if the debtor incurs expenses in respect of more than one other property. Add a new line 20f to capture other kinds of real-estate expenses.

Line 24. In my experience, the explanatory comments accompanying line 24 will tend to inhibit responses because many ordinary people interpret “for example” to mean that the only desired responses are the ones enumerated in the example.

All the new B22 forms:

These forms are more complex than tax forms. I strongly doubt that pro-se filers are going to be able to complete them without help. Because some of the form instructions mention the clerk’s office, a large number of pro-se filers are going to ask court clerks for help filling out the forms and are going to be (at least) frustrated when clerks quite properly refuse to give legal assistance. Another large number are going to turn to the Internet or self-help books, where they may or may not receive accurate and up-to-date guidance. Many will go to paralegals or other paid petition preparers, who will—whether we want them to or not—give legal advice that may or may not be correct. And many will simply fill out the forms incorrectly based on flawed

understanding of the directions. *If we really expect pro-se filers to complete these forms, the court system must provide meaningful and authoritative assistance.*

Recommendation: Create an official web-based application that will lead pro-se filers through the process of completing the means-test forms.⁶ In addition to gathering data, this application should also populate the generated forms with the correct IRS guideline amounts based on the debtor's location and the filing date of the case. Furthermore, the application should highlight unsettled legal issues so that debtors can make an informed choice about whether they need to retain an attorney.

Recommendation: Alternatively, and in recognition that many debtors lack Internet access or computer skills, periodically publish a booklet akin to an IRS publication that contains instructions for the forms along with all of the tables necessary to complete the forms. Make this publication available for free on the Internet and at clerks' offices.

Despite considerable improvement from the previous forms, these new forms are still forbiddingly complex for ordinary people. There will never be a better chance than with the present initiative to reorganize the means test forms to correspond to the way ordinary people think about their expenses. Consider these points:⁷

- The reason for categorizing expenses according to where they appear in the statute makes sense to bankruptcy professionals, but not to ordinary people. We understand that some of the allowable deductions come from standardized tables, some from IRS collection standards, and some from various parts of the Bankruptcy Code. But pro-se filers surely will not.
- Capturing mortgage expenses on two separate lines of the form (9/5 and 33/29) confuses ordinary people, who will not understand that the net effect is to give them a deduction equal to the larger of the standard allowance or their actual mortgage payments and who are therefore likely to write down the wrong numbers in one place or another.
- Capturing vehicle ownership expenses on two separate lines (13/9 and 33/29) is confusing for the same reason.
- Capturing health-care expenses on *three* separate lines (7/3, 22/18, and 25/21), all of which refer to each other in intricate ways, makes no objective sense at all. The fact that the 22/18 deduction is for medical expenses that exceed the 7/3 standard deduction is implicit in the language, but will probably be missed by most debtors. The question on line 25/21 about actual expenses will leave ordinary people (and even many lawyers) scratching their heads, because the subtlety of the statutory language ("Such expenses shall include reasonably necessary health insurance [etc.].") is lost on most people.

⁶ I believe this advice to be dispassionate, because I have no interest in developing such an application.

⁷ In these comments, I'm using a slash to show the different line numbers for the 22A-2 and 22C-2 forms. Thus, "6/3" means line 6 of 22A-2 and line 3 of 22C-2.

- *Ransom* has blurred the distinction between standardized expense allowances and actual expenses. Hence, there is perhaps no longer a very strong reason to divide the expense forms into sections based on whether there is a standardized deduction amount or not.

Recommendation: Take this opportunity to completely reorganize the means test expense forms to use real-world expense categories—such as housing, transportation, medical, etc.—as the major organizing principle. Within these categories, questions can lead debtors to determine applicable standard amounts as part of an overall process of determining a single deduction number. Avoid at all costs instructions that require debtors to consult the entries on other lines for any purpose except adding up numbers to reach a total.

Anticipating, however, that the Committee may already have resolved to take a more incremental approach and that the overall design of the new forms is essentially a *fait accompli*, I have attempted to provide additional detailed comments that are in the nature of fine tuning the proposal. Many of these comments are simply aimed at making the instructions more explicit in order to increase the likelihood that someone reading the instructions literally will understand what to do. Please read these comments in conjunction with the strawman versions of the forms that are attached.

Each chapter has a different rule for whether a non-spouse's income needs to be reported. The forms need to reflect this difference: 22A can refer to "Debtor 2 or non-filing spouse," 22B should refer just to "Debtor 2," and 22C should refer to "Debtor 1's spouse."

Form 22A-1:

Preamble: The form should provide a blank at the top where joint debtors who are filing separate forms (say, because one of them is entitled to an active-duty exclusion) can indicate they are doing so.

Part 2: Laboriously repeating the title of the form is confusing because the user must then compare the words in the instruction with the title of the form to understand the instruction. Why not just say, "a separate copy of this form?"

Line 2: I suggest using "continue on" as a signal that the user should proceed to the next line of the form and "go to" as a signal that the user should skip one or more lines and pickup with a line that is further removed.

Line 3: The phrase "before I file" is grammatically incorrect—it is in the subjunctive mood, which is inappropriate to the sense being expressed.

Line 4: The instructions should always say what to do with Column B: either complete it or don't complete it.

Line 4: The phrase "under nonbankruptcy law that applies" is not an improvement over "applicable nonbankruptcy law". Applies to whom? Just leave it out—debtors will know what it means to be legally separated.

Instructions preceding line 5: Explaining the lookback period is a good idea. I think the example of double-counting is substantively incorrect, however. It seems to me that the income from jointly owned real estate ought to be apportioned according to

fractional interest in order that a non-filing spouse's contributions to household expenses can be accurately computed later on. In addition, the column headings should be parallel: either Column B should include the word "for" or Column A should not. There is no point in redundantly telling users to "fill in the result" because that's people *always* do with the blanks in a form.

Lines 5-14: Repeating the line number just before the fill-in blanks is such a wonderful idea that it should be consistently incorporated in all the new forms.

Line 6: Stylistically, all instruction captions should end in a period.

Line 6: Including alimony and child support payments from a debtor's spouse in either Column A or Column B will inflate one spouse's CMI without correspondingly reducing the other spouse's income.

Line 6: I don't understand why child support payments are not lumped in with alimony and support. I think it would make better sense to capture all DSO income on this line.

Line 7: In my experience, ordinary people interpret a list of examples as being exclusive. Thus, pro-se debtors are likely to believe that they don't have to report on line 7 contributions to household expenses by relatives other than their parents, or indirect subsidies like food stamps, housing subsidies, or fuel assistance. I think the examples on this line should be removed or else reworded to be completely inclusive.

Line 7: I found the sequence of instructions confusing, even though I know what the statute says. I think the instructions would be more clear if they read as a direction to include certain things followed by a series of instructions not to include a subset of those things.

Line 8: The form needs to capture business income and expense separately for each spouse. If both spouses are engaged in business activities, the current design does not allow the reader to determine how the numbers appearing in Columns A and B were derived. This problem will be especially acute if one spouse's business shows a profit while the other's operates at a loss. In this case, the numbers in column A and B will add up to more than the difference between the aggregate of income minus the aggregate of expenses.

Line 9: The form likewise needs to capture real estate income and expenses separately for each spouse.

Line 11: In my opinion, the instruction for line 11 is just as confusing as was the previous instruction for how to treat unemployment compensation. The confusion arises because the debtor is supposed to put the numbers either in the subtable or in the main column (but not both) depending upon a legal conclusion that pro-se debtors will not understand how to determine. In addition, the wording of the row labels in the subtable implies that a non-filing, but separated, spouse's unemployment needs to be reported.

Line 14: Ordinary people will find the term "current monthly income" confusing because they will not realize that it's a legal term of art.

Line 15: Anyone who is capable of filling out this form on their own can perform this simple calculation without first copying the value that appears on the immediately preceding line.

Line 16: This is the first of many places where the new forms direct users to the means testing page on the U.S. Trustee's web site. I believe these instructions need to be much more explicit about how to find the desired information.

Line 17: It's pointless to include the direction "go to part 5" in both lines 17a and 17b because people would naturally go on to the next line anyway. Instead of assigning line numbers to the check boxes in line 17, it would be just as easy to word the directions at the end of part 5 to refer to the check boxes at the top of the form. Making that decision allows the further simplification of line 17 to omit directions (which are going to be repeated later) about Form 22A-2. Omitting the directions on line 17 makes sense because the debtor will not be moving to Form 22A-2 until after they complete part 5 of this form anyway.

Signature line: For the reasons previously stated, I think the affirmation should be to the best of the debtor's knowledge and belief. I also believe that pro-se filers may overlook the instructions to complete 22A-2 because of the low-impact placement of these instructions after the signature lines.

Form 22A-2:

Preamble: I think the preamble ought to reinforce the instructions about when debtors need to complete this form. Otherwise, pro-se filers who don't read the instructions at the end of 22A-1 are likely to fill it out anyway.

Parts 2 & 3: The purpose of the shaded left border starting in Part 2 is obscure. Apropos of my earlier comments about toner and ink-jet printers, the questions should simply be left-justified.

Lines 2 & 3: If the layout and wording of line 13 of 22C-2 is adequate (and I think it is), it would be adequate here too.

Part 2: Rather than use the pedantic terms "National Standards", "Local Standards," etc., I think ordinary people would better understand terms like "Standardized Deductions" and "Personalized Deductions."

Line 6: Notwithstanding the previous comment, I think it is very important to use *exactly* the same words in the form instructions as are used on the web tables we expect users to consult. Ambiguity in this context will lead to frustration and incorrect responses. Therefore, the line captions should make sense to ordinary people, but the directions should slavishly mirror the exact wording of items on the web page.

Line 7: Using the phrase "out-of-pocket" in the caption to this line will confuse people because we don't capture out-of-pocket expenses until line 22. Anyone who is capable of filling out this form on their own will be able to do so without the visual cues for how to do the arithmetic.

Line 9: It's an improvement over the current forms that line 34 asks for the total cure amount and then instructs the user to divide by 60. That concept should be carried through here, too. Otherwise, people are simply going to write down their monthly

payment even if they will be paying off the loan within the 60-month averaging period.

Line 10: The instructions for this line are incomprehensible to ordinary mortals. In addition, as discussed in greater detail *infra*, existing case law is settled that a deduction for reasonable and necessary excess housing expenses is permissible under the same standards as a “special circumstances” deduction and that such a deduction can be taken on the corresponding line (21) of the previous form. At least one of the cases appears to derive from the fact that existing form B22A doesn’t provide any other place to deduct extraordinary expenses before arriving at the presumption determination.⁸ I’m guessing here, but I suspect that the change in wording from old line 21 to new line 10 may have been intended to address the different issue of whether the UST properly separated the IRS guideline into components. If so, another iteration of the wording is required. Better yet, since courts are very likely to defer to the UST’s division of the IRS allowance, just omit this line because debtors can always claim a special-circumstance deduction somewhere else.

Line 11: The net content of line 11 is, “If you have no vehicles, go to line 14.” There is no inherent reason why debtors should not be able to claim an operating cost deduction for vehicles they drive even when someone else owns or leases the vehicle.⁹ Thus, line 11 has almost no utility. Furthermore, the transportation allowances presently captured on lines 12, 14, and 15 are so closely related that those lines should simply be combined into one line, as shown in the strawman sample.

Line 13: The point made for line 9 about asking for the total of payments coming due and then dividing by 60 has even more force for cars. I also think that individual users will understand this line better if they’re explicitly told that the designations of “Vehicle 1” and “Vehicle 2” are essentially arbitrary.¹⁰

Line 13d: We simply have to tell users how to derive the ownership allowance for the 2d car, because the web table currently has a value for “two cars” instead of “second car”. Either that, or else retroactively fix the web site and make sure it stays fixed.

Line 18: The instructions are misleading—in a joint case, either spouse should be allowed a deduction for policies on the life of the other spouse, which “your term life insurance” excludes.

⁸ See *In re Graham*, *infra* n. 11.

⁹ The only case I found near to this point is *In re White*, 393 B.R. 436 (Bankr. N.D. Miss. 2008), wherein the court anticipated the Supreme Court’s holding in *Ransom* as to the ownership allowance but opined that the debtors could deduct the operation allowance regardless of whether they owed a debt for the vehicle. *Id.* at 442. The Internal Revenue Manual does not clarify the point: it states only that “[t]ransportation expenses are considered necessary when they are used by taxpayers and their families to provide for their health and welfare and/or the production of income” and that “[i]f a taxpayer has a car, but no car payment, only the operating costs portion of the transportation standard is used to figure the allowable transportation expense.” IRM § 5.15.1.9(2), www.irs.gov/irm/part5/irm_05-015-001.html#d0e1651 (visited Jan. 4, 2013).

¹⁰ Debtors’ best interests are served by picking the two vehicles that have the smallest actual payments, since that gives them the benefit of the largest possible local-standard deduction. This detail could be mentioned in the separate instructions for the form or simply left to the good judgment of counsel.

Lines 24, 32 & 37: All of these subtotals are related more to the way bankruptcy professionals think about the source of the various deductions than to real-world categories, and they aren't necessary to anyone with a calculator. Furthermore, by requesting subtotals and then referring later on to the numbers of the subtotal lines, we are forcing users to laboriously compare line numbers to make sure they get the right numbers. It would be much simpler to ask users to add up all the amounts in a single inclusive range of lines.

Line 25: Reordering the “do you actually spend” question in the way shown in the strawman will lessen the user’s confusion about why we’re asking.

Line 29: Telling users about the triennial adjustment will confuse people who don't have easy access to the Federal Register. Just reissue the forms in advance of the changes, and include an explanation of the relevancy dates at the beginning of any form that contains a number that will be subject to adjustment.

Lines 33 & 34: The wording overshadows the statute. To avoid unnecessary litigation, the forms should parrot the statute as closely as possible.

Line 34: I believe it will help pro-se filers understand the purpose of this line if we explain how it differs from the line 33 deduction for monthly payments.

Line 33: I've never understood why the means test forms ask whether taxes and insurance are being escrowed without giving debtors a way to indicate how much they spend on these items if the answer is no. Because these are typically attributes only of residential first mortgage payments, which are captured on line 9 *without* any indication of whether there is an escrow, I think the tax and insurance check boxes make even less sense now. Debtors do, however, need a way to record their actual real estate taxes and insurance payments because they are contractually required to make those payments directly if the loan isn't escrowed. My district (Massachusetts) requires Chapter 13 debtors to maintain liability insurance on all real estate and autos, too. Please consider removing the instruction on line 16 not to include real estate taxes and adding a line to capture direct payments for homeowner's and auto insurance.

Lines 34-36: Why, alone of all the lines in these forms, are we asking the user to tell us whether they need to fill them out and then redundantly telling them to go on to the next line?

Line 35: Telling users not to “include current or ongoing priority claims” may lead to them omitting the arrears on claims they will continue paying post-petition.

Line 36: The point of this line is not to elicit a yes or no response, as is implied by the wording of the question: it is to obtain a dollar amount. It will facilitate accurate responses by clearly explaining how to get the percentage for UST and administrator districts.

Lines 40 & 42: The new wording is an improvement over “primary” and “secondary” determination. I would suggest tweaking the language even more to make clear that there are two different reasons why the presumption might arise.

Line 41: Completing the statistical summary is not optional for anyone who has to complete this form, so the conditional wording in the 41a instructions will confuse people.

Line 43: Just as is true of the existing form, the placement of line 43 of the new form embodies an implicit policy decision that special-circumstance deductions apply only in the context of rebutting a presumption of abuse. In my view, that decision is incorrect. Debtors should be able to avoid the procedural consequences that flow from the presumption by claiming appropriately justified expenses—such as for extraordinary housing or commuting costs—prior to computing their disposable income on line 39.¹¹ Moreover, rebuttal of the presumption of abuse is a matter for proof in a contested matter. Debtors should therefore not be required to stake out their position (and possibly to be judicially estopped to change their position later) on this form.

Form 22B:

Whole form: My comments about lines 4-15 on form 22A-1 apply here as well.

Form 22C-1:

Whole form: My comments about form 22A-1 apply here as well.

Line 1: Line 1 claims to be “marital and filing status” but actually asks only about marital status. In addition, the phrase “Debtor 2 or non-filing spouse” reduces logically to “Debtor 1’s spouse” every place it appears on this form. Why not simplify the wording?

Line 4: The instructions to line 4 are inconsistent with the instructions preceding line 2: Line 2 says to complete Column B if the debtor is married, whereas line 4 implies that the spouse’s income might not be included in Column B.

Line 12: To be fully consistent with *Lanning*, debtors should disclose known or virtually certain changes in their projected income “above” the line, where the changes will affect whether the debtors are considered to be above or below median. Please consider adding such a line here, rather than waiting until the end of the form to capture the *Lanning* changes.

Line 13: The instruction on line 13 to enter zero “if this adjustment does not apply” doesn’t seem to make any sense. The debtor has already checked one of the three boxes and will be left to wonder whether the adjustment might not apply for some other reason.

Line 15: The phrase “current monthly income for the year” doesn’t make any actual sense because it mixes months and years in a non-intuitive way. Although lawyers and judges understand the concept of CMI (because it’s a defined term in the Code), lay people should not be expected to. Why not just call it “annual income for this part of the form?” The instructions for how to calculate the number are clear enough, but there is no apparent purpose to copying the value on line 14 simply for the purpose of

¹¹ “The failure of a form to provide a line for entry of an extraordinary expense cannot overcome the statute’s recognition that such an expense may exist and be a justifiable adjustment to the debtor’s Official Form B22A calculations.” *In re Graham*, 363 B.R. 844, 852 n.5 (Bankr. S.D. Ohio 2007).

performing one multiplication step that can be easily done by anyone who is capable of filling out this form in the first place.

Part 2: The caption inconsistently uses a period instead of a colon.

Form 22C-2:

Whole form: Most of my comments about 22A-2 apply here too.

Line 42. I suppose this line aims to capture *Lanning* adjustments, but I don't think it works. First of all, the adjustments need to be *before* the determination of projected disposable income. Second, there is no statutory warrant for a time limit on the adjustments. Third, as previously noted, debtors should be able to deduct known or virtually certain changes in income prior to computing the applicable commitment period. Fourth, having to refer to the increase/decrease column to interpret the sign of the number in the amount column and to know whether an increased amount means an increase or decrease in disposable income obscures meaning—just ask users to place an appropriate sign in front of the amount.¹² Fifth, it's not obvious to me that an amendment to this form should speak as of the amendment date, which is implied by the tense of the verb "has changed," rather than as of the petition date. Sixth, the fact that a car loan (say) might be paid off a year into the plan might sensibly be a reason to modify the plan,¹³ but it shouldn't be a reason to increase the required dividend to unsecured creditors.

Substantive Issues

As noted in my comments on Contents, new form 3B does not appear to capture all of the income that 28 U.S.C. § 1930(f)(1) requires to be considered in evaluating a fee-waiver request. Neither does the form easily permit a debtor to exclude domestic support obligations from income per *Donahue*.

Combining voluntary and involuntary retirement contributions on line 5b of Schedule I appears to embody a policy decision that both kinds of deductions are reasonable expenses in every chapter. Although I agree that such ought to be the case, I think that Chapter 13 trustees in the Ninth Circuit and most Chapter 7 trustees would strongly disagree. *See, e.g., Hebring v. U.S. Trustee*, 463 F.3d 902, 905-06 (9th Cir. 2006) (reasonableness of voluntary retirement contributions must be determined on a case-by-case basis); *Parks v. Drummond (In re Parks)*, 475 B.R. 703, 709 (B.A.P. 9th Cir. 2012) (voluntary postpetition contributions may not be excluded from Chapter 13 disposable income).¹⁴

Including student loan payments on line 17c of Schedule J appears to embody a policy decision that these payments are proper deductions from income in all chapters. I strongly

¹² I.e., a decrease in an expense amount should result in an increase in disposable income, but it won't be obvious from the form as presently designed that this is so.

¹³ By my count, 22 of the 68 forms plans in use today provide explicitly for steps in the payments. So does the national chapter 13 plan that is presently under consideration. A table of steps in the plan seems to me to be a better way to capture the information than proposed line 42.

¹⁴ *Parks* was on appeal to the Ninth Circuit Court of Appeals on the date of these comments.

agree with this decision, because I believe that debtors ought to be able to continue making contractually required student loan payments without being accused of unfair discrimination. *See, e.g., In re Chandler*, 210 B.R. 898 (Bankr. D.N.H. 1997). Nevertheless, this view is not universally accepted, and the form or instructions need to be explicit about the underlying policy.

The instructions for line 8 of 22A-1 and line 5 of 22C-1 (net business income) continues a policy choice that the Ninth Circuit BAP rejected in *Drummond v. Wiegand (In re Wiegand)*, 386 B.R. 238 (B.A.P. 9th Cir. 2008). Users of the form need to be alerted to the substantive issue.

The instructions for line 1 of Form 22C-2 (enter number of dependents you could claim for tax purposes) take an implicit position opposite to the holding in *Johnson v. Zimmer*, 686 F.3d 224 (4th Cir. 2012), that debtors should use a “blended” family size. Until the Supreme Court resolves this issue (if it ever does), pro-se users need to be advised to seek professional advice in any shared custody situation.

The instructions for line 10 of Form 22A-2 and line 6 of Form 22C-2 (adjustment to housing & utility standards) appear to adopt a position contrary to the case law, under which debtors may take an additional deduction for reasonable and necessary housing expenses that are not captured by the IRS standards. *See In re Grabarczyk*, No. 10-37007, 2012 Bankr. LEXIS 5226 (Bankr. N.D. Ohio Nov. 6, 2012) (\$32.00 cost of gasoline for grass cutting and snow removal); *In re Barbutes*, 436 B.R. 519, 523-526 (Bankr. M.D. Tenn. 2010) (\$454.50 in extensively documented maintenance expenses); *In re Graham*, 363 B.R. 844, 851 (Bankr. S.D. Ohio 2007) (apartment rent due to move required by employer); *cf. In re Clary*, No. 6:11-bk-04556, 2012 Bankr. LEXIS 1077 (Bankr. M.D. Fla. Mar. 14, 2012) (disallowing adjustment on B22A for want of demonstrated special circumstances or of lack of reasonable alternatives); *In re Kaufman*, No. 08-60501-13, 2008 Bankr. LEXIS 4230 (Bankr. D. Mont. Aug. 21, 2008) (disallowing \$1,100 excess rent deduction on line 26 for want of demonstrated special circumstances); *In re Meek*, 370 B.R. 294, 313 (Bankr. D. Idaho 2007) (disallowing line 26 deduction of excess mortgage expenses that were also deducted as secured debt payments). Such an adjustment is appropriate in the tax-collection context. *See Oliver, supra*, 350 B.R. at 302 n.10.

Conclusion

Thank you for soliciting the feedback of the bar and of developers like myself.

Sincerely yours,

Walter Oney

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed))

Check if this is an amended filing

Strawman Form 3A

Application for Individuals to Pay the Filing Fee in Installments

12/13

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

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?
- Chapter 7..... Fee: \$306
 - Chapter 11..... Fee: \$1,046
 - Chapter 12..... Fee: \$246
 - Chapter 13..... Fee: \$281

2. Do you want the Chapter 13 Trustee to pay the filing fee?
- If you are filing under Chapter 13, you may elect to have the Chapter 13 Trustee pay the remainder the filing fee out of your plan payments.
- If you elect this option, do not complete line 3 or line 4.
- I elect to have the filing fee paid by the Chapter 13 Trustee from my plan payments.
 - I am not filing under Chapter 13, or I elect to pay the filing fee myself.

3. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

Amount	When to be paid	
\$92.00	<input checked="" type="checkbox"/> With the filing of the petition	
	<input type="checkbox"/> On or before this date.....	
\$63.00	On or before this date.....	01/28/2013
\$63.00	On or before this date.....	02/28/2013
\$63.00	On or before this date.....	03/28/2013
\$281.00	Total Must equal the entire fee for the chapter you checked on line 1	

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If necessary, you may ask the court to extend the deadline to 180 days after you file. In that case, you must explain why you need the extension.

If the court approves your application, the court will set your final payment timetable.

4. If you are proposing to take more than 120 days to pay the entire filing fee, explain why you need longer.

Part 2: Sign Here

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court extends your deadline to 180 days. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

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/s/ Andrew A. Aardvark
Debtor 1

01/28/2013
Date

/s/ Annette Aardvark
Debtor 2

01/28/2013
Date

Fill in this information to identify your case:

Debtor 1 Mary Poorly

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed))

Check if this is an amended filing

Strawman Form 3B Application to Have the Chapter 7 Filing Fee Waived

12/13

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 each additional page, write Debtor 1's name and your case number (if your case has been filed). Unless otherwise directed by the instructions for this form, answer every question.

Part 1: Tell the Court About Your Family and Your Family's Income

1. What is the size of your family? *Check all that apply*

Your family includes you, your spouse, and dependents listed on *Schedule J: Current Expenditures of Individual Debtor(s) (Official Form 6J)*.

You
 Your spouse
 Your dependents

How many dependents? 3

4
Number of people

2. Do you receive any non-cash governmental assistance?

No
 Yes. Explain.....

Non-cash governmental assistance includes benefits you receive from governmental units in a form other than cash, such as food stamps or housing subsidies.

Type of Assistance	Monthly Dollar Value
Food stamps	\$120.00

3. Do you have to pay any domestic support obligations that you believe should be deducted from your income?

No
 Yes. Explain.....

Consult the instructions for this form for important details about this question.

Person Who Has To Pay	Monthly Amount
You	
Total monthly domestic support obligations	

4. Fill in your family's average monthly income.

Include your spouse's income if your spouse is living with you, even if your spouse is not filing.

Do not include your spouse's income if you are separated and your spouse is not filing with you.

Include the take-home pay of other members of your family who contribute to the expenses of your household.

Subtract the numbers you entered on lines 2 and 3 to arrive at the total of your family's monthly net income.

Person in your family	That person's average monthly net income (take-home pay)
You	\$1,270.00
Your spouse	
Other family members	
Subtotal	\$1,270.00
<i>Minus non-cash governmental assistance</i>	<i>(\$120.00)</i>
<i>Minus monthly domestic support obligations</i>	
Total average monthly net income	\$1,150.00

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<p>5. Do you expect your family's average monthly income to increase or decrease by more than 10% during the next 6 months?</p>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Explain.....	<p>Debtor is very hopeful that something will turn up</p>
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<p>6. Tell the court why you are unable to pay the filing fee in installments within 120 days.</p>	<p>Debtor unable to meet basic expenses on SSDI, even if she were not renting a TV from a rent-to-own vendor and making car payments</p>
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<p>7. Determine 150% of the applicable poverty guideline.</p> <p>An attorney who fills in this form for you should determine the applicable poverty guideline.</p> <p>If you do not have the assistance of an attorney, please do not attempt to fill in this line.</p>	<table border="1"> <tr> <td>State of Debtor 1's residence</td> <td>MA</td> </tr> <tr> <td>Number of people (from Line 1)</td> <td>4</td> </tr> <tr> <td>Monthly federal poverty guideline for your state and family size</td> <td>\$1,920.83</td> </tr> <tr> <td>150% of applicable monthly federal poverty guideline</td> <td>\$2,881.25</td> </tr> </table>	State of Debtor 1's residence	MA	Number of people (from Line 1)	4	Monthly federal poverty guideline for your state and family size	\$1,920.83	150% of applicable monthly federal poverty guideline	\$2,881.25	<p>For you to be eligible for a waiver of the filing fee, your average monthly net income (line 4) must be less than 150% of the applicable poverty guideline.</p>
State of Debtor 1's residence	MA									
Number of people (from Line 1)	4									
Monthly federal poverty guideline for your state and family size	\$1,920.83									
150% of applicable monthly federal poverty guideline	\$2,881.25									

Part 2: Tell the Court About Your Monthly Expenses

<p>8. Estimate your average monthly expenses</p>	<p>\$3,183.92</p>	<p>You may use <i>Schedule J: Your Expenses</i> to determine your estimate. If you have already filled out <i>Schedule J</i>, copy line 22.</p>
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<p>9. Do these expenses cover anyone who is not included in your family as reported in line 1?</p>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify who....	
---	--	--

<p>10. Does anyone other than you regularly pay any of these expenses?</p> <p>List any contributions to expenses you have listed or will list in line 13 of <i>Schedule I: Your Income</i>.</p>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Explain.....	
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<p>11. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?</p>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Explain.....	<p>Stuff keeps happening</p>
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Part 3: Tell the Court About Your Property

If you have already filled out *Schedule A: Real Property (Official Form 6A)* and *Schedule B: Personal Property (Official Form 6B)*, attach copies to this application and go to Part 4.

<p>12. How much cash do you have?</p> <p><i>Examples:</i> Money you have in your wallet, in your home, and on hand when you file this application.</p>		<p>Total Cash: \$14.00</p>
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<p>13. Bank accounts and other deposits of money?</p> <p><i>Examples:</i> Checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, and other similar institutions. If you have more than one account with the same institution, list each. Do not include 401(k) and IRA accounts.</p> <p>Include name of institution and type of account (checking, savings, etc.) in the second column.</p>	<p>Bank of Avarice Checking account -1234</p>	<p>\$14.65</p>
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<p>14. Your home? (if you own it outright or are purchasing it)</p> <p><i>Examples:</i> House, condominium, manufactured home, or mobile home.</p> <p>Include street address in the second column.</p>	<p>(None)</p>	<p>Current value: Amount you owe on mortgage and liens:</p>
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15. Other real estate? Itemize by street address.	(None)	Current value: Amount you owe on mortgage and liens:	
16. The vehicles you own? <i>Examples:</i> Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats. Include year, make, model, and mileage in the second column.	2006 Honda Civic, 120K mi	Current value: Amount you owe on liens:	\$7,300.00 \$8,500.00
17. Other assets? Do not include household items and clothing.	Residential security deposit; Costume jewelry; Fluffy	Current value: Amount you owe on liens:	\$201.00
18. Money or property due you? <i>Examples:</i> Tax refunds, past due or lump sum alimony, spousal support, child support, maintenance, divorce or property settlements, Social Security benefits, Workers' compensation, personal injury recovery. Include in your description of these assets an assessment of when (if ever) you are likely to receive payment.	Unpaid child support 2010 tax refunds		\$1,500.00 \$3,200.00

Part 4: Answer These Additional Questions

19. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules? Check all the boxes that apply.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Whom did you pay? <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else: <u>N/A</u>	How much did you pay?
20. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case? Check all the boxes that apply.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Whom do you expect to pay? <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else: <u>N/A</u>	How much do you expect to pay?
21. Has anyone paid someone on your behalf for services for this case? Check all the boxes that apply.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who was paid on your behalf? <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else: <u>N/A</u> Who paid? <input type="checkbox"/> Parent <input type="checkbox"/> Brother or sister <input type="checkbox"/> Friend <input type="checkbox"/> Pastor or clergy <input type="checkbox"/> Someone else: <u>N/A</u>	How much did someone else pay?
22. Have you, your spouse, or both of you filed for bankruptcy within the last 8 years?	Omitted (see commentary by the author of this strawman form)	

Part 5: Sign Here

By signing here, I declare under penalty of perjury that the information provided in this application is true and complete to the best of my knowledge and belief. I believe that I(we) cannot afford to pay the filing fee either in full or in installments.

/s/ Mary Poorly **01/28/2013**
Debtor 1 **Date**

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Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark
Debtor 2 Annette Aardvark
(Spouse, if filing)
United States Bankruptcy Court for the District of Massachusetts
Case number _____
(If your case has been filed))

Check if this is an amended filing

Strawman Form 6l Schedule I: Your Income

12/13

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 each additional page, write Debtor 1's name and your case number (if your case has been filed). Answer every question.

Part 1: Employment Income

1. Describe your employment status Check the appropriate box(es).

Is Debtor 1 employed as of the date of this schedule?

- Yes
 No

Is this a joint petition?

No - please answer these additional questions

Are you married?

No - You do not need to supply employment information about anyone else on this schedule

Yes - please answer these additional questions

Are you separated?

No - Indicate the employment status of your spouse:

My spouse is employed as of the date of this schedule - **provide information about each of your non-filing spouse's jobs on line 2.**

My spouse is not employed as of the date of this schedule

Yes - You do not need to supply employment information about your spouse on this schedule

Yes - Indicate the employment status of Debtor 2 (your spouse):

Debtor 2 is employed as of the date of this schedule - **provide information about each of Debtor 2's jobs on line 2.**

Debtor 2 is not employed as of the date of this schedule

2. Please provide details about each job that you hold or, if you checked one of the boxes on line 1 that instructs you to provide employment information about your spouse, that Debtor 2 or your non-filing spouse holds.

If you need additional space, attach separate sheets to this form that follow the same layout as this question.

2a. Job No. 1

2a-1. Please provide this information about the job and the employer:

Who holds this job?

Debtor 1 Debtor 2 or your non-filing spouse

Employer?

Dewey, Cheatham & Howe
Counselors at Law
1 Vacant Place
Boston, MA 02114

Job title?

Paid Intern

How long employed there?

Eons

How often are you paid?

- Once a month
 Twice a month
 Once every two weeks
 Once a week
 Some other way (consult form instructions for how to compute a monthly average)

2a-2. List gross wages, salary, and commissions (before all payroll deductions).	2a-2.	\$1,538.47
2a-3. Estimate and list overtime pay, if any.	2a-3.	
2a-4. Calculate gross income Add line 2 + line 3	2a-4.	\$1,538.47
2a-5. List all payroll deductions		
2a-5a. Payroll taxes and social security payments	2a-5a.	\$413.93
2a-5b. Health and dental insurance	2a-5b.	\$3.12
2a-5c. Disability insurance	2a-5c.	\$4.17
2a-5d. Health savings plan	2a-5d.	\$76.92
2a-5e. Term life insurance	2a-5e.	
2a-5f. Optional retirement plan contributions	2a-5f.	\$92.31
2a-5g. Mandatory retirement plan contributions	2a-5g.	
2a-5h. Retirement loan repayment (scheduled to end 06/06/2015)	2a-5h.	\$56.93
2a-5i. Union dues	2a-5i.	
2a-6. Calculate total payroll deductions. Add lines 5a-5i.	2a-6.	\$647.38
2a-7. Calculate total take-home pay per pay period. Subtract line 6 from line 4.	2a-7.	\$891.09
2a-8. Calculate monthly take-home pay for this job. Multiply the amount on line 7 by the appropriate factor: Monthly paycheck or some other way - multiply by 1.00 Semi-monthly paycheck - multiply by 2.00 Bi-weekly paycheck - multiply by 1.67 Weekly paycheck - multiply by 4.33 Include this amount in the total you enter in Part 2, line 3	2a-8.	\$3,861.39

2b. Job No. 2

2b-1. Please provide this information about the job and the employer:

Who holds this job? Debtor 1 Debtor 2 or your non-filing spouse

Employer? Gotcha Cummin & Goin
70 Staniford St.
Boston, MA 02114

Job title? Internal contract auditor

How long employed there? more than 3 years

How often are you paid?

- Once a month
- Twice a month
- Once every two weeks
- Once a week
- Some other way (consult form instructions for how to compute a monthly average)

2b-2. List gross wages, salary, and commissions (before all payroll deductions).	2b-2.	\$2,377.27
2b-3. Estimate and list overtime pay, if any.	2b-3.	
2b-4. Calculate gross income Add line 2 + line 3	2b-4.	\$2,377.27
2b-5. List all payroll deductions		
2b-5a. Payroll taxes and social security payments	2b-5a.	\$414.44

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2b-5b. Health and dental insurance	2b-5b.	\$281.41
2b-5c. Disability insurance	2b-5c.	
2b-5d. Health savings plan	2b-5d.	
2b-5e. Term life insurance	2b-5e.	\$11.04
2b-5f. Optional retirement plan contributions	2b-5f.	\$190.18
2b-5g. Mandatory retirement plan contributions	2b-5g.	
2b-5h. Retirement loan repayment (scheduled to end <u>11/07/2016</u>)	2b-5h.	\$26.47
2b-5i. Union dues	2b-5i.	
2b-5j. Dependent care	2b-5j.	\$312.50
2b-6. Calculate total payroll deductions. Add lines 5a-5j.	2b-6.	\$1,236.04
2b-7. Calculate total take-home pay per pay period. Subtract line 6 from line 4.	2b-7.	\$1,141.23
2b-8. Calculate monthly take-home pay for this job. Multiply the amount on line 7 by the appropriate factor: Monthly paycheck or some other way - multiply by 1.00 Semi-monthly paycheck - multiply by 2.00 Bi-weekly paycheck - multiply by 1.67 Weekly paycheck - multiply by 4.33 Include this amount in the total you enter in Part 2, line 3	2b-8.	\$2,472.67

Part 2: Monthly Income from Employment and Other Sources

		<i>Column A</i> Debtor 1	<i>Column B</i> Debtor 2 or non-filing spouse
3. Total net monthly employment income. Add up the numbers you entered at the end of the jobs sections above (line 2a-8, line 2b-8, etc.)	3.	\$3,861.39	\$2,472.67
4. Net income from operating a business, profession, or farm. Attach a statement for each business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	4.		
5. Gross income from real estate	5.		
6. Interest and dividends	6.		
7. Family support payments that you, a non-filing spouse, or a dependent regularly receive. Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	7.		
8. Unemployment compensation	8.		
9. Benefits under the Social Security Act	9.		
10. Other government assistance. Specify: (None)	10.		
11. Pension or retirement income	11.		
12. Other monthly income. Specify: 12a. Auto allowance from employer	12a.	\$462.50	
13. List all contributions to the expenses that you list in Schedule J that anyone else makes. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 3-12 or amounts that are not available to pay expenses listed in Schedule J. Give specifics. (None)	13.		

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		Column A Debtor 1	Column B Debtor 2 or non-filing spouse
14. Calculate monthly income. Add the amounts on lines 3-13.	14.	\$4,323.89	\$2,472.67

Part 3: Combined Monthly Income

15. Combined Monthly Income. Add the numbers you entered on line 14.	14.	\$6,796.56
--	-----	-------------------

16. Do you expect an increase or decrease within the year after you file this form?

No
 Yes.
 Explain.....

The Debtor anticipates being unable to make 401(k) contributions for the first 6 months of the case due to taking a hardship withdrawal in order to pay attorney's fees.

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed))

Check if this is an amended filing

Strawman Form 6J-1a Schedule J: Your Expenses (Single Household)

12/13

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 each additional page, write Debtor 1's name and your case number (if your case has been filed). Answer every question. Use Form 6J-2a instead of this form if two married people are filing together but live in separate households.

Part 1: Describe Your Household

<p>1. Do you have dependents who live with you? Do not list Debtor 1 or Debtor 2.</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill in this information.....</p>	<p>Each dependent who lives in the household</p> <p>Person 1</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p> <p>Son</p>	<p>That person's age</p> <p>1</p>
<p>2. Do you have dependents who do not live with you? Do not list anyone listed in line 1.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill in this information.....</p>	<p>Each dependent who does not live in the household</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p>	<p>That person's age</p>
<p>3. Does anyone else live in your household? Do not list Debtor 1, Debtor 2, or any dependents listed on lines 1 and 2.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill in this information.....</p>	<p>Each other person who lives in the household</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p>	

Part 2: Estimate Your Ongoing Monthly Expenses

Complete this part with the expenses of your household as of the date you file for bankruptcy.

<p>4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.</p>	4.	\$1,429.54	
If not included in line 4:			
4a. Real estate taxes	4a.		
4b. Property, homeowner's, or renter's insurance	4b.	\$48.00	
4c. Home maintenance, repair, and upkeep expenses	4c.	\$100.00	
4d. Homeowner's association or condominium dues	4d.		
5e. Additional mortgage payments for your residence, such as home equity loans	5e.		
6. Utilities:			
6a. Electricity, heat, natural gas	6a.	\$315.00	
6b. Water, sewer, garbage collection	6b.	\$25.00	
6c. Telephone, cell phone, Internet, satellite, and cable services	6c.	\$360.00	

6d. Other. Specify: N/A	6d.		
7. Food and housekeeping supplies	7.	\$800.00	
8. Childcare and children's education costs	8.	\$189.60	
9. Clothing, laundry, and dry cleaning	9.	\$125.00	
10. Personal care products and services	10.	\$100.00	
11. Medical and dental expenses	11.	\$300.00	
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12.	\$865.94	
13. Entertainment, clubs, recreation, newspapers, magazine, and books	13.	\$93.00	
14. Charitable contributions and religious donations	14.		
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.			
15a. Life insurance	15a.		
15b. Health insurance	15b.		
15c. Vehicle insurance	15c.	\$120.00	
15d. Other insurance. Specify: N/A	15d.		
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify:			
Auto excise (2004 Gass Guzzler)		\$4.00	
Auto excise (2011 Trabant Sports Coupe)		\$18.00	
17. Installment or lease payments			
17a. Car Loan (2011 Trabant Sports Coupe)	17a.	\$235.68	
18. Alimony, maintenance, and support that you pay to others			
19. Other payments you make to support others who do not live with you. Specify: N/A			
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income (Official Form 6I)			
20a. Mortgages on other property	20a.		
20b. Real estate taxes	20b.		
20c. Property, homeowner's, or renter's insurance	20c.		
20d. Maintenance, repair, and upkeep expenses	20d.		
20e. Other. Specify:	20e.		
21. Other. Specify: Pet care (food, vet bills, insurance)			
	21.	\$215.00	
22. Your monthly expenses Add lines 4 through 21. The result is your monthly expenses.			
	22.	\$5,343.76	
23. Calculate your monthly net income			
23a. Copy line 12 (your combined monthly income) from Schedule I	23a.	\$6,796.55	
23b. Copy your monthly expenses from line 22 above.	23b.	\$5,343.76	
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i>	23c.	\$1,452.79	

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24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

- No
- Yes.
Explain.....

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed))

Check if this is an amended filing

Strawman Form 6J-2a

Schedule J: Your Expenses (Separate Households)

12/13

Use this form if two married people are filing together but live in separate households. Be as complete and accurate as possible. Both debtors are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed). Answer every question.

Part 1: Describe Your Households

<p>1. Do you have dependents who live with either of you?</p> <p>Do not list Debtor 1 or Debtor 2, but do list other dependents who live in either household.</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill in this information.....</p>		<p>Each dependent who lives in either household</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p>	<p>That person's age</p>
		Person 1	Son	1
<p>2. Do either of you have dependents who do not live with you?</p> <p>Do not list anyone listed in line 1.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill in this information.....</p>		<p>Each dependent who does not live in either household</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p>	<p>That person's age</p>
<p>3. Does anyone else live in either of your households?</p> <p>Do not list Debtor 1, Debtor 2, or any dependents listed on lines 1 and 2, but do list everyone else who lives in either household.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill in this information.....</p>		<p>Each other person who lives in either household</p>	<p>That person's relationship to Debtor 1 or Debtor 2</p>	

Part 2: Estimate Your Ongoing Monthly Expenses

Complete Columns A and B with the expenses of Debtor 1's and Debtor 2's separate households as of the date you file for bankruptcy.

		<i>Column A</i> Expenses of Debtor 1's Household	<i>Column B</i> Expenses of Debtor 2's Household
<p>4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.</p>	4.	\$1,429.54	
If not included in line 4:			
4a. Real estate taxes	4a.		
4b. Property, homeowner's, or renter's insurance	4b.	\$48.00	
4c. Home maintenance, repair, and upkeep expenses	4c.	\$100.00	
4d. Homeowner's association or condominium dues	4d.		
5e. Additional mortgage payments for your residence, such as home equity loans	5e.		
6. Utilities:			

6a. Electricity, heat, natural gas	6a.	\$315.00	
6b. Water, sewer, garbage collection	6b.	\$25.00	
6c. Telephone, cell phone, Internet, satellite, and cable services	6c.	\$360.00	
6d. Other. Specify: N/A	6d.		
7. Food and housekeeping supplies	7.	\$800.00	
8. Childcare and children's education costs	8.	\$189.60	
9. Clothing, laundry, and dry cleaning	9.	\$125.00	
10. Personal care products and services	10.	\$100.00	
11. Medical and dental expenses	11.	\$300.00	
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12.	\$865.94	
13. Entertainment, clubs, recreation, newspapers, magazine, and books	13.	\$93.00	
14. Charitable contributions and religious donations	14.		
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.			
15a. Life insurance	15a.		
15b. Health insurance	15b.		
15c. Vehicle insurance	15c.	\$120.00	
15d. Other insurance. Specify: N/A	15d.		
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify:	16.		
Auto excise (2004 Gass Guzzler)		\$4.00	
Auto excise (2011 Trabant Sports Coupe)		\$18.00	
17. Installment or lease payments			
17a. Car Loan (2011 Trabant Sports Coupe)	17a.	\$235.68	
18. Alimony, maintenance, and support that you pay to others	18.		
19. Other payments you make to support others who do not live with you. Specify: N/A	19.		
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income (Official Form 6I)			
20a. Mortgages on other property	20a.		
20b. Real estate taxes	20b.		
20c. Property, homeowner's, or renter's insurance	20c.		
20d. Maintenance, repair, and upkeep expenses	20d.		
20e. Other. Specify:	20e.		
21. Other. Specify: Pet care (food, vet bills, insurance)	21.	\$215.00	
22. Your monthly expenses Add lines 4 through 21. The result is your monthly expenses.	22.	\$5,343.76	
Your combined monthly expenses (add the amounts in Columns A and B from the preceding line)		\$5,343.76	
23. Calculate your monthly net income			

23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I	23a.	\$6,796.55
23b. Copy your monthly expenses from line 22 above.	23b.	\$5,343.76
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i>	23c.	\$1,452.79

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

- No
- Yes.
Explain.....

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark
Debtor 2 Annette Aardvark
(Spouse, if filing)
United States Bankruptcy Court for the District of Massachusetts
Case number _____
(If your case has been filed)

Check one only as directed in lines 1, 2, 3, or 18:

- According to the calculations required by this Statement:
- 1. There is no presumption of abuse.
 - 2. The presumption of abuse is determined by Form 22A-2
 - 3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

- This form applies to Debtor 1
- This form applies to Debtor 2

Strawman Form 22A-1 Chapter 7 Statement of Your Current Income

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed).

Part 1: Identify the Kind of Debts You Have

1. **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." Make sure that your answer is consistent with the "Nature of Debts" box on page one of the Voluntary Petition (Official Form 1).
- No. Check box 1 on the top of this page, *There is no presumption of abuse*. Go to part 5 of this form. Do not complete parts 2-4.
 - Yes. Continue on to part 2 of this form.

Part 2: Determine Whether Military Service Provisions Apply to You

If you are filing this case jointly and any of the exclusions in Part 2 applies to only one of you, the other person should complete a separate copy of this form if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

2. **Are you a disabled veteran** (as defined in 38 U.S.C. § 374(1))?
- No. Continue on to line 3.
 - Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity [11 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)]?
 - No. Continue on to line 3.
 - Yes. Check box 1, *There is no presumption of abuse*, at the top of this page. Go to part 5 of this form. Do not complete line 3 or parts 3-4 of this form.
3. **Are you or have you been a Reservist or a member of the National Guard?**
- No. Continue on to line 4.
 - Yes. Were you called to active duty, or did you perform a homeland defense activity [10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)]?
 - No. Continue on to line 4.
 - Yes. Check any of the following categories that apply to you:

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- I was called to active duty after September 11, 2001, for at least 90 days, and I remain on active duty.
- I was called to active duty after September 1, 2001, for at least 90 days. I was released from active duty on N/A, which is fewer than 540 days before I plan to file (or actually did file) this bankruptcy case.
- I have been performing a homeland defense duty for at least 90 days.
- I performed a homeland defense activity for at least 90 days, ending on N/A, which is fewer than 540 days before I plan to file (or actually did file) this bankruptcy case.

If you did not check any of these categories, continue on to line 4.

If you checked one of the categories, also check box 3, *The Means Test does not apply now because of qualified military service but it could apply later*, at the top of the first page of this form. Then go to Part 5. You are not required to fill out parts 3-4 of this form during the exclusion period. The *exclusion period* means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(ii). If your exclusion period ends before your case is closed, you may have to file an amended form later.

Part 3: Calculate your Current Monthly Income

4. What is your marital status? Check one only.

- Not married. Fill out Column A, lines 5-14. Do not fill out Column B.
- Married and your spouse is filing with you. Fill out both Columns A and B, lines 5-14.

Married and your spouse is NOT filing with you. You and your spouse are:

- Living in the same household and are not legally separated. Fill out both Columns A and B, lines 5-14.
- Living separately or are legally separated. Fill out Column A, lines 5-14; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6.

		Column A Debtor 1	Column B Debtor 2 or your non-filing spouse
5.	Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$6,351.23	\$4,436.09
6.	Alimony, maintenance, and child support payments. Do not include payments from your spouse if you are completing both columns A and B.		
7.	All amounts from any source which are regularly paid for household expenses of you or your dependents. Include regular contributions from your spouse, an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include amounts that you included on line 6. DO NOT include amounts you receive from your spouse if you are completing both columns A and B.		
8.	Net income from operating a business, profession, or farm. Total the gross income and expenses separately for Debtor 1 and for Debtor 2 or your non-filing spouse, attributing the income and expenses for jointly owned businesses proportionately to your respective fractional ownership interests. Enter the net income (line 8a minus 8b) in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.		
		Debtor 1	Debtor 2 or your non-filing spouse
8a.	Gross receipts (before all deductions)	\$1,000.00	\$500.00
8b.	Ordinary and necessary operating expenses	\$500.00	\$1,000.00
	Net monthly income from businesses, professions, or farms.		
		\$500.00	

9. Net income from rental and other real property.

Itemize receipts and expenses separately for Debtor 1 and for Debtor 2 or your non-filing spouse, attributing the income and expenses for jointly owned property proportionately to your respective fractional ownership interests. Enter the net income (line 9a minus 9b in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.

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	Debtor 1	Debtor 2 or your non-filing spouse
9a. Gross receipts (before all deductions)		
9b. Ordinary and necessary operating expenses		
Net monthly income from rental or other real property	9.	
10. Interest, dividends, and royalties.	10.	
11. Unemployment compensation. Enter the average amounts of unemployment compensation received by Debtor 1 and by Debtor 2 or your non-filing spouse here.		
Debtor 1		
Debtor 2 or your non-filing spouse		
Do you contend that such amounts are benefits under the Social Security Act for purposes of 11 U.S.C. § 101(10A)(B)? <input type="checkbox"/> Yes. Leave Columns A and B blank. <input type="checkbox"/> No. Enter these amounts in Columns A and B.	11.	
12. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	12.	
13. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism.	13.	
14. Calculate your total average monthly income. Add lines 5 through 13 for each column. Then add the total for Column A to the total for Column B and enter that number on the next line of this form.	14.	\$6,851.23
		\$4,436.09

Part 4: Determine Whether the Means Test Applies to You

15. Add the totals for Column A and Column B in line 14.	15.	\$11,287.32
16. Calculate your annual income. Multiply the amount on line 15 by 12. This is your annual income for purposes of this form.	16.	\$135,447.84
17. Calculate the median family income that applies to you. Follow these steps:		
17a. Fill in the state in which you live.	Massachusetts	
17b. Fill in the number of people in your household.	3	
Lookup the median family income for your state and size of household based on the tables you will find at http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or by asking for help at the clerks's office for the Bankruptcy Court. On the web site, select the appropriate range of filing dates from the drop-down list and click on the adjacent Go button. You will find a link to "Median Family Income Based on State/Territory and Family Size" in Section I of the web page to which you will be transferred. Follow that link and locate the state where you expect to live on the day you file for bankruptcy (or where you lived on the day you actually did file). Select the amount in the column for your family size. If your family has more than 4 persons, multiply the amount that appears in the starred footnote by the number of people over 4 in your household and add the result to the amount in the 4-person column.		
Enter the median family income amount here:	17.	\$80,822.00

18. How do the lines compare?		
<input type="checkbox"/> Line 16 is less than or equal to line 17. On the top of page 1, check box 1, <i>There is no presumption of abuse.</i>		
<input checked="" type="checkbox"/> Line 16 is more than line 17. On the top of page 1, check box 2, <i>The presumption of abuse is determined by Form 22A-2.</i>		

Part 5: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct to the best of my knowledge and belief.

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/s/ Andrew A. Aardvark
Debtor 1

01/28/2013
Date

/s/ Annette Aardvark
Debtor 2

01/28/2013
Date

Part 6: Additional Instructions

If you checked box 2 on the first page of this form, fill out Official Form 22A-2, *Chapter 7 Means Test Calculation* and file it with this form. On line 1 of that form, copy your current monthly income from line 15 of this form.

If you checked box 1 or box 3 on the first page of this form, you do not need to fill out Official Form 22A-2.

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed)

Check one only as directed in lines 34 or 37:

According to the calculations required by this Statement:

- 1. There is no presumption of abuse.
- 2. There is a presumption of abuse.

Check if this is an amended filing

- This form applies to Debtor 1
- This form applies to Debtor 2

Strawman Form 22A-2 Chapter 7 Means Test Calculation

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed).

To fill out this form, you will need your completed Form 22A-1: *Chapter 7 Statement of Your Current Income*. You should fill out this form if you checked box 2 at the top of form 22A-1, *The presumption of abuse is determined by Form 22A-2*. You should NOT fill out this form if you checked any other box instead.

This form is for cases filed on or after December 1, 2013, but before April 1, 2016. If you are filing on or after April 1, 2016, you should obtain an up-to-date copy of this form because some of the dollar amounts in the instructions to this form will change due to cost-of-living adjustments.

Part 1: Determine Your Adjusted Income

1. Your current monthly income. Copy line 15 from Form 22A-1.	1.	\$11,287.32
2. Calculate the marital adjustment. Check one:		
<input type="checkbox"/> You are not married. Leave line 2 blank. <input checked="" type="checkbox"/> You are married and your spouse is filing with you. Leave line 2 blank. <input type="checkbox"/> You are married and your spouse is not filing with you.		
Fill in the amount of the income listed in line 14 of Form 22A-1, Column B, that was NOT paid regularly for the household expenses of you or your dependents, such as payment of your spouse's tax liability or your spouse's support of someone other than you or your dependents. Specify the basis for excluding this income and the amount of income devoted to each purpose here. (N/A)		
Add up the total and enter it here:	2.	
3. Subtract line 2 from line 1. This is your adjusted income.	3.	\$11,287.32

Part 2: Calculate Standardized Deductions from Your Income

The Internal Revenue Service (IRS) issues standards for certain expense amounts that you will use on lines 4-11 regardless of what your actual expenses are. To find the IRS standards, either go to <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the clerk's office of the bankruptcy court.

You should use the means testing amounts that apply to the date when you expect to file (or when you actually did file) your bankruptcy case. The IRS standards that you will use in this part of this form are in Section II of the means testing page on the web site. Some of the IRS standards are national: you will use them no matter where you live. Other IRS standards are local: you will use the standards that apply to the place where you expect to live when you file (or where you lived when you actually did file) your bankruptcy case.

4. The number of people used in determining the standardized deductions from your income.		
Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.	4.	3

5. Food, housekeeping supplies, apparel and services, personal care products and services, and miscellaneous.

Refer to the Collection Financial Standards table for Food, Clothing & Other Items (follow the National Standards link in Section II, Item 2, on the means testing page). Copy the amount from the Total row for the number of persons you entered on line 4. If you entered a number larger than 4, compute the standardized amount by adding the "additional amount per person" for each person over 4 to the amount shown for 4 persons.

5. **\$1,227.00**

6. Health-care allowance.

Refer to the Collection Financial Standards table for Health Care Expenses (Follow the Out-of-Pocket Health Care standards link in Section II, Item 3, on the means testing page). Copy the amount for persons under 65 to line 6a and the amount for persons 65 and older to line 6d. Enter the number of the people you counted on line 4 who are under 65 on line 6b. Enter the number of the people you counted on line 4 who are 65 or older on line 6e. Complete the remainder of this worksheet, and enter the total health-care allowance on line 6.

People who are under 65 years of age.

6a. Health-care allowance per person.	\$60.00
6b. Number of people who are under 65.	3
6c. Subtotal. Multiply line 6a by line 6b.	\$180.00

People who are 65 years of age or older

6d. Health-care allowance per person.	\$144.00
6e. Number of people who are 65 or older	0
6f. Subtotal. Multiply line 6d by line 6e.	

Total. Add lines 6c and 6f, and enter the total in the right-hand column of this line 6.

6. **\$180.00**

7. Insurance and living expenses.

This category includes standardized deductions for insurance, maintenance, repairs, gas, electric, heating oil, garbage collection, telephone, cell phone, internet, and cable.

Refer to the Local Housing and Utilities Standards table (select the state where you expect to live on the day you file for bankruptcy, or the state where you lived when you actually did file, from the drop-down list in Section II, Item 4a, on the means testing page, and click on the adjacent "Go" button). Copy the number in the "Non-Mortgage" column for your county and for the number of persons you entered on line 4.

7. **\$594.00**

8. Mortgage or rent expenses.

This category includes mortgage or rent payments (including home owner's or renter's insurance and property taxes) you pay for your primary residence.

Refer to the Local Housing and Utilities Standards table (select the state where you expect to live on the day you file for bankruptcy, or the state where you lived when you actually did file, from the drop-down list in Section II, Item 4a, on the means testing page, and click on the adjacent "Go" button) -- this is the same table you consulted to fill out the previous line of this form. Enter the number from the "Mortgage/Rent" column for your county and for the number of persons you entered on line 1 on line 8a. Complete the remainder of this worksheet.

8a. Standardized mortgage/rent deduction from the table	\$1,648.00						
8b. Complete this tabulation of the total payments that are contractually due during the 60 months after the date when you plan to file for bankruptcy (or after the date when you actually did file):							
<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Name of creditor</th> <th style="text-align: right;">Total of payments contractually due during 60 months</th> </tr> </thead> <tbody> <tr> <td>Bank of Avarice</td> <td style="text-align: right;">\$85,772.40</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">\$85,772.40</td> </tr> </tbody> </table>	Name of creditor	Total of payments contractually due during 60 months	Bank of Avarice	\$85,772.40	Total	\$85,772.40	\$85,772.40
Name of creditor	Total of payments contractually due during 60 months						
Bank of Avarice	\$85,772.40						
Total	\$85,772.40						
8c. Divide the total from line 8b by 60. Enter it here and on line 27a.	\$1,429.54						

If line 8c is less than line 8a, subtract line 8c from 8a and enter the difference in the right-hand column. If line 8c is more than or equal to line 8a, leave the right-hand column blank. 8. **\$218.46**

9. Housing and Utilities Adjustment.

If you contend that the Office of the United States Trustee (the administrative agency within the Department of Justice charged with interpreting the IRS Collection Standards for bankruptcy purposes) incorrectly divided the IRS standard for housing and utilities into mortgage/rent and non-mortgage components, and that in consequence the deductions shown on lines 7 and 8 of this form do not accurately reflect the expenses applicable in your case, state why you so contend and enter the additional amount you claim in the right-hand column of this line 9

Explain why: 9.

10. Transportation expenses.

Refer to the IRS Local Transportation Expense Standards (Select the region of the country in which you live from the drop-down list in item 4b on the means-testing page and click on the adjacent "Go" button) for the area where you live. Complete the following worksheet:

10a. <input checked="" type="checkbox"/> Check this box if you pay the operating expenses for one or more vehicles. Consult the table of Metropolitan Statistical Areas (MSAs) on the same web page to determine if you live in an MSA. If so, you will use an allowance from the row for that MSA; if not, you will use an allowance from the row for the region. Copy the value in the "One Car" or the "Two Cars" column, depending on whether you pay the operating expenses for one car or for two or more cars.	\$554.00
10b. <input type="checkbox"/> Check this box if you do not pay the operating expenses for any vehicles. In this case, copy the Public Transportation Costs value from the table.	
10c. <input type="checkbox"/> Check this box if (a) you checked the box on line 10a AND (b) you claim that you also can deduct a public transportation expense. In this case, fill in what you think is an appropriate expense allowance, but not more than the Public Transportation Costs allowance shown in the table.	

Total. Add up the allowances on lines 10a-10c and write the number in the right-hand column. 10. **\$554.00**

11. Vehicle ownership or lease expense.

You may claim an ownership cost deduction for up to two vehicles that you own or lease and for which you are actually making payments. Refer to the Ownership Costs table (select the region of the country in which you live from the drop-down list in item 4b on the means-testing page and click on the adjacent "Go" button -- this is the same page you consulted to answer the previous question on this form).

If you do not own or lease any vehicles, or if you are not actually making debt or lease payments on any vehicles, skip this question.

If you own or lease exactly one vehicle for which you are making payments, call that vehicle "Vehicle 1" and fill in lines 11a-11e in the following worksheet.

If you own or lease two or more vehicles for which you are making payments, call one of them "Vehicle 1" and another of them "Vehicle 2" and fill in lines 11a-11j in the following worksheet.

11a. Describe Vehicle 1		2004 Gass Guzzler
11b. Complete this tabulation of the total amounts contractually due during the 60 months after you file for bankruptcy for debts secured by Vehicle 1, and enter the total for all creditors in the right-hand column. Do not include lease payments.		
Name of creditor	Total of payments contractually due during 60 months	
Furd Motor Credit	\$4,045.09	\$4,045.09
11c. Divide the total of payments on line 11b by 60. Enter that number here AND on line 27b.		\$67.41
11d. Enter the Ownership Costs allowance for One Car from the expense standards table.		\$517.00
11e. If line 11c is more than or equal to 11d, leave this line 11e blank. Otherwise, enter the excess of line 11d over 11c here.		\$449.59
11f. Describe Vehicle 2		2011 Trabant Sports Coupe
11g. Complete this tabulation of the total amounts contractually due during the 60 months after you file for bankruptcy for debts secured by Vehicle 2, and enter the total for all creditors in the right-hand column. Do not include lease payments.		
Name of creditor	Total of payments contractually due during 60 months	
Yo-yo Financing Corp.	\$14,140.80	\$14,140.80
11h. Divide the total of payments on line 11g by 60. Enter that number here AND on line 27c.		\$235.68
11i. Enter the DIFFERENCE between the Ownership Costs allowance for Two Cars and the Ownership Costs allowance for One Car from the expense standards table.		\$517.00
11j. If line 11h is more than or equal to 11i, leave this line 11j blank. Otherwise, enter the excess of 11i over 11h here.		\$281.32
Total. Add lines 11e and 11j and enter the total here:		11. \$730.91

Part 3: Calculate Personalized Deductions from Your Income

In addition to the standardized deductions listed in Part 1, you may deduct certain other expense amounts that you actually incur.

12. Taxes: The total monthly amount that you actually pay for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. If you expect to receive a tax refund, you must divide the refund by 12 and subtract that number from the total monthly amount you actually pay for taxes. Do not include real estate or sales taxes.		12.	\$2,713.64
13. Involuntary deductions: The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs. Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings.		13.	
14. Life insurance: The total monthly premiums that you pay for term life insurance on the life of Debtor 1 or Debtor 2. Do not include premiums for insurance on any dependent who is not also a debtor in this bankruptcy case, for whole life, or for any other form of life insurance.		14.	\$23.92
15. Court-ordered payments: The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 34.		15.	

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16. Education. The total monthly amount that you pay for education that is either required

- as a condition for your job, or
- for your physically or mentally challenged dependent child if no public education is available for similar services.

16.

17. Childcare: The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.

Do not include payments for any elementary or secondary school education.

17. **\$866.63**

18. Additional health care expenses, excluding insurance costs: The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 6. Payments for health insurance or health savings accounts should be listed only in line 20.

18. **\$120.00**

19. Telecommunication services: The total monthly amount that you pay for telecommunication services, such as pagers, call waiting, caller identification, special long distance, business internet service, and business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.

Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 8 of Official Form 22A-1, or any amount you previously deducted.

19.

20. Health insurance, disability insurance, and health savings account expenses. The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

20a. Health insurance	\$623.24
20b. Disability insurance	\$18.07
20c. Health savings account	\$333.32
20d. Total:	\$974.63

Do you actually spend this total amount?

Yes.

No. Enter the amount you actually spend:

Regardless of how you answered the preceding question, enter the total from line 20d here:

20. **\$974.63**

21. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.

21.

22. Protection against family violence. The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.

By law, the court must keep the nature of these expenses confidential.

22.

23. Additional home energy costs. Your home energy costs are included in your non-mortgage housing and utilities allowance on line 7.

If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

23.

24. Education expenses for dependent children who are younger than 18. The monthly expenses (not more than \$147.00 per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 5-19.

The dollar figure that appears in this instruction is subject to adjustment every three years beginning April 1, 2016. If your bankruptcy case is filed on or after that date, you are using an obsolete version of this form.

24.

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25. Additional food and clothing expense. The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

The maximum amount you may enter on this line is tabulated in the same place as the Collection Financial Standards for Food, Clothing and Other Items that you used to complete line 5.

You must show that the additional amount claimed is reasonable and necessary.

25.

26. Continuing charitable contributions. The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)(3) and (4).

26.

Part 4: Deductions for Debt Payment

27. Contractually required payments for secured debts. Calculate the monthly average of all amounts scheduled as contractually due to secured creditors in the 60 months following the date of your bankruptcy petition.

You have already performed this calculation for your home mortgage and two of your motor vehicle loans on lines 8a, 11c, and 11h. Enter those amounts here:

27a. Copy line 8a (excess of actual mortgage payments over standard allowance):	\$1,429.54
27b. Copy line 11c (excess of payments on Vehicle 1 over standard allowance):	\$67.41
27c. Copy line 11h (excess of payments on Vehicle 2 over standard allowance):	\$235.68

Complete this tabulation for each other secured debt:

Name of Creditor	Property Securing the Debt	Total of payments contractually due during 60 months
(None)		
Total		

27d. Divide the total by 60:

Total. Add lines 27a-27d and enter the total here:

27.

\$1,732.63

28. Arrears on secured debts. You may deduct one-sixtieth of any additional payments to secured creditors that would be required, in filing a plan under Chapter 13, to maintain possession of your primary residence, a motor vehicle, or other property that is necessary for your support and your dependents, that serves as collateral for secured debts. These amounts are in addition to the monthly payments you itemized in line 27.

Complete this tabulation of cure amounts:

Name of Creditor	Property Securing the Debt	Total Cure Amount
Bank of Avarice	Residence at 79 Wistful Vista., Fitchburg	\$17,808.00
Furd Motor Credit	2004 Gass Guzzler	\$1,165.20
Total		\$18,973.20

Divide the total by 60 and enter the resulting value here:

28.

\$316.22

29. Priority claims. Add up the amount you owe for priority claims that will have accrued prior to the date you plan to file (or that accrued before you actually did file) your bankruptcy petition, and divide by 60.

Do not include any amount that you will owe starting on the date you will file (or actually did file) your bankruptcy petition.

29.

30. Chapter 13 administrative expenses. If you are eligible to file under chapter 13, You may deduct the anticipated actual administrative expenses for administering your chapter 13 plan.

To determine this amount, first estimate your monthly chapter 13 plan payment. Then determine the percentage multiplier for your judicial district that applies on the date you plan to file (or actually did file) your bankruptcy petition.

To determine the percentage multiplier, either go to <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the Clerk's office for the Bankruptcy Court. On the web site, select the appropriate range of filing dates from the drop-down list. Section III of the web page you will reach contains a link to Schedules of Actual Administrative Expenses that you should follow. Select your state and copy the percentage amount from the table. If you are filing in Alabama or North Carolina, you will need to follow a further link to another web page to determine the applicable percentage, because the U.S. Trustee program does not operate in those two states.

Once you have the plan payment and percentage multiplier amounts, complete this worksheet:

30a. Projected chapter 13 plan payment	\$1,648.60
30b. Applicable percentage multiplier	9.28%

Multiply lines 30a and 30b, and enter the result here: 30. **\$153.03**

Part 5: Determine Whether There Is a Presumption of Abuse

31. Your total deductions. Add up lines 5-30 and enter the total here:	31.	\$10,405.07
32. Monthly disposable income under § 707(b)(2). Subtract Line 31 from Line 4 and enter the result	32.	\$882.25
33. 60-month disposable income under § 707(b)(2). Multiply the amount in Line 32 by the number 60 and enter the result.	33.	\$52,935.00

34. Find out whether there is a presumption of abuse based solely on your disposable income. Check the box that applies:

Line 33 is less than \$7,025.00. Check box 1, *There is no presumption of abuse*, at the top of page 1 of this form. Go to part 6. You need not complete the remainder of this form.

Line 33 is more than \$11,725.00. Check box 2, *There is a presumption of abuse*, at the top of page 1 of this form. Go to line 38. You need not complete the intervening lines of this form.

Line 33 is at least \$7,025.00 but not more than \$11,725.00. Continue on to the next line.

The dollar figures that appear in these instructions are subject to adjustment every three years beginning April 1, 2016. If your bankruptcy case is filed on or after that date, you are using an obsolete version of this form.

35. Your nonpriority unsecured debt. Fill in the total amount of your nonpriority unsecured debt. This number appears on line 5 of Official Form 6, <i>Statistical Summary of Certain Liabilities and Related Data</i> . You can also determine the number by adding the total amount of debt that appears on Schedule F to the UNSECURED portion of the debts that appear on Schedules D and E.	35.	
36. 25% of your total nonpriority unsecured debt. Multiply the number on the preceding line by 0.25. 11 U.S.C. § 707(b)(2)(A)(i)(I).	36.	

37. Find out whether there is a presumption of abuse based on your ability to repay unsecured creditors. Check the box that applies:

Line 33 is less than than line 36. Check box 1, *There is no presumption of abuse*, at the top of page 1 of this form. Go to part 6. You do not need to fill out the intervening lines on this form.

Line 33 is more than or equal to line 36. Check box 2, *There is a presumption of abuse*, at the top of page 1 of this form. Continue on to the next line of this form.

38. Special circumstances. <i>This line is a placeholder.</i> In the opinion of the author of this form, deductions for special circumstances should be taken after line 32, prior to the determination of the presumption. Debtors should not be expected to use this form as a way of rebutting the presumption.	38.	
---	-----	--

Part 6: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct to the best of my knowledge and belief.

/s/ Andrew A. Aardvark
Debtor 1

01/28/2013
Date

/s/ Annette Aardvark
Debtor 2

01/28/2013
Date

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Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed)

Check if this is an amended filing

Strawman Form 22B

Chapter 11 Statement of Your Current Monthly Income

12/13

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed).

Part 3: Calculate your Current Monthly Income

1. **What is your marital status?** Check one only.

- Not married.** Fill out Column A, lines 2-11. Do not fill out Column B.
- Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
- Married and your spouse is NOT filing with you.** Fill out Column A, lines 2-11. Do not fill out Column B.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6.

		Column A Debtor 1	Column B Debtor 2									
2.	Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$6,351.23	\$4,436.09									
3.	Alimony, maintenance, and child support payments. Do not include payments from your spouse if you are filing a joint petition.											
4.	All amounts from any source which are regularly paid for household expenses of you or your dependents. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include amounts that you included on line 3. DO INCLUDE amounts you receive from your non-filing spouse.											
5.	Net income from operating a business, profession, or farm. Total the gross income and expenses separately for Debtor 1 and for Debtor 2, attributing the income and expenses for jointly owned businesses proportionately to your respective fractional ownership interests. Enter the net income (line 5a minus 5b) in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.											
		<table border="1"> <thead> <tr> <th></th> <th>Debtor 1</th> <th>Debtor 2</th> </tr> </thead> <tbody> <tr> <td>5a. Gross receipts (before all deductions)</td> <td>\$1,000.00</td> <td>\$500.00</td> </tr> <tr> <td>5b. Ordinary and necessary operating expenses</td> <td>\$500.00</td> <td>\$1,000.00</td> </tr> </tbody> </table>			Debtor 1	Debtor 2	5a. Gross receipts (before all deductions)	\$1,000.00	\$500.00	5b. Ordinary and necessary operating expenses	\$500.00	\$1,000.00
	Debtor 1	Debtor 2										
5a. Gross receipts (before all deductions)	\$1,000.00	\$500.00										
5b. Ordinary and necessary operating expenses	\$500.00	\$1,000.00										
5.	Net monthly income from businesses, professions, or farms.	\$500.00										

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6. Net income from rental and other real property.

Itemize receipts and expenses separately for Debtor 1 and for Debtor 2, attributing the income and expenses for jointly owned property proportionately to your respective fractional ownership interests. Enter the net income (line 6a minus 6b in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.

	Debtor 1	Debtor 2
6a. Gross receipts (before all deductions)		
6b. Ordinary and necessary operating expenses		

Net monthly income from rental or other real property

6.

7. Interest, dividends, and royalties.

7.

8. Unemployment compensation. Enter the average amounts of unemployment compensation received by Debtor 1 and by Debtor 2 here.

Debtor 1	
Debtor 2	

Do you contend that such amounts are benefits under the Social Security Act for purposes of 11 U.S.C. § 101(10A)(B)?

- Yes. Leave Columns A and B blank.
 No. Enter these amounts in Columns A and B.

8.

9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.

9.

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism.

10.

11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B and enter that number on the next line of this form.

11.

\$6,851.23

\$4,436.09

12. Add the totals for Column A and Column B in line 11. This is your Current Monthly Income.

12.

\$11,287.32

Part 2: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct to the best of my knowledge and belief.

/s/ Andrew A. Aardvark
 Debtor 1

01/28/2013
 Date

/s/ Annette Aardvark
 Debtor 2

01/28/2013
 Date

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

- 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).
- 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).
- 3. The commitment period is 3 years
- 4. The commitment period is 5 years

Check if this is an amended filing

Strawman Form 22C-1

Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed).

Part 1: Calculate your Average Monthly Income

1. **What is your marital status?** Check one only.

- Not married.** Fill out Column A, lines 2-11.
- Married.** Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6.

		Column A Debtor 1	Column B Debtor 1's spouse
2.	Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$6,351.23	\$4,436.09
3.	Alimony, maintenance, and child support payments. Do not include payments from your spouse.		
4.	All amounts from any source which are regularly paid for household expenses of you or your dependents. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include amounts that you included on line 3.		
5.	Net income from operating a business, profession, or farm. Total the gross income and expenses separately for Debtor 1 and for Debtor 1's spouse, attributing the income and expenses for jointly owned businesses proportionately to your respective fractional ownership interests. Enter the net income (line 5a minus 5b) in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.		
		Debtor 1	Debtor 1's spouse
5a.	Gross receipts (before all deductions)	\$1,000.00	\$500.00
5b.	Ordinary and necessary operating expenses	\$500.00	\$1,000.00
	Net monthly income from businesses, professions, or farms.	\$500.00	

6. Net income from rental and other real property.

Itemize receipts and expenses separately for Debtor 1 and for Debtor 1's spouse, attributing the income and expenses for jointly owned property proportionately to your respective fractional ownership interests. Enter the net income (line 6a minus 6b in Column A or Column B as appropriate, but leave Column A or Column B blank if the corresponding net income amount is zero or negative.

	Debtor 1	Debtor 1's spouse
6a. Gross receipts (before all deductions)		
6b. Ordinary and necessary operating expenses		

Net monthly income from rental or other real property 6.

--	--

7. Interest, dividends, and royalties. 7.

--	--

8. Unemployment compensation. Enter the average amounts of unemployment compensation received by Debtor 1 and by Debtor 1's spouse here.

Debtor 1	
Debtor 1's spouse	

Do you contend that such amounts are benefits under the Social Security Act for purposes of 11 U.S.C. § 101(10A)(B)?

- Yes. Leave Columns A and B blank.
- No. Enter these amounts in Columns A and B.

8.

--	--

9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. 9.

--	--

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. 10.

--	--

11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B and enter that number on the next line of this form. 11.

\$6,851.23	\$4,436.09
-------------------	-------------------

Part 2: Determine How to Measure Your Deductions from Income

12. Add the totals for Column A and Column B in line 11. 12.

\$11,287.32

13. Calculate the marital adjustment. Check one:

- You are not married. Leave line 13 blank.
- You are married and your spouse is filing with you. Leave line 13 blank.
- You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT paid regularly for the household expenses of you or your dependents, such as payment of your spouse's tax liability or your spouse's support of someone other than you or your dependents.

Specify the basis for excluding this income and the amount of income devoted to each purpose here.

(N/A)

Add up the total and enter it here: 13.

--

14. Your current monthly income. Subtract line 13 from line 12. 14.

\$11,287.32

15. Calculate your annual income. Multiply the amount on line 14 by 12. This is your annual income for this part of the form. 15.

\$135,447.84

16. Calculate the median family income that applies to you. Follow these steps:

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16a. Fill in the state in which you live.

Massachusetts

16b. Fill in the number of people in your household.

3

Lookup the median family income for your state and size of household based on the tables you will find at <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or by asking for help at the clerks's office for the Bankruptcy Court. On the web site, select the appropriate range of filing dates from the drop-down list and click on the adjacent Go button. You will find a link to "Median Family Income Based on State/Territory and Family Size" in Section I of the web page to which you will be transferred. Follow that link and locate the state where you expect to live on the day you file for bankruptcy (or where you lived on the day you actually did file). Select the amount in the column for your family size. If your family has more than 4 persons, multiply the amount that appears in the starred footnote by the number of people over 4 in your household and add the result to the amount in the 4-person column.

Enter the median family income amount here:

16.

\$80,822.00

17. How do the lines compare?

- Line 15 is less than or equal to line 16. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3)*.
- Line 15 is more than line 16. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3)*.

Part 3: Calculate Your Commitment Period Under 11 U.S.C. § 1325(b)(4)

18. Copy your total average monthly income from line 12.

18.

\$11,287.32

19. Deduct the marital adjustment if it applies.

19a. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13 here. Otherwise, enter zero here:

Subtract the amount on line 19a from line 18 and enter the difference here:

19.

\$11,287.32

20. Calculate your annual income. Multiply the amount on line 19 by 12. This is your annual income for this part of the form.

20.

\$135,447.84

21 Determine your commitment period.

- Line 20 is less than line 16. On the top of page 1 of this form, check box 3, *The commitment period is 3 years.*
- Line 20 is more than or equal to line 16. On the top of page 1 of this form, check box 4, *The commitment period is 5 years.*

Part 4: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct to the best of my knowledge and belief.

/s/ Andrew A. Aardvark
Debtor 1

01/28/2013
Date

/s/ Annette Aardvark
Debtor 2

01/28/2013
Date

Part 5: Additional Instructions

If you checked box 2 on the first page of this form, fill out Official Form 22C-2, *Calculation of Disposable Income* and file it with this form. On line 35 of that form, copy your current monthly income from line 14 of this form.

If you checked box 1 on the first page of this form, you do not need to fill out Official Form 22C-2.

Fill in this information to identify your case:

Debtor 1 Andrew A. Aardvark

Debtor 2 Annette Aardvark
(Spouse, if filing)

United States Bankruptcy Court for the District of Massachusetts

Case number _____
(If your case has been filed)

Check if this is an amended filing

Strawman Form 22C-2 Chapter 13 Calculation of Your Disposable Income

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of each additional page, write Debtor 1's name and your case number (if your case has been filed).

To fill out this form, you will need your completed Form 22C-1: *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*. You should fill out this form if you checked box 2 at the top of Form 22C-1, *Disposable Income is determined under 11 U.S.C. § 1325(b)(3)*. You should NOT fill out this form if you instead checked box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3)*.

This form is for cases filed on or after December 1, 2013, but before April 1, 2016. If you are filing on or after April 1, 2016, you should obtain an up-to-date copy of this form because some of the dollar amounts in the instructions to this form will change due to cost-of-living adjustments.

Part 1: Calculate Standardized Deductions from Your Income

The Internal Revenue Service (IRS) issues standards for certain expense amounts that you will use on lines 2-8 regardless of what your actual expenses are. To find the IRS standards, either go to <http://www.justice.gov/ust/eo/bapcpa/meansesting.htm> or ask for help at the clerk's office of the bankruptcy court.

You should use the means testing amounts that apply to the date when you expect to file (or when you actually did file) your bankruptcy case. The IRS standards that you will use in this part of this form are in Section II of the means testing page on the web site. Some of the IRS standards are national: you will use them no matter where you live. Other IRS standards are local: you will use the standards that apply to the place where you expect to live when you file (or where you lived when you actually did file) your bankruptcy case.

<p>1. The number of people used in determining the standardized deductions from your income.</p> <p>Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.</p>	<p>1. 3</p>
<p>2. Food, housekeeping supplies, apparel and services, personal care products and services, and miscellaneous.</p> <p>Refer to the Collection Financial Standards table for Food, Clothing & Other Items (follow the National Standards link in Section II, Item 2, on the means testing page). Copy the amount from the Total row for the number of persons you entered on line 1. If you entered a number larger than 4, compute the standardized amount by adding the "additional amount per person" for each person over 4 to the amount shown for 4 persons.</p>	<p>2. \$1,227.00</p>
<p>3. Health-care allowance.</p> <p>Refer to the Collection Financial Standards table for Health Care Expenses (Follow the Out-of-Pocket Health Care standards link in Section II, Item 3, on the means testing page). Copy the amount for persons under 65 to line 3a and the amount for persons 65 and older to line 3d. Enter the number of the people you counted on line 1 who are under 65 on line 3b. Enter the number of the people you counted on line 1 who are 65 or older on line 3e. Complete the remainder of this worksheet, and enter the total health-care allowance on line 3.</p>	

People who are under 65 years of age.

3a. Health-care allowance per person.	\$60.00
3b. Number of people who are under 65.	3
3c. Subtotal. Multiply line 3a by line 3b.	\$180.00

People who are 65 years of age or older

3d. Health-care allowance per person.	\$144.00
3e. Number of people who are 65 or older	0
3f. Subtotal. Multiply line 3d by line 3e.	

Total. Add lines 3c and 3f, and enter the total in the right-hand column of this line 3. 3. **\$180.00**

4. Insurance and living expenses.

This category includes standardized deductions for insurance, maintenance, repairs, gas, electric, heating oil, garbage collection, telephone, cell phone, internet, and cable.

Refer to the Local Housing and Utilities Standards table (select the state where you expect to live on the day you file for bankruptcy, or the state where you lived when you actually did file, from the drop-down list in Section II, Item 4a, on the means testing page, and click on the adjacent "Go" button). Copy the number in the "Non-Mortgage" column for your county and for the number of persons you entered on line 1.

4. **\$594.00**

5. Mortgage or rent expenses.

This category includes mortgage or rent payments (including home owner's or renter's insurance and property taxes) you pay for your primary residence.

Refer to the Local Housing and Utilities Standards table (select the state where you expect to live on the day you file for bankruptcy, or the state where you lived when you actually did file, from the drop-down list in Section II, Item 4a, on the means testing page, and click on the adjacent "Go" button) -- this is the same table you consulted to fill out the previous line of this form. Enter the number from the "Mortgage/Rent" column for your county and for the number of persons you entered on line 1 on line 5a. Complete the remainder of this worksheet.

5a. Standardized mortgage/rent deduction from the table		\$1,648.00						
5b. Complete this tabulation of the total payments that are contractually due during the 60 months after the date when you plan to file for bankruptcy (or after the date when you actually did file):								
<table border="1" style="margin: auto;"> <thead> <tr> <th style="width: 60%;">Name of creditor</th> <th style="width: 40%;">Total of payments contractually due during 60 months</th> </tr> </thead> <tbody> <tr> <td>Bank of Avarice</td> <td style="text-align: right;">\$85,772.40</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">\$85,772.40</td> </tr> </tbody> </table>	Name of creditor	Total of payments contractually due during 60 months	Bank of Avarice	\$85,772.40	Total	\$85,772.40		\$85,772.40
Name of creditor	Total of payments contractually due during 60 months							
Bank of Avarice	\$85,772.40							
Total	\$85,772.40							
5c. Divide the total from line 5b by 60. Enter it here and on line 24a.		\$1,429.54						

If line 5c is less than line 5a, subtract line 5c from 5a and enter the difference in the right-hand column. If line 5c is more than or equal to line 5a, leave the right-hand column blank. 5. **\$218.46**

6. Housing and Utilities Adjustment.

If you contend that the Office of the United States Trustee (the administrative agency within the Department of Justice charged with interpreting the IRS Collection Standards for bankruptcy purposes) incorrectly divided the IRS standard for housing and utilities into mortgage/rent and non-mortgage components, and that in consequence the deductions shown on lines 4 and 5 of this form do not accurately reflect the expenses applicable in your case, state why you so contend and enter the additional amount you claim in the right-hand column of this line 6

Explain why:

6.

7. Transportation expenses.

Refer to the IRS Local Transportation Expense Standards (Select the region of the country in which you live from the drop-down list in item 4b on the means-testing page and click on the adjacent "Go" button) for the area where you live. Complete the following worksheet:

7a. <input checked="" type="checkbox"/> Check this box if you pay the operating expenses for one or more vehicles. Consult the table of Metropolitan Statistical Areas (MSAs) on the same web page to determine if you live in an MSA. If so, you will use an allowance from the row for that MSA; if not, you will use an allowance from the row for the region. Copy the value in the "One Car" or the "Two Cars" column, depending on whether you pay the operating expenses for one car or for two or more cars.	\$554.00
7b. <input type="checkbox"/> Check this box if you do not pay the operating expenses for any vehicles. In this case, copy the Public Transportation Costs value from the table.	
7c. <input type="checkbox"/> Check this box if (a) you checked the box on line 7a AND (b) you claim that you also can deduct a public transportation expense. In this case, fill in what you think is an appropriate expense allowance, but not more than the Public Transportation Costs allowance shown in the table.	

Total. Add up the allowances on lines 7a-7c and write the number in the right-hand column.

7. **\$554.00**

8. Vehicle ownership or lease expense.

You may claim an ownership cost deduction for up to two vehicles that you own or lease and for which you are actually making payments. Refer to the Ownership Costs table (select the region of the country in which you live from the drop-down list in item 4b on the means-testing page and click on the adjacent "Go" button -- this is the same page you consulted to answer the previous question on this form).

If you do not own or lease any vehicles, or if you are not actually making debt or lease payments on any vehicles, skip this question.

If you own or lease exactly one vehicle for which you are making payments, call that vehicle "Vehicle 1" and fill in lines 8a-8e in the following worksheet.

If you own or lease two or more vehicles for which you are making payments, call one of them "Vehicle 1" and another of them "Vehicle 2" and fill in lines 8a-8j in the following worksheet.

8a. Describe Vehicle 1	2004 Gass Guzzler					
8b. Complete this tabulation of the total amounts contractually due during the 60 months after you file for bankruptcy for debts secured by Vehicle 1, and enter the total for all creditors in the right-hand column. Do not include lease payments.						
	<table border="1"> <thead> <tr> <th style="text-align: center;">Name of creditor</th> <th style="text-align: center;">Total of payments contractually due during 60 months</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Furd Motor Credit</td> <td style="text-align: center;">\$4,045.09</td> </tr> </tbody> </table>	Name of creditor	Total of payments contractually due during 60 months	Furd Motor Credit	\$4,045.09	\$4,045.09
Name of creditor	Total of payments contractually due during 60 months					
Furd Motor Credit	\$4,045.09					
8c. Divide the total of payments on line 8b by 60. Enter that number here AND on line 24b.		\$67.41				
8d. Enter the Ownership Costs allowance for One Car from the expense standards table.		\$517.00				
8e. If line 8c is more than or equal to 8d, leave this line 8e blank. Otherwise, enter the excess of line 8d over 8c here.		\$449.59				

8f. Describe Vehicle 2	2011 Trabant Sports Coupe	
8g. Complete this tabulation of the total amounts contractually due during the 60 months after you file for bankruptcy for debts secured by Vehicle 2, and enter the total for all creditors in the right-hand column. Do not include lease payments.		
	Name of creditor	Total of payments contractually due during 60 months
	Yo-yo Financing Corp.	\$14,140.80
		\$14,140.80
8h. Divide the total of payments on line 8g by 60. Enter that number here AND on line 24c.		\$235.68
8i. Enter the DIFFERENCE between the Ownership Costs allowance for Two Cars and the Ownership Costs allowance for One Car from the expense standards table.		\$517.00
8j. If line 8h is more than or equal to 8i, leave this line 8j blank. Otherwise, enter the excess of 8i over 8h here.		\$281.32
Total. Add lines 8e and 8j and enter the total here:	8.	\$730.91

Part 2: Calculate Personalized Deductions from Your Income

In addition to the standardized deductions listed in Part 1, you may deduct certain other expense amounts that you actually incur.

<p>9. Taxes: The total monthly amount that you actually pay for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. If you expect to receive a tax refund, you must divide the refund by 12 and subtract that number from the total monthly amount you actually pay for taxes.</p> <p>Do not include real estate or sales taxes.</p>	9.	\$2,713.64
<p>10. Involuntary deductions: The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs.</p> <p>Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings.</p>	10.	
<p>11. Life insurance: The total monthly premiums that you pay for term life insurance on the life of Debtor 1 or Debtor 2.</p> <p>Do not include premiums for insurance on any dependent who is not also a debtor in this bankruptcy case, for whole life, or for any other form of life insurance.</p>	11.	\$23.92
<p>12. Court-ordered payments: The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments.</p> <p>Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 31.</p>	12.	
<p>13. Education. The total monthly amount that you pay for education that is either required</p> <ul style="list-style-type: none"> • as a condition for your job, or • for your physically or mentally challenged dependent child if no public education is available for similar services. 	13.	
<p>14. Childcare: The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.</p> <p>Do not include payments for any elementary or secondary school education.</p>	14.	\$866.63
<p>15. Additional health care expenses, excluding insurance costs: The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 3. Payments for health insurance or health savings accounts should be listed only in line 17.</p>	15.	\$120.00
<p>16. Telecommunication services: The total monthly amount that you pay for telecommunication services, such as pagers, call waiting, caller identification, special long distance, business internet service, and business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.</p>		

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Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Official Form 22C-1, or any amount you previously deducted.	16.									
17. Health insurance, disability insurance, and health savings account expenses. The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;">17a. Health insurance</td> <td style="width:30%; text-align: right;">\$623.24</td> </tr> <tr> <td>17b. Disability insurance</td> <td style="text-align: right;">\$18.07</td> </tr> <tr> <td>17c. Health savings account</td> <td style="text-align: right;">\$333.32</td> </tr> <tr> <td>17d. Total:</td> <td style="text-align: right;">\$974.63</td> </tr> </table>	17a. Health insurance	\$623.24	17b. Disability insurance	\$18.07	17c. Health savings account	\$333.32	17d. Total:	\$974.63		
17a. Health insurance	\$623.24									
17b. Disability insurance	\$18.07									
17c. Health savings account	\$333.32									
17d. Total:	\$974.63									
Do you actually spend this total amount? <input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Enter the amount you actually spend:										
Regardless of how you answered the preceding question, enter the total from line 17d here:		17. \$974.63								
18. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.										
19. Protection against family violence. The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.										
By law, the court must keep the nature of these expenses confidential.		19.								
20. Additional home energy costs. Your home energy costs are included in your non-mortgage housing and utilities allowance on line 4.										
If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.										
You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.		20.								
21. Education expenses for dependent children who are younger than 18. The monthly expenses (not more than \$147.00 per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.										
You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 2-16.										
<small>The dollar figure that appears in this instruction is subject to adjustment every three years beginning April 1, 2016. If your bankruptcy case is filed on or after that date, you are using an obsolete version of this form.</small>										
22. Additional food and clothing expense. The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.		21.								
The maximum amount you may enter on this line is tabulated in the same place as the Collection Financial Standards for Food, Clothing and Other Items that you used to complete line 2.										
You must show that the additional amount claimed is reasonable and necessary.		22.								
23. Continuing charitable contributions. The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)(3) and (4).										
Do not include any amount more than 15% of your gross income. 11 U.S.C. § 1325(b)(2)(A)(ii).		23.								
Part 3: Deductions for Debt Payment										
24. Contractually required payments for secured debts. Calculate the monthly average of all amounts scheduled as contractually due to secured creditors in the 60 months following the date of your bankruptcy petition.										
You have already performed this calculation for your home mortgage and two of your motor vehicle loans on lines 5a, 8c, and 8h. Enter those amounts here:										

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24a. Copy line 5a (excess of actual mortgage payments over standard allowance):	\$1,429.54
24b. Copy line 8c (excess of payments on Vehicle 1 over standard allowance):	\$67.41
24c. Copy line 8h (excess of payments on Vehicle 2 over standard allowance):	\$235.68

Complete this tabulation for each other secured debt:

Name of Creditor	Property Securing the Debt	Total of payments contractually due during 60 months
(None)		
Total		

24d. Divide the total by 60:

Total. Add lines 24a-24d and enter the total here: 24. **\$1,732.63**

25. Arrears on secured debts. You may deduct one-sixtieth of any additional payments to secured creditors that would be required, in filing a plan under Chapter 13, to maintain possession of your primary residence, a motor vehicle, or other property that is necessary for your support and your dependents, that serves as collateral for secured debts. These amounts are in addition to the monthly payments you itemized in line 24.

Complete this tabulation of cure amounts:

Name of Creditor	Property Securing the Debt	Total Cure Amount
Bank of Avarice	Residence at 79 Wistful Vista., Fitchburg	\$17,808.00
Furd Motor Credit	2004 Gass Guzzler	\$1,165.20
Total		\$18,973.20

Divide the total by 60 and enter the resulting value here: 25. **\$316.22**

26. Priority claims. Add up the amount you owe for priority claims that will have accrued prior to the date you plan to file (or that accrued before you actually did file) your bankruptcy petition, and divide by 60.

Do not include any amount that you will owe starting on the date you will file (or actually did file) your bankruptcy petition. 26.

27. Chapter 13 administrative expenses. You may deduct the anticipated actual administrative expenses for administering your chapter 13 plan.

To determine this amount, first estimate your monthly chapter 13 plan payment. Then determine the percentage multiplier for your judicial district that applies on the date you plan to file (or actually did file) your bankruptcy petition.

To determine the percentage multiplier, either go to <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the Clerk's office for the Bankruptcy Court. On the web site, select the appropriate range of filing dates from the drop-down list. Section III of the web page you will reach contains a link to Schedules of Actual Administrative Expenses that you should follow. Select your state and copy the percentage multiplier from the table. If you are filing in Alabama or North Carolina, you will need to follow a further link to another web page to determine the applicable percentage, because the U.S. Trustee program does not operate in those two states.

Once you have the plan payment and percentage multiplier amounts, complete this worksheet:

27a. Projected chapter 13 plan payment	\$1,648.60
27b. Applicable percentage multiplier	9.28%

Multiply lines 27a and 27b, and enter the result here: 27. **\$153.03**

Part 4: Determine Your Disposable Income Under 11 U.S.C. § 1325(b)(2)

28. Your current monthly income. Copy line 14 from form B22C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period.	28.	\$11,287.32				
29. Deduct child support payments. SUBTRACT support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child.	29.					
30. Deduct qualified retirement plan payments. SUBTRACT the monthly total of all amounts that an employer withholds from wages as contributions for qualified retirement plans (11 U.S.C. § 541(b)(7)) and all required repayments of loans from retirement plans (11 U.S.C. § 362(b)(19)).	30.	(\$1,116.10)				
31. Deduct your expense allowances. SUBTRACT the sum of all the expense allowances and deductions that you entered on lines 2-27 of this form.	31.	(\$10,405.07)				
32. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.						
<table border="1"> <thead> <tr> <th>Describe the special circumstance</th> <th>Amount of expense</th> </tr> </thead> <tbody> <tr> <td>Extraordinary commuting expenses above local vehicle operation standard</td> <td>\$291.94</td> </tr> </tbody> </table>		Describe the special circumstance	Amount of expense	Extraordinary commuting expenses above local vehicle operation standard	\$291.94	
Describe the special circumstance	Amount of expense					
Extraordinary commuting expenses above local vehicle operation standard	\$291.94					
Total. SUBTRACT the total of the special-circumstance deductions here:	32.	(\$291.94)				
33. Disposable income. Subtract the deductions on lines 29-32 from your current monthly income and enter the result here. This is your disposable income under 11 U.S.C. § 1325(b)(2).	33.	(\$525.79)				

Part 5: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct to the best of my knowledge and belief.

<u>/s/ Andrew A. Aardvark</u>	01/28/2013
Debtor 1	Date
<u>/s/ Annette Aardvark</u>	01/28/2013
Debtor 2	Date

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