

**SUMMARY OF THE**  
**REPORT OF THE JUDICIAL CONFERENCE**

**COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

The Committee on Rules of Practice and Procedure recommends that the Judicial Conference:

1. Approve the proposed amendments to Appellate Rules 4, 5, 21, 25, 26, 27, 28, 28.1, 29, 32, 35, and 40, and Forms 1, 5, and 6, and proposed new Form 7, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law. . . . . pp. 2-8
  
2.
  - a. Approve the proposed amendments to Bankruptcy Rules 1010, 1011, 2002, 3002.1, 9006(f), and new Rule 1012, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law;
  
  - b. Approve the proposed revisions to Official Forms 1, 2, 3A, 3B, 4, 5, 6Sum, 6A-J and declaration, 7, 8, 9A-I, 10, 10A, 10S-1, 10S-2, 12, 13, 14, 15, 16A, 16B, 16D, 17A-C, 18, 19, 21, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 23, 24, 27 as renumbered in the Forms Number Conversion Chart on pages 40-42 of Appendix B, and the abrogation of Official Forms 11A and 11B, to take effect on December 1, 2015, and that they govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending, except to the limited extent described below; and
  
  - c. Allow that the following forms in effect on November 30, 2015, remain Official Forms until December 1, 2017, in the United States Bankruptcy Courts for the Central District of California, the District of New Jersey, and the District of New Mexico, only for use by pro se debtors who initiate a chapter 7 case by using the court's Electronic Self-Representation system: Official Form 1, Official Forms 6Sum, 6A-J and declaration, Official Form 7; Official Form 8; and Official Forms 22A-1, 22A-1Supp, and 22A-2 . . . . . pp. 8-18
  
3. Approve the proposed amendments to Civil Rules 4, 6, and 82, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law . . . . . pp. 20-22

<p><b>NOTICE</b> NO RECOMMENDATIONS PRESENTED HEREIN REPRESENT THE POLICY OF THE JUDICIAL CONFERENCE UNLESS APPROVED BY THE CONFERENCE ITSELF.</p>
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4. Approve the proposed amendments to Criminal Rules 4, 41, and 45, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law . . . . . pp. 23-27

The remainder of this report is submitted for the record and includes the following items for the information of the Judicial Conference that do not require action:

- Federal Rules of Bankruptcy Procedure . . . . . pp. 18-20
- Federal Rules of Evidence. . . . . pp. 27-29
- Other Matters. . . . .p. 30

**REPORT OF THE JUDICIAL CONFERENCE**

**COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES:**

The Committee on Rules of Practice and Procedure (the “Standing Committee”) met on May 28, 2015, in Washington, D.C. All members participated.

Representing the advisory rules committees were Judge Steven M. Colloton, Chair, Professor Catherine T. Struve, Reporter, and Professor Daniel J. Capra, Associate Reporter, of the Advisory Committee on Appellate Rules; Judge Sandra Segal Ikuta, Chair, and Professor S. Elizabeth Gibson, Reporter, of the Advisory Committee on Bankruptcy Rules; Judge David G. Campbell, Chair, and Professor Edward H. Cooper, Reporter, of the Advisory Committee on Civil Rules; Judge Reena Raggi, Chair, Professor Sara Sun Beale, Reporter, and Professor Nancy J. King, Associate Reporter, of the Advisory Committee on Criminal Rules; Judge William K. Sessions III, Chair, and Professor Daniel J. Capra, Reporter, Advisory Committee on Evidence Rules.

Also participating in the meeting were Professor Daniel R. Coquillette, the Committee’s Reporter; Judge Michael A. Chagares, Chair of the Committee’s CM/ECF Subcommittee and member of the Advisory Committee on Appellate Rules; Professor R. Joseph Kimble, consultant to the Committee; Rebecca A. Womeldorf, the Committee’s Secretary and Rules Committee Officer; Julie Wilson, Scott Myers, and Bridget M. Healy, Attorneys on the Rules Committee

<p><b>NOTICE</b> NO RECOMMENDATIONS PRESENTED HEREIN REPRESENT THE POLICY OF THE JUDICIAL CONFERENCE UNLESS APPROVED BY THE CONFERENCE ITSELF.</p>
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Support Staff; Judge Jeremy D. Fogel, Director, Dr. Tim Reagan, and Dr. Emery G. Lee, of the Federal Judicial Center. David Bitkower, H. Thomas Byron III, Theodore Hirt, Elizabeth J. Shapiro, and Allison Stanton attended on behalf of the Department of Justice.

## **FEDERAL RULES OF APPELLATE PROCEDURE**

### ***Rules and Forms Recommended for Approval and Transmission***

The Advisory Committee on Appellate Rules submitted proposed amendments to Rules 4, 5, 21, 25, 26, 27, 28.1, 29, 32, 35, and 40, and Forms 1, 5, and 6, and a proposed new Form 7, with a recommendation that they be approved and transmitted to the Judicial Conference. The proposed amendments were circulated to the bench, bar, and public for comment in August 2014, and were offered for approval as published except as noted below.

#### Inmate-Filing Rules

*Rules 4(c)(1) and 25(a)(2)(C), Forms 1 and 5, and new Form 7.* Proposed amendments to Rules 4(c)(1) and 25(a)(2)(C), and Forms 1 and 5, and proposed new Form 7, are designed to clarify and improve the inmate-filing rules. Proposed amendments to Rules 4(c)(1) and 25(a)(2)(C) make clear that prepayment of postage is required for an inmate to benefit from the inmate-filing provisions. The amendments further clarify that a document is timely filed if it is accompanied by evidence—a declaration, notarized statement, or other evidence such as postmark and date stamp—showing that the document was deposited on or before the due date and that postage was prepaid. New Form 7 is a suggested form of declaration. Forms 1 and 5, which are suggested forms of notices of appeal, are revised to include a reference alerting inmate filers to the existence of new Form 7. The amendments also clarify that if sufficient evidence does not accompany the initial filing, then the court of appeals may permit the later filing of a declaration or notarized statement to establish timely deposit.

The Advisory Committee received seven comments on this proposal. Commentators were divided on the published proposal to delete the requirement in Rules 4(c)(1) and 25(a)(2)(C) that an inmate use the institution's legal mail system (if one is available) in order to receive the benefit of the inmate-filing rules. After considering the comments and conducting further research, the Advisory Committee decided to abandon its proposal to delete the legal-mail-system requirement from Rules 4(c)(1) and 25(a)(2)(C). The Advisory Committee also made several post-publication technical improvements to the Forms.

#### Appeal Time After Post-judgment Motions

*Rule 4(a)(4).* A circuit split exists regarding whether a motion filed within a purported extension of a non-extendable deadline under Civil Rules 50, 52, or 59 counts as timely filed under Appellate Rule 4(a)(4). Rule 4(a)(4) provides that certain “timely” post-judgment motions restart the time to take a civil appeal. The proposed amendment addresses the split by adopting the majority view. Under the proposed rule, a motion restarts the time for taking an appeal only if it is filed within the time allowed by the Rules of Civil Procedure.

Rule 4(a)(4) provides that “[i]f a party timely files in the district court” certain post-judgment motions, “the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion.” Five circuits have held that a motion is “timely” only if it is filed within the deadline set by the rules. One circuit, however, ruled that if a district court mistakenly extends the time for filing a post-judgment motion (contrary to the prohibition in Civil Rule 6(b)), then the motion is “timely” for purposes of Rule 4(a)(4).

Given the conflict in authority, the Advisory Committee determined to clarify the meaning of Rule 4(a)(4). The proposed amendment adopts the majority view that post-judgment motions made outside the deadlines set by the Civil Rules do not restart the appeal time under

Rule 4(a)(4). This rule ensures a uniform deadline for post-judgment motions and sets a definite point in time when litigation will end. The Advisory Committee also was concerned that the minority approach taken by one circuit was “uncomfortably close” to the “unique circumstances” doctrine that the Supreme Court disapproved in *Bowles v. Russell*, 551 U.S. 205, 214 (2007). See *Blue v. Int’l Bhd. of Elec. Workers Local Union 159*, 676 F.3d 579, 583 (7th Cir. 2012).

Five of six comments received on this proposal were supportive. The Advisory Committee discussed the concerns raised by the one objector, but ultimately adhered to its initial determination to amend the rule to adopt the majority view. No changes were made following publication.

#### Length Limits

*Rules 5, 21, 27, 28, 28.1, 32, 35, and 40, and Form 6.* The proposed amendments affect length limits set by the Appellate Rules for briefs and other documents. The Advisory Committee first addressed length limits that are expressed in page limits. The committee believed that these limits have been overtaken by technology and are vulnerable to manipulation. While considering how to convert page limits to word limits, the committee also examined the present length limit for briefs. The length limit for principal briefs was converted from 50 pages to 14,000 words in 1998. Members of the judiciary have expressed concern that briefs filed under the current limit are too long. Others have questioned whether the 14,000-word limit (which reflects a conversion ratio of 280 words per page) is an accurate translation of the traditional fifty-page limit.

The proposal amends Rules 5, 21, 27, 35, and 40 to convert the existing page limits to word limits for documents, other than briefs, that are prepared using a computer. The amendment uses a conversion ratio of 260 words per page in order to approximate traditional

volume and to avoid increasing the length of documents such as motions, petitions for rehearing, and petitions for permission to appeal. For documents prepared without a computer, the proposed amendments retain the current page limits.

The proposed amendment to Rule 32 amends the word limits for briefs to reflect the pre-1998 page limits multiplied by 260 words per page. As a result, the current 14,000-word limit for a party's principal brief would become a 13,000-word limit; the word limit for a reply brief would change from 7,000 to 6,500 words. The proposal correspondingly reduces the word limits set by Rule 28.1 for cross-appeals.

New Rule 32(f) sets out a uniform list of the items that can be excluded when computing a document's length. A new appendix collects in one chart all length limits stated in the Appellate Rules. Form 6 concerning certificates of compliance is amended to account for the proposed amendments to length limits.

Under the proposal, a court of appeals that wants to retain the existing word limits for briefs may do so by local rule or by order in a case. The local variation provision of existing Rule 32(e) is amended to highlight a court's authority to do so. Unlike the present rule, however, the proposal does not require a court of appeals that prefers the amended limits to accept longer briefs that judges believe are burdensome and unnecessary.

The Advisory Committee received a large number of public comments in response to the proposed amendments. The committee also received testimony from four appellate lawyers during a public hearing. As published, the proposal would have employed a conversion ratio of 250 words per page and reduced the limit for principal briefs to 12,500 words. In an effort to accommodate views expressed by appellate lawyers who opposed the change, while still recognizing the validity of concerns voiced by judges and others with the length of briefs under

the current rules, the Advisory Committee made changes to the amendments as published for comment. The proposal as forwarded employs a conversion ratio of 260 words per page, rather than 250 words per page as published. Accordingly, the length limit for a principal brief is set at 13,000 words, rather than 12,500. The committee note also acknowledges that in a complex case, a party may need to file a brief that exceeds the type-volume limitations specified in the rules.<sup>1</sup>

### Amicus Filings in Connection with Rehearing

*Rule 29.* Proposed new Rule 29(b) establishes default rules for the treatment of amicus filings in connection with petitions for rehearing. There is no national rule that establishes a filing deadline or a length limit for amicus briefs in connection with petitions for rehearing. Most circuits have no local rule on point. Attorneys reported confusion caused by the lack of guidance. The proposal developed by the Advisory Committee does not require acceptance of amicus briefs, but establishes guidelines for the filing of briefs when permitted. Most of the features of current Rule 29 are incorporated for the rehearing stage, including the authorization for certain governmental entities to file amicus briefs without party consent or court permission. Under the proposal, a circuit may alter the default federal rules on timing, length, and other matters by local rule or by order in a case.

Overall, commentators expressed support for amending Rule 29 to address amicus filings in connection with rehearing petitions and offered varying suggestions as to length and timing. Based on the comments, the Advisory Committee changed the length limit under Rule 29(b)

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<sup>1</sup>The proposed amendments to Rule 32, as revised for style after the public comment period, required a corresponding change to Rule 28(a)(10) to reflect the relocation of the certificate-of-compliance requirement from Rule 32(a)(7) to Rule 32(g)(1).

from 2,000 words to 2,600 words, and revised the deadline for amicus filings in support of a rehearing petition from three to seven days after the filing of the petition.

### 3-Day Rule

*Rule 26(c).* A proposed amendment to Rule 26(c) eliminates the so-called “3-day rule” in cases of electronic service. The 3-day rule adds three days to a given period if that period is measured after service and service is accomplished by certain methods. A subcommittee charged with overseeing an integrated approach to issues arising from electronic filing recommended that the “3-day rule” be amended to exclude electronic service. The proposed amendment to Appellate Rule 26(c) parallels proposed amendments to Civil Rule 6(d), Criminal Rule 45(c), and Bankruptcy Rule 9006(f) as part of a “3-day rule package.”

Under current Appellate Rule 26(c), applicability of the 3-day rule depends on whether the paper in question is delivered on the date of service stated in the proof of service; if so, then the 3-day rule is inapplicable. The proposed amendment to Rule 26(c) excludes electronic service from the 3-day rule by deeming a paper served electronically as delivered on the date of service stated in the proof of service.

The Advisory Committee voted to approve the amendment as published. But in response to concerns expressed by commentators about whether the 14 days allowed by Appellate Rule 31(a)(1) is sufficient time for the preparation of a reply brief, the Advisory Committee agreed to study whether that deadline should be adjusted.

The Department of Justice proposed adding language to the Committee Note accompanying each rule in the 3-day rule package to recognize that extensions of time may be warranted to prevent prejudice in certain circumstances. In the interest of uniformity, each

Advisory Committee approved adding such language to the published Committee Notes. The Standing Committee concurred, with a minor modification.

### Technical Amendment

*Rule 26(a)(4)(C)*. In 2013, then-existing Rule 13 governing appeals as of right from the Tax Court became Rule 13(a). A new Rule 13(b)—providing that Rule 5 governs permissive appeals from the Tax Court—was added. Rule 26(a)(4)(C)’s reference to “filing by mail under Rule 13(b)” should have been amended to refer to “filing by mail under Rule 13(a)(2).” The proposed amendment to Rule 26(a)(4)(C) updates the cross-reference. Because the proposed amendment is technical in nature, publication for public comment is not required.

The Standing Committee concurred with the Advisory Committee’s recommendation as follows:

**Recommendation:** That the Judicial Conference approve the proposed amendments to Appellate Rules 4, 5, 21, 25, 26, 27, 28, 28.1, 29, 32, 35, and 40, and Forms 1, 5, and 6, and proposed new Form 7, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

The proposed amendments to the Federal Rules of Appellate Procedure are set forth in Appendix A, with an excerpt from the Advisory Committee report.

## **FEDERAL RULES OF BANKRUPTCY PROCEDURE**

### ***Rules and Official Forms Recommended for Approval and Transmission***

The Advisory Committee on Bankruptcy Rules submitted proposed new Rule 1012, proposed amendments to Rules 1010, 1011, 2002, 3002.1, and 9006(f), and Official Forms 1, 2, 3A, 3B, 4, 5, 6Sum, 6A-J and declaration, 7, 8, 9A-I, 10, 10A, 10S-1, 10S-2, 12, 13, 14, 15, 16A, 16B, 16D, 17A-C, 18, 19, 21, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 23, 24, 27 as renumbered in the Forms Number Conversion Chart on pages 40-42 of Appendix B, and the

abrogation of Official Forms 11A and 11B, with a recommendation that they be approved and transmitted to the Judicial Conference. The proposed amendments were circulated to the bench, bar, and public for comment in August 2013 and 2014, and were offered for approval as published except as noted below.

#### Rules 1010, 1011, and 2002, and New Rule 1012

The proposed amendments to Rules 1010, 1011, and 2002, and proposed new Rule 1012 are intended to improve procedures for international bankruptcy cases. Shortly after chapter 15 (Ancillary and Other Cross-Border Cases) was added to the Bankruptcy Code in 2005, the Bankruptcy Rules were amended to insert new provisions governing cross-border cases. Among the new provisions were changes to Rules 1010 and 1011, which previously governed only involuntary bankruptcy cases, and Rule 2002, which governs notice. The proposed new rule and amendments would: (1) remove the chapter 15-related provisions from Rules 1010 and 1011; (2) create a new Rule 1012 (Responsive Pleading in Cross-Border Cases) to govern responses to a chapter 15 petition; and (3) augment Rule 2002 to clarify the procedures for giving notice in cross-border proceedings. One comment received will be treated as a suggestion for later consideration. The Advisory Committee determined to recommend approval of the amended rules as published.

#### Rule 3002.1

Rule 3002.1 applies only in chapter 13 cases and requires creditors whose claims are secured by a security interest in the debtor's principal residence to provide the debtor and the trustee notice of any changes in the periodic payment amount or the assessment of any fees or charges during the bankruptcy case. This rule intended to ensure that debtors who attempt to

maintain their home mortgage payments while they are in chapter 13 will have the information they need to do so.

The proposed amendments seek to clarify three matters on which courts have disagreed: (1) the rule applies whenever a debtor will make ongoing mortgage payments during the chapter 13 case, whether or not a prepetition default is being cured; (2) the rule applies regardless of whether it is the debtor or the trustee who is making the payments to the mortgagee; and (3) the rule generally ceases to apply when an order granting relief from the stay becomes effective with respect to the debtor's residence.

Four comments were submitted on the proposed amendments. Two of them addressed the difficulty of applying the rule to home equity lines of credit, for which changes in payment amount are frequent and often de minimis. The other comments were supportive of the amendments. The Advisory Committee determined to recommend approval of the amended rule as published.

#### Rule 9006(f)

The amendment to Rule 9006(f) would eliminate the 3-day extension to time periods when service is made electronically. The amendment was initially proposed by the CM/ECF Subcommittee and was published simultaneously with similar amendments to Civil Rule 6(d), Appellate Rule 26(c), and Criminal Rule 45(c) as part of the 3-day rule package. Five comments were submitted on the proposed bankruptcy rule amendment, including one by the Department of Justice similar to its comments on the other Advisory Committees' parallel amendments. To maintain uniformity with the Committee Notes of the other rules in the 3-day rule package, the Advisory Committee agreed to the addition of language to the Committee Note to address the

concerns raised by the Department of Justice. The Standing Committee concurred with the minor modification.

### Official Forms

The Advisory Committee's recommended Official Form revisions mark the culmination of the forms modernization project that it began in 2008. The dual purposes of the project were to make the forms easier for filers to complete and understand, and to make them more compatible with planned enhancements to the courts' case management/electronic case files system (CM/ECF).

One aspect of making the forms easier to understand was to create separate case-opening forms (bankruptcy petition and schedules) for individual debtors and non-individual debtors. This in turn led to renumbering all revised bankruptcy forms. A Forms Number Conversion Chart is included on pages 40-42 of Appendix B.<sup>2</sup>

The forms modernization project occurred in stages, with the Advisory Committee recommending changes to forms grouped as follows: (1) forms previously modernized which must now be renumbered; (2) forms published in August 2013; (3) forms published in August 2014 and additional minor revisions to forms published in August 2013; and (4) forms to be renumbered but not modernized.

*Renumbering Previously Modernized Forms.* Official Forms 3A and 3B (the bankruptcy fee forms) and 6I and 6J (the income and expense forms) were the first modernized forms approved by the Judicial Conference. They went into effect December 1, 2013. On December 1 the following year, the Judicial Conference approved the means-test forms (Official Forms 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, and 22C-2). The Advisory Committee recommended

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<sup>2</sup>Due to the large number of forms being considered for changes, they are not included in the attached copy of Appendix B, but are available on the Judicial Conference workplace in the electronic version of Appendix B.

renumbering these forms to match the numbering scheme of the rest of the modernized forms as set forth in the Forms Number Conversion Chart. In addition, the Advisory Committee recommended minor revisions to Official Forms 22A-1, 22A-2, 22B, 22C-1, and 22C-2. The Standing Committee concurred with these recommendations. The Advisory Committee also recommended additional changes to Official Form 6J that are discussed below.

*Forms Published in August 2013.* In August 2013, the Advisory Committee published case-opening forms to be used by individual debtors. Under the modernized forms numbering scheme, case-opening forms for individual debtors start at 101 and will generally track the current form numbers from which they are derived. Thus, the individual debtor petition, proposed Official Form 101, along with the associated proposed Official Forms 101A and 101B, are derived from the current bankruptcy petition, Official Form 1. Likewise, the proposed forms published as Official Forms 104, 105, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106 Summary, 106 Declaration, 107, 119, and 121 derive from current Official Forms 4, 5, 6A, 6B, and so on as set forth in the Forms Number Conversion Chart at Appendix B.

In addition to case-opening forms for individual debtors, which are numbered 1XX, the modernized numbering scheme for Official Forms has three other categories: 2XX for non-individual debtor case-opening forms, 3XX for court notices and orders, and 4XX for all other types of forms. Thus, proposed Official Forms 318, 423, and 427, published in 2013, are derived from current Official Forms 18, 23, and 27.

Twenty-five comments were submitted. The overall evaluation of the forms published in 2013 was mixed—some of the comments were positive, some were negative, and many made constructive suggestions for specific changes to particular forms. Several comments praised the proposed new forms, stating that they are more readable, easier to fill out, and easier to

understand than the current forms. Other comments were more critical, echoing comments received when the first modernized forms were published over the prior two years. Critical comments asserted that the proposed new forms would encourage pro se filings because they are easier to understand, they improperly provide legal advice, and they are too long.

There was nothing in the comments that caused the Advisory Committee to reconsider either its decision to proceed with the forms modernization project or its earlier responses to these particular criticisms. Members of the Advisory Committee believe that comprehensive instructions explaining the magnitude of what the bankruptcy filing requires and providing ample warnings about the significance of the forms and the possible consequences of inadequate filings should deter, not encourage, un-informed pro se filings. In addition, the Advisory Committee recognized that forms should be understandable to all debtors, whether or not represented, because debtors are required to sign the forms under penalty of perjury. The Advisory Committee also concluded that eliminating all instructions that provided legal statements would reduce the value of the instructions in explaining both the meaning of the forms and the information necessary to complete them.

As a result, the Advisory Committee made a number of changes suggested by the comments but concluded that the changes do not require republication. The Standing Committee agreed with the Advisory Committee's conclusion and suggested changes.

*Official Forms Published in August 2014 and Additional Revisions to Forms Published in August 2013.* In August 2014, the Advisory Committee published all but six of the Official Forms remaining to be modernized. This group of forms consisted of revised expense schedules for individual debtors, case-opening forms for non-individual debtors, court orders and notices,

chapter 11 related forms, the proof of claim and its attachment and supplements, and a form to initiate a chapter 15 bankruptcy case.

The following forms were published: (1) Proposed Official Forms 106J and 106J-2, derived from current Official Form 6J (which, as discussed above, was approved as a modernized form effective December 1, 2013); (2) non-individual case-opening forms 201, 202, 204, 205, 206 Sum, 206A/B, 206D, 206E/F, 206G, 206H, and 207, derived from Official Forms 1, 2, 4, 5, 6 Sum, 6A, 6B, 6D, 6E, 6F, 6G, 6H, and 7; (3) proposed Official Forms 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, and 309I, derived from Official Forms, 9A, 9B, 9C, 9D, 9E, 9E(Alt.), 9F, 9F(Alt.), 9G, 9H, and 9I; (4) proposed Official Forms 312, 313, 314, and 315, derived from Official Forms 12, 13, 14, and 15; (5) proposed Official Form 401, a chapter 15 petition for international debtors, derived from Official Form 1; (6) proposed Official Forms 410, 410A, 410S-1, and 410S-2, derived from Official Forms 10, 10A, 10S-1, and 10S-2; (7) proposed Official Form 424, derived from Official Form 24; and (8) the abrogation of Official Forms 11A and 11B.

A number of comments were submitted, ranging in length from one paragraph addressing a single form to 20 pages addressing multiple forms. Almost all of these comments made very specific suggestions for changes to wording, format, or substance, rather than questioning the wisdom of modernizing the forms.

Proposed Official Form 410A (derived from Official Form 10A), the Mortgage Proof of Claim Attachment, received six comments. The revised form would replace the existing version with one that requires a mortgage claimant to provide a loan payment history and other information about the mortgage claim, including calculations of the claim and the arrearage amounts. Two of the comments suggested wording changes to the form's instructions (which

are produced by the Administrative Office), and the Advisory Committee agreed with those suggestions. Another comment was considered a suggestion for an amendment to Rule 3001(c)(2)(C), rather than a comment on the proposed form, and the Advisory Committee added the suggestion to its list of matters for future consideration. A fourth comment was mistaken about the timing of the implementation of the form. Only two comments addressed the substance of the form, including a comment from the Department of Justice expressing a preference for the current version of the form, which requires an itemization of fees, expenses, and charges in accordance with a specified list.

One of the other forms listed above, proposed Official Form 401 (derived from Official Form 1), is a separate petition form for commencing a chapter 15 case. Creating this separate form allowed for the deletion of chapter 15-related information from the new voluntary petition forms used in other chapters. One comment was filed supporting the creation of the form.

The Advisory Committee recommended approval of all of the forms discussed in this section with the changes noted above and minor edits and stylistic changes to proposed Official Forms 204, 206A/B, 206D, 206E/F, 309A-I, 410, 410S1, and 410S2.

The Advisory Committee also recommended minor edits and stylistic revisions to the following forms previously published in August 2013 and approved by the Standing Committee: Proposed Official Forms 106A/B, 106D, 106E/F, 106G, 112 (to be renumbered as Official Form 108 because it replaces current Official Form 8), and the Committee Note to proposed Official Form 107. The Standing Committee agreed with the recommendations.

*Current Forms to be Renumbered or Revised but not Otherwise Modernized.* The Advisory Committee recommended that several Official Forms be renumbered without any revisions. These are Exhibit A to Official Form 1 (to be renumbered Official Form 201A), and

Official Forms 16A, 16B, and 16D (to be renumbered Official Forms 416A, 416B, and 416D, respectively). The first of these forms, Exhibit A to Official Form 1, is a form that must be completed by chapter 11 debtors required to file periodic reports with the Securities and Exchange Commission. Although the Advisory Committee is considering substantive changes to Exhibit A, that effort is not yet complete. Accordingly, the Advisory Committee recommended that the existing Exhibit A form should be renumbered as Official Form 201A with its current formatting and style and that any modernization of the form should be delayed until the Advisory Committee completes its consideration of the exhibit.

Official Forms 16A, 16B, and 16D consist of captions used in bankruptcy cases, contested matters, and adversary proceedings. In August 2014, modernized versions of the captions were published for public comment as Official Forms 416A, 416B, and 416D. Comments were filed in opposition to the adoption of the new caption forms based on stylistic concerns. In response to the comments, the Advisory Committee withdrew the proposed new caption forms and recommended retaining the current caption forms, renumbered as Official Forms 416A, 416B, and 416D, without any additional modernizing of these forms.

*Effective Date.* The Advisory Committee recommended that all of the above forms go into effect December 1, 2015, and that they govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending, with the limited exceptions in the three courts discussed below. The Advisory Committee also recommended that it be allowed to make minor, non-substantive revisions to the official forms pending submission to the Judicial Conference. The Standing Committee accepted these recommendations.

*Continued Use of Existing Official Forms 1, 6Sum, 6A-J and declaration, 7, 8, 22A-1, 22A-1Supp, and 22A-2 in Three Districts.* The Advisory Committee recommended continued use of several current official forms in cases initiated through the Electronic Self-representation (eSR) program. The eSR program operates in three bankruptcy courts, the United States Bankruptcy Court for the District of New Jersey, the United States Bankruptcy Court for the Central District of California, and the United States Bankruptcy Court for the District of New Mexico. The eSR program architecture links to the current chapter 7 forms, rather than the modernized forms scheduled to become effective in December 2015. Continued operation of the eSR program as the transition to the modernized forms is accomplished by the three eSR courts would require use of the current case-opening forms.

The Advisory Committee determined that the continued use of existing forms for eSR filings should not cause undue confusion in the three bankruptcy courts after the modernized forms go into effect generally. Non-eSR chapter 7 debtors, whether represented or pro se, will have access only to the modernized forms. Because the Advisory Committee did not want to disrupt the already established eSR pilot projects, it recommended permitting until December 1, 2017, the use of current Official Forms 1, 6Sum, 6A-J and declaration, 7, 8, 22A-1, 22A-1Supp, and 22A-2 in the three courts listed above for use by pro se debtors who initiate a chapter 7 bankruptcy case by using the eSR system.

The Standing Committee concurred with the Advisory Committee's recommendations above.

**Recommendation:** That the Judicial Conference:

- a. Approve the proposed amendments to Bankruptcy Rules 1010, 1011, 2002, 3002.1, 9006(f), and new Rule 1012, and transmit them to the Supreme Court for consideration with a recommendation that they be

adopted by the Court and transmitted to Congress in accordance with the law;

- b. Approve the proposed revisions to Official Forms 1, 2, 3A, 3B, 4, 5, 6Sum, 6A-J and declaration, 7, 8, 9A-I, 10, 10A, 10S-1, 10S-2, 12, 13, 14, 15, 16A, 16B, 16D, 17A-C, 18, 19, 21, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 23, 24, 27 as renumbered in the Forms Number Conversion Chart on pages 40-42 of Appendix B, and the abrogation of Official Forms 11A and 11B, to take effect on December 1, 2015, and that they govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending, except to the limited extent described below; and
- c. Allow that the following forms in effect on November 30, 2015, remain Official Forms until December 1, 2017, in the United States Bankruptcy Courts for the Central District of California, the District of New Jersey, and the District of New Mexico, only for use by pro se debtors who initiate a chapter 7 case by using the court's Electronic Self-Representation system: Official Form 1, Official Forms 6Sum, 6A-J and declaration, Official Form 7; Official Form 8; and Official Forms 22A-1, 22A-1Supp, and 22A-2.

The proposed new and amended Federal Rules of Bankruptcy Procedure and revisions to the Official Bankruptcy Forms are set forth in Appendix B, with excerpts from supporting Advisory Committee reports.

#### ***Rules and Forms Approved for Publication and Comment***

The Advisory Committee submitted a proposed amendment to Rule 1006(b)(1) with a request that it be published for comment. The Standing Committee approved the Advisory Committee's recommendation.

Rule 1006(b)(1) governs the payment of the bankruptcy filing fee in installments, as authorized for individual debtors by 28 U.S.C. § 1930(a). The Advisory Committee received a suggestion to amend the rule to clarify that courts may require a debtor who applies to pay the filing fee in installments to make an initial installment payment with the petition and the application.

In the course of considering the suggestion over the past several years, some Advisory Committee members became concerned that requiring an upfront installment along with the installment application at the time of filing might cause an increase in chapter 7 filings because fee waivers are available in chapter 7. The Advisory Committee therefore asked the Federal Judicial Center to study current court practices regarding initial installment payments at the time of filing. The FJC study revealed that over one-third of bankruptcy courts already require an installment payment at the time of filing. The FJC study did not, however, find a statistically significant relationship between the initial payment requirement and the rate of chapter 7 fee waiver applications when comparing districts that have such a requirement and those that do not.

The FJC study also noted that many of the courts requiring initial installment payments do not specify the consequences of failing to make the required payment. Of those courts that specify consequences, a few state that the application to pay in installments may or will be denied absent payment of the initial installment at filing. A greater number of courts provide for the possible dismissal of the case or rejection of the petition.

The Advisory Committee concluded no need exists to clarify that courts may require an initial installment payment with the petition and application. Rule 1006(b)(1) requires a petition to be “accepted for filing if accompanied by the debtor’s signed application” stating the debtor is unable to pay the filing fee except in installments. Although the rule requires a court to accept a petition regardless of whether the debtor makes an initial installment payment, the rule does not prohibit requiring such a payment.

Nevertheless, the FJC study highlighted a related issue. Because Rule 1006(b)(1) requires the bankruptcy clerk to accept the petition, resulting in the commencement of a bankruptcy case, the practice of some courts of refusing to accept a petition or summarily

dismissing a case because of the failure to make an installment payment at the time of filing is inconsistent with Rules 1006(b)(1) and 1017(b)(1). The latter provision allows the court to dismiss a case for the failure to pay any installment of the filing fee only “after a hearing on notice to the debtor and the trustee.”

To clarify that courts may not refuse to accept petitions or summarily dismiss cases for failure to make initial installment payments at the time of filing, the Advisory Committee proposed an amendment to Rule 1006(b)(1) to emphasize that an individual debtor’s petition must be accepted for filing so long as the debtor submits a signed application to pay the filing fee in installments, even absent an initial installment payment made at the same time. The Committee Note explains that dismissal of the case for failure to pay any installment must proceed according to Rule 1017(b)(1).

## **FEDERAL RULES OF CIVIL PROCEDURE**

### ***Rules Recommended for Approval and Transmission***

The Advisory Committee on Civil Rules submitted proposed amendments to Rules 4, 6, and 82, with a recommendation that they be approved and transmitted to the Judicial Conference. The proposed amendments were circulated to the bench, bar, and public for comment in August 2014, and are proposed for approval as published with the minor exceptions noted below.

#### **Rule 4(m)**

The proposed amendment to Rule 4(m), the rule addressing time limits for service, corrects an ambiguity regarding service abroad on a corporation. Comments received on the amendment to Rule 4(m) that was published in 2013 as part of the Duke Conference Package<sup>3</sup>

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<sup>3</sup>That amendment, which was approved by the Supreme Court and transmitted to Congress on April 29, 2015, shortens the time for service from 120 days to 90 days.

revealed that many practitioners believe the time for service set forth in Rule 4(m) applies to foreign corporations. This ambiguity arises because two exceptions for service on an individual in a foreign country under Rule 4(f) and for service on a foreign state under Rule 4(j)(1) are clearly referenced, while no such explicit reference is made to service on a corporation. Rule 4(h)(2) provides for service on a corporation at a place not within any judicial district of the United States in a “manner prescribed by Rule 4(f).” It is not clear whether this is service “under” Rule 4(f). The proposed amendment makes clear that the time limit set forth in Rule 4(m) does not include service under Rule 4(h)(2). Four comments were submitted, all of which supported the proposed amendment.

### 3-Day Rule

*Rule 6(d)*. The proposed amendment to Rule 6(d) parallels the proposed amendments to Appellate Rule 26(c), Bankruptcy Rule 9006(f), and Criminal Rule 45(c), which are part of the 3-day rule package discussed *supra*. The proposed amendment eliminates the three additional days to respond when service is effected by electronic means, and adds parenthetical descriptions of the modes of service that continue to allow the three additional days.

Some commentators expressed concern that the time periods in the Civil Rules are too short and, therefore, any provision that provides some relief should be retained. The Advisory Committee carefully considered this concern as well as others, but approved the text of the rule as published. The Advisory Committee approved adding language to the Committee Note as a result of the concerns expressed by the Department of Justice (*see supra*, pp. 7-8); the Standing Committee concurred with minor modifications.

Another proposed amendment to Rule 6(d) is to substitute “after being served” for “after service.” The purpose of the amendment is to correct a potential ambiguity that was created

when the “after service” language was included in the rule when it was amended in 2005.

“[A]fter service” could be read to refer not only to a party that has been served but also to a party that has made service. The purpose of the proposed amendment is to dispel any misreading. The proposed amendment was published in August 2013, and approved by the Committee in May 2014. It was held in abeyance for one year in order for it to be submitted to the Judicial Conference simultaneously with the proposed amendment to the 3-day rule.

## Rule 82

Civil Rule 82 addresses venue for admiralty and maritime claims. The proposed amendment to Rule 82 arises from legislation that added a new § 1390 to the venue statutes in Title 28 and repealed former § 1392 (local actions). The proposed amendment deletes the reference to § 1391 and to repealed § 1392 and adds a reference to new § 1390 in order to carry forward the purpose of integrating Rule 9(h)<sup>4</sup> with the venue statutes through Rule 82.

The Standing Committee concurred with the Advisory Committee’s recommendations above.

**Recommendation:** That the Judicial Conference approve the proposed amendments to Civil Rules 4, 6, and 82, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

The proposed amendments to the Federal Rules of Civil Procedure are set forth in Appendix C, with an excerpt from the Advisory Committee report.

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<sup>4</sup>Rule 82 invokes Rule 9(h) to ensure that the Civil Rules do not seem to modify the venue rules for admiralty or maritime actions. Rule 9(h) provides that an action cognizable only in the admiralty or maritime jurisdiction is an admiralty or maritime claim for purposes of Rule 82. It further provides that if a claim for relief is within the admiralty or maritime jurisdiction but also is within the court’s subject-matter jurisdiction on some other ground, the pleading may designate the claim as an admiralty or maritime claim.

## **FEDERAL RULES OF CRIMINAL PROCEDURE**

### ***Rules Recommended for Approval and Transmission***

The Advisory Committee on Criminal Rules submitted proposed amendments to Rules 4, 41, and 45, with a recommendation that they be approved and transmitted to the Judicial Conference. The proposed amendments were circulated to the bench, bar, and published for public comment in August 2014, and are recommended for approval as published, with the revisions noted below.

#### Rule 4

The proposed amendment to Rule 4 addresses service of summons on organizational defendants that have no agent or principal place of business within the United States. The current rule provides for service of an arrest warrant or summons within a judicial district of the United States. The Department of Justice advised that current Rule 4 poses an obstacle to the prosecution of foreign corporations that have committed offenses punishable in the United States. Often, such corporations cannot be served because they have no last known address or principal place of business in the United States. Given the increasing number of criminal prosecutions involving foreign entities, the Advisory Committee agreed that the Criminal Rules should provide a mechanism for foreign service on an organization.

The proposed amendment makes several changes to Rule 4. First, it fills a gap in the current rule (without expanding judicial authority) by specifying that the court may take any action authorized by law if an organizational defendant fails to appear in response to a summons. Second, the amendment changes the mailing requirement for service of a summons on an organization within the United States by eliminating the requirement of a separate mailing to an organizational defendant when delivery has been made to an officer or to a managing or general

agent, but requires mailing when delivery has been made to an agent authorized by statute, if the statute itself requires mailing to the organization. Third, the amendment authorizes service on an organizational defendant outside of the United States by prescribing a non-exclusive list of methods for service, including service in a manner authorized by the applicable foreign jurisdiction's law, stipulated by the parties, undertaken by foreign authority in response to a letter rogatory or similar request, or pursuant to an international agreement. In addition to these specifically enumerated means of service, the proposal contains an open-ended provision that allows service "by any other means that gives notice." This provision provides flexibility for cases in which the Department of Justice concludes that service cannot be made (or made without undue difficulty) by the other means enumerated in the rule.

The Advisory Committee considered at length whether to require prior judicial approval before service of a criminal summons could be made in a foreign country by other unspecified means. The Advisory Committee concluded that the Criminal Rules should not adopt such a requirement. In its view, requiring prior judicial approval might raise difficult questions regarding the appropriate institutional roles of the courts and the executive branch, as well as unripe questions of international law.

Six comments were received and one witness testified about the proposed amendment at a public hearing in Washington, D.C. In addition, the Department of Justice provided written responses to the issues raised by the comments. The commentators generally agreed the proposal: addresses a gap in the current rules that poses an obstacle to the prosecution of foreign corporations that have committed crimes in the United States; provides methods of service that are reasonably calculated to provide notice and comply with applicable laws; and gives courts appropriate discretion to fashion remedies. The Advisory Committee carefully considered the

comments and suggested revisions received, and unanimously approved the proposed amendment as published.

#### Rule 41

The proposed amendment to Rule 41 addresses venue for obtaining warrants for certain remote electronic searches. At present, the rule generally limits searches to locations within a district, with a few specified exceptions. The proposal to amend Rule 41 is narrowly tailored to address two increasingly common situations in which the existing territorial or venue requirements may hamper the investigation of serious federal crimes: (1) where the warrant sufficiently describes the computer to be searched but the district within which that computer is located is unknown, and (2) where the investigation requires law enforcement to coordinate searches of numerous computers in numerous districts.

The proposal would address this issue by amending Rule 41(b) to include two additional exceptions to the list of out-of-district searches permitted under that subsection.<sup>5</sup> Language in a new subsection 41(b)(6) would authorize a court to issue a warrant to use remote access to search electronic storage media and seize electronically stored information inside or outside of the district: (1) when a suspect has used technology to conceal the location of the media to be searched; or (2) in an investigation into a violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(a)(5), when the media to be searched include damaged computers located in five or more districts. The proposal also amends Rule 41(f)(1)(C) to specify the process for providing notice of a remote access search.

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<sup>5</sup>At present, Rule 41(b) authorizes search warrants for property located outside the judge's district in only four situations: (1) for property in the district that might be removed before execution of the warrant; (2) for tracking devices installed in the district, which may be monitored outside the district; (3) for investigations of domestic or international terrorism; and (4) for property located in a U.S. territory or a U.S. diplomatic or consular mission.

As expected, the proposed amendment generated significant response; the Advisory Committee received 44 written comments, and 8 witnesses testified at a public hearing in Washington, D.C. In addition, the Department of Justice submitted written responses to the issues raised by the comments and testimony. Many commentators raised concerns regarding the substantive limits on government searches, which are not affected by the proposal. In fact, much of the opposition reflected a misunderstanding of the scope of the proposal. The proposal addresses venue; it does not itself create authority for electronic searches or alter applicable constitutional requirements.

The Advisory Committee approved revisions to the published proposal aimed at clarifying the procedural nature of the proposed amendment. It changed the published caption from “Authority to Issue a Warrant” to “Venue for a Warrant Application” and revised the Committee Note to state that the constitutional requirements for the issuance of a warrant are not altered by the amendment. The Advisory Committee also approved revisions to the notice provision and accompanying Committee Note that directly respond to points raised by commentators.

### 3-Day Rule

*Rule 45(c)*. The proposed amendment to Rule 45(c) parallels the proposed amendments to Appellate Rule 26(c), Bankruptcy Rule 9006(f), and Civil Rule 6(d). It eliminates the 3-day extension of time periods when service is effected electronically.

As discussed *supra*, pp. 7-8, the Department of Justice expressed concerns about potential hardship from elimination of electronic service from the 3-day rule. The Advisory Committee on Criminal Rules was sympathetic to these concerns, recognizing that the three additional days are particularly important for criminal practitioners who often must speak directly with their clients

and, therefore, frequently need additional time. The Advisory Committee approved the addition of language to the published Committee Note to address the concerns raised by the Department of Justice; the Standing Committee concurred with minor modifications.

**Recommendation:** That the Judicial Conference approve the proposed amendments to Criminal Rules 4, 41, and 45, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

The proposed amendments to the Federal Rules of Criminal Procedure are set forth in Appendix D, with an excerpt from the Advisory Committee report.

## **FEDERAL RULES OF EVIDENCE**

### ***Rules Approved for Publication and Comment***

The Advisory Committee on the Evidence Rules submitted to the Standing Committee a proposed amendment to Rule 902, and a proposal to abrogate Rule 803(16), with a request that the proposals be published for comment. The Standing Committee approved the Advisory Committee's request.

#### Rule 803(16)

Rule 803(16) provides a hearsay exception for "ancient documents"; that is, if a document is more than 20 years old and appears authentic, it is admissible for the truth of its contents. The Advisory Committee has determined that the exception is flawed because it assumes that just because the document itself is authentic, all of the statements in the document are reliable enough to be admissible despite the fact they are hearsay. Up until now, the exception has been used infrequently; however, because electronically stored information can be

retained for more than 20 years, a strong likelihood exists that the ancient documents exception will be used much more frequently going forward.

The Advisory Committee has unanimously determined that abrogation is preferable to “tinkering” with the exception. In support of that determination, the Advisory Committee drew the following conclusions: (1) the exception, which is based on necessity (lack of other proof), is unnecessary because a reliable ancient document can be admitted under other hearsay exceptions; (2) the exception can be especially problematic in criminal cases where statutes of limitations are not applicable, such as cases involving sexual abuse and conspiracy; (3) electronically stored information will be stockpiled and subject to essentially automatic admissibility under the existing exception; and (4) notwithstanding its applicability to so-called “ancient” documents, the exception is not a venerated exception under the common law, but quite recent in origin.

#### Rule 902

The Advisory Committee approved a proposal to amend Rule 902, the rule on self-authentication, to add two new subdivisions that would allow certain electronic evidence to be authenticated by a certification of a qualified person (in lieu of that person’s testimony at trial). New Rule 902(13) would allow self-authentication of machine-generated information (such as a web page) upon a submission of a certificate prepared by a qualified person. New Rule 902(14) would provide a similar certification procedure for a copy of data taken from an electronic device, media, or file that would be authenticated by a digital process for identification.

A certification under the proposed new subdivisions to Rule 902 can establish only that the proffered item has satisfied the admissibility requirements for authenticity. The opponent

remains free to object to admissibility on other grounds. For example, assume that a plaintiff in a defamation case offers what purports to be a printout of a webpage on which a defamatory statement was made. Plaintiff offers a certification in which a qualified person describes the process by which the webpage was retrieved. Even if that certification sufficiently establishes that the webpage is authentic, defendant remains free to object that the statement on the webpage was not placed there by defendant. Similarly, a certification authenticating a computer output, such as a spreadsheet, does not preclude an objection that the information produced is unreliable—the authentication establishes only that the output came from the computer.

The proposed new subdivisions are analogous to Rule 902(11), which permits a foundation witness to establish the authenticity and admissibility of business records by way of certification. The goal is to make authentication easier for certain kinds of electronic evidence that, under current law, would likely be authenticated under Rule 901 but only after calling a witness to testify to authenticity. The Advisory Committee unanimously agreed that it would be useful to promote rules that would make the process of proving authenticity for electronic evidence simpler, cheaper, and more efficient.

## OTHER MATTERS

The Committee submitted its views on drafts of the *Strategic Plan for the Federal Judiciary* to the Ad Hoc Strategic Planning Group and has no further input at this time.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jeffrey S. Sutton". The signature is written in a cursive style with a large initial "J".

Jeffrey S. Sutton, Chair

Dean C. Colson  
Brent E. Dickson  
Roy T. Englert, Jr.  
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Larry D. Thompson  
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Sally Yates  
Jack Zouhary

Appendix A – Proposed Amendments to the Federal Rules of Appellate Procedure  
Appendix B – Proposed Amendments to the Federal Rules of Bankruptcy Procedure  
Appendix C – Proposed Amendments to the Federal Rules of Civil Procedure  
Appendix D – Proposed Amendments to the Federal Rules of Criminal Procedure

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
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CIVIL RULES

REENA RAGGI  
CRIMINAL RULES

WILLIAM K. SESSIONS III  
EVIDENCE RULES

MEMORANDUM

**DATE:** May 4, 2015

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

**FROM:** Judge Steven M. Colloton, Chair  
Advisory Committee on Appellate Rules

**RE:** Report of Advisory Committee on Appellate Rules

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**I. Introduction**

The Advisory Committee on Appellate Rules met on April 23 and 24 in Philadelphia, Pennsylvania. The Committee gave final approval to six sets of proposed amendments, relating to (1) the inmate-filing provisions under Rules 4(c) and 25(a); (2) tolling motions under Rule 4(a)(4); (3) length limits for appellate filings; (4) amicus briefs in connection with rehearing; (5) Rule 26(c)'s "three-day rule"; and (6) a technical amendment to Rule 26(a)(4)(C). The Committee discussed a number of other items and added one issue to its study agenda.

Part II of this report discusses the proposals for which the Committee seeks final approval.

\* \* \* \* \*

**II. Action Items—for Final Approval**

The Committee seeks final approval of six sets of proposed amendments.

**A. Inmate filings: Rules 4(c)(1) and 25(a)(2)(C), Forms 1 and 5, and new Form 7**

Under the Federal Rules of Appellate Procedure, documents are timely filed if they are received by the court on or before the due date. Rules 4(c)(1) and 25(a)(2)(C) offer an alternative way for inmates to establish timely filing of documents. If the requirements of the relevant rule are met, then the filing date is deemed to be the date the inmate deposited the document in the institution's mail system rather than the date the court received the document. *See generally Houston v. Lack*, 487 U.S. 266 (1988).

The Committee has studied the workings of the inmate-filing rules since 2007, in light of concerns expressed about conflicts in the case law, unintended consequences of the current language, and ambiguity in the current text. Must an inmate prepay postage to benefit from the rule? There are decisions saying that an inmate need not prepay postage if he uses a prison's system designed for legal mail, but must prepay postage if he does not use that system. Must an inmate file a declaration or notarized statement averring the date of filing to benefit from the rule? One court held, over a dissent from denial of rehearing en banc, that a document is untimely if there is no declaration or notarized statement, even when other evidence such as a postmark shows that the document was timely deposited in the prison mail system. When must an inmate submit a declaration designed to demonstrate timeliness? One circuit has published inconsistent decisions, holding in one case that the declaration must accompany the notice and in another that the declaration may be filed at a later date.

The Committee seeks final approval of proposed amendments that are designed to clarify and improve the inmate-filing rules. The amendments to Rules 4(c)(1) and 25(a)(2)(C) would make clear that prepayment of postage is required for an inmate to benefit from the inmate-filing provisions. The amendments clarify that a document is timely filed if it is accompanied by evidence—a declaration, notarized statement, or other evidence such as postmark and date stamp—showing that the document was deposited on or before the due date and that postage was prepaid. New Form 7 is a suggested form of declaration that would satisfy the Rule. Forms 1 and 5 (which are suggested forms of notices of appeal) are revised to include a reference alerting inmate filers to the existence of Form 7. The amendments also clarify that if sufficient evidence does not accompany the initial filing, then the court of appeals has discretion to permit the later filing of a declaration or notarized statement to establish timely deposit.

**1. Text of proposed amendments and Committee Note**

The Committee recommends final approval of the proposed amendments to Rules 4(c)(1) and 25(a)(2)(C) and Forms 1 and 5, and proposed new Form 7, as revised after publication and set out in the enclosure to this report.

## 2. Changes made after publication and comment

After publication, the Committee decided to abandon its proposal to delete the legal-mail-system requirement from Rules 4(c)(1) and 25(c)(2)(C). The Committee also made several improvements to the Forms.

Rules 4(c)(1) and 25(a)(2)(C), as published, would have deleted the requirement that an inmate use a system designed for legal mail (if one is available) in order to receive the benefit of the inmate-filing rules. The Committee proposed deleting that requirement because it perceived no purpose for it. The Committee had learned from the Deputy General Counsel of the U.S. Bureau of Prisons that the distinction between legal and non-legal mail systems, in BOP facilities, had more to do with privacy concerns than other reasons. And an inquiry to the Chief Deputy Clerk of the U.S. Supreme Court had likewise disclosed no reason to retain the legal-mail-system requirement.

Commentators were divided on the question of the legal-mail-system requirement. One commentator specifically expressed support for the published amendments' deletion of the requirement. Another commentator, however, pointed out that correctional institutions in the State of Florida log the date of deposit of inmates' legal mail but do not log the date of deposit of inmates' non-legal mail, and argued that the legal-mail-system requirement provided the State with an important way to provide evidence of the date of inmates' legal mail. The Committee's Reporter, with the assistance of the Director and Chief Counsel of the National Association of Attorneys General Center for Supreme Court Advocacy, investigated whether correctional institutions in jurisdictions other than Florida make a similar distinction (date-logging legal but not non-legal mail). The responses—from 21 states and the District of Columbia—disclosed that an appreciable number of the states do make such a distinction.<sup>1</sup> Further inquiry also determined that the federal Bureau of Prisons date-stamps legal mail, but does not log non-legal mail.

This new information, in the view of the Committee, provides reason to retain the legal-mail-system requirement. Requiring an inmate to use a legal mail system where available continues to serve a useful purpose by ensuring that mail is logged or date-stamped and avoiding unnecessary litigation over the timing of deposits. Accordingly, the Committee decided to restore that requirement to proposed Rules 4(c)(1) and 25(a)(2)(C). The Committee also revised proposed new Form 7, and the proposed amendments to Forms 1 and 5, to make all three forms more user-friendly and to make the new form more accurate. In particular, the Committee revised Form 7 to use the present tense (“Today ... I am depositing”) rather than the past tense (“I

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<sup>1</sup> Four states—Colorado, North Carolina, Tennessee, and Washington State—have systems that (like Florida's) log the date of legal mail but not non-legal mail. Two additional states—Alaska and Delaware—have such systems in at least some of their facilities. And though Pennsylvania does not currently date-log any outgoing mail, the Deputy Chief Counsel for Litigation at the Pennsylvania Department of Corrections reports that Pennsylvania is considering date-logging outgoing legal mail in order to provide evidence of the date of filing.

deposited ...”), to reflect that the inmate will fill out the declaration before depositing both the declaration and the underlying filing in the institution’s mail system.

The Committee decided not to implement other proposed changes to the amendments. The Committee did not adopt a suggestion that the Rules should *authorize* the later filing of the declaration (as opposed to giving the court the discretion to permit its later filing). Members considered it important to encourage the inmate to provide the declaration contemporaneously, while recollections are fresh. The Committee gave careful consideration to style comments advocating deletion of the Rules’ reference to a court’s ability to “exercise[] its discretion to permit the later filing” of the declaration (the style suggestion was to say simply “permit[]”). But Committee members were swayed by substantive concerns about the desire to ensure that inmates understand that later filing will not necessarily be permitted. The Committee also did not adopt suggestions that the Rules should authorize courts to excuse an inmate’s failure to prepay postage, as courts already have adequate authority to act if an institution refuses to provide postage when it is constitutionally required. The Committee considered whether to delete the Rules’ reference to a notarized statement (as an alternative to a declaration), and decided to retain that reference because notaries are available in a number of correctional institutions, and similar language appears in the inmate-filing provisions in the Supreme Court Rules and the rules for habeas and Section 2255 proceedings. There was no opposition to the notarized statement option during the comment period.

#### **B. Tolling motions: Rule 4(a)(4)**

The proposed amendment to Appellate Rule 4(a)(4) addresses a circuit split concerning whether a motion filed outside a non-extendable deadline under Civil Rules 50, 52, or 59 counts as “timely” under Rule 4(a)(4) if a court has mistakenly ordered an “extension” of the deadline for filing the motion.

Caselaw in the wake of *Bowles v. Russell*, 551 U.S. 205 (2007), holds that statutory appeal deadlines are jurisdictional but that nonstatutory appeal deadlines are nonjurisdictional claim-processing rules. The statutory appeal deadline for civil appeals is set by 28 U.S.C. § 2107. The statute does not mention so-called “tolling motions” filed in the district court that have the effect of extending the appeal deadline, but “§ 2107 was enacted against a doctrinal backdrop in which the role of tolling motions had long been clear.” 16A Wright et al., *Federal Practice & Procedure* § 3950.4. At the time of enactment, “caselaw stated that certain postjudgment motions tolled the time for taking a civil appeal.” *Id.* Commentators have presumed, therefore, that Congress incorporated the preexisting caselaw into § 2107, and that appeals filed within a recognized tolling period may be considered timely consistent with *Bowles*.

The federal rule on tolling motions, Appellate Rule 4(a)(4), provides that “[i]f a party timely files in the district court” certain post-judgment motions, “the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion.” A number of circuits have ruled that the Civil Rules’ deadlines for post-judgment motions are

nonjurisdictional claim-processing rules. On this view, where a district court mistakenly “extends” the time for making such a motion, and no party objects to that extension, the district court has authority to decide the motion on its merits. But does the motion count as a “timely” one that, under Rule 4(a)(4), tolls the time to appeal? The Third, Seventh, Ninth, and Eleventh Circuits have issued post-*Bowles* rulings stating that such a motion does not toll the appeal time. *E.g.*, *Blue v. Int’l Bhd. of Elec. Workers Local Union 159*, 676 F.3d 579, 582-84 (7th Cir. 2012); *Lizardo v. United States*, 619 F.3d 273, 278-80 (3d Cir. 2010). Pre-*Bowles* caselaw from the Second Circuit accords with this position. The Sixth Circuit, however, has held to the contrary. *Nat’l Ecological Found. v. Alexander*, 496 F.3d 466, 476 (6th Cir. 2007).

The Committee feels it is important to clarify the meaning of “timely” in Rule 4(a)(4), because the conflict in authority arises from arguable ambiguity in the current Rule, and timely filing of a notice of appeal is a jurisdictional requirement. The proposed amendment would adopt the majority view—i.e., that postjudgment motions made outside the deadlines set by the Civil Rules are not “timely” under Rule 4(a)(4). Such an amendment would work the least change in current law. And, as the court noted in *Blue*, 676 F.3d at 583, the majority approach tracks the spirit of the Court’s decision in *Bowles*, which held that the Court has “no authority to create equitable exceptions to jurisdictional requirements.” 551 U.S. at 214.

### **1. Text of proposed amendment and Committee Note**

The Committee recommends final approval of the proposed amendment to Rule 4(a)(4) as set out in the enclosure to this report.

### **2. Changes made after publication and comment**

No changes were made after publication and comment.

All but one of the commentators who addressed this proposal voiced support for it. The sole opponent argued that both the current Rule and the proposed amended Rule set a trap for unwary litigants. That commentator also argued that it is incongruous that a district court has power to rule on the merits of an untimely postjudgment motion if the opposing party fails to object to the untimeliness but that same motion lacks tolling effect under Rule 4(a)(4).

The commentator’s objections tracked concerns that had already been discussed by the Committee in its prior deliberations. After noting the comment, the Committee adhered to its substantive judgment that the Rule should be amended to adopt the majority view. Committee members discussed whether the amendment, as published, could be revised to make its meaning clearer. Specifically, the Committee discussed the possibility of adding rule text specifying that a motion made outside the time permitted by the relevant Civil Rule “is not rendered timely by, for instance: (i) a court order setting a due date that is later than allowed by the Federal Rules of Civil Procedure; (ii) another party’s consent or failure to object; or (iii) the court’s disposition of the motion.” Committee members, however, expressed concern that this addition would distend an already long and complex Rule and that a list of this nature could be read to exclude other

possible scenarios. Committee members observed, moreover, that these examples are stated in the Committee Note, so lawyers and litigants should have adequate notice to avoid a “trap.”

**C. Length limits: Rules 5, 21, 27, 28.1, 32, 35, and 40, and Form 6**

The proposed amendments to Rules 5, 21, 27, 28.1, 32, 35, and 40, and Form 6—approved unanimously by the Advisory Committee after post-publication changes—would affect length limits set by the Appellate Rules for briefs and other documents. The proposal would amend Rules 5, 21, 27, 35, and 40 to convert the existing page limits to word limits for documents prepared using a computer. For documents prepared without the aid of a computer, the proposed amendments would retain the page limits currently set out in those rules. The proposed amendments employ a conversion ratio of 260 words per page for Rules 5, 21, 27, 35, and 40.

The amendments would also reduce Rule 32’s word limits for briefs so as to reflect the pre-1998 page limits multiplied by 260 words per page. The 14,000-word limit for a party’s principal brief would become a 13,000-word limit; the limit for a reply brief would change from 7,000 to 6,500 words. The proposals correspondingly reduce the word limits set by Rule 28.1 for cross-appeals. New Rule 32(f) sets out a uniform list of the items that can be excluded when computing a document’s length. A new appendix collects in one chart all the length limits stated in the Appellate Rules.

Any court of appeals that wishes to retain the existing limits, including 14,000 words for a principal brief, may do so under the proposed amendments. The local variation provision of existing Rule 32(e) would be amended to highlight a court’s ability (by order or local rule) to set length limits that exceed those in the Appellate Rules.

\* \* \*

The genesis of this project was the suggestion that length limits set in terms of pages have been overtaken by advances in technology, and that use of page limits rather than word limits invites gamesmanship by attorneys. As noted, the proposal would amend Rules 5, 21, 27, 35, and 40 to address that concern.

Drafting those amendments required the Committee to select a conversion ratio from pages to words. The 1998 amendments transmuted the prior 50-page limit for briefs into a 14,000-word limit—that is, the 1998 amendments used a conversion ratio of 280 words per page. In formulating the published proposal, the Committee relied upon two studies indicating that a traditional 50-page brief filed in the courts of appeals under the pre-1998 rules contained fewer than 280 words per page. A study in 1993 by the D.C. Circuit Advisory Committee recommended a conversion ratio of 250 words per page; based on this study, the D.C. Circuit applied a length limit of 12,500 words for principal briefs from 1993 to 1998. A 2013 study by the Committee’s clerk representative found an average of 259 words per page (or 12,950 per fifty pages) in 210 randomly-selected appellate briefs filed by counsel in the Eighth Circuit from 1995

through 1998. The 1998 Advisory Committee Note to Rule 32 did not explain the reason for the selection of the 280 words per page conversion ratio, and the published proposal said that the basis for the estimate was unknown.

As published for comment, the proposed amendments employed a conversion ratio of 250 words per page for Rules 5, 21, 27, 35, and 40. The published proposal also reduced Rule 32's word limits for briefs so as to reflect the pre-1998 page limits multiplied by 250 words per page—that is, 12,500 words for a principal brief. The proposals correspondingly reduced the word limits set by Rule 28.1 for cross-appeals. The published proposed amendments were subject to the local variation provision of Rule 32(e), which permits a court to increase the length limit by order or local rule.

During consideration of the proposed shift to type-volume limits, the Committee also observed that the rules do not provide a uniform list of the items that can be excluded when computing a document's length. The published proposals would add a new Rule 32(f) setting forth such a list.

### **1. Text of proposed amendment and Committee Note**

The Committee recommends final approval of the proposed amendments to Rules 5, 21, 27, 28.1, 32, 35, and 40, and Form 6, as revised after publication and set out in the enclosure to this report.

### **2. Changes made after publication and comment**

The Committee received a large number of public comments on these proposed amendments. The Committee also received testimony from four appellate lawyers at a public hearing.

For documents other than briefs, a number of commentators voiced support for converting page limits to word limits. Two professional associations expressed support for the proposed amendments to Rules 5, 21, 27, 35, and 40 as published, but several commentators disagreed with the choice of word limits in some or all of those rules. Several of those commentators argued that the page-to-word conversion ratio should be 280 words per page or more, rather than the 250 words per page employed in formulating the published proposals. Commentators advocating a conversion ratio greater than 250 words per page noted that the issues addressed by these documents can be complex and important.

The Committee was not convinced to use a conversion ratio of 280 words per page. The principal basis for that ratio is the 1998 conversion of the limit for principal briefs from 50 pages to 14,000 words. The Committee was advised during the comment period that the 1998 conversion ratio was based on a word count in commercially printed briefs filed at the Supreme Court of the United States. The Committee was not persuaded that it should use the number of

words in a commercially printed Supreme Court brief as the measure of equivalence for motions, petitions for rehearing, and other documents filed in the courts of appeals.

Other data informed the Committee's deliberations. Before publication, the Committee received the studies described above, which showed average length of 251 and 259 words per page, respectively, in appellate briefs filed before the conversion from page limits to word counts in 1998. One commentator submitted anecdotal reports that briefs filed under the current Appellate Rules (with 14-point font) average 240 words per page. The clerk's representative sampled twenty-eight rehearing petitions filed in late 2014 in the Eighth Circuit and found that selected pages in those filings averaged 255 words per page, with most pages containing between 245 and 260 words. In sum, the available data suggest that a conversion ratio of 280 words per page would not accurately reflect the number of words that naturally fit on a page. The Committee ultimately determined to employ a conversion ratio of 260 words per page.

On the length of briefs, many appellate lawyers opposed a reduction in the length limit, arguing principally that some complex appeals require 14,000 words. On the other hand, judges of two courts of appeals formally favored the proposal. Judges submitted public comments stating that unnecessarily long briefs interfere with the efficient and expeditious administration of justice. Appellate judges on the Committee shared those concerns and reported informal input from judicial colleagues who expressed similar views. In considering the suggestion of commentators to withdraw the proposal, therefore, the Committee was required to ask whether the federal rule should continue to require some courts of appeals to accept lengthy briefs that the courts say they do not need and do not want.

During committee deliberations and in public comments, there were two principal reasons advanced for amending the length limit for appellate briefs: (1) concern that the conversion from pages to words in 1998 effectively increased the length limit above the length of traditional briefs filed in the courts of appeals, and (2) concern that regardless of the history, briefs filed under the current rules are too long, and that courts of appeals that wish to apply a shorter limit should be permitted to do so. The Committee received comment and gathered additional data on both points.

Judge Frank Easterbrook submitted a comment explaining that he, as a member of the Standing Committee, drafted the 1998 amendments to Rule 32. According to Judge Easterbrook, the 14,000 word limit came from a Seventh Circuit rule, which in turn was based on a word count of printed briefs filed in the Supreme Court. Judge Easterbrook reported that a similar study of briefs filed by law firms without printing showed an average of about 13,000 words for fifty pages. He wrote that the Advisory Committee selected a limit of 14,000 words, "thinking it best to err on the side of generosity if only because that would curtail the number of motions that counsel would file seeking permission to go longer." Judge Easterbrook reported that "[m]embers of the Advisory Committee (and in turn the Standing Committee) thought it more important to adopt a simple rule that would prevent cheating (by using tracking controls, smaller type, moving text to footnotes, and so on) than to clamp down on the maximum size of a brief."

The Committee also studied the official records of the Advisory Committee and the Standing Committee regarding the 1998 amendments. The 1998 Advisory Committee Note to Rule 32 states that the 14,000 word limit “approximate[s] the current 50-page limit.” After hearing testimony that a 50-page brief prepared with an office typewriter would have contained approximately 12,500 words, the Committee in 1994 published a proposal to convert the 50-page limit to 12,500 words. Commentators objected on the ground that the 12,500 limit “reduces the length below the traditional 50 page limit.” The Committee then published a new proposal setting a limit of 14,000 words. There was discussion in April 1997 “about reducing the word count from 14,000 to 13,000 because 14,000 is not a good equivalent to the old 50-page brief,” and that 14,000 words “is closer to the length of a professionally printed brief.” But the minutes of the Advisory Committee reflect that “[i]n order to avoid reopening the controversy” over the length of briefs, “several members spoke in favor of retaining the 14,000 word limit,” and “[a] majority favored staying with 14,000.” When the chair of the Advisory Committee presented the proposal to the Standing Committee, “[h]e pointed out that a 50-page brief would include about 14,000 words.” When the Standing Committee forwarded the 1998 amendment to the Judicial Conference, the Standing Committee’s report said that the rule “establishes length limitations of 14,000 words . . . (which equates roughly to the traditional fifty pages).”

Among the commentators supporting the proposed reduction in brief length limits were the judges of the D.C. Circuit; all non-recused active judges of the Tenth Circuit and a majority of the senior judges of the Tenth Circuit; two professional associations; and three individual lawyers. The Department of Justice supported the proposed reduction, while urging the Committee to include language in rule text or a committee note concerning the need for extra length in certain cases. The Solicitor General “agree[d] that in most appeals the parties can and should submit briefs substantially shorter than the current word limits permit,” but noted that “in some cases parties will justifiably need to file longer briefs.”

Commentators supporting a word-limit reduction asserted that the current word limits allow more length than is needed to brief most appeals. In cases where the full length is unneeded, the 14,000-word limit allows lawyers to avoid pruning away extraneous facts and tenuous arguments. A tighter word limit will drive lawyers to focus on the key facts and dispositive law. Overlong, loosely written briefs divert scarce judicial time. These commentators noted that courts retain authority to grant leave to file overlength briefs in rare cases where 12,500 words are truly inadequate. A circuit that prefers longer limits also may enlarge the limits by local rule.

Among the commentators opposing the reduction in length limits for briefs were one judge; 22 law firms (or practice groups within law firms) or public interest groups; 10 professional associations; 19 non-government lawyers; and two government lawyers. Commentators opposing the reduction in word limits asserted that the current word limit has been unproblematic since its adoption in 1998. They asserted that in simple appeals where even 12,500 words is longer than necessary, the proposed reduction will not address prolixity. These commentators expressed concern that the full 14,000-word length is necessary to brief a complex, important appeal. They noted that inadequately-briefed issues are waived, and stated

that it can be difficult to predict which arguments will persuade the court. They warned that motions for extra length will not be an adequate safety valve because a number of circuits strongly discourage such motions. A number of circuits require or instruct that motions for extra length be made a stated time in advance of the brief's due date, and the Fifth Circuit adds the requirement that a draft brief be included with the motion. A summary of all comments is included with this report, and the comments are available for review at [Regulations.gov](http://Regulations.gov).

One commentator submitted two studies showing that lawyers could fit 300 words (or more) on a page under the pre-1998 Appellate Rules or a similar state-court framework. This information was not surprising, however, given the Standing Committee's conclusion in 1997 that "computer software programs make it possible . . . to create briefs that comply with a limitation stated in a number of pages, but that contain up to 40% more material than a normal brief."

Professor Gregory Sisk submitted a study in which he and his coauthor examined briefs filed in the Ninth Circuit. The Sisk and Heise study reports a correlation between appellant brief length and reversal. But correlation does not show causation, and the authors caution that it would be "absurd to suggest that greater brief length in itself could have a direct causal link to success on appeal."

In collecting more recent data, the Committee's clerk representative found that only two circuits had readily available data on length of briefs. In the Eighth Circuit, approximately 19 percent of briefs in argued cases contained between 12,500 and 14,000 words; another 4 percent contained more than 14,000. In the D.C. Circuit, 23 percent of all briefs contained between 12,500 and 14,000 words, and 4 percent included more than 14,000; data for argued cases only were unavailable in that circuit.

The Committee members carefully discussed the concerns raised during the public comment period, and decided to revise the published length limits to reflect a conversion ratio of 260 words per page, rather than 250 words per page as published. The length limit for a principal brief (14,000 words under the current rule) is adjusted to 13,000 words from 12,500 in the published proposal. This change addresses to some extent the points raised by commentators while still meaningfully recognizing the validity of the concerns expressed by judges and others about the current rule. For those moved by the historical data, the ratio selected also best approximates the average length of fifty-page briefs filed in courts of appeals governed by a page limit in the years immediately preceding the 1998 amendment. The Committee voted to amend Rule 32(e) to highlight a circuit court's ability to increase any or all of the Appellate Rules' length limits by local rule. The Committee added language to the Committee Notes to Rules 28.1 and 32 to recognize the need for extra length in appropriate cases. The Committee adopted style changes proposed by Professor Kimble. As an aid to users of the Appellate Rules, the Committee endorsed an appendix collecting the length limits stated in the Appellate Rules.

The Committee deleted as unnecessary the alternative line limits from the length limits for documents other than briefs. The Committee retained line limits for briefs, because the

length limits for briefs work differently than the proposed length limits for other documents. The 1998 amendments put in place page limits that were significantly more stringent than the new type-volume limits for briefs: For litigants who do not use Rule 32(a)(7)(B)'s type-volume limits, the 1998 amendments reduced the page limits by 40 percent. By including line limits in the type-volume limits for briefs, the 1998 amendments assured that the more generous type-volume limits would be available to litigants who prepared their briefs without the aid of a computer.

A majority of Committee members voiced support for some version of the proposal to reduce the length limit for briefs, while two attorney members spoke in opposition. As noted, the Committee made several changes in an effort to address concerns, and the ultimate vote was unanimous in favor of the proposal as shown in the attachment to this report.

#### **D. Amicus filings in connection with rehearing: Rule 29**

The proposed amendments to Rule 29 would re-number the existing Rule as Rule 29(a) and would add a new Rule 29(b) to set default rules for the treatment of amicus filings in connection with petitions for rehearing. The proposed amendment would not require any circuit to accept amicus briefs, but would establish guidelines for the filing of briefs when they are permitted.

Attorneys who file amicus briefs in connection with petitions for rehearing understandably seek clear guidance about the filing deadlines for, and permitted length of, such briefs. There is no federal rule on the topic. *See Fry v. Exelon Corp. Cash Balance Pension Plan*, 576 F.3d 723, 725 (7th Cir. 2009) (Easterbrook, C.J., in chambers). Most circuits have no local rule on point, and attorneys have reported frustration with their inability to obtain accurate guidance.

The proposed amendments would establish default rules concerning timing and length of amicus briefs in connection with petitions for rehearing. They also would incorporate (for the rehearing stage) most of the features of current Rule 29. A circuit could alter the default federal rules on timing, length, and other matters by local rule or by order in a case, but the new federal rule would ensure that some rule governs the filings in every circuit.

##### **1. Text of proposed amendment and Committee Note**

The Committee recommends final approval of the proposed amendment to Rule 29, as revised after publication and set out in the enclosure to this report.

##### **2. Changes made after publication and comment**

A number of commentators expressed general support for the idea of amending Rule 29 to address amicus filings in connection with rehearing petitions. Objections and suggestions focused mainly on the issues of length and timing; a third suggestion concerned amicus filings in

connection with merits briefing at times other than the initial briefing of an appeal. In response to the public comments, the Committee decided to change the length limit under Rule 29(b) from 2,000 words to 2,600 words and to change the deadline for amicus filings in support of a rehearing petition (or in support of neither party) from three days after the petition's filing to seven days after the petition's filing. The Committee also deleted the alternative line limit from the length limit as unnecessary.

The published proposal's 2,000-word limit had been derived by taking half of the 15-page limit for the party's petition, rounding up (to eight pages), and multiplying by 250 words per page. The published proposal drew from current Rule 29(d), which provides that amicus filings in connection with the merits briefing of an appeal are limited to half the length of "a party's principal brief."

The ten commentators who specifically addressed this feature of the proposal advocated setting a longer limit. Not all of these commentators stated a preferred alternative, but proposals ranged from 2,240 words to 4,200 words. The arguments in favor of a longer limit related to the nature of the cases, the nature of the issues, the quality of the party's petition, and the required contents of the amicus's brief. Rehearing petitions tend to be filed in difficult cases. Issues may include late-breaking developments in the law. The party's petition may be poorly drafted. The party may neglect the larger implications of a ruling and might not focus on ways that a ruling might usefully be narrowed while preserving the result in the case at hand. Amicus filings must include the statement of the amicus's identity, interest, and authority to file and (usually) the authorship and funding disclosure.

The Committee considered this input and examined the local rules in the four circuits that address the question of length: Two give amici essentially the same length limit as parties, and two give amici more than one-half the length limit for parties but less than the full amount. The Committee then opted to increase the proposed length limit for the federal rule from one-half of the length allowed for a party's petition to two-thirds of that length. Applying the 260-words-per-page conversion ratio noted in Part II.C.2 of this report, the Committee arrived at a revised length limit of 2,600 words.

The published proposal would set a time lag of three days between the filing of the petition and the due date of any amicus filings in support of the petition (or in support of neither party). It would give an amicus curiae opposing the petition the same due date as that set by the court for the response. Two commentators expressed support for the proposed timing rules; eight commentators believed that one or both of the periods would be too short.

Seven of those commentators proposed lengthening the period for amicus filings in support of a rehearing petition and four proposed lengthening the deadline for amicus filings in opposition. Commentators argued that the published proposal's deadlines would generate motions for extensions of time and decrease the quality of amicus filings. They noted that it may not be practicable for an amicus to coordinate with the party whose position it supports. One commentator observed that government lawyers may need time to seek relevant approvals before

filing an amicus brief. One commentator advocated adoption of a two-step process, under which the rule would set a three-day deadline by which the amicus must file a notice of intent to file a brief and a further seven- or ten-day deadline for the actual brief.

The Committee noted that in four circuits that have local provisions addressing the timing of amicus filings in support of rehearing petitions, the time allowed ranges from seven to 14 days after the filing of the party's petition. The Committee also recognized that any circuit could shorten the time period by local rule if it were concerned, for example, about inefficiencies resulting from an amicus brief arriving after a responding party has drafted a response to a petition. The Committee thus decided to adopt a deadline of seven days after the petition's filing for amicus filings in support of the petition (or in support of neither party). The Committee did not alter the deadline for amicus filings in opposition. It is rare for a court to request a response to a rehearing petition, and when the court does so, the order requesting a response can readily alter the due date for amicus filings if such an alteration is desirable.

One commentator suggested adopting a rule to govern amicus filings after the grant of rehearing en banc or after a remand from the Supreme Court. The proposed rule that was published for comment did not address those topics. In deciding not to address them, the Committee took into account three considerations. First, any new provision addressing those contexts would need to be published for comment, and it would not be worthwhile to hold up the already-published proposal for that purpose. Second, amicus filings in those contexts occur only rarely, giving reason to doubt the need for a national rule on the subject. Third, it seems likely that the courts of appeals take flexible approaches to the procedure in those contexts, suggesting that the wiser course might be to leave those topics for treatment in local provisions and orders in particular cases.

#### **E. Amending the “three-day rule”: Rule 26(c)**

The proposed amendment to Rule 26(c) implements a recommendation by the Standing Committee's CM/ECF Subcommittee that the “three-day rule” in each set of national Rules be amended to exclude electronic service. The three-day rule adds three days to a given period if that period is measured after service and service is accomplished by certain methods. Now that electronic service is well-established, it no longer makes sense to include that method of service among the types of service that trigger application of the three-day rule.

The proposed amendment to Rule 26(c) accomplishes the same result as the proposed amendments to Civil Rule 6, Criminal Rule 45, and Bankruptcy Rule 9006, but does so using different wording in light of Appellate Rule 26(c)'s current structure. Under that structure, the applicability of the three-day rule depends on whether the paper in question is delivered on the date of service stated in the proof of service; if so, then the three-day rule is inapplicable. The change is thus accomplished by amending the rule to state that a paper served electronically is deemed (for this purpose) to have been delivered on the date of service stated in the proof of service.

## **1. Text of proposed amendment and Committee Note**

The Committee recommends final approval of the proposed amendment to Rule 26(c), as revised after publication and set out in the enclosure to this report.

## **2. Changes made after publication and comment**

The Committee voted to approve the amendment as published. But recognizing that the Criminal Rules Committee had voted to add certain language to the Committee Note accompanying the proposed amendment to Rule 45, the Committee gave the chair discretion to accede to the addition of the same language to Rule 26(c)'s Committee Note depending on discussions with the Standing Committee. It now appears that the Bankruptcy and Civil Rules Committees are prepared to accommodate the strongly-held preference of the Criminal Rules Committee. Under those circumstances, the Appellate Rules Committee would not object to including the same language in the Committee Note.

A number of commentators supported the proposal to exclude electronic service from the three-day rule. Others conceded its appeal, but proposed changes to offset its anticipated consequences. Still others opposed the proposal altogether.

Commentators' concerns fall into four basic categories: unfair behavior by opponents, hardship for the party being served, the need for time to draft reply briefs and/or motion papers, and inefficiency that would result from motions for extensions of time. Electronic service, unlike personal service, can occur outside of business hours. For example, it may be made late at night on a Friday before a holiday weekend in a different time zone. Some commentators worried that electronically served papers are more likely to be overlooked. Hardships might fall more heavily on lawyers who operate in small offices or as solo practitioners, and on lawyers who must draft complex response papers. Commentators stated that the three extra days are especially important to provide extra time to draft reply briefs, responses to motions, and replies to such responses. They state that, with the prevalence of electronic filing and service, the extra three days have become a "de facto" part of the time periods for such documents. The Department of Justice notes that government lawyers need time to confer with relevant personnel. Other commentators say that lawyers need time to deal with the competing demands of other cases and to communicate with clients who are incarcerated. Acknowledging that an extension of time could address the problems noted above, commentators argued that such motions do not provide a good solution, because making and adjudicating those motions consume lawyer and court time.

A number of commentators suggested modifications to the proposal or additional amendments that would offset some effects of the proposal. Some of the suggested revisions applied equally to the three-day rules in the Civil, Criminal, and Bankruptcy Rules. Others were specific to the Appellate Rules.

The Department of Justice proposed the addition, to each Committee Note, of language encouraging the grant of extensions when appropriate. After some discussion, the Department circulated a revised proposal that read: “The ease of making electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.” The Criminal Rules Committee voted to add the proposed language to the Committee Note to Criminal Rule 45, and noted the importance of taking a flexible approach and resolving issues on their merits in criminal cases. The other Advisory Committees now are prepared to acquiesce in that language.

Other commentators made a variety of suggestions. Two commentators proposed that although electronic service should not give rise to an automatic three-day extension, a more limited automatic extension (of one or two days) would be appropriate. One commentator proposed the adoption of a provision that would address the computation of response time when a document “is submitted with a motion for leave to file or is not accepted for filing.” Two sets of comments suggested lengthening the deadline for reply briefs.

The Committee did not adopt the proposals for a one-or-two-day extension or for a provision addressing documents that are not immediately accepted for filing. Some committee members, however, were sympathetic to the concerns about the timing for reply briefs. As the commentators pointed out, the “de facto” deadline for reply briefs is now 17 days (14 day under Rule 31(a)(1), plus three days under Rule 26(c)). Before the advent of electronic service, the three-day rule existed to offset transit time in the mail; if the mail took three days, then the de facto response time would be the same as the nominal deadline, namely, 14 days. But in 2002, Rule 25 was amended to permit electronic service, and as electronic service has become more widespread, lawyers have become accustomed to a period of 17 days for filing a reply brief. A number of Committee members expressed concern that a 14-day deadline is very short and that it can be difficult to seek extensions of time.

Committee members concluded that the amendment to Rule 26(c) should proceed together with the amendments to the three-day rules in the other sets of rules. But the Committee added to its study agenda a new item concerning the deadline for reply briefs. The Committee also discussed that before the amendment to the three-day rule takes effect on December 1, 2016, the chair could alert the chief judges of the courts of appeals about the Committee’s work relating to the filing deadline for reply briefs. Such notice would permit local courts to consider whether to extend the deadline for reply briefs by local rule, especially if the Committee is considering a national rule amendment on that topic.

#### **F. Updating a cross-reference in Rule 26(a)(4)(C)**

In 2013, Rule 13—governing appeals as of right from the Tax Court—was revised and became Rule 13(a). A new Rule 13(b)—providing that Rule 5 governs permissive appeals from the Tax Court—was added. At that time, Rule 26(a)(4)(C)’s reference to “filing by mail under Rule 13(b)” should have been updated to refer to “filing by mail under Rule 13(a)(2).”

The Committee voted to give final approval to an amendment to Rule 26(a)(4)(C) to update this cross-reference. The Committee noted that the change is a technical amendment that can proceed without publication.

\* \* \* \* \*



2 FEDERAL RULES OF APPELLATE PROCEDURE

15 ~~compliance with 28 U.S.C. § 1746 or by a~~  
16 ~~notarized statement, either of which must set~~  
17 ~~forth the date of deposit and state that first class~~  
18 ~~postage has been prepaid. and:~~

19 (A) it is accompanied by:

20 (i) a declaration in compliance with 28  
21 U.S.C. § 1746—or a notarized  
22 statement—setting out the date of  
23 deposit and stating that first-class  
24 postage is being prepaid; or

25 (ii) evidence (such as a postmark or date  
26 stamp) showing that the notice was so  
27 deposited and that postage was  
28 prepaid; or

29 (B) the court of appeals exercises its discretion  
30 to permit the later filing of a declaration or

31 notarized statement that satisfies

32 Rule 4(c)(1)(A)(i).

33 \* \* \* \* \*

**Committee Note**

Rule 4(c)(1) is revised to streamline and clarify the operation of the inmate-filing rule.

The Rule requires the inmate to show timely deposit and prepayment of postage. The Rule is amended to specify that a notice is timely if it is accompanied by a declaration or notarized statement stating the date the notice was deposited in the institution’s mail system and attesting to the prepayment of first-class postage. The declaration must state that first-class postage “is being prepaid,” not (as directed by the former Rule) that first-class postage “has been prepaid.” This change reflects the fact that inmates may need to rely upon the institution to affix postage after the inmate has deposited the document in the institution’s mail system. New Form 7 in the Appendix of Forms sets out a suggested form of the declaration.

The amended rule also provides that a notice is timely without a declaration or notarized statement if other evidence accompanying the notice shows that the notice was deposited on or before the due date and that postage was prepaid. If the notice is not accompanied by evidence that establishes timely deposit and prepayment of postage, then the court of appeals has discretion to accept a declaration or notarized statement at a later date. The Rule

#### 4 FEDERAL RULES OF APPELLATE PROCEDURE

uses the phrase “exercises its discretion to permit” – rather than simply “permits” – to help ensure that pro se inmate litigants are aware that a court will not necessarily forgive a failure to provide the declaration initially.

1 **Rule 25. Filing and Service**

2 **(a) Filing.**

3 \* \* \* \* \*

4 **(2) Filing: Method and Timeliness.**

5 \* \* \* \* \*

6 (C) **Inmate Filing.** If an institution has a  
7 system designed for legal mail, an inmate  
8 confined there must use that system to  
9 receive the benefit of this Rule  
10 25(a)(2)(C). A paper filed by an inmate  
11 ~~confined in an institution~~ is timely if it  
12 is deposited in the institution's internal  
13 ~~mailing~~ system on or before the last day for  
14 filing. ~~If an institution has a system~~  
15 ~~designed for legal mail, the inmate must use~~  
16 ~~that system to receive the benefit of this~~  
17 ~~rule. Timely filing may be shown by a~~

6 FEDERAL RULES OF APPELLATE PROCEDURE

18 ~~declaration in compliance with 28 U.S.C. §~~  
19 ~~1746 or by a notarized statement, either of~~  
20 ~~which must set forth the date of deposit and~~  
21 ~~state that first class postage has been~~  
22 ~~prepaid; and:~~

23 (i) it is accompanied by:

24 • a declaration in compliance with  
25 28 U.S.C. § 1746—or a notarized  
26 statement—setting out the date of  
27 deposit and stating that first-class  
28 postage is being prepaid; or

29 • evidence (such as a postmark or  
30 date stamp) showing that the  
31 paper was so deposited and that  
32 postage was prepaid; or

33 (ii) the court of appeals exercises its  
34 discretion to permit the later filing of a

35 declaration or notarized statement that

36 satisfies Rule 25(a)(2)(C)(i).

37 \* \* \* \* \*

**Committee Note**

Rule 25(a)(2)(C) is revised to streamline and clarify the operation of the inmate-filing rule.

The Rule requires the inmate to show timely deposit and prepayment of postage. The Rule is amended to specify that a paper is timely if it is accompanied by a declaration or notarized statement stating the date the paper was deposited in the institution’s mail system and attesting to the prepayment of first-class postage. The declaration must state that first-class postage “is being prepaid,” not (as directed by the former Rule) that first-class postage “has been prepaid.” This change reflects the fact that inmates may need to rely upon the institution to affix postage after the inmate has deposited the document in the institution’s mail system. New Form 7 in the Appendix of Forms sets out a suggested form of the declaration.

The amended rule also provides that a paper is timely without a declaration or notarized statement if other evidence accompanying the paper shows that the paper was deposited on or before the due date and that postage was prepaid. If the paper is not accompanied by evidence that establishes timely deposit and prepayment of postage, then the court of appeals has discretion to accept a declaration or notarized statement at a later date. The Rule uses the phrase “exercises its discretion to permit” – rather than

8 FEDERAL RULES OF APPELLATE PROCEDURE

simply “permits” – to help ensure that pro se inmate litigants are aware that a court will not necessarily forgive a failure to provide the declaration initially.

1 **Form 1. Notice of Appeal to a Court of Appeals From**  
2 **a Judgment or Order of a District Court**

3 United States District Court for the \_\_\_\_\_  
4 District of \_\_\_\_\_  
5 File Number \_\_\_\_\_  
6

A.B., Plaintiff
v.
C.D., Defendant

Notice of Appeal

7 Notice is hereby given that \_\_\_(here name all  
8 parties taking the appeal)\_\_, (plaintiffs) (defendants) in the  
9 above named case,\* hereby appeal to the United States  
10 Court of Appeals for the \_\_\_\_\_ Circuit (from the final  
11 judgment) (from an order (describing it)) entered in this  
12 action on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

13 (s) \_\_\_\_\_  
14 Attorney for \_\_\_\_\_  
15 Address: \_\_\_\_\_

16 [Note to inmate filers: If you are an inmate confined in an  
17 institution and you seek the timing benefit of Fed. R. App.  
18 P. 4(c)(1), complete Form 7 (Declaration of Inmate Filing)  
19 and file that declaration along with this Notice of Appeal.]

\_\_\_\_\_  
\* See Rule 3(c) for permissible ways of identifying appellants.

1 **Form 5. Notice of Appeal to a Court of Appeals from a**  
2 **Judgment or Order of a District Court or a**  
3 **Bankruptcy Appellate Panel**

4 United States District Court for the \_\_\_\_\_  
5 District of \_\_\_\_\_  
6

In re _____, Debtor  _____, Plaintiff v.  _____, Defendant
---

File No. \_\_\_\_\_

7 Notice of Appeal to United States Court of Appeals for the  
8 \_\_\_\_\_ Circuit

9 \_\_\_\_\_, the plaintiff [or defendant or  
10 other party] appeals to the United States Court of Appeals  
11 for the \_\_\_\_\_ Circuit from the final judgment [or order  
12 or decree] of the district court for the district of  
13 \_\_\_\_\_ [or bankruptcy appellate panel of the  
14 \_\_\_\_\_ circuit], entered in this case on \_\_\_\_\_, 20\_\_  
15 [here describe the judgment, order, or decree]  
16 \_\_\_\_\_

17 The parties to the judgment [or order or decree]  
18 appealed from and the names and addresses of their  
19 respective attorneys are as follows:

20 Dated \_\_\_\_\_  
21 Signed \_\_\_\_\_  
22 *Attorney for Appellant*  
23 Address: \_\_\_\_\_  
24 \_\_\_\_\_

25 *[Note to inmate filers: If you are an inmate confined in an*  
26 *institution and you seek the timing benefit of Fed. R. App.*  
27 *P. 4(c)(1), complete Form 7 (Declaration of Inmate Filing)*  
28 *and file that declaration along with this Notice of Appeal.]*

1 **Form 7. Declaration of Inmate Filing**

2 \_\_\_\_\_  
3 [insert name of court; for example,  
4 United States District Court for the District of Minnesota]

5  

<u>A.B., Plaintiff</u>  <u>v.</u>  <u>C.D., Defendant</u>
---

Case No. \_\_\_\_\_

6 I am an inmate confined in an institution. Today,  
7 \_\_\_\_\_ [insert date], I am depositing the  
8 \_\_\_\_\_ [insert title of document; for example,  
9 “notice of appeal”] in this case in the institution’s internal  
10 mail system. First-class postage is being prepaid either by  
11 me or by the institution on my behalf.

12 I declare under penalty of perjury that the foregoing is  
13 true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

14 Sign your name here \_\_\_\_\_

15 Signed on \_\_\_\_\_ [insert date]

16  
17  
18 [Note to inmate filers: If your institution has a system  
19 designed for legal mail, you must use that system in order  
20 to receive the timing benefit of Fed. R. App. P. 4(c)(1) or  
21 Fed. R. App. P. 25(a)(2)(C).]

1 **Rule 4. Appeal as of Right—When Taken**

2 **(a) Appeal in a Civil Case.**

3 \* \* \* \* \*

4 **(4) Effect of a Motion on a Notice of Appeal.**

5 (A) If a party ~~timely~~ files in the district court  
6 any of the following motions under the  
7 Federal Rules of Civil Procedure, ~~and~~  
8 does so within the time allowed by those  
9 rules—the time to file an appeal runs for all  
10 parties from the entry of the order disposing  
11 of the last such remaining motion:

12 \* \* \* \* \*

**Committee Note**

A clarifying amendment is made to subdivision (a)(4). Former Rule 4(a)(4) provided that “[i]f a party timely files in the district court” certain post-judgment motions, “the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion.” Responding to a circuit split concerning the meaning of “timely” in this provision, the amendment adopts the majority approach and rejects the approach taken in

*National Ecological Foundation v. Alexander*, 496 F.3d 466 (6th Cir. 2007). A motion made after the time allowed by the Civil Rules will not qualify as a motion that, under Rule 4(a)(4)(A), re-starts the appeal time—and that fact is not altered by, for example, a court order that sets a due date that is later than permitted by the Civil Rules, another party’s consent or failure to object to the motion’s lateness, or the court’s disposition of the motion without explicit reliance on untimeliness.

1 **Rule 5. Appeal by Permission**

2 \* \* \* \* \*

3 (c) **Form of Papers; Number of Copies; Length**

4 **Limits.** All papers must conform to Rule 32(c)(2).

5 ~~Except by the court's permission, a paper must not~~

6 ~~exceed 20 pages, exclusive of the disclosure~~

7 ~~statement, the proof of service, and the accompanying~~

8 ~~documents required by Rule 5(b)(1)(E). An original~~

9 and 3 copies must be filed unless the court requires a

10 different number by local rule or by order in a

11 particular case. Except by the court's permission, and

12 excluding the accompanying documents required by

13 Rule 5(b)(1)(E):

14 (1) a paper produced using a computer must not

15 exceed 5,200 words; and

16 (2) a handwritten or typewritten paper must not

17 exceed 20 pages.

\* \* \* \* \*

**Committee Note**

The page limits previously employed in Rules 5, 21, 27, 35, and 40 have been largely overtaken by changes in technology. For papers produced using a computer, those page limits are now replaced by word limits. The word limits were derived from the current page limits using the assumption that one page is equivalent to 260 words. Papers produced using a computer must include the certificate of compliance required by Rule 32(g); Form 6 in the Appendix of Forms suffices to meet that requirement. Page limits are retained for papers prepared without the aid of a computer (i.e., handwritten or typewritten papers). For both the word limit and the page limit, the calculation excludes the accompanying documents required by Rule 5(b)(1)(E) and any items listed in Rule 32(f).

1 **Rule 21. Writs of Mandamus and Prohibition, and**  
2 **Other Extraordinary Writs**

3 \* \* \* \* \*

4 **(d) Form of Papers; Number of Copies; Length**

5 **Limits.** All papers must conform to Rule 32(c)(2).

6 ~~Except by the court's permission, a paper must not~~

7 ~~exceed 30 pages, exclusive of the disclosure~~

8 ~~statement, the proof of service, and the accompanying~~

9 ~~documents required by Rule 21(a)(2)(C). An original~~

10 and 3 copies must be filed unless the court requires

11 the filing of a different number by local rule or by

12 order in a particular case. Except by the court's

13 permission, and excluding the accompanying

14 documents required by Rule 21(a)(2)(C):

15 (1) a paper produced using a computer must not

16 exceed 7,800 words; and

- 17           (2) a handwritten or typewritten paper must not  
18                   exceed 30 pages.

**Committee Note**

The page limits previously employed in Rules 5, 21, 27, 35, and 40 have been largely overtaken by changes in technology. For papers produced using a computer, those page limits are now replaced by word limits. The word limits were derived from the current page limits using the assumption that one page is equivalent to 260 words. Papers produced using a computer must include the certificate of compliance required by Rule 32(g); Form 6 in the Appendix of Forms suffices to meet that requirement. Page limits are retained for papers prepared without the aid of a computer (i.e., handwritten or typewritten papers). For both the word limit and the page limit, the calculation excludes the accompanying documents required by Rule 21(a)(2)(C) and any items listed in Rule 32(f).

1 **Rule 27. Motions**

2 \* \* \* \* \*

3 **(d) Form of Papers; Length Limits; ~~Page Limits~~; and**  
4 **Number of Copies.**

5 \* \* \* \* \*

6 (2) **Page Length Limits**. ~~A motion or a response to~~  
7 ~~a motion must not exceed 20 pages, exclusive of~~  
8 ~~the corporate disclosure statement and~~  
9 ~~accompanying documents authorized by~~  
10 ~~Rule 27(a)(2)(B), unless the court permits or~~  
11 ~~directs otherwise. A reply to a response must not~~  
12 ~~exceed 10 pages.~~Except by the court's  
13 permission, and excluding the accompanying  
14 documents authorized by Rule 27(a)(2)(B):

15 (A) a motion or response to a motion produced  
16 using a computer must not exceed 5,200  
17 words;

18 (B) a handwritten or typewritten motion or  
19 response to a motion must not exceed 20  
20 pages;

21 (C) a reply produced using a computer must not  
22 exceed 2,600 words; and

23 (D) a handwritten or typewritten reply to a  
24 response must not exceed 10 pages.

25 \* \* \* \* \*

**Committee Note**

The page limits previously employed in Rules 5, 21, 27, 35, and 40 have been largely overtaken by changes in technology. For papers produced using a computer, those page limits are now replaced by word limits. The word limits were derived from the current page limits using the assumption that one page is equivalent to 260 words. Papers produced using a computer must include the certificate of compliance required by Rule 32(g); Form 6 in the Appendix of Forms suffices to meet that requirement. Page limits are retained for papers prepared without the aid of a computer (i.e., handwritten or typewritten papers). For both the word limit and the page limit, the calculation excludes the accompanying documents required by Rule 27(a)(2)(B) and any items listed in Rule 32(f).

1 **Rule 28. Briefs**

2 **(a) Appellant's Brief.** The appellant's brief must  
3 contain, under appropriate headings and in the order  
4 indicated:

5 \* \* \* \* \*

6 (10) the certificate of compliance, if required by  
7 Rule ~~32(a)(7)~~32(g)(1).

8 \* \* \* \* \*

**Committee Note**

Rule 28(a)(10) is revised to refer to Rule 32(g)(1) instead of Rule 32(a)(7), to reflect the relocation of the certificate-of-compliance requirement.

1 **Rule 28.1. Cross-Appeals**

2 \* \* \* \* \*

3 **(e) Length.**

4 (1) **Page Limitation.** Unless it complies with  
5 Rule 28.1(e)(2)~~and (3)~~, the appellant's principal  
6 brief must not exceed 30 pages; the appellee's  
7 principal and response brief, 35 pages; the  
8 appellant's response and reply brief, 30 pages;  
9 and the appellee's reply brief, 15 pages.

10 **(2) Type-Volume Limitation.**

11 (A) The appellant's principal brief or the  
12 appellant's response and reply brief is  
13 acceptable if it:

14 (i) ~~it~~ contains no more than ~~14,000~~13,000  
15 words; or

16 (ii) ~~it~~—uses a monospaced face and  
17 contains no more than 1,300 lines of  
18 text.

19 (B) The appellee’s principal and response brief  
20 is acceptable if it:

21 (i) ~~it~~—contains no more than ~~16,500~~15,300  
22 words; or

23 (ii) ~~it~~—uses a monospaced face and  
24 contains no more than 1,500 lines of  
25 text.

26 (C) The appellee’s reply brief is acceptable if it  
27 contains no more than half of the type  
28 volume specified in Rule 28.1(e)(2)(A).

29 ~~(3) **Certificate of Compliance.** A brief submitted~~  
30 ~~under Rule 28.1(e)(2) must comply with~~  
31 ~~Rule 32(a)(7)(C).~~

32 \* \* \* \* \*

### **Committee Note**

When Rule 28.1 was adopted in 2005, it modeled its type-volume limits on those set forth in Rule 32(a)(7) for briefs in cases that did not involve a cross-appeal. At that time, Rule 32(a)(7)(B) set word limits based on an estimate of 280 words per page.

In the course of adopting word limits for the length limits in Rules 5, 21, 27, 35, and 40, and responding to concern about the length of briefs, the Committee has reevaluated the conversion ratio (from pages to words) and decided to apply a conversion ratio of 260 words per page. Rules 28.1 and 32(a)(7)(B) are amended to reduce the word limits accordingly.

In a complex case, a party may need to file a brief that exceeds the type-volume limitations specified in these rules, such as to include unusually voluminous information explaining relevant background or legal provisions or to respond to multiple briefs by opposing parties or amici. The Committee expects that courts will accommodate those situations by granting leave to exceed the type-volume limitations as appropriate.

1 **Rule 32. Form of Briefs, Appendices, and Other Papers**

2 **(a) Form of a Brief.**

3 \* \* \* \* \*

4 **(7) Length.**

5 **(A) Page Limitation.** A principal brief may  
6 not exceed 30 pages, or a reply brief 15  
7 pages, unless it complies with  
8 Rule 32(a)(7)(B) ~~and (C)~~.

9 **(B) Type-Volume Limitation.**

- 10 (i) A principal brief is acceptable if it:
- 11 • ~~it~~—contains no more  
12 than ~~14,000~~13,000 words; or
  - 13 • ~~it~~—uses a monospaced face and  
14 contains no more than 1,300 lines  
15 of text.
- 16 (ii) A reply brief is acceptable if it  
17 contains no more than half of the type

18 volume specified in Rule  
19 32(a)(7)(B)(i).

20 ~~(iii) Headings, footnotes, and quotations~~  
21 ~~count toward the word and line~~  
22 ~~limitations. The corporate disclosure~~  
23 ~~statement, table of contents, table of~~  
24 ~~citations, statement with respect to~~  
25 ~~oral argument, any addendum~~  
26 ~~containing statutes, rules or~~  
27 ~~regulations, and any certificates of~~  
28 ~~counsel do not count toward the~~  
29 ~~limitation.~~

30 ~~(C) Certificate of compliance.~~

31 ~~(i) A brief submitted under~~  
32 ~~Rules 28.1(e)(2) or 32(a)(7)(B) must~~  
33 ~~include a certificate by the attorney, or~~  
34 ~~an unrepresented party, that the brief~~

35 complies with the type volume  
36 limitation. The person preparing the  
37 certificate may rely on the word or  
38 line count of the word processing  
39 system used to prepare the brief. The  
40 certificate must state either:

- 41 • the number of words in the brief;
- 42 or
- 43 • the number of lines of  
44 monospaced type in the brief.

45 (ii) Form 6 in the Appendix of Forms is a  
46 suggested form of a certificate of  
47 compliance. Use of Form 6 must be  
48 regarded as sufficient to meet the  
49 requirements of Rules 28.1(e)(3) and  
50 32(a)(7)(C)(i).

51 \* \* \* \* \*

52 **(e) Local Variation.** Every court of appeals must accept  
53 documents that comply with the form requirements of  
54 this rule and the length limits set by these rules. By  
55 local rule or order in a particular case, a court of  
56 appeals may accept documents that do not meet all of  
57 the form requirements of this rule or the length limits  
58 set by these rules.

59 **(f) Items Excluded from Length.** In computing any  
60 length limit, headings, footnotes, and quotations count  
61 toward the limit but the following items do not:

- 62 ● the cover page;
- 63 ● a corporate disclosure statement;
- 64 ● a table of contents;
- 65 ● a table of citations;
- 66 ● a statement regarding oral argument;
- 67 ● an addendum containing statutes, rules, or  
68 regulations;

- 69       ● certificates of counsel;
- 70       ● the signature block;
- 71       ● the proof of service; and
- 72       ● any item specifically excluded by these rules or
- 73             by local rule.

74   **(g) Certificate of Compliance.**

75       **(1) Briefs and Papers That Require a Certificate.**

76             A brief submitted under Rules 28.1(e)(2),  
 77             29(b)(4), or 32(a)(7)(B)—and a paper submitted  
 78             under Rules 5(c)(1), 21(d)(1), 27(d)(2)(A),  
 79             27(d)(2)(C), 35(b)(2)(A), or 40(b)(1)—must  
 80             include a certificate by the attorney, or an  
 81             unrepresented party, that the document complies  
 82             with the type-volume limitation. The person  
 83             preparing the certificate may rely on the word or  
 84             line count of the word-processing system used to  
 85             prepare the document. The certificate must state

86                   the number of words—or the number of lines of  
87                   monospaced type—in the document.  
88           (2) **Acceptable Form.** Form 6 in the Appendix of  
89                   Forms meets the requirements for a certificate of  
90                   compliance.

#### Committee Note

When Rule 32(a)(7)(B)'s type-volume limits for briefs were adopted in 1998, the word limits were based on an estimate of 280 words per page. In the course of adopting word limits for the length limits in Rules 5, 21, 27, 35, and 40, and responding to concern about the length of briefs, the Committee has re-evaluated the conversion ratio (from pages to words) and decided to apply a conversion ratio of 260 words per page. Rules 28.1 and 32(a)(7)(B) are amended to reduce the word limits accordingly.

In a complex case, a party may need to file a brief that exceeds the type-volume limitations specified in these rules, such as to include unusually voluminous information explaining relevant background or legal provisions or to respond to multiple briefs by opposing parties or amici. The Committee expects that courts will accommodate those situations by granting leave to exceed the type-volume limitations as appropriate.

Subdivision (e) is amended to make clear a court's ability (by local rule or order in a case) to increase the

length limits for briefs and other documents. Subdivision (e) already established this authority as to the length limits in Rule 32(a)(7); the amendment makes clear that this authority extends to all length limits in the Appellate Rules.

A new subdivision (f) is added to set out a global list of items excluded from length computations, and the list of exclusions in former subdivision (a)(7)(B)(iii) is deleted. The certificate-of-compliance provision formerly in Rule 32(a)(7)(C) is relocated to a new Rule 32(g) and now applies to filings under all type-volume limits (other than Rule 28(j)'s word limit) – including the new word limits in Rules 5, 21, 27, 29, 35, and 40. Conforming amendments are made to Form 6.

1 **Rule 35. En Banc Determination**

2 \* \* \* \* \*

3 **(b) Petition for Hearing or Rehearing En Banc.** A  
4 party may petition for a hearing or rehearing en banc.

5 \* \* \* \* \*

6 (2) Except by the court's permission, ~~a petition for~~  
7 ~~an en banc hearing or rehearing must not exceed~~  
8 ~~15 pages, excluding material not counted under~~  
9 ~~Rule 32.:~~

10 (A) a petition for an en banc hearing or  
11 rehearing produced using a computer must  
12 not exceed 3,900 words; and

13 (B) a handwritten or typewritten petition for an  
14 en banc hearing or rehearing must not  
15 exceed 15 pages.

16 (3) For purposes of the page-limits in Rule 35(b)(2),  
17 if a party files both a petition for panel rehearing



1 **Rule 40. Petition for Panel Rehearing**

2 \* \* \* \* \*

3 **(b) Form of Petition; Length.** The petition must comply  
4 in form with Rule 32. Copies must be served and  
5 filed as Rule 31 prescribes. ~~Unless the court permits~~  
6 ~~or a local rule provides otherwise, a petition for panel~~  
7 ~~rehearing must not exceed 15 pages.~~ Except by the  
8 court's permission:

- 9 (1) a petition for panel rehearing produced using a  
10 computer must not exceed 3,900 words; and  
11 (2) a handwritten or typewritten petition for panel  
12 rehearing must not exceed 15 pages.

**Committee Note**

The page limits previously employed in Rules 5, 21, 27, 35, and 40 have been largely overtaken by changes in technology. For papers produced using a computer, those page limits are now replaced by word limits. The word limits were derived from the current page limits using the assumption that one page is equivalent to 260 words. Papers produced using a computer must include the

certificate of compliance required by Rule 32(g); Form 6 in the Appendix of Forms suffices to meet that requirement. Page limits are retained for papers prepared without the aid of a computer (i.e., handwritten or typewritten papers). For both the word limit and the page limit, the calculation excludes any items listed in Rule 32(f).

1 **Form 6. Certificate of Compliance with Rule**  
2 **~~32(a)~~ Type-Volume Limit**

3 Certificate of Compliance With Type-Volume Limitation,  
4 Typeface Requirements, and Type-Style Requirements

5 1. This ~~brief~~document complies with [the type-  
6 volume limitation of Fed. R. App. P. ~~32(a)(7)(B)~~[insert  
7 Rule citation; e.g., 32(a)(7)(B)]] [the word limit of Fed. R.  
8 App. P. [insert Rule citation; e.g., 5(c)(1)]] because,  
9 excluding the parts of the document exempted by Fed. R.  
10 App. P. 32(f) [and [insert applicable Rule citation, if any]]:

11  this ~~brief~~document contains [*state the number of*]  
12 words, ~~excluding the parts of the brief exempted~~  
13 ~~by Fed. R. App. P. 32(a)(7)(B)(iii), or~~

14  this brief uses a monospaced typeface and  
15 contains [*state the number of*] lines of text,  
16 ~~excluding the parts of the brief exempted by Fed.~~  
17 ~~R. App. P. 32(a)(7)(B)(iii).~~

18 2. This ~~brief~~document complies with the typeface  
19 requirements of Fed. R. App. P. 32(a)(5) and the type-style  
20 requirements of Fed. R. App. P. 32(a)(6) because:

21  this ~~brief~~document has been prepared in a  
22 proportionally spaced typeface using [*state name*  
23 *and version of word-processing program*] in  
24 [*state font size and name of type style*], **or**

25         this ~~brief~~document has been prepared in a  
26                monospaced typeface using [*state name and*  
27                *version of word-processing program*] with [*state*  
28                *number of characters per inch and name of type*  
29                *style*].

30        (s) \_\_\_\_\_

31        Attorney for \_\_\_\_\_

32        Dated: \_\_\_\_\_

**Appendix:  
Length Limits Stated in the  
Federal Rules of Appellate Procedure**

This chart summarizes the length limits stated in the Federal Rules of Appellate Procedure. Please refer to the rules for precise requirements, and bear in mind the following:

- In computing these limits, you can exclude the items listed in Rule 32(f).
- If you use a word limit or a line limit (other than the word limit in Rule 28(j)), you must file the certificate required by Rule 32(g).
- For the limits in Rules 5, 21, 27, 35, and 40:
  - You must use the word limit if you produce your document on a computer; and
  - You must use the page limit if you handwrite your document or type it on a typewriter.
- For the limits in Rules 28.1, 29(a)(5), and 32:
  - You may use the word limit or page limit, regardless of how you produce the document; or
  - You may use the line limit if you type or print your document with a monospaced typeface. A typeface is monospaced when each character occupies the same amount of horizontal space.

	<b>Rule</b>	<b>Document type</b>	<b>Word limit</b>	<b>Page limit</b>	<b>Line limit</b>
<b>Permission to appeal</b>	5(c)	<ul style="list-style-type: none"> <li>• Petition for permission to appeal</li> <li>• Answer in opposition</li> <li>• Cross-petition</li> </ul>	5,200	20	Not applicable

	<b>Rule</b>	<b>Document type</b>	<b>Word limit</b>	<b>Page limit</b>	<b>Line limit</b>
<b>Extraordinary writs</b>	21(d)	<ul style="list-style-type: none"> <li>• Petition for writ of mandamus or prohibition or other extraordinary writ</li> <li>• Answer</li> </ul>	7,800	30	Not applicable
<b>Motions</b>	27(d)(2)	<ul style="list-style-type: none"> <li>• Motion</li> <li>• Response to a motion</li> </ul>	5,200	20	Not applicable
	27(d)(2)	<ul style="list-style-type: none"> <li>• Reply to a response to a motion</li> </ul>	2,600	10	Not applicable
<b>Parties' briefs (where no cross-appeal)</b>	32(a)(7)	<ul style="list-style-type: none"> <li>• Principal brief</li> </ul>	13,000	30	1,300
	32(a)(7)	<ul style="list-style-type: none"> <li>• Reply brief</li> </ul>	6,500	15	650
<b>Parties' briefs (where cross-appeal)</b>	28.1(e)	<ul style="list-style-type: none"> <li>• Appellant's principal brief</li> <li>• Appellant's response and reply brief</li> </ul>	13,000	30	1,300
	28.1(e)	<ul style="list-style-type: none"> <li>• Appellee's principal and response brief</li> </ul>	15,300	35	1,500
	28.1(e)	<ul style="list-style-type: none"> <li>• Appellee's reply brief</li> </ul>	6,500	15	650
	28(j)	<ul style="list-style-type: none"> <li>• Letter citing supplemental authorities</li> </ul>	350	Not applicable	Not applicable

	<b>Rule</b>	<b>Document type</b>	<b>Word limit</b>	<b>Page limit</b>	<b>Line limit</b>
<b>Amicus briefs</b>	29(a)(5)	<ul style="list-style-type: none"> <li>Amicus brief during initial consideration of case on merits</li> </ul>	One-half the length set by the Appellate Rules for a party's principal brief	One-half the length set by the Appellate Rules for a party's principal brief	One-half the length set by the Appellate Rules for a party's principal brief
	29(b)(4)	<ul style="list-style-type: none"> <li>Amicus brief during consideration of whether to grant rehearing</li> </ul>	2,600	Not applicable	Not applicable
<b>Rehearing and en banc filings</b>	35(b)(2) & 40(b)	<ul style="list-style-type: none"> <li>Petition for hearing en banc</li> <li>Petition for panel rehearing; petition for rehearing en banc</li> </ul>	3,900	15	Not applicable

1 **Rule 29. Brief of an Amicus Curiae**

2 (a) **During Initial Consideration of a Case on the**  
3 **Merits.**

4 (1) **Applicability.** This Rule 29(a) governs amicus  
5 filings during a court's initial consideration of a  
6 case on the merits.

7 (2) **When Permitted.** The United States or its  
8 officer or agency or a state may file an amicus-  
9 curiae brief without the consent of the parties or  
10 leave of court. Any other amicus curiae may file  
11 a brief only by leave of court or if the brief states  
12 that all parties have consented to its filing.

13 (b) (3) **Motion for Leave to File.** The motion must be  
14 accompanied by the proposed brief and state:

15 (4) (A) the movant's interest; and



32 with references to the pages of the brief  
33 where they are cited;

34 ~~(4)~~ (D) a concise statement of the identity of the  
35 amicus curiae, its interest in the case, and  
36 the source of its authority to file;

37 ~~(5)~~ (E) unless the amicus curiae is one listed in the  
38 first sentence of Rule 29(a)(2), a statement  
39 that indicates whether:

40 ~~(A)~~ (i) a party's counsel authored the brief in  
41 whole or in part;

42 ~~(B)~~ (ii) a party or a party's counsel  
43 contributed money that was intended  
44 to fund preparing or submitting the  
45 brief; and

46 ~~(C)~~ (iii) a person—other than the amicus  
47 curiae, its members, or its counsel—  
48 contributed money that was intended

49 to fund preparing or submitting the  
50 brief and, if so, identifies each such  
51 person;

52 ~~(6)~~ (F) an argument, which may be preceded by a  
53 summary and which need not include a  
54 statement of the applicable standard of  
55 review; and

56 ~~(7)~~ (G) a certificate of compliance under  
57 Rule 32(g)(1), if ~~required by Rule~~  
58 32(a)(7) length is computed using a word or  
59 line limit.

60 ~~(d)~~ ~~(5)~~ **Length.** Except by the court's permission, an  
61 amicus brief may be no more than one-half the  
62 maximum length authorized by these rules for a  
63 party's principal brief. If the court grants a party  
64 permission to file a longer brief, that extension  
65 does not affect the length of an amicus brief.

66 ~~(e)~~ (6) **Time for Filing.** An amicus curiae must file its  
67 brief, accompanied by a motion for filing when  
68 necessary, no later than 7 days after the principal  
69 brief of the party being supported is filed. An  
70 amicus curiae that does not support either party  
71 must file its brief no later than 7 days after the  
72 appellant's or petitioner's principal brief is filed.  
73 A court may grant leave for later filing,  
74 specifying the time within which an opposing  
75 party may answer.

76 ~~(f)~~ (7) **Reply Brief.** Except by the court's permission,  
77 an amicus curiae may not file a reply brief.

78 ~~(g)~~ (8) **Oral Argument.** An amicus curiae may  
79 participate in oral argument only with the court's  
80 permission.

81 **(b) During Consideration of Whether to Grant**  
82 **Rehearing.**

83       (1) **Applicability.** This Rule 29(b) governs amicus  
84               filings during a court’s consideration of whether  
85               to grant panel rehearing or rehearing en banc,  
86               unless a local rule or order in a case provides  
87               otherwise.

88       (2) **When Permitted.** The United States or its  
89               officer or agency or a state may file an amicus-  
90               curiae brief without the consent of the parties or  
91               leave of court. Any other amicus curiae may file  
92               a brief only by leave of court.

93       (3) **Motion for Leave to File.** Rule 29(a)(3) applies  
94               to a motion for leave.

95       (4) **Contents, Form, and Length.** Rule 29(a)(4)  
96               applies to the amicus brief. The brief must not  
97               exceed 2,600 words.

98       (5) **Time for Filing.** An amicus curiae supporting  
99               the petition for rehearing or supporting neither

100 party must file its brief, accompanied by a  
101 motion for filing when necessary, no later than 7  
102 days after the petition is filed. An amicus curiae  
103 opposing the petition must file its brief,  
104 accompanied by a motion for filing when  
105 necessary, no later than the date set by the court  
106 for the response.

#### **Committee Note**

Rule 29 is amended to address amicus filings in connection with requests for panel rehearing and rehearing en banc.

Existing Rule 29 is renumbered Rule 29(a), and language is added to that subdivision (a) to state that its provisions apply to amicus filings during the court's initial consideration of a case on the merits. Rule 29(c)(7) becomes Rule 29(a)(4)(G) and is revised to accord with the relocation and revision of the certificate-of-compliance requirement. New Rule 32(g)(1) states that "[a] brief submitted under Rules 28.1(e)(2), 29(b)(4), or 32(a)(7)(B) ... must include" a certificate of compliance. An amicus brief submitted during initial consideration of a case on the merits counts as a "brief submitted under Rule[] ... 32(a)(7)(B)" if the amicus computes Rule 29(a)(5)'s length limit by taking half of a type-volume limit in

Rule 32(a)(7)(B). Rule 29(a)(4)(G) restates Rule 32(g)(1)'s requirement functionally, by providing that a certificate of compliance is required if an amicus brief's length is computed using a word or line limit.

New subdivision (b) is added to address amicus filings in connection with a petition for panel rehearing or rehearing en banc. Subdivision (b) sets default rules that apply when a court does not provide otherwise by local rule or by order in a case. A court remains free to adopt different rules governing whether amicus filings are permitted in connection with petitions for rehearing, and governing the procedures when such filings are permitted.

1 **Rule 26. Computing and Extending Time**

2 \* \* \* \* \*

3 (c) **Additional Time after Certain Kinds of Service.**

4 When a party may or must act within a specified time  
5 after ~~service~~being served, 3 days are added after the  
6 period would otherwise expire under Rule 26(a),  
7 unless the paper is delivered on the date of service  
8 stated in the proof of service. For purposes of this  
9 Rule 26(c), a paper that is served electronically is ~~not~~  
10 treated as delivered on the date of service stated in the  
11 proof of service.

**Committee Note**

Rule 26(c) is amended to remove service by electronic means under Rule 25(c)(1)(D) from the modes of service that allow 3 added days to act after being served.

Rule 25(c) was amended in 2002 to provide for service by electronic means. Although electronic transmission seemed virtually instantaneous even then, electronic service was included in the modes of service that allow 3 added days to act after being served. There were

concerns that the transmission might be delayed for some time, and particular concerns that incompatible systems might make it difficult or impossible to open attachments. Those concerns have been substantially alleviated by advances in technology and widespread skill in using electronic transmission.

A parallel reason for allowing the 3 added days was that electronic service was authorized only with the consent of the person to be served. Concerns about the reliability of electronic transmission might have led to refusals of consent; the 3 added days were calculated to alleviate these concerns.

Diminution of the concerns that prompted the decision to allow the 3 added days for electronic transmission is not the only reason for discarding this indulgence. Many rules have been changed to ease the task of computing time by adopting 7-, 14-, 21-, and 28- day periods that allow “day-of-the-week” counting. Adding 3 days at the end complicated the counting, and increased the occasions for further complication by invoking the provisions that apply when the last day is a Saturday, Sunday, or legal holiday.

Electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.

Rule 26(c) has also been amended to refer to instances when a party “may or must act . . . after being served” rather than to instances when a party “may or must act. . . after service.” If, in future, an Appellate Rule sets a

deadline for a party to act after *that party itself effects service* on another person, this change in language will clarify that Rule 26(c)'s three added days are not accorded to the party who effected service.

1 **Rule 26. Computing and Extending Time**

2 **(a) Computing Time.** The following rules apply in  
3 computing any time period specified in these rules, in  
4 any local rule or court order, or in any statute that  
5 does not specify a method of computing time.

6 \* \* \* \* \*

7 **(4) “Last Day” Defined.** Unless a different time is  
8 set by a statute, local rule, or court order, the last  
9 day ends:

10 (A) for electronic filing in the district court, at  
11 midnight in the court’s time zone;

12 (B) for electronic filing in the court of appeals,  
13 at midnight in the time zone of the circuit  
14 clerk’s principal office;

15 (C) for filing under Rules 4(c)(1), 25(a)(2)(B),  
16 and 25(a)(2)(C)—and filing by mail under  
17 Rule ~~13(b)~~13(a)(2)—at the latest time for

18                   the method chosen for delivery to the post  
19                   office, third-party commercial carrier, or  
20                   prison mailing system; and  
21                   (D) for filing by other means, when the clerk's  
22                   office is scheduled to close.

23   \* \* \* \* \*

**Committee Note**

**Subdivision (a)(4)(C).** The reference to Rule 13(b) is revised to refer to Rule 13(a)(2) in light of a 2013 amendment to Rule 13. The amendment to subdivision (a)(4)(C) is technical and no substantive change is intended.

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

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CIVIL RULES

REENA RAGGI  
CRIMINAL RULES

SIDNEY A. FITZWATER  
EVIDENCE RULES

**MEMORANDUM**

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

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

**DATE:** May 6, 2014

**RE:** Report of the Advisory Committee on Bankruptcy Rules

**I. Introduction**

The Advisory Committee on Bankruptcy Rules met on April 22 and 23, 2014, in Austin, Texas, at the University of Texas School of Law. The draft minutes of that meeting accompany this report in Appendix C. The Committee's actions fall into two categories.

First, the Advisory Committee took action on the proposed rule and form amendments that were published for comment in August 2013. One hundred and sixty-four comments were submitted in response to the publication, some of which addressed multiple rules and forms. The comments were considered in a series of subcommittee and working group conference calls prior to the spring meeting and in Committee discussions in Austin. The Advisory Committee now seeks the Standing Committee's final approval of some of the published items: one rule amendment and 29 revised or new forms, most of which were products of the Forms Modernization Project. Because the Committee made significant changes after publication to the

chapter 13 plan form and related rules, it requests that the revised form and rules be republished. The Committee voted not to proceed further with the electronic signature amendment to Rule 5005(a). The reasons for the Committee's decision to withdraw the proposed amendment are discussed below under Information Items.

\*\*\*\*\*

## II. Action Items

### A. Items for Final Approval

*A1. Amendments Published for Comment in August 2013.* **The Advisory Committee recommends that the Standing Committee approve the proposed rule and form amendments that were published for comment in August 2013 and are discussed below.** The discussion of each action item indicates its proposed effective date. Appendix A includes the text of the amended rule and forms that are in this group.

\*\*\*\*\*

**Action Item 4. Official Forms 101, 101A, 101B, 104, 105, 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec, 107, 112, 119, 121, 318, 423, and 427** are the modernized forms for individual-debtor cases that were published in 2013. They are the products of the second phase of the FMP, and they include forms filed at the commencement of an individual case (petition, schedules, and accompanying documents), the debtor's statement of financial affairs, and other documents required in individual-debtor cases.

Twenty-five formal comments were submitted by the February 18, 2014, deadline, and one other letter was informally submitted to the Committee. The overall evaluation of the published forms was mixed—some of the comments were positive, some were negative, and many made constructive suggestions for specific changes to particular forms. The Advisory Committee made a number of changes suggested by the comments but concluded that the changes do not require republication. The following discussion addresses the most significant comments and the changes made by the Advisory Committee in response.

General Comments. Some of the comments—including ones submitted by the NCBJ, Robert G. Drummond, Rommel Jairam, and Mike Waters—praised the new forms as representing a step in the right direction because they are more readable, easier to fill out, and easier to understand than the current forms. Several others, however, made critical comments similar to ones that were considered by the Advisory Committee and the Standing Committee last year in connection with the initial group of modernized forms. They included criticisms that the new forms will encourage *pro se* filings because they are easier to understand; that they improperly provide legal advice; and that they are too long.

There was nothing in the comments that caused the Advisory Committee to reconsider either its decision to proceed with the project or its earlier responses to these particular criticisms. Whether the use of plain English, clearer instructions, and a cleaner format will encourage more filing without the assistance of counsel has been the subject of discussion since the beginning of the FMP. Members of the Committee believe that comprehensive instructions that explain the magnitude of what the bankruptcy filing requires and that provide ample warnings about the significance of the forms and the possible consequences of inadequate filings should deter, not encourage, uninformed *pro se* filings. In addition, members think that it is important that forms be understandable to all debtors, whether or not represented, because debtors are required to sign the forms under penalty of perjury. The Committee also concluded that eliminating all instructions that provided legal statements would reduce the value of the instructions in explaining both the meaning of the forms and the information necessary to complete them. The instructions were revised, however, to clarify that the person completing the forms is responsible for doing so properly. Finally, the Committee continues to believe that the changes in format that contribute to greater length are likely to prompt more accurate, usable information. The forms also direct the debtor to skip inapplicable questions or sections. The ability of debtors to truncate answers—when the questions either do not apply or have been fully answered—should reduce the length of many of the filed forms.

*The Petition and Related Forms—Official Forms 101, 101A, 101B, 104, and 105.* The Advisory Committee made one change to the petition in response to an original suggestion rather than a comment made after publication, and the Committee made several other changes to both the petition and Forms 101A and 101B in response to comments made by the NCBJ following publication.

Line 13 of the petition was revised to remind small business debtors to attach their most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or, if any of the documents do not exist, to follow the procedure in § 1116(1)(B) of the Bankruptcy Code. This change responded to Suggestion 13-BK-B, submitted by Bankruptcy Judge Eric Frank (E.D. Pa.), which noted that there is a frequent lack of compliance with § 1116(1), and suggested that the problem might be addressed by calling attention to the statutory requirement on the petition.

In response to the NCBJ's comments on the petition and eviction judgment forms, the Advisory Committee made several changes, including the following:

- The language regarding fee waivers on line 8 of Form 101 was clarified to explain that a judge has discretion regarding whether to waive fees.
- The description of a sole proprietorship on line 12 of Form 101 was revised to make clearer that a sole proprietor is not a separate entity.
- Among the statements in Part 7 of Form 101 that a chapter 7 debtor must sign under penalty of perjury is the statement that the debtor is aware of the option to proceed under

chapters 7, 11, 12, and 13. This statement was revised to limit it to chapters for which the debtor is eligible.

- Space was added to Form 101A for a debtor to indicate whether an eviction judgment had been entered against him and to provide information about the landlord who obtained the judgment.
- The debtor's certifications in Forms 101A and 101B were revised to clarify that the debtor is required to pay only the amount in default, not the entire amount that would ultimately be owed on the lease.

*Schedules—Official Forms 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec.*  
The publication of the revised schedules prompted a number of comments. The most significant ones are listed below, along with the Committee's response.

#### Schedule A/B: Property

- Several comments questioned the instruction to separately list and describe property worth more than \$500. This dollar amount had been included to avoid the listing of *de minimis* property items. In response to the comments, the \$500 minimum was deleted because it has no basis in the Code or rules.
- Several comments said that Schedule A/B should include information about any liens on listed property. The Committee chose not to make this change because the information is available on Schedule D, and software permits the integration of information from various schedules.
- In the description of vehicles, the published draft sought information about a vehicle's mileage in broad categories. Based on a comment that actual mileage would be more helpful in assessing the value of a vehicle, the FMP revised line 3 to ask the approximate mileage of each vehicle.
- In response to a comment, the Committee added an inquiry about the nature of the debtor's ownership interest, if known, for each item of real property.
- The Committee decided not to adopt several changes from existing practice that were proposed by commenters. It reasoned that the proposed changes were outside the scope of the modernization project and were not necessitated by changes in the law.

#### Schedule C: The Property You Claim as Exempt

The published version of this form included a substantive change in response to *Schwab v. Reilly*, 560 U.S. 770 (2010). In that decision the Supreme Court stated that "Where . . . it is important to the debtor to exempt the full market value of the asset or the asset itself, our decision will encourage the debtor to declare the value of her claimed exemption in a manner

that makes the scope of the exemption clear, for example, by listing the exempt value as ‘full fair market value (FMV)’ or ‘100% of FMV.’” *Id.* at 792-93.

Over the past several years, the Advisory Committee has considered several different ways to revise Schedule C so as to allow debtors to exercise the *Schwab* option. A proposed amendment to Schedule C was published in 2011, but the Committee withdrew after it met with substantial opposition, particularly from bankruptcy trustees. They stated that the option to claim as exempt “Full fair market value of the exempted property” would encourage debtors to claim the full fair market value of an asset as exempt, even when using an exemption capped at an amount less than the asset’s value. They argued that the increase in such exemption claims would then lead to a “plethora of objections.”

A later revision of the form that the FMP proposed was previewed by the Standing Committee at the January 2013 meeting. Some members found that attempt unclear. They suggested ways that the form might be improved, including highlighting the instructions about the *Schwab* option and allowing a debtor to claim as exempt “100% of fair market value, up to any applicable statutory limit.” That wording was incorporated into the proposed draft of Schedule C that was published last summer.

Once again this aspect of the revision of Schedule C proved to be controversial. Several of the comments were critical, but from different perspectives. The National Association of Consumer Bankruptcy Attorneys objected that the form as drafted would not provide a debtor finality regarding his exemptions. It suggested that Schedule C and Rule 4003(b) be amended in a way that would allow the debtor to clearly claim as exempt the entire value of the debtor’s interest in property and that would require interested parties to object by the deadline for objections to exemptions, even if the objection was based on valuation of the asset claimed as exempt. The National Conference of Bankruptcy Judges thought that the form was confusing and that it would lead to increased exemption litigation. It recommended that the second option be changed to “100% of fair market value (*for exemptions unlimited in dollar amount*).” The National Association of Bankruptcy Trustees (“NABT”) objected to the second option for much the same reason that it had opposed the 2011 proposed amendment of Schedule C. It supported the change suggested by the NCBJ.

The Committee voted to retain the published wording of the second option. It allows the debtor an exemption choice of 100% fair market value, as *Schwab* authorized, without disregarding exemption limits. Unlike the NCBJ’s proposal, proposed Schedule C permits a debtor to exempt all of her interest in certain property even when there is an exemption cap, so long as the value of that interest does not exceed the cap.

#### Schedule D: Creditors Who Have Claims Secured by Property; Schedule E/F: Creditors Who Have Unsecured Claims

Many of the comments on Schedules D and E/F addressed narrow wording or technical issues. One comment objected to requiring claims to be listed in the alphabetical order of the creditors’ names. The Committee revised the instruction to require an alphabetical listing “as

much as possible.” Another comment objected to the instruction to list creditors holding multiple claims separately for each claim and to list the last four digits of the account number for each claim. The Committee concluded that this information facilitates claims audits and assists creditors in identifying the debtor. Because some creditors are abandoning the practice of using social security numbers to identify account holders, they need account numbers. The Bankruptcy Clerks Advisory Group suggested the deletion in Part 4 of the explanation that certain totals from Schedule E/F are needed for statistical reasons. The Committee rejected this suggestion because Congress requires the collection and submission to it of the data, and debtors should be informed why the information is being sought.

#### Schedule G: Executory Contracts and Unexpired Leases, and Schedule H: Your Codebtors

The Committee made minor wording changes to the beginning of these forms in response to the NCBJ’s editing suggestions.

#### Official Form 106Dec

In response to comments from the NCBJ and the US Trustee Program, the criminal penalty explanation was revised to say that individuals who commit one of the enumerated crimes related to the schedules can be fined up to \$250,000, rather than \$500,000, and can be imprisoned for up to 20 years, rather than 5 years.

*Official Form 107—Statement of Financial Affairs for Individuals Filing For Bankruptcy.*  
The following changes were made to Form 107 in response to comments:

- In response to comments about the omission of the debtor’s marital status from the published form, the Advisory Committee added new question 1, which asks the debtor’s current marital status. It does not ask, as some wanted, whether the debtor has previously been married or for the name of any former spouse. The Committee concluded that, if that information might be significant, the trustee can ask the debtor for it without having the information on forms in the public record.
- The NABT commented that line 5, which asked about whether the debtor’s debts are primarily consumer debts, failed to recognize that the response for Debtor 1 and Debtor 2 in a jointly administered case could be different. As a result of this comment, line 6 (formerly line 5) was changed from “My debts are not primarily consumer debts” to “Neither Debtor 1 nor Debtor 2 has primarily consumer debts.”
- At the suggestion of NCBJ, on line 18 an example of a transfer made as security was inserted in order to clarify the information requested.
- On line 22, the instruction that the debtor not include information about storage units that are part of the building where the debtor lives was deleted in response to NCBJ’s comment that a debtor should provide information about storage units located elsewhere in his apartment building.

- At NCBJ's suggestion, and in order to be consistent throughout the forms, a warning to the debtor about the consequences of a false statement was added to Part 12.

*Official Form 112—Statement of Intention of Individuals Filing Under Chapter 7.* Two comments observed that the word “give” on the published form is not the equivalent of “surrender,” which is the word used in the pertinent statutes. The Advisory Committee agreed and made the appropriate change. The options regarding what a debtor intends to do with property that secures a debt were clarified by changing the wording and format of the debtor's options.

*Official Form 119—Bankruptcy Petition Preparer's Notice, Declaration, and Signature.* In response to a comment that a petition preparer should separately sign each document prepared, the Advisory Committee revised Form 119 to state that the declaration on that form is made part of each document identified as having been prepared by the petition preparer. Form 119 follows the existing practice of providing a specific declaration that petition preparers can use with multiple documents.

*Official Form 121—Statement About Your Social Security Numbers.* Several changes were made to the introductory instructions in response to the comments. The following sentence was moved from the second paragraph to the first paragraph: “Please consult local court procedures for submission requirements.” In the second paragraph, the last sentence was deleted in order to eliminate a potential misimpression about the extent to which the debtor's full social security number will be made available to creditors. The warning regarding potential criminal penalties was rewritten to make it consistent with the other warnings in the individual case commencement documents.

*Official Form 318—Order of Discharge.* The NCBJ suggested several changes in the discharge order, including that the information regarding the discharge be merged, rather than having separate notices to creditors and to the debtor. The Advisory Committee agreed with that suggestion and revised the discharge order to make clear that the information provided pertains to both debtors and creditors. The NABT requested that information be provided that points out the limited impact of discharge on case administration and the debtor's on-going duties to cooperate in administration. The Committee concluded that the NABT's request required going into greater detail than is necessary on this form.

*Official Form 423—Certification About a Financial Management Course.* The Bankruptcy Clerks Advisory Group suggested that the form explain what happens if the course provider advises the clerk of court of the debtor's completion of the course. The Advisory Committee added a sentence stating that in that situation the debtor does not need to file the certificate.

*Official Form 427—Cover Sheet for Reaffirmation Agreement.* The Advisory Committee made a change to the Cover Sheet after publication in response to Suggestion 13-BK-K submitted by Mike Bates. Agreeing with his suggestion, the Committee revised line 3 of the

form to clarify that § 524(k)(3)(E)(i)(I) and (ii)(I) allows, under some circumstances, disclosure of the simple rate of interest rather than the annual percentage rate.

The Advisory Committee requests that the Standing Committee approve Official Forms 101, 101A, 101B, 104, 105, 106Sum, 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106Dec, 107, 112, 119, 121, 318, 423, and 427 but that the forms not be forwarded to the Judicial Conference until the Standing Committee gives final approval to the modernized forms that will be published this summer (see Action Item 13). Because of the new numbering system for the forms and because there will be separate case-opening forms for individual and non-individual cases rather than the current unified forms, both groups of forms need to take effect on the same date. The Advisory Committee recommends that the effective date be December 1, 2015, or as soon thereafter as is technologically feasible.

\*\*\*\*\*

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
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REENA RAGGI  
CRIMINAL RULES

WILLIAM K. SESSIONS III  
EVIDENCE RULES

**MEMORANDUM**

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

**FROM:** Honorable Sandra Segal Ikuta, Chair  
Advisory Committee on Bankruptcy Rules

**DATE:** May 6, 2015

**RE:** Report of the Advisory Committee on Bankruptcy Rules

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**I. Introduction**

The Advisory Committee on Bankruptcy Rules met on April 20, 2015, in Pasadena, California. The draft minutes of that meeting are at Bankruptcy Appendix C.

The principal matter before the Committee at its spring meeting was the package of proposed rule amendments and form amendments that was published for comment in August 2014. The Committee received 137 comments in response to the publication of these amendments, some of which addressed multiple rules and forms. Eight witnesses—all addressing the proposed chapter 13 plan form and related rules—appeared at a Committee hearing in Washington, D.C., on January 23. The Committee considered the public comments and testimony in a series of conference calls and email discussions prior to the spring meeting, as well as at the meeting itself.

The Committee now seeks the Standing Committee's final approval of one proposed new rule and five rule amendments that were published in August 2014. In addition, the Committee seeks final approval of the last major group of forms that were revised as part of the Forms

Modernization Project (“FMP”). The Committee also seeks final approval of its recommendation to renumber and make minor revisions to several modernized forms that the Standing Committee previously approved. The Committee requests that the entire set of approved modernized forms be forwarded to the Judicial Conference with a request that the forms go into effect on December 1, 2015.

\*\*\*\*\*

Finally, the Committee approved a proposed rule amendment to Rule 1006(b) (relating to filing fees) for which it seeks publication.

Part II of this report discusses the action items, grouped as follows:

A. Items for Final Approval

(A1) Rules and Official Forms published for comment in August 2014—

- Rules 1010, 1011, 2002, and new Rule 1012;
- Rule 3002.1;
- Rule 9006(f);
- new Official Form 401;
- Official Form 410A; and
- modernized Official Forms 106J, 106J-2, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 410, 410S1, 410S2, 424; and the abrogation of Official Forms 11A and 11B;

(A2) Modernized forms previously approved by the Standing Committee for which the Committee seeks approval of renumbering and/or minor revisions that do not require republication—modernized Official Forms 3A, 3B, 6I, 17A, 17B, 17C, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 106A/B, 106D, 106E/F, 106G, 112, and the Committee Note to Official Form 107;

(A3) Existing forms for which the Committee seeks approval of renumbering without modernization—Exhibit A to Official Form 1, and Official Forms 16A, 16B, and 16D;

B. Previously Approved Items for Transmission to the Judicial Conference

- Official Forms 101, 101A, 101B, 104, 105, 106 Summary, 106 Declaration, 106C, 106G, 106H, 107, 119, 121, 318, 423, and 427; and

C. Item for Publication in August 2015

- Rule 1006(b)(1).

\*\*\*\*\*

## II. Action Items

### A. Items for Final Approval

*A1. Rules and Official Forms published for comment in August 2014. The Committee recommends that the Standing Committee approve the proposed rule and form amendments and the new rule and official form that were published for public comment in August 2014 and are discussed below.* Bankruptcy Appendix A1 includes the rules and forms that are in this group.

**Action Item 1. Rules 1010, 1011, and 2002, and proposed new Rule 1012 (governing responses to, and notices of hearings on, chapter 15 petitions for recognition).** These amendments and addition to the Bankruptcy Rules are intended to improve procedures for international bankruptcy cases. Shortly after chapter 15 (Ancillary and Other Cross-Border Cases) was added to the Bankruptcy Code in 2005, the Bankruptcy Rules were amended to insert new provisions governing cross-border cases. Among the new provisions were changes to Rules 1010 and 1011, which previously governed only involuntary bankruptcy cases, and Rule 2002, which governs notice. The currently proposed amendments to the Bankruptcy Rules would make three changes: (i) remove the chapter 15-related provisions from Rules 1010 and 1011; (ii) create a new Rule 1012 (Responsive Pleading in Cross-Border Cases) to govern responses to a chapter 15 petition; and (iii) augment Rule 2002 to clarify the procedures for giving notice in cross-border proceedings.

Only one comment was submitted regarding the proposed rule changes. The Pennsylvania Bar Association expressed general approval of the proposed amendments, but suggested that Rule 1012 (Responsive Pleading in Cross-Border Cases) contain a cross-reference to Rule 1004.2 (Petition in Chapter 15 Cases). The latter rule prescribes a procedure for challenging the designation in a chapter 15 petition of the debtor's center of main interests. The Bar Association explained that "Rule 1004.2(b) sets forth those parties that should be served in connection with challenges to a debtor's designation in a petition." It suggested that objections and responses to a petition under proposed Rule 1012(b) should be served in the same manner.

The Committee voted unanimously to approve the proposed rules as published. It concluded that the Bar Association's comment should be treated as a new suggestion that the notice provisions of Rule 1004.2(b) should be made applicable to all objections and responses to a chapter 15 petition rather than just to challenges to the designation of the debtor's center of

main interests. The Committee has added this suggestion to its list of matters for future consideration.

**Action Item 2. Rule 3002.1 (Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence).** This rule, which applies only in chapter 13 cases, requires creditors whose claims are secured by a security interest in the debtor's principal residence to provide the debtor and the trustee notice of any changes in the periodic payment amount or the assessment of any fees or charges while the bankruptcy case is pending. The rule was promulgated in 2011 in order to ensure that debtors who attempt to maintain their home mortgage payments while they are in chapter 13 will have the information they need to do so.

The proposed amendments that were published last summer seek to clarify three matters on which courts have disagreed:

- 1) The rule applies whenever a debtor will make ongoing mortgage payments during the chapter 13 case, whether or not a prepetition default is being cured.
- 2) The rule applies regardless of whether it is the debtor or the trustee who is making the payments to the mortgagee.
- 3) The rule generally ceases to apply when an order granting relief from the stay becomes effective with respect to the debtor's residence.

Four comments were submitted on the proposed amendments. Two of them addressed the difficulty of applying the rule to home equity lines of credit, for which payment amount changes are frequent and often de minimis. The other comments were supportive of the amendments.

The Committee voted unanimously to approve the amendments to Rule 3002.1 as published. The issue of the rule's applicability to home equity lines of credit was considered by the Committee at the fall 2014 meeting, and publication of a proposed amendment to address that issue will be sought later as part of a larger package of related amendments.

**Action Item 3. Rule 9006(f) (Computing and Extending Time).** Among the proposed amendments published last summer was an amendment to Rule 9006(f) that would eliminate the 3-day extension to time periods when service is made electronically. The amendment was initially proposed by the Standing Committee's CM/ECF Subcommittee. It was published simultaneously with similar amendments to Civil Rule 6(d), Appellate Rule 26(c), and Criminal Rule 45(c).

Five comments were submitted on the proposed bankruptcy rule amendment. One expressed support for the amendment, and two raised questions about how this time computation change would apply to pending cases or would interact with other rules. A fourth comment,

submitted by a bankruptcy clerk, expressed concern about having different deadlines for parties in response to service of a single document. The final comment was submitted by the Department of Justice and was similar to the comments it submitted on the other advisory committees' parallel amendments. The comment raised concerns about possible prejudice caused by end-of-day or beginning-of-weekend electronic service and suggested an addition to the Committee Note that would note the court's authority to grant extensions of time to prevent unfairness in such situations.

The Committee voted unanimously to approve the amendment as published. While the Committee preferred not to revise the Committee Note in response to the DOJ's comment, it agreed to the addition of the following language if needed to maintain uniformity with the Committee Notes of the other advisory committees: "The ease of making electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice."

**Action Item 4. Official Form 401.** The proposed Official Form is a new petition form for commencing chapter 15 cases. Currently all voluntary bankruptcy cases are initiated by the filing of Official Form 1, the Voluntary Petition. The U.S. Trustee Program recommended that the Committee create a separate petition form for chapter 15 cases. Doing so allows the deletion of chapter-15-specific information from Official Form 201, the new voluntary petition for non-individual debtors.

The SEC's Office of General Counsel submitted the only comment in response to the publication of Official Form 401. The comment stated that the creation of a separate chapter 15 petition would result in the omission of a requirement that the petitioner file what is now Exhibit A to the Voluntary Petition. This exhibit requires the reporting of information that the comment said is valuable to investors and the SEC. It therefore requested that a similar attachment be required for a chapter 15 petition when the debtor is a company that must file periodic reports with the SEC.

The Committee voted unanimously to approve Official Form 401 as published and to request that it go into effect on December 1, 2015, along with the other modernized forms, as discussed under Action Item 9. Under current Form 1, only reporting companies that are requesting relief under chapter 11 are required to file Attachment A. The creation of a separate chapter 15 petition has therefore not caused any change in the requirement. Should a foreign representative file a chapter 11 petition, the attachment would then have to be filed if the debtor is a reporting company.

**Action Item 5. Official Form 410A.** Official Form 410A (currently Form 10A) is the Mortgage Proof of Claim Attachment. In an individual debtor case, a creditor that asserts a security interest in the debtor's principal residence must file the form with its proof of claim. The current form requires a statement of the principal and interest due as of the petition date; an

itemization of prepetition fees, expenses, and charges that remain unpaid; and a statement of the amount necessary to cure any default as of the petition date. The revised form that was published for public comment last August would replace the existing form with one that requires a mortgage claimant to provide a loan payment history and other information about the mortgage claim, including calculations of the claim and the arrearage amounts.

Six comments were submitted regarding Official Form 410A or its instructions. Two of the comments suggested wording changes to the form's instructions, which the Committee accepted. Another comment said that the form should not be required when a debtor files a proof of claim on behalf of a creditor whose claim is secured by a security interest in the debtor's principal residence. The Committee considered the comment to be a suggestion for an amendment to Rule 3001(c)(2)(C), rather than a comment on the proposed form, and has added the suggestion to its list of matters for future consideration. A fourth comment opposed the simultaneous implementation of the new attachment form and a proposed amendment to Rule 3002(c). The comment is mistaken about the timing of the implementation of the form. Official Form 410A will go into effect on December 1, 2015, and the amendment to Rule 3002(c) will not go into effect before December 1, 2016. Therefore, the Committee decided to take no action in response to this comment.

The remaining two comments were the only ones that addressed the substance of the form. One questioned the division of escrow payments into two components in calculating the amount of any arrearage. The Committee determined that it was not necessary to make a change. As the comment itself acknowledged, the total arrearage amount would not be affected. Moreover, mortgage industry representatives did not express any concerns about the proposed method of reporting the escrow arrearage.

The Department of Justice expressed a preference for the current form, which requires an itemization of fees, expenses, and charges ("fees") in accordance with a specified list. It stated that, because the proposed form omits the listing of specified types of fees, creditors might aggregate fees into a single entry. As a result, the DOJ argued, there will be less transparency, accuracy, and efficiency in the bankruptcy claims process. The Committee disagreed. This form was revised in response to arguments by several constituencies that a loan-history attachment would be preferable to the existing form. According to these constituencies, disclosure of the information on a loan history would enable a debtor to see the basis for a mortgage claim and the arrearage amount, thereby facilitating resolution of disputes about mortgage amounts in some cases and providing a basis for objecting to claim amounts in others, and the proposed loan-history form would be better for creditors because its completion could be automated, unlike the existing form that must be completed by hand. The Committee also noted that each entry of a fee or other charge in the loan history must be accompanied by a description.

The Committee voted unanimously to approve Official Form 410A as published (with changes only to the instructions that are issued by the Administrative Office ("AO")). It requests

that the amended form go into effect on December 1, 2015, along with the other modernized forms, as discussed under Action Item 9.

**Action Item 6. Modernized Official Forms 106J, 106J-2, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 410, 410S1, 410S2, 424; and the abrogation of Official Forms 11A and 11B.** These forms—the last major group of Official Forms produced by the FMP—were published for public comment in August 2014. They consist primarily of case opening forms for non-individual debtor cases, chapter 11-related forms, the proof of claim form and supplements, and orders and court notices for use in all types of cases. Also published were two revised individual debtor forms and an announcement of the proposed abrogation of two Official Forms.

The response to the publication of this set of forms was milder than the response to the previously published individual debtor forms. Eleven comments were submitted,<sup>1</sup> ranging in length from one paragraph addressing a single form to 20 pages addressing multiple forms. Almost all of the comments made very specific suggestions for changes to wording, format, or substance, rather than questioning the wisdom of the project or its overall results. No comments were submitted on Official Forms 106J, 106J-2, 207, 314, 424, or the proposed abrogation of Official Forms 11A and 11B.

*General Comments.* The National Conference of Bankruptcy Judges (“NCBJ”) commented that the titles of all of the forms numbered in the 200s should include the word “non-individual” so that they will not be confused with forms to be used by individuals. The Committee noted that while many of the 200-numbered forms do include “non-individual” in the title, the schedules do not. To avoid making the titles of those forms unwieldy, the Committee decided that they should not be revised. Users are not likely to confuse the individual and non-individual forms due to the different form numbers for the two sets of forms and because all of the non-individual forms will be packaged together and separately from the individual forms in software, in paper copy booklets, and on the U.S. Courts’ website.

A comment submitted on behalf of the National Association of Bankruptcy Trustees expressed disappointment that it now appears that electronic data from the new forms will not be made available to users outside the judiciary. The prospect for access to this data was a selling point for the modernized forms at the outset, the comment said, and the ability to produce customized reports was explained as offsetting the necessity of dealing with longer forms. The Committee noted that this comment raised policy issues that are outside its purview and that the

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<sup>1</sup> This count does not include comments submitted only on the mortgage proof of claim attachment (Official Form 410A), the chapter 15 petition (Official Form 401), the chapter 13 plan form (Official Form 113), or previously published individual debtor forms (Official Forms 106A/B and 106E/F). Those comments are addressed elsewhere in the report under separate action or information items.

possibility that such data could be made available to outside users at some time in the future has not been foreclosed. The Committee concluded that the new forms provide sufficient benefits to users to outweigh the inconveniences of adapting to them, even if electronic data is not immediately made available to outside users.

*Official Form 201—Voluntary Petition for Non-Individuals Filing for Bankruptcy.* The Committee voted to make a minor wording change to question 11 about venue and to require only a 4-, rather than 6-, digit NAICS (North American Industry Classification System) code to be provided in question 7. The latter change was made in response to a comment by a bankruptcy clerk that questioned the need for the code and predicted that the requirement would lead to confusion and incorrect information. The AO informed the Committee that this information, which is not currently sought on the petition, would assist it in fulfilling its reporting duties to Congress, but that it would be better to ask for a 4-digit code. According to the AO, the broader classification would provide sufficient information for AO statisticians, might be easier for unsophisticated debtors to select accurately, and is preferable to the AO programmers.

The Committee made no change in response to two comments that asserted that questions at line 8 about small-business-debtor status are redundant. The Committee agreed that the question about the amount of noncontingent, liquidated debts is subsumed within the question about whether the debtor falls within the statutory definition of a “small business debtor.” Nevertheless, Congress requires the AO to report how many debtors satisfy the debt limit but do not identify themselves as small business debtors. As a result, the AO plans to collect data on both questions. An academic commenter stated that empirical evidence shows that small business debtors do a poor job of self-reporting their status. She suggested changes to several forms that would “walk[] debtor’s counsel step by step through the process for determining small business status.” The Committee decided to treat the comment as a new suggestion that it will consider more fully in the future.

*Official Form 202—Declaration Under Penalty of Perjury for Non-Individual Debtors.* This form is for officers and authorized agents of non-individual debtors to execute declarations that information in certain documents is true and correct. As published, the form had checkboxes to indicate for which of six specified Official Forms the declaration applies, as well as a checkbox for “Other document that requires a declaration.” The Committee received a comment that pointed out that Official Form 204 (Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders) no longer has a space for the debtor’s declaration. Because that form was not specifically listed on Form 202, the commenter thought that debtors would be confused about whether they are still required to make such a declaration. The Committee agreed and added a checkbox for Official Form 204 to the list of forms in Official Form 202.

*Official Form 206A/B—Schedule A/B: Assets – Real and Personal Property.* The Committee made some adjustments to the form’s instructions about executory contracts and unexpired leases and expanded several questions to encompass the leasing of property. The NCBJ commented that Schedule G (Executory Contracts and Unexpired Leases) and its instructions indicate that executory contracts and unexpired leases with a net value should also be listed on Schedule A/B, but there is no specific category on the latter form for doing so. It suggested that a new category be added to Schedule A/B for that purpose. The Committee decided that, rather than adding a new category to the form, an instruction should be added to question 70 (other assets not yet reported), stating, “Include all interests in executory contracts and unexpired leases not previously included on this form.” After a lengthy discussion, the Committee decided that all executory contracts and unexpired leases should be reported on Schedule A/B, rather than just those with net value, and that the instructions to this form and to Schedule G should be revised accordingly. The Committee also voted that Schedule A/B should ask about property the debtor leases, in addition to property it owns, at questions 27, 38, 46, and 54.

In response to other comments by the NCBJ, the Committee also deleted the question at line 24 about possible Perishable Agricultural Commodities Act claims and added references in Part 6 to fishing-related assets.

*Official Form 206D—Schedule D: Creditors Who Have Claims Secured by Property.* In response to the NCBJ’s comments, the Committee revised the column headings and eliminated the checkbox labeled “liquidated and neither contingent nor disputed.”

*Official Form 206E/F—Schedule E/F: Creditors Who Have Unsecured Claims.* In response to the NCBJ’s comments, the Committee revised the form’s instructions for Part 2 about what to do if no other entities need to be notified, and it reworded the instruction at the beginning of the form.

*Official Forms 309A-I—Bankruptcy Case Commencement Notices.* Two comments objected that the revised forms no longer include “deadlines” and “meeting of creditors” in the titles. In response, the Committee revised the bolded instruction at the top of each form to draw attention to the fact that the forms include information about those topics and that both pages should be read carefully. The Bankruptcy Noticing Working Group commented that a proof of claim form is no longer sent with the commencement notice. The Committee revised the instruction about obtaining a proof of claim form.

*Official Form 410—Proof of Claim.* The NCBJ made several editorial suggestions that the Committee accepted. The NCBJ also questioned the basis for the instruction in question 7 to state only the amount of default for lease claims. It said that, like most other claims, a claim based on a lease could include future amounts due, and it noted that the response to this question would duplicate the response to question 10, which asks for the amount required to cure any

default on a lease as of the date of the petition. The Committee agreed and deleted the instruction in question 7.

*Official Form 410S1—Notice of Mortgage Payment Change.* The NCBJ pointed out that the instruction at the beginning of the form was not consistent with the proposed amendment to Rule 3002.1(a). The Committee agreed and revised the instruction to use the rule’s language about when notice of a payment change must be given. An attorney suggested that this form and Official Form 410S2 should not require a creditor’s agent to attach a power of attorney, because the proof of claim form no longer requires such an attachment. The Committee agreed. Because Rule 9010(c) provides that a power of attorney evidencing the authority of an agent to represent a creditor is not required for a proof of claim, a power of attorney is also not required for a supplement to a proof of claim. Therefore, the Committee removed the direction to attach a power of attorney.

*Official Form 410S2—Notice of Postpetition Mortgage Fees, Expenses, and Charges.* The Committee made the same changes to this form as to Official Form 410S1.

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The Committee voted unanimously to approve the Official Forms listed under this action item as they appear in Bankruptcy Appendix A1 and to abrogate Official Forms 11A and 11B. It requests that these forms go into effect on December 1, 2015, along with the other modernized forms, as discussed under Action Item 9.

*A2. Modernized forms previously approved by the Standing Committee for which the Committee seeks approval of renumbering and/or minor revisions that do not require republication.* Bankruptcy Appendix A2 includes the forms that are in this group.

**Action Item 7. Modernized Official Forms 3A, 3B, 6I, 17A, 17B, 17C, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2, 106A/B, 106D, 106E/F, 106G, 112, and the Committee Note to Official Form 107.**

*Renumbering.* Official Forms 3A, 3B, 6I, 17A, 17B, 17C, 22A-1, 22A-1Supp, 22A-2, 22B, 22C-1, 22C-2 are already in effect. Now that the entire set of modernized forms is going to be promulgated, the Committee requests the renumbering of these forms as follows:

<u>Current Form</u>	<u>Renumbered Form</u>
3A	103A
3B	103B
6I	106I
17A	417A
17B	417B

17C	417C
22A-1	122A-1
22A-1Supp	122A-1Supp
22A-2	122A-2
22B	122B
22C-1	122C-1
22C-2	122C-2

The Committee also seeks approval of the renumbering of one modernized form that is not yet in effect. At the May 2014 meeting, the Standing Committee gave final approval to Official Form 112 (Statement of Intention of Individuals Filing Under Chapter 7). Because of a subsequent decision to make the numbers of all the modernized forms as similar as possible to the numbers of the forms they are replacing, the Committee asks that Official Form 112 be renumbered as Official Form 108. The modernized form replaces Official Form 8.

*Minor revisions.* (1) Means test forms (Official Forms 22A-1, 22A-2, 22B, 22C-1, 22C-2)—The Committee approved several formatting and line numbering changes and the correction of a few errors in the listed forms. It also made a change to Official Forms 22A-2 and 22C-2 in response to the Tax Increase Prevention Act of 2014, Pub. Law No. 113-295, which authorized contributions to qualified ABLE accounts, as defined by 26 U.S.C. § 529A(b), to be included in the means test deduction for contributions to the care of household or family members.

(2) Individual debtor schedules (Official Forms 106A/B, 106D, 106E/F, 106G)—The Committee approved changes to these individual debtor schedules that are consistent with changes to the parallel non-individual debtor schedules. In Official Form 106A/B, the Committee also added qualified ABLE accounts to the list of accounts in question 24 that may be excluded from the estate.

(3) Committee Note to Official Form 107 (Statement of Financial Affairs for Individuals Filing for Bankruptcy)—An incorrect reference to Official Form 106F has been changed to Official Form 106H.

These changes have been incorporated into the forms that appear in Bankruptcy Appendix A2, and the Committee now seeks approval of the forms as revised. It requests that these forms go into effect on December 1, 2015, along with the other modernized forms, as discussed under Action Item 9.

A3. *Existing forms for which the Committee seeks approval of renumbering without modernization.* Bankruptcy Appendix A3 includes the forms that are in this group.

**Action Item 8. Exhibit A to Official Form 1, and Official Forms 16A, 16B, and 16D.**

The Voluntary Petition form currently in effect includes an exhibit—Exhibit A—that must be completed by chapter 11 debtors that are required to file periodic reports with the SEC. When the modernized forms go into effect, Exhibit A will be a separate form designated as Form 201A. Because the Committee is considering whether to make substantive changes to the form, it decided that the existing Exhibit A form should be renumbered with its current formatting and style and that any modernization of the form should be delayed until the Committee completes its consideration of the exhibit.

Official Forms 16A, 16B, and 16D are Captions that are for use in a bankruptcy case, contested matters, and adversary proceedings. In August 2014 modernized versions of the captions were published for public comment as Official Forms 416A, 416B, and 416D. The NCBJ and the Pennsylvania Bar Association filed comments opposing adoption of the new caption forms. The NCBJ commented that it did not perceive a need for altering a format that has been used by litigants and the courts for decades or adopting a format that differs from the caption format used in the district courts and courts of appeal. The Bar Association stated that while the Forms Modernization Project is to be commended, changing the style of the caption from a standard legal caption to a form-based caption denigrates the dignity of the bankruptcy court and suggests that its filings are purely administrative in nature. The Committee agreed with these objections and voted to withdraw the proposed new caption forms and to retain the current caption forms, renumbered as Official Forms 416A, 416B, and 416D.

The Committee voted unanimously to seek approval of the renumbering without modernization of the existing forms listed under this action item. It requests that these renumbered forms go into effect on December 1, 2015, along with the modernized forms, as discussed under Action Item 9.

## **B. Previously Approved Items for Transmission to the Judicial Conference**

**Action Item 9.** The Committee seeks approval of the full implementation of the Forms Modernization Project. Along with the forms discussed in Action Items 4-8, the Committee requests that the Standing Committee transmit to the Judicial Conference the modernized forms that it approved at the May 2014 meeting: **Official Forms 101, 101A, 101B, 104, 105, 106 Summary, 106 Declaration, 106C, 106G, 106H, 107, 119, 121, 318, 423, and 427.**

*Effective date.* When the FMP effort began, it was anticipated that the new forms would go into effect at approximately the same time as bankruptcy courts began using the redesigned case management system, known as NextGen. A goal of NextGen is to capture and store all material individual pieces of data used to complete bankruptcy forms so that users such as the court and clerk's office can prepare customized reports, putting the data in any order the user wants. This is in effect a database program that can run different reports designed by the user.

The FMP, working hand-in-glove with the AO's NextGen project team, redesigned the bankruptcy forms to facilitate data collection and to make them easier to understand.

Although the FMP developed the modernized forms in a manner that would facilitate data collection by the NextGen case management system, the Committee has learned that the roll-out of NextGen is proceeding more slowly than expected. Assuming that the AO stays on its current schedule, by the end of 2015 no more than a handful of bankruptcy courts will be on the NextGen case management system. The AO estimates that by December 2016 NextGen will have the capacity to capture and store all of the data elements from forms filed by individual debtors, using the modernized forms (about 70 percent of bankruptcy cases). And by December 2017, the AO estimates that the NextGen case management system will be able to capture and store all of the data elements by all debtors, using the modernized forms. The AO also expects that by December 2017 all or nearly all of the bankruptcy courts will be capable of being on the NextGen case management system, although the actual timing of migration to the new system is dependent on the decision of each court.

Notwithstanding the delays in the implementation of NextGen, the Committee at its spring meeting voted unanimously to seek a December 1, 2015 effective date for the modernized and renumbered forms. Several considerations led to the Committee's decision to proceed with promulgation of the modernized forms rather than wait for full implementation of NextGen. First, the FMP has produced a set of vastly improved, user-friendly forms that will be a benefit to the bankruptcy community (including *pro se* filers) even if additional data is not collected or customized reports cannot be produced. Notably, by designing different sets of case opening forms for use in individual and non-individual debtors' cases, the FMP was able ask questions in a way that makes more sense to each category of debtor.

Second, the Committee has been publishing and receiving public comments on the modernized forms since 2012. The bankruptcy community and software vendors have been alerted to the likelihood of the promulgation of new forms. A delay of one or two years in promulgation of the forms could cause confusion and the loss of support for the project.

Finally, there are technological reasons to go forward now with the modernized forms. If the modernized forms take effect on December 1, 2015, the AO will be able to build a backend database that will store the information from the modernized forms. This is much more cost effective than the AO's prior plan to create a backend database for the current forms, and then redo the backend database for the modernized forms. The AO also reports that adopting this effective date will not affect the AO's current ability to capture the 80 data points required by the 2005 bankruptcy legislation. The Committee informed the AO regarding this decision, and the AO had no objections.

**The Committee therefore recommends that the Official Forms listed in Action Items 4-9 take effect on Dec. 1, 2015, and that they govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.<sup>2</sup>**

The Committee considered one potentially serious disadvantage to implementing the modernized forms in 2015. The United States Bankruptcy Court for the District of New Jersey developed a program that lets *pro se* filers use what is essentially a Turbo Tax-like system to complete and file a chapter 7 bankruptcy case electronically. This concept, which was further developed by the court and the AO, is named the electronic self-representation (eSR) pathfinder program, and it has been expanded to include two other courts—the United States Bankruptcy Court for the Central District of California and the United States Bankruptcy Court for the District of New Mexico. At present, only the New Jersey bankruptcy court is very active; it has at least 102 eSR cases open. The Central District of California and New Mexico bankruptcy courts have only 14 and 10 cases open respectively, but they have not been publicizing the availability of this program. The courts that have implemented this eSR program emphasize its importance as an access-to-justice project.

The eSR program is linked to the current Chapter 7 forms. The eSR data-entry screens and database will not work with modernized forms, and the AO has stated that it cannot readily reprogram the eSR program so that it will be able to produce the modernized forms for filing. Accordingly, if the modernized forms become effective in December 2015, the eSR program will not be able to function until 2017, unless the eSR courts are permitted to continue using the current forms. The AO estimates that by 2017, eSR will work with the new forms.

The Committee concluded that there is no legal obstacle to allowing existing forms to remain the Official Forms for use in the eSR program only. Bankruptcy Rule 9009 authorizes the Judicial Conference to prescribe obligatory Official Forms, but it does not restrict that authority to issuing only a single set of forms.

A *pro se* debtor using the eSR system for initiating a chapter 7 case uses an on-line program that elicits information used to populate the following existing forms (referred to collectively by the courts as the “electronic bankruptcy package”):

- Official Form 1 (Petition);
- Official Forms 6A-J and summaries (Schedules);
- Official Form 7 (Statement of Financial Affairs);
- Official Form 8 (Individual Debtor’s Statement of Intention);

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<sup>2</sup> The Committee recognizes that it will sometimes not be just or practicable to use the new forms in cases that are pending at the time the forms are adopted. For example, when a debtor amends a case-opening form such as the petition or the schedules, the amendment may be easier to understand if the debtor uses the originally filed, superseded form to show the change.

- Official Form 22A-1, and if applicable Official Forms 22A-1Supp and 22A-2 (Means Test forms); and
- a mailing matrix as prescribed by local rule or form.

The debtor does not see those forms when supplying the required information electronically. Instead, the debtor answers a series of questions, and completed forms are produced at the end of the process. Hard copies of only the signature pages must be later presented to the court for filing (within a specified number of days after submitting the electronic bankruptcy package).

Because of the almost invisible use of the case-opening forms, the continued use of existing forms for eSR filings should not cause undue confusion in the three bankruptcy courts after the modernized forms go into effect generally. The existing forms will not be posted on the courts' websites or available in paper form in the clerk's office. Non-eSR chapter 7 debtors, whether represented or *pro se*, will have official access only to the modernized forms.

**Because the Committee concluded that the modernized forms should go into effect generally on December 1, 2015, but without disrupting the already established eSR pilot projects, it asks the Standing Committee to seek approval of the following authorization by the Judicial Conference:**

Notwithstanding the approval of new Bankruptcy Official Forms to take effect on December 1, 2015, the following forms in effect on November 30, 2015, will remain Official Forms until December 1, 2017, in the United States Bankruptcy Courts for the Central District of California, the District of New Jersey, and the District of New Mexico, only for use by *pro se* debtors who initiate a chapter 7 case by using the court's Electronic Self-Representation (eSR) system: Official Form 1, Official Forms 6A-J and summaries, Official Form 7; Official Form 8; and Official Forms 22A-1, 22A-1Supp, and 22A-2.

### **C. Item for Publication in August 2015**

**Action Item 10. Rule 1006(b)(1) (Filing Fee).** This provision governs the payment of the bankruptcy filing fee in installments, as authorized for individual debtors by 28 U.S.C. § 1930(a). The Committee received a suggestion (12-BK-I) from the Bankruptcy Judges Advisory Group ("BJAG") that proposed amending Rule 1006(b) to clarify that courts may require a debtor who applies to pay the filing fee in installments to make an initial installment payment with the petition and the application. BJAG further suggested that any requirement for an initial installment payment at the time of filing be limited to 25% of the total filing fee.

Over the course of several years, the Committee has given careful consideration to this suggestion. As part of its consideration, the Committee requested the Federal Judicial Center (“FJC”) to conduct an empirical study on court practices regarding initial installment payments at the time of filing and whether there is an association between such a requirement and the rate of fee waiver applications.

The FJC study revealed that the difference between the percentage of chapter 7 cases in which a fee waiver application was filed in districts requiring an upfront installment payment and in districts not requiring such a payment was not statistically significant. The FJC study also revealed that just over one-third of the bankruptcy courts (33) require an installment payment at the time of filing the petition and the application to pay the filing fee in installments. The amount of the required initial payment ranges from \$40 to \$135, and for courts that specify the required payment as a percentage of the total fees due upon filing, the percentage ranges from 25% to 50%. Many of the courts do not specify the consequences of failing to make the required payment. Of those that do, a few courts state that the application to pay in installments may or will be denied if the initial installment is not paid at filing. A greater number of courts provide for the possible dismissal of the case or rejection of the petition, by the clerk or by the court, with or without further notice.

The Committee concluded that there was no need to clarify that courts may require an initial installment payment with the petition and application. Rule 1006(b)(1) requires a petition to be “accepted for filing if accompanied by the debtor’s signed application” to pay the filing fee in installments. This means that a court cannot refuse to accept a petition because of the failure to make an initial installment payment, but the rule does not prohibit requiring such a payment. Therefore, the Committee decided not to make a revision to the rule in response to the BJAG suggestion.

Nevertheless, the FJC study raises a different issue. Because Rule 1006(b)(1) requires the bankruptcy clerk to accept the petition, resulting in the commencement of a bankruptcy case, the practice of some courts of refusing to accept a petition or summarily dismissing a case because of the failure to make an installment payment at the time of filing is inconsistent with Rules 1006(b)(1) and 1017(b)(1). The latter provision allows the court, only “after a hearing on notice to the debtor and the trustee,” to dismiss a case for the failure to pay any installment of the filing fee.

In order to clarify that courts may not refuse to accept petitions or summarily dismiss cases for failure to make initial installment payments at the time of filing, the Committee is proposing the amendment to Rule 1006(b)(1) that appears in Bankruptcy Appendix B. The amendment is intended to emphasize that an individual debtor’s petition must be accepted for filing so long as the debtor submits a signed application to pay the filing fee in installments and even if a required initial installment payment is not made at the same time. The Committee Note

explains that dismissal of the case for failure to pay any installment must proceed according to Rule 1017(b)(1).

The Committee voted unanimously to request publication for public comment of the proposed amendment in August 2015.

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**PROPOSED AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE\***

1 **Rule 1010. Service of Involuntary Petition and**  
2 **Summons; ~~Petition for Recognition of a~~**  
3 **~~Foreign Nonmain Proceeding~~**

4 (a) SERVICE OF INVOLUNTARY PETITION  
5 AND SUMMONS; ~~SERVICE OF PETITION FOR~~  
6 ~~RECOGNITION OF FOREIGN NONMAIN~~  
7 ~~PROCEEDING.~~ On the filing of an involuntary petition ~~or~~  
8 a petition for recognition of a foreign nonmain proceeding,  
9 the clerk shall forthwith issue a summons for service.  
10 When an involuntary petition is filed, service shall be made  
11 on the debtor. ~~When a petition for recognition of a foreign~~  
12 ~~nonmain proceeding is filed, service shall be made on the~~  
13 ~~debtor, any entity against whom provisional relief is sought~~  
14 ~~under § 1519 of the Code, and on any other party as the~~  
15 ~~court may direct.~~ The summons shall be served with a  
16 copy of the petition in the manner provided for service of a

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\* New material is underlined; matter to be omitted is lined through.

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

17 summons and complaint by Rule 7004(a) or (b). If service  
18 cannot be so made, the court may order that the summons  
19 and petition be served by mailing copies to the party's last  
20 known address, and by at least one publication in a manner  
21 and form directed by the court. The summons and petition  
22 may be served on the party anywhere. Rule 7004(e) and  
23 Rule 4(l) F.R.Civ.P. apply when service is made or  
24 attempted under this rule.

25 \* \* \* \* \*

**Committee Note**

Subdivision (a) of this rule is amended to remove provisions regarding the issuance of a summons for service in certain chapter 15 proceedings. The requirements for notice and service in chapter 15 proceedings are found in Rule 2002(q).

1 **Rule 1011. Responsive Pleading or Motion in**  
2 **Involuntary and Cross-Border Cases**

3 (a) WHO MAY CONTEST PETITION. The debtor  
4 named in an involuntary petition, ~~or a party in interest to a~~  
5 ~~petition for recognition of a foreign proceeding,~~ may  
6 contest the petition. In the case of a petition against a  
7 partnership under Rule 1004, a nonpetitioning general  
8 partner, or a person who is alleged to be a general partner  
9 but denies the allegation, may contest the petition.

10 \* \* \* \* \*

11 (f) CORPORATE OWNERSHIP STATEMENT. If  
12 the entity responding to the involuntary petition ~~or the~~  
13 ~~petition for recognition of a foreign proceeding~~ is a  
14 corporation, the entity shall file with its first appearance,  
15 pleading, motion, response, or other request addressed to  
16 the court a corporate ownership statement containing the  
17 information described in Rule 7007.1.

#### 4 FEDERAL RULES OF BANKRUPTCY PROCEDURE

##### **Committee Note**

This rule is amended to remove provisions regarding chapter 15 proceedings. The requirements for responses to a petition for recognition of a foreign proceeding are found in Rule 1012.

1 **Rule 1012. Responsive Pleading in Cross-Border Cases**

2 (a) WHO MAY CONTEST PETITION. The debtor  
3 or any party in interest may contest a petition for  
4 recognition of a foreign proceeding.

5 (b) OBJECTIONS AND RESPONSES; WHEN  
6 PRESENTED. Objections and other responses to the  
7 petition shall be presented no later than seven days before  
8 the date set for the hearing on the petition, unless the court  
9 prescribes some other time or manner for responses.

10 (c) CORPORATE OWNERSHIP STATEMENT. If  
11 the entity responding to the petition is a corporation, then  
12 the entity shall file a corporate ownership statement  
13 containing the information described in Rule 7007.1 with  
14 its first appearance, pleading, motion, response, or other  
15 request addressed to the court.

## 6 FEDERAL RULES OF BANKRUPTCY PROCEDURE

### **Committee Note**

This rule is added to govern responses to petitions for recognition in cross-border cases. It incorporates provisions formerly found in Rule 1011. Subdivision (a) provides that the debtor or a party in interest may contest the petition. Subdivision (b) provides for presentation of responses no later than 7 days before the hearing on the petition, unless the court directs otherwise. Subdivision (c) governs the filing of corporate ownership statements by entities responding to the petition.

1 **Rule 2002. Notices to Creditors, Equity Security**  
2  **Holders, Administrators in Foreign**  
3  **Proceedings, Persons Against Whom**  
4  **Provisional Relief is Sought in Ancillary**  
5  **and Other Cross-Border Cases, United**  
6  **States, and United States Trustee**

7 \* \* \* \* \*

8 (q) NOTICE OF PETITION FOR RECOGNITION  
9 OF FOREIGN PROCEEDING AND OF COURT'S  
10 INTENTION TO COMMUNICATE WITH FOREIGN  
11 COURTS AND FOREIGN REPRESENTATIVES.

12 (1) *Notice of Petition for Recognition.* After  
13 the filing of a petition for recognition of a foreign  
14 proceeding, the court shall promptly schedule and  
15 hold a hearing on the petition. The clerk, or some  
16 other person as the court may direct, shall forthwith  
17 give the debtor, all persons or bodies authorized to  
18 administer foreign proceedings of the debtor, all  
19 entities against whom provisional relief is being  
20 sought under §1519 of the Code, all parties to

8 FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 litigation pending in the United States in which the  
22 debtor is a party at the time of the filing of the  
23 petition, and such other entities as the court may  
24 direct, at least 21 days' notice by mail of the hearing  
25 ~~on the petition for recognition of a foreign proceeding.~~

26 The notice shall state whether the petition seeks  
27 recognition as a foreign main proceeding or foreign  
28 nonmain proceeding and shall include the petition and  
29 any other document the court may require. If the  
30 court consolidates the hearing on the petition with the  
31 hearing on a request for provisional relief, the court  
32 may set a shorter notice period, with notice to the  
33 entities listed in this subdivision.

34 \* \* \* \* \*

**Committee Note**

Subdivision (q) is amended to clarify the procedures for giving notice in cross-border proceedings. The amended rule provides, in keeping with Code § 1517(c), for the court to schedule a hearing to be held promptly on the

petition for recognition of a foreign proceeding. The amended rule contemplates that a hearing on a request for provisional relief may sometimes overlap substantially with the merits of the petition for recognition. In that case, the court may choose to consolidate the hearing on the request for provisional relief with the hearing on the petition for recognition, see Rules 1018 and 7065, and accordingly shorten the usual 21-day notice period.

10 FEDERAL RULES OF BANKRUPTCY PROCEDURE

1 **Rule 3002.1. Notice Relating to Claims Secured by**  
2 **Security Interest in the Debtor's**  
3 **Principal Residence**

4 (a) IN GENERAL. This rule applies in a chapter 13  
5 case to claims (1) that are ~~(1)~~ secured by a security interest  
6 in the debtor's principal residence, and (2) for which the  
7 plan provides that either the trustee or the debtor will make  
8 contractual installment payments provided for under  
9 ~~§ 1322(b)(5) of the Code in the debtor's plan.~~ Unless the  
10 court orders otherwise, the notice requirements of this rule  
11 cease to apply when an order terminating or annulling the  
12 automatic stay becomes effective with respect to the  
13 residence that secures the claim.

14 \* \* \* \* \*

**Committee Note**

Subdivision (a) is amended to clarify the applicability of the rule. Its provisions apply whenever a chapter 13 plan provides that contractual payments on the debtor's home mortgage will be maintained, whether they will be paid by the trustee or directly by the debtor. The reference to § 1322(b)(5) of the Code is deleted to make

clear that the rule applies even if there is no prepetition arrearage to be cured. So long as a creditor has a claim that is secured by a security interest in the debtor's principal residence and the plan provides that contractual payments on the claim will be maintained, the rule applies.

Subdivision (a) is further amended to provide that, unless the court orders otherwise, the notice obligations imposed by this rule cease on the effective date of an order granting relief from the automatic stay with regard to the debtor's principal residence. Debtors and trustees typically do not make payments on mortgages after the stay relief is granted, so there is generally no need for the holder of the claim to continue providing the notices required by this rule. Sometimes, however, there may be reasons for the debtor to continue receiving mortgage information after stay relief. For example, the debtor may intend to seek a mortgage modification or to cure the default. When the court determines that the debtor has a need for the information required by this rule, the court is authorized to order that the notice obligations remain in effect or be reinstated after the relief from the stay is granted.

12 FEDERAL RULES OF BANKRUPTCY PROCEDURE

1 **Rule 9006. Computing and Extending Time; Time for**  
2 **Motion Papers**

3 \* \* \* \* \*

4 (f) ADDITIONAL TIME AFTER SERVICE  
5 BY MAIL OR UNDER RULE 5(b)(2)(D), ~~(E)~~, OR (F) F.R.  
6 CIV. P. When there is a right or requirement to act or  
7 undertake some proceedings within a prescribed period  
8 after ~~service~~being served and that service is by mail or  
9 under Rule 5(b)(2)(D) (leaving with the clerk), ~~(E)~~, or (F)  
10 (other means consented to) F.R. Civ. P., three days are  
11 added after the prescribed period would otherwise expire  
12 under Rule 9006(a).

13 \* \* \* \* \*

**Committee Note**

Subdivision (f) is amended to remove service by electronic means under Civil Rule 5(b)(2)(E) from the modes of service that allow three added days to act after being served.

Rule 9006(f) and Civil Rule 6(d) contain similar provisions providing additional time for actions after being

served by mail or by certain modes of service that are identified by reference to Civil Rule 5(b)(2). Rule 9006(f)—like Civil Rule 6(d)—is amended to remove the reference to service by electronic means under Rule 5(b)(2)(E). The amendment also adds clarifying parentheticals identifying the forms of service under Rule 5(b)(2) for which three days will still be added.

Civil Rule 5(b)—made applicable in bankruptcy proceedings by Rules 7005 and 9014(b)—was amended in 2001 to allow service by electronic means with the consent of the person served. Although electronic transmission seemed virtually instantaneous even then, electronic service was included in the modes of service that allow three added days to act after being served. There were concerns that the transmission might be delayed for some time, and particular concerns that incompatible systems might make it difficult or impossible to open attachments. Those concerns have been substantially alleviated by advances in technology and widespread skill in using electronic transmission.

A parallel reason for allowing the three added days was that electronic service was authorized only with the consent of the person to be served. Concerns about the reliability of electronic transmission might have led to refusals of consent; the three added days were calculated to alleviate these concerns.

Diminution of the concerns that prompted the decision to allow the three added days for electronic transmission is not the only reason for discarding this indulgence. Many rules have been changed to ease the task of computing time by adopting 7-, 14-, 21-, and 28-day

## 14 FEDERAL RULES OF BANKRUPTCY PROCEDURE

periods that allow “day-of-the-week” counting. Adding three days at the end complicated the counting, and increased the occasions for further complication by invoking the provisions that apply when the last day is a Saturday, Sunday, or legal holiday.

Electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.

Eliminating Rule 5(b) subparagraph (2)(E) from the modes of service that allow three added days means that the three added days cannot be retained by consenting to service by electronic means. Consent to electronic service in registering for electronic case filing, for example, does not count as consent to service “by any other means” of delivery under subparagraph (F).

Subdivision (f) is also amended to conform to a corresponding amendment of Civil Rule 6(d). The amendment clarifies that only the party that is served by mail or under the specified provisions of Civil Rule 5—and not the party making service—is permitted to add three days to any prescribed period for taking action after service is made.

Modernized Official Forms Numbering Conversion Chart

2014 Form Number	2014 Form Name	2015 Number	New Name	
B 1	Voluntary Petition	B101	Voluntary Petition for Individuals Filing for Bankruptcy <i>(incorporates exhibits – carves out eviction judgment statement as new form B101AB)</i>	
		B101A	Initial Statement About an Eviction Judgment Against You	
		B101B	Statement About Payment of an Eviction Judgment Against You	
		B201	Voluntary Petition for Non-Individuals Filing for Bankruptcy	
	Exhibit A	B201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11	
	Exhibit C	B101 B201	<i>Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201</i>	
	Exhibit D	B101	<i>Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in Form B101</i>	
	[Chapter 15 questions from Petition]	B401	Petition for Recognition of Foreign Proceeding	
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202	Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership <i>(For petition, schedules, SOFA, etc.)</i> .	
B 3A	Application and Order to Pay Filing Fee in Installments	B103A	Application for Individuals to Pay the Filing Fee in Installments	
B 3B	Application for Waiver of Chapter 7 Filing Fee	B103B	Application to Have the Chapter 7 Filing Fee Waived	
B 4	List of Creditors Holding 20 Largest Unsecured Claims	B104	For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders <i>(individuals)</i>	
		B204	For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders <i>(non-individuals)</i>	
B 5	Involuntary Petition	B105	Involuntary Petition Against an Individual	
		B205	Involuntary Petition Against a Non-Individual	
B6 Sum	Summary of Schedules (Includes Statistical Summary of Certain Liabilities)	B106 -- Summary	A Summary of Your Assets and Liabilities and Certain Statistical Information <i>(individuals)</i>	
		B206 -- Summary	A Summary of Your Assets and Liabilities <i>(non-individuals)</i>	
B 6A	Schedule A - Real Property	}	B106A/B	Schedule A/B: Property <i>(combines real and personal property, individuals)</i>
B 6B	Schedule B - Personal Property		B206A/B	Schedule A/B: Property <i>(combines real and personal property, non-individuals)</i>
B 6C	Schedule C - Property Claimed as Exempt	B106C	Schedule C: The Property You Claim as Exempt <i>(individuals)</i>	
B 6D	Schedule D - Creditors Holding Secured Claims	B106D	Schedule D: Creditors Who Hold Claims Secured By Property <i>(against individuals)</i>	
		B206D	Schedule D: Creditors Who Hold Claims Secured By Property <i>(against non-individuals)</i>	

Modernized Official Forms Numbering Conversion Chart

2014 Form Number	2014 Form Name	2015 Number	New Name	
B 6E	Schedule E - Creditors Holding Unsecured Priority Claims	}	B106E/F	Schedule E/F: Creditors Who Have Unsecured Claims <i>(against individuals, combines priority and non-priority)</i>
B 6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims		B206E/F	Schedule E/F: Creditors Who Have Unsecured Claims <i>(against non-individuals, combines priority and non-priority)</i>
B 6G	Schedule G - Executory Contracts and Unexpired Leases	B106G	Schedule G: Executory Contracts and Unexpired Leases <i>(individuals)</i>	
		B206G	Schedule G: Executory Contracts and Unexpired Leases <i>(non-individuals)</i>	
B 6H	Schedule H - Codebtors	B106H	Schedule H: Your Codebtors <i>(individuals)</i>	
		B206H	Schedule H: Your Codebtors <i>(non-individuals)</i>	
B 6I	Schedule I - Current Income of Individual Debtor(s)	B106I <i>No B206I</i>	Schedule I: Your Income <i>(individuals )</i> To be a Director's Form	
B 6J	Schedule J - Current Expenditures of Individual Debtor(s)	B106J	Schedule J: Your Expenses	
		B106J-2	Schedule J-2: Expenses for Separate Household of Debtor 2	
		<i>No B206J</i>	To be a Director's Form	
B 6 Dec	Declaration Concerning Debtor's Schedules	B106 -- Declaration	Declaration About an Individual Debtor's Schedules	
		B202	Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership <i>(For petition, schedules, SOFA, etc)</i>	
B 7	Statement of Financial Affairs	B107	Your Statement of Financial Affairs for Individuals Filing for Bankruptcy	
		B207	Statement of Your Financial Affairs <i>(non-Individuals)</i>	
B 8	Chapter 7 Individual Debtor's Statement of Intention	B108	Statement of Intention for Individuals Filing Under Chapter 7	
B 9A	Chapter 7 Individual or Joint Debtor No Asset Case	B309A	(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline	
B 9B	Chapter 7 Corporation/Partnership No Asset Case	B309C	(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline Set	
B 9C	Chapter 7 Individual or Joint Debtor Asset Case	B309B	(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set	
B 9D	Chapter 7 Corporation/Partnership Asset Case (12/11)	B309D	(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set	
B 9E	Chapter 11 Individual or Joint Debtor Case	}	B309E (For Individuals or Joint Debtors) Notice of Chapter 11 Bankruptcy Case <i>(former Alt version combined with Form B309-E)</i>	
B 9E(Alt.)	Chapter 11 Individual or Joint Debtor Case			
B 9F	Chapter 11 Corporation/Partnership Case	}	B309F (For Corporations or Partnerships) Notice of Chapter 11 Bankruptcy Case <i>(former Alt version combined with Form B309-F)</i>	
B 9F(Alt.)	Chapter 11 Corporation/Partnership Case			
B 9G	Chapter 12 Individual or Joint Debtor Family Farmer	B309G	(For Individuals or Joint Debtors) Notice of Chapter 12 Bankruptcy Case	
B 9H	Chapter 12 Corporation/Partnership	B309H	(For Corporations or Partnerships) Notice of Chapter	

Modernized Official Forms Numbering Conversion Chart

2014 Form Number	2014 Form Name	2015 Number	New Name
	Family Farmer		12 Bankruptcy Case
B 9I	Chapter 13 Case	B309I	Notice of Chapter 13 Bankruptcy Case
B 10	Proof Of Claim	B410	Proof Of Claim
B 10A	Proof Of Claim, Attachment A	B410A	Proof Of Claim, Attachment A
B 10S-1	Proof Of Claim, Supplement 1	B410S-1	Proof Of Claim, Supplement 1
B 10S-2	Proof Of Claim, Supplement 2	B410S-2	Proof Of Claim, Supplement 2
B 11A	General Power of Attorney	<b>Abrogated</b>	
B 11B	Special Power of Attorney	<b>Abrogated</b>	
B 12	Order and Notice for Hearing on Disclosure Statement	B312	Same
B 13	Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof	B313	Same
B 14	Ballot for Accepting or Rejecting Plan	B314	Same
B 15	Order Confirming Plan	B315	Same
B 16A	Caption	B416A	Same
B 16B	Caption (Short Title)	B416B	Same
B 16D	Caption for Use in Adversary Proceeding other than for a Complaint Filed by a Debtor	B416D	Same
B 17A	Notice Of Appeal And Statement Of Election	B417A	Same
B17B	Optional Appellee Statement Of Election To Proceed In District Court	B417B	Same
B17C	Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)	B417C	Same
B 18	Discharge of Debtor	B318	Discharge of Debtor in a Chapter 7 Case
B 19	Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer	B119	Bankruptcy Petition Preparer's Notice, Declaration and Signature
B 21	Statement of Social Security Number	B121	Your Statement About Your Social Security Numbers
B 22A-1	Chapter 7 Statement of Your Current Monthly Income and Means-Test Calculation ( <i>published as 22A-1</i> )	B122A-1	Same
B 22A-1Supp	Chapter 7 Means Test Exemption Attachment	B122A-1Supp	Same
B 22A-2	Chapter 7 Means Test Calculation	B122A-2	Same
B 22B	Chapter 11 Statement of Your Current	B122B	Same
B22C-1	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)	B122C-1	Same
B22C-2	Chapter 13 Calculation of Your Disposable Income	B122C-2	Same
B 23	Debtor's Certification of Completion of Instructional Course Concerning Financial Management	B423	Certification About a Financial Management Course
B 24	Certification to Court of Appeals	B424	Same
B 27	Reaffirmation Agreement Cover Sheet	B427	Cover Sheet for Reaffirmation Agreement

# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_ ,  
Debtor

Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

## **GENERAL POWER OF ATTORNEY**

*[Abrogated]*

### **COMMITTEE NOTE**

The form is abrogated. Former Official Form 11A, although abrogated as an Official Form, continues to be available as a Director's Procedural Form.

Parties routinely modify the General Power of Attorney form to conform to state law, the needs of the case, or local practice. The exact language of the form is not needed. The proposed amendment to Rule 9009, however, restricts alteration of the Official Forms, except as provided in the rules or in a particular Official Form.

The Director's Procedural Forms are issued by the Director of the Administrative Office pursuant to Rule 9009 as an accommodation for the courts and parties. The procedural forms may be altered as needed and their use is not mandatory, unless required by local rule.

# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_ ,  
Debtor

Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

## **SPECIAL POWER OF ATTORNEY**

*[Abrogated]*

### **COMMITTEE NOTE**

The form is abrogated. Former Official Form 11B, although abrogated as an Official Form, continues to be available as a Director's Procedural Form.

Parties routinely modify the Special Power of Attorney form to conform to state law, the needs of the case, or local practice. The exact language of the form is not needed. The proposed amendment to Rule 9009, however, restricts alteration of the Official Forms, except as provided in the rules or in a particular Official Form.

The Director's Procedural Forms are issued by the Director of the Administrative Office pursuant to Rule 9009 as an accommodation for the courts and parties. The procedural forms may be altered as needed and their use is not mandatory, unless required by local rule.

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

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

Check if this is an amended filing

Official Form 101

**Voluntary Petition for Individuals Filing for Bankruptcy**

12/15

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

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

**Part 1: Identify Yourself**

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

About Debtor 1:

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

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

Include trade names and doing business as names

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

Number Street

City State ZIP Code

County

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

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

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

Number Street

P.O. Box

City State ZIP Code

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

Check one:

I have lived in this district longer than in any other district.

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

Four horizontal lines for explanation.

Check one:

I have lived in this district longer than in any other district.

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

Four horizontal lines for explanation.

Part 2: Tell the Court About Your Bankruptcy Case

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

Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- Chapter 7
Chapter 11
Chapter 12
Chapter 13

8. How you will pay the fee

- I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
I need to pay the fee in installments. If you choose this option, sign and attach the Application for Individuals to Pay The Filing Fee in Installments (Official Form 103A).
I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B) and file it with your petition.

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

- No
Yes. District When Case number
District When Case number
District When Case number

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

- No
Yes. Debtor Relationship to you
District When Case number, if known
Debtor Relationship to you
District When Case number, if known

11. Do you rent your residence?

- No. Go to line 12.
Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?
No. Go to line 12.
Yes. Fill out Initial Statement About an Eviction Judgment Against You (Form 101A) and file it with this bankruptcy petition.

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

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

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

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

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

Name of business, if any

Number Street

City State ZIP Code

Check the appropriate box to describe your business:

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

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

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

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

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

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

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

- No
Yes. What is the hazard?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

If immediate attention is needed, why is it needed?

Where is the property? Number Street

City State ZIP Code

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling****15. Tell the court whether you have received a briefing about credit counseling.**

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

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

**About Debtor 1:**

*You must check one:*

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

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

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

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

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

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

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

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

I am not required to receive a briefing about credit counseling because of:

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

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

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

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

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

*You must check one:*

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

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

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

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

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

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

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

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

I am not required to receive a briefing about credit counseling because of:

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

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

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

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

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?

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

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

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

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

16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?

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

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

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

- No
Yes

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

- 1-49, 50-99, 100-199, 200-999, 1,000-5,000, 5,001-10,000, 10,001-25,000, 25,001-50,000, 50,001-100,000, More than 100,000

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

- \$0-\$50,000, \$50,001-\$100,000, \$100,001-\$500,000, \$500,001-\$1 million, \$1,000,001-\$10 million, \$10,000,001-\$50 million, \$50,000,001-\$100 million, \$100,000,001-\$500 million, \$500,000,001-\$1 billion, \$1,000,000,001-\$10 billion, \$10,000,000,001-\$50 billion, More than \$50 billion

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

- \$0-\$50,000, \$50,001-\$100,000, \$100,001-\$500,000, \$500,001-\$1 million, \$1,000,001-\$10 million, \$10,000,001-\$50 million, \$50,000,001-\$100 million, \$100,000,001-\$500 million, \$500,000,001-\$1 billion, \$1,000,000,001-\$10 billion, \$10,000,000,001-\$50 billion, More than \$50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

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

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

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

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

X Signature of Debtor 1

X Signature of Debtor 2

Executed on MM / DD / YYYY

Executed on MM / DD / YYYY

Debtor 1

\_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

**For your attorney, if you are represented by one**

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

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

**X**

\_\_\_\_\_  
Signature of Attorney for Debtor Date  
MM / DD / YYYY

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Contact phone \_\_\_\_\_ Email address \_\_\_\_\_

\_\_\_\_\_  
Bar number State

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

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

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

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

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

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

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

- No
- Yes

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

- No
- Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

- No
- Yes. Name of Person \_\_\_\_\_

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

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

**x**

\_\_\_\_\_  
Signature of Debtor 1

Date \_\_\_\_\_  
MM / DD / YYYY

Contact phone \_\_\_\_\_

Cell phone \_\_\_\_\_

Email address \_\_\_\_\_

**x**

\_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Contact phone \_\_\_\_\_

Cell phone \_\_\_\_\_

Email address \_\_\_\_\_

## COMMITTEE NOTE

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

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

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

Part 2, *Tell the Court About Your Bankruptcy Case*, line 7, removes choices for chapters 9 and 15 filings because they do not pertain to individuals. The status of “being filed” is added to the question regarding bankruptcy cases pending or filed by a spouse, business partner, or affiliate (line 10). Lastly, the question “Do you rent your residence?” (line 11) and Official Forms 101A, *Initial Statement About an Eviction Judgment Against You*, and 101B, *Statement About Payment of an Eviction Judgment Against You*, replace “certification by a debtor who resides as a tenant of residential property,” on page 2 of Official Form 1.

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

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

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

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

Part 7, *Sign Below*, deletes from the debtor’s declaration the phrase “to the best of my knowledge, information, and belief” in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008. This part combines the two attorney signature blocks into one certification and eliminates signature lines for corporations/partnerships and chapter 15 Foreign Representative. The declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has also been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official

Form 119. That form must be completed and signed by the BPP and filed with each document prepared by a BPP.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

**Official Form 101A**

**Initial Statement About an Eviction Judgment Against You**

12/15

File this form with the court and serve a copy on your landlord when you first file bankruptcy only if:

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

Landlord's name \_\_\_\_\_

Landlord's address \_\_\_\_\_  
Number Street

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

If you want to stay in your rented residence after you file your case for bankruptcy, also complete the certification below.

**Certification About Applicable Law and Deposit of Rent**

I certify under penalty of perjury that:

- Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.
- I have given the bankruptcy court clerk a deposit for the rent that would be due during the 30 days after I file the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

**X** \_\_\_\_\_  
Signature of Debtor 1

**X** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

- Stay of Eviction:** (a) **First 30 days after bankruptcy.** If you checked both boxes above, signed the form to certify that both apply, and served your landlord with a copy of this statement, the automatic stay under 11 U.S.C. § 362(a)(3) will apply to the continuation of the eviction against you for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).
- (b) **Stay after the initial 30 days.** If you wish to stay in your residence after that 30-day period and continue to receive the protection of the automatic stay under 11 U.S.C. § 362(a)(3), you must pay the entire delinquent amount to your landlord as stated in the eviction judgment before the 30-day period ends. You must also fill out *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B), file it with the bankruptcy court, and serve your landlord a copy of it before the 30-day period ends.

Check the Bankruptcy Rules ([www.uscourts.gov/rulesandpolicies/rules.aspx](http://www.uscourts.gov/rulesandpolicies/rules.aspx)) and the local court's website (to find your court's website, go to [www.uscourts.gov/Court\\_Locator.aspx](http://www.uscourts.gov/Court_Locator.aspx)) for any specific requirements that you might have to meet to serve this statement.

11 U.S.C. §§ 362(b)(22) and 362(l)

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(if known)

**Official Form 101B**

**Statement About Payment of an Eviction Judgment Against You**

12/15

Fill out this form only if:

- you filed *Initial Statement About an Eviction Judgment Against You* (Official Form 101A); and
- you served a copy of Form 101A on your landlord; and
- you want to stay in your rented residence for more than 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

File this form within 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). Also serve a copy on your landlord within that same time period.

**Certification About Applicable Law and Payment of Eviction Judgment**

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

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

X \_\_\_\_\_  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

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

Check the Bankruptcy Rules ([www.uscourts.gov/rulesandpolicies/rules.aspx](http://www.uscourts.gov/rulesandpolicies/rules.aspx)) and the court's local website (go to [http://www.uscourts.gov/Court\\_Locator.aspx](http://www.uscourts.gov/Court_Locator.aspx) to find your court's website) for any specific requirements that you might have to meet to serve this statement.

## COMMITTEE NOTE

Official Form 101A, *Initial Statement About an Eviction Judgment Against You*, and Official Form 101B, *Statement About Payment of an Eviction Judgment Against You*, are new forms promulgated as part of the Forms Modernization Project. They replace the “*Certification by a Debtor Who Resides as a Tenant of Residential Property*” section on Official Form 1, *Voluntary Petition*. The forms apply only in cases of individual debtors.

**Official Form 101A** explains that debtors need to complete and file the form only if their landlord has a judgment for possession or an eviction judgment against them and they rent their residence. The form further explains that if the debtor wishes to stay in their residence for 30 days after filing their bankruptcy petition, the certification must be completed. The form adds references to the provisions in the Bankruptcy Code that specify when debtor-tenants subject to eviction may remain in their residence after filing for bankruptcy.

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

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

**Official Form 101B** is new. If debtors wish to stay in their residence for more than 30 days after filing the petition, they must complete, file, and serve the form within 30 days after the petition is filed. Under Official Form 101B, debtors certify under penalty of perjury that they have the right to stay in their residence under state law or other nonbankruptcy law by paying their landlord the entire delinquent amount and that they have paid their landlord the entire amount owed as stated in the judgment for possession or in the eviction judgment.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 103A**

**Application for Individuals to Pay the Filing Fee in Installments**

12/15

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
  - Chapter 11
  - Chapter 12
  - Chapter 13

2. 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.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

**You propose to pay...**

\$ _____	<input type="checkbox"/> With the filing of the petition
\$ _____	<input type="checkbox"/> On or before this date..... MM / DD / YYYY
\$ _____	On or before this date..... MM / DD / YYYY
\$ _____	On or before this date..... MM / DD / YYYY
+ \$ _____	On or before this date..... MM / DD / YYYY

**Total** \$ \_\_\_\_\_

◀ Your total must equal the entire fee for the chapter you checked in line 1.

**Part 2: Sign Below**

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 for services 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 later extends your deadline. 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.

<b>x</b> _____	<b>x</b> _____	<b>x</b> _____
Signature of Debtor 1	Signature of Debtor 2	Your attorney's name and signature, if you used one
Date _____	Date _____	Date _____
<small>MM / DD / YYYY</small>	<small>MM / DD / YYYY</small>	<small>MM / DD / YYYY</small>

Rules Appendix B-62

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Chapter filing under:  
 Chapter 7  
 Chapter 11  
 Chapter 12  
 Chapter 13

## Order Approving Payment of Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A), the court orders that:

The debtor(s) may pay the filing fee in installments on the terms proposed in the application.

The debtor(s) must pay the filing fee according to the following terms:

<u>You must pay...</u>	<u>On or before this date...</u>
\$ _____	_____ Month / day / year
\$ _____	_____ Month / day / year
\$ _____	_____ Month / day / year
+ \$ _____	_____ Month / day / year
<b>Total</b>	
\$ _____	

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

\_\_\_\_\_  
Month / day / year

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

### **COMMITTEE NOTE**

The form number is updated to comport with the form numbering style developed as part of the Forms Modernization Project. Other stylistic changes were made throughout the form.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

Official Form 103B

**Application to Have the Chapter 7 Filing Fee Waived**

12/15

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

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

**1. What is the size of your family?**

Your family includes you, your spouse, and any dependents listed on *Schedule J: Your Expenses* (Official Form 106J).

Check all that apply:

- You
- Your spouse
- Your dependents

\_\_\_\_\_ How many dependents?

\_\_\_\_\_ Total number of people

**2. 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.

Add your income and your spouse's income. Include the value (if known) of any non-cash governmental assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.

If you have already filled out *Schedule I: Your Income*, see line 10 of that schedule.

Subtract any non-cash governmental assistance that you included above.

**Your family's average monthly net income**

**That person's average monthly net income (take-home pay)**

You ..... \$ \_\_\_\_\_

Your spouse ... + \$ \_\_\_\_\_

Subtotal..... \$ \_\_\_\_\_

— \$ \_\_\_\_\_

Total..... \$ \_\_\_\_\_

**3. Do you receive non-cash governmental assistance?**

- No
- Yes. Describe.....

**Type of assistance**

\_\_\_\_\_

**4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?**

- No
- Yes. Explain. ....

\_\_\_\_\_

**5. Tell the court why you are unable to pay the filing fee in installments within 120 days.** If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them.

\_\_\_\_\_

Part 2: Tell the Court About Your Monthly Expenses

6. Estimate your average monthly expenses.

Include amounts paid by any government assistance that you reported on line 2. \$

If you have already filled out Schedule J, Your Expenses, copy line 22 from that form.

7. Do these expenses cover anyone who is not included in your family as reported in line 1?

- No
Yes. Identify who

Text box for identifying family members

8. Does anyone other than you regularly pay any of these expenses?

- No
Yes. How much do you regularly receive as contributions? \$ monthly

If you have already filled out Schedule I: Your Income, copy the total from line 11.

9. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?

- No
Yes. Explain

Text box for explaining expense changes

Part 3: Tell the Court About Your Property

If you have already filled out Schedule A/B: Property (Official Form 106A/B) attach copies to this application and go to Part 4.

10. How much cash do you have?

Examples: Money you have in your wallet, in your home, and on hand when you file this application

Cash: \$

11. Bank accounts and other deposits of money?

Examples: 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.

Table with columns: Institution name, Amount. Rows for Checking account, Savings account, and two Other financial accounts.

12. Your home? (if you own it outright or are purchasing it)

Examples: House, condominium, manufactured home, or mobile home

Form for home information including Number, Street, City, State, ZIP Code, Current value, and Amount you owe on mortgage and liens.

13. Other real estate?

Form for other real estate information including Number, Street, City, State, ZIP Code, Current value, and Amount you owe on mortgage and liens.

14. The vehicles you own?

Examples: Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats

Form for vehicle information including Make, Model, Year, Mileage, Current value, and Amount you owe on liens for two vehicles.

15. Other assets?

Describe the other assets:

Do not include household items and clothing.

[Empty box for describing other assets]

Current value: \$
Amount you owe on liens: \$

16. Money or property due you?

Examples: 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

Who owes you the money or property?

[Lines for listing who owes money]

How much is owed?

\$
\$

Do you believe you will likely receive payment in the next 180 days?

- No
Yes. Explain:

[Empty box for explaining 'Yes' answer]

Part 4: Answer These Additional Questions

17. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules?

- No
Yes. Whom did you pay? Check all that apply:
An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else

How much did you pay?

\$

18. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case?

- No
Yes. Whom do you expect to pay? Check all that apply:
An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else

How much do you expect to pay?

\$

19. Has anyone paid someone on your behalf for services for this case?

- No
Yes. Who was paid on your behalf? Check all that apply:
An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else
Who paid? Check all that apply:
Parent
Brother or sister
Friend
Pastor or clergy
Someone else

How much did someone else pay?

\$

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

- No
Yes. District When Case number
District When Case number
District When Case number

Part 5: Sign Below

By signing here under penalty of perjury, I declare that I cannot afford to pay the filing fee either in full or in installments. I also declare that the information I provided in this application is true and correct.

X Signature of Debtor 1

X Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(if known)

## Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B), the court orders that the application is:

**Granted.** However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.

**Denied.** The debtor must pay the filing fee according to the following terms:

<u>You must pay...</u>	<u>On or before this date...</u>
\$ _____	_____/_____/_____ Month / day / year
\$ _____	_____/_____/_____ Month / day / year
\$ _____	_____/_____/_____ Month / day / year
+ \$ _____	_____/_____/_____ Month / day / year
<b>Total</b>	<input type="text"/>

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

**Scheduled for hearing.**

A hearing to consider the debtor's application will be held

on \_\_\_\_\_ at \_\_\_\_\_ AM / PM at \_\_\_\_\_.  
Month / day / year Address of courthouse

If the debtor does not appear at this hearing, the court may deny the application.

\_\_\_\_\_  
Month / day / year  
Rules Appendix B-68

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

### **COMMITTEE NOTE**

The form number is updated to comport with the form numbering style developed as part of the Forms Modernization Project. Other stylistic changes were made throughout the form.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 104**

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

12/15

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

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

**Part 1: List the 20 Unsecured Claims in Order from Largest to Smallest. Do Not Include Claims by Insiders.**

		Unsecured claim
1	<p>What is the nature of the claim? _____ \$ _____</p> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact _____</p> <p>Contact phone _____</p> <p><b>As of the date you file, the claim is:</b> Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p><input type="checkbox"/> None of the above apply</p> <p><b>Does the creditor have a lien on your property?</b></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p>	
2	<p>What is the nature of the claim? _____ \$ _____</p> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact _____</p> <p>Contact phone _____</p> <p><b>As of the date you file, the claim is:</b> Check all that apply.</p> <p><input type="checkbox"/> Contingent</p> <p><input type="checkbox"/> Unliquidated</p> <p><input type="checkbox"/> Disputed</p> <p><input type="checkbox"/> None of the above apply</p> <p><b>Does the creditor have a lien on your property?</b></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Total claim (secured and unsecured): \$ _____</p> <p>Value of security: - \$ _____</p> <p>Unsecured claim \$ _____</p>	

Unsecured claim

3

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?
Value of security:
Unsecured claim

4

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?
Value of security:
Unsecured claim

5

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?
Value of security:
Unsecured claim

6

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?
Value of security:
Unsecured claim

7

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?
Value of security:
Unsecured claim

Unsecured claim

8

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$

9

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$

10

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$

11

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$

12

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim?
As of the date you file, the claim is: Check all that apply.
Does the creditor have a lien on your property?

\$

Unsecured claim

**13** \_\_\_\_\_ **What is the nature of the claim?** \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_

Number Street \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

Contact \_\_\_\_\_

Contact phone \_\_\_\_\_

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

Contingent

Unliquidated

Disputed

None of the above apply

**Does the creditor have a lien on your property?**

No

Yes. Total claim (secured and unsecured): \$ \_\_\_\_\_

Value of security: - \$ \_\_\_\_\_

Unsecured claim \$ \_\_\_\_\_

**14** \_\_\_\_\_ **What is the nature of the claim?** \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_

Number Street \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

Contact \_\_\_\_\_

Contact phone \_\_\_\_\_

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

Contingent

Unliquidated

Disputed

None of the above apply

**Does the creditor have a lien on your property?**

No

Yes. Total claim (secured and unsecured): \$ \_\_\_\_\_

Value of security: - \$ \_\_\_\_\_

Unsecured claim \$ \_\_\_\_\_

**15** \_\_\_\_\_ **What is the nature of the claim?** \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_

Number Street \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

Contact \_\_\_\_\_

Contact phone \_\_\_\_\_

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

Contingent

Unliquidated

Disputed

None of the above apply

**Does the creditor have a lien on your property?**

No

Yes. Total claim (secured and unsecured): \$ \_\_\_\_\_

Value of security: - \$ \_\_\_\_\_

Unsecured claim \$ \_\_\_\_\_

**16** \_\_\_\_\_ **What is the nature of the claim?** \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_

Number Street \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

Contact \_\_\_\_\_

Contact phone \_\_\_\_\_

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

Contingent

Unliquidated

Disputed

None of the above apply

**Does the creditor have a lien on your property?**

No

Yes. Total claim (secured and unsecured): \$ \_\_\_\_\_

Value of security: - \$ \_\_\_\_\_

Unsecured claim \$ \_\_\_\_\_

**17** \_\_\_\_\_ **What is the nature of the claim?** \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_

Number Street \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

Contact \_\_\_\_\_

Contact phone \_\_\_\_\_

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

Contingent

Unliquidated

Disputed

None of the above apply

**Does the creditor have a lien on your property?**

No

Yes. Total claim (secured and unsecured): \$ \_\_\_\_\_

Value of security: - \$ \_\_\_\_\_

Unsecured claim \$ \_\_\_\_\_

Unsecured claim

18

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim? \$

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

- Contingent
Unliquidated
Disputed
None of the above apply

Does the creditor have a lien on your property?

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

19

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim? \$

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

- Contingent
Unliquidated
Disputed
None of the above apply

Does the creditor have a lien on your property?

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

20

Creditor's Name
Number Street
City State ZIP Code
Contact
Contact phone

What is the nature of the claim? \$

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

- Contingent
Unliquidated
Disputed
None of the above apply

Does the creditor have a lien on your property?

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

Part 2: Sign Below

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

X Signature of Debtor 1

X Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

## COMMITTEE NOTE

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

Form 104 is reformatted to make it easier to complete and understand and to be more visually appealing. Blanks and checkboxes are provided for specific information about each claim, replacing columns for listing information. A separate, numbered section is provided for each of the 20 claims.

The instruction not to include fully secured claims is restated in less technical terms. Debtors are instructed to include a secured creditor only if the creditor has an unsecured claim resulting from inadequate collateral value that is among the 20 largest unsecured claims. Blanks are provided to calculate the value of the unsecured portion of a partially secured claim.

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

With respect to children who may be creditors, the direction to state only the initials of a minor child and the name and address of the child's parent or guardian, rather than the child's full name, is moved to the general

instruction booklet for the forms because it applies to all of the forms.

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (If known): \_\_\_\_\_ Chapter \_\_\_\_\_

Check if this is an amended filing

Official Form 105

**Involuntary Petition Against an Individual**

12/15

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-individual* (Official Form 205). Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**

1. Chapter of the Bankruptcy Code

Check one:

- Chapter 7
- Chapter 11

**Part 2: Identify the Debtor**

2. Debtor's full name

\_\_\_\_\_ First name

\_\_\_\_\_ Middle name

\_\_\_\_\_ Last name

\_\_\_\_\_ Suffix (Sr., Jr., II, III)

3. Other names you know the debtor has used in the last 8 years

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Include any assumed, married, maiden, or trade names, or *doing business as* names.

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)

Unknown

XXX - XX - \_\_\_\_\_

OR

9 XX - XX - \_\_\_\_\_

5. Any Employer Identification Numbers (EINs) used in the last 8 years

Unknown

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_  
EIN

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_  
EIN

<b>6. Debtor's address</b>	<b>Principal residence</b>	<b>Mailing address, if different from residence</b>
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	County _____	
	<b>Principal place of business</b>	
	Number _____ Street _____	
	City _____ State _____ ZIP Code _____	
	County _____	

**7. Type of business**

Debtor does not operate a business

*Check one if the debtor operates a business:*

Health Care Business (as defined in 11 U.S.C. § 101(27A))

Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

Stockbroker (as defined in 11 U.S.C. § 101(53A))

Commodity Broker (as defined in 11 U.S.C. § 101(6))

None of the above

**8. Type of debt**

**Each petitioner believes:**

**Debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

**Debts are primarily business debts.** *Business debts* are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.

**9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?**

No

Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_

District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_

MM / DD / YYYY

Debtor \_\_\_\_\_ Relationship \_\_\_\_\_

District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_

MM / DD / YYYY

**Part 3: Report About the Case**

**10. Venue**

*Check one:*

Reason for filing in this court.

- Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.
- A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.
- Other reason. Explain. (See 28 U.S.C. § 1408.) \_\_\_\_\_

**11. Allegations**

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

*At least one box must be checked.*

- The debtor is generally not paying such debtor's debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
- Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

**12. Has there been a transfer of any claim against the debtor by or to any petitioner?**

- No
- Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

**13. Each petitioner's claim**

Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
<b>Total</b>		\$ _____

**If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.**

**Part 4: Request for Relief**

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(i).

**Petitioners or Petitioners' Representative**

**X**

\_\_\_\_\_  
Signature of petitioner or representative, including representative's title

\_\_\_\_\_  
Printed name of petitioner

Date signed \_\_\_\_\_  
MM / DD / YYYY

**Mailing address of petitioner**

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**If petitioner is an individual and is not represented by an attorney:**

Contact phone \_\_\_\_\_

Email \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**Attorneys**

**X**

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name, if any

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Date signed \_\_\_\_\_  
MM / DD / YYYY

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

**X**

\_\_\_\_\_  
Signature of petitioner or representative, including representative's title

\_\_\_\_\_  
Printed name of petitioner

Date signed \_\_\_\_\_  
MM / DD / YYYY

**Mailing address of petitioner**

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**Name and mailing address of petitioner's representative, if any**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**X**

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name, if any

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Date signed \_\_\_\_\_  
MM / DD / YYYY

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

**X**

\_\_\_\_\_  
Signature of petitioner or representative, including representative's title

\_\_\_\_\_  
Printed name of petitioner

Date signed \_\_\_\_\_  
MM / DD / YYYY

**Mailing address of petitioner**

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**Name and mailing address of petitioner's representative, if any**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**X**

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name, if any

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Date signed \_\_\_\_\_  
MM / DD / YYYY

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

## COMMITTEE NOTE

Official Form 105, *Involuntary Petition Against an Individual*, which is used only in cases of individual debtors, is revised in its entirety as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. In addition, the form is renumbered to distinguish it from the version to be used in non-individual cases, and stylistic changes were made throughout the form.

The form is derived from Official Form 5, *Involuntary Petition*. The new form separates questions into four parts likely to be more familiar to non-lawyers, groups questions of a similar nature together, and eliminates questions unrelated to individual debtors.

Part 1, *Identify the Chapter of the Bankruptcy Code Under Which Petition is Filed*, moves to the beginning of the form the question regarding the chapter of the Bankruptcy Code under which the petition is filed.

Part 2, *Identify the Debtor*, includes the questions regarding the debtor's name, prior names, Social Security Number, Individual Taxpayer Identification Number, and Employer Identification Number. Petitioners must list the address for the debtor's principal residence, mailing address (if different), and principal place of business. Petitioners must indicate whether the debtor operates a business, and, if so, use checkboxes to indicate whether the business falls into certain categories. The statutory definition of "consumer debts" is provided, as well as a definition of "business debts."

Part 3, *Report About the Case*, amends the question regarding venue to advise that venue is "the reason for filing in this court" and amends the choices for venue. The first option is revised to read: "Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district." Also, the form adds an option for "Other reason. Explain," with a statutory reference. In the question for Allegations, the exact citation to the Bankruptcy Code is provided for the second allegation, and checkboxes are provided for the last

allegation. Petitioners must check “yes” or “no” to answer whether there has been a transfer of any claim against the debtor by or to a petitioner. The information regarding the petitioner’s claims is moved to this part of the form, and the portion listing the amount of the claim is amended to ask about the amount of the claim that exceeds the value of the lien, if any.

Part 4, *Request for Relief*, amends the instructions to include a warning about making a false statement, and adds a separate requirement for each petitioner’s mailing address. Also, petitioners’ attorneys must provide their email addresses, or if a petitioner is an individual and not represented by an attorney, the contact phone and email address of that petitioner must be provided.

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

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_

Check if this is an amended filing

Official Form 106A/B

**Schedule A/B: Property**

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

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

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

- No. Go to Part 2.
- Yes. Where is the property?

1.1. \_\_\_\_\_  
Street address, if available, or other description

\_\_\_\_\_

\_\_\_\_\_

City State ZIP Code

\_\_\_\_\_

County

**What is the property?** Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Timeshare
- Other \_\_\_\_\_

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

**Current value of the entire property?** \$ \_\_\_\_\_  
**Current value of the portion you own?** \$ \_\_\_\_\_

**Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.**

**Who has an interest in the property?** Check one.

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

**Check if this is community property** (see instructions)

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

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

1.2. \_\_\_\_\_  
Street address, if available, or other description

\_\_\_\_\_

\_\_\_\_\_

City State ZIP Code

\_\_\_\_\_

County

**What is the property?** Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Timeshare
- Other \_\_\_\_\_

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

**Current value of the entire property?** \$ \_\_\_\_\_  
**Current value of the portion you own?** \$ \_\_\_\_\_

**Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.**

**Who has an interest in the property?** Check one.

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

**Check if this is community property** (see instructions)

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

1.3. \_\_\_\_\_  
 Street address, if available, or other description  
 \_\_\_\_\_  
 \_\_\_\_\_  
 City State ZIP Code  
 \_\_\_\_\_  
 County

**What is the property?** Check all that apply.

- Single-family home
- Duplex or multi-unit building
- Condominium or cooperative
- Manufactured or mobile home
- Land
- Investment property
- Timeshare
- Other \_\_\_\_\_

**Who has an interest in the property?** Check one.

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

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

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

<b>Current value of the entire property?</b>	<b>Current value of the portion you own?</b>
--	--

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

**Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.**

**Check if this is community property**  
 (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here. ....>

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

**Part 2: Describe Your Vehicles**

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

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

- No
- Yes

3.1. Make: \_\_\_\_\_  
 Model: \_\_\_\_\_  
 Year: \_\_\_\_\_  
 Approximate mileage: \_\_\_\_\_  
 Other information:  
 \_\_\_\_\_

**Who has an interest in the property?** Check one.

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

**Check if this is community property** (see instructions)

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

<b>Current value of the entire property?</b>	<b>Current value of the portion you own?</b>
--	--

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

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

3.2. Make: \_\_\_\_\_  
 Model: \_\_\_\_\_  
 Year: \_\_\_\_\_  
 Approximate mileage: \_\_\_\_\_  
 Other information:  
 \_\_\_\_\_

**Who has an interest in the property?** Check one.

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

**Check if this is community property** (see instructions)

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

<b>Current value of the entire property?</b>	<b>Current value of the portion you own?</b>
--	--

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

3.3. Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Year: \_\_\_\_\_  
Approximate mileage: \_\_\_\_\_  
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ \_\_\_\_\_ \$ \_\_\_\_\_

3.4. Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Year: \_\_\_\_\_  
Approximate mileage: \_\_\_\_\_  
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ \_\_\_\_\_ \$ \_\_\_\_\_

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

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- No
 Yes

4.1. Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Year: \_\_\_\_\_  
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ \_\_\_\_\_ \$ \_\_\_\_\_

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

4.2. Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Year: \_\_\_\_\_  
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ \_\_\_\_\_ \$ \_\_\_\_\_

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

\$ [Empty box for total value]

Part 3: Describe Your Personal and Household Items

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

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

6. Household goods and furnishings

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

No Yes. Describe ..... \$

7. Electronics

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

No Yes. Describe ..... \$

8. Collectibles of value

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

No Yes. Describe ..... \$

9. Equipment for sports and hobbies

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

No Yes. Describe ..... \$

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

No Yes. Describe ..... \$

11. Clothes

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

No Yes. Describe ..... \$

12. Jewelry

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

No Yes. Describe ..... \$

13. Non-farm animals

Examples: Dogs, cats, birds, horses

No Yes. Describe ..... \$

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

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

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here -> \$

**Part 4: Describe Your Financial Assets**

**Do you own or have any legal or equitable interest in any of the following?** **Current value of the portion you own?**  
Do not deduct secured claims or exemptions.

**16. Cash**

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

No  
 Yes ..... Cash: ..... \$ \_\_\_\_\_

**17. Deposits of money**

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

No  
 Yes ..... Institution name:

17.1. Checking account:	_____	\$ _____
17.2. Checking account:	_____	\$ _____
17.3. Savings account:	_____	\$ _____
17.4. Savings account:	_____	\$ _____
17.5. Certificates of deposit:	_____	\$ _____
17.6. Other financial account:	_____	\$ _____
17.7. Other financial account:	_____	\$ _____
17.8. Other financial account:	_____	\$ _____
17.9. Other financial account:	_____	\$ _____

**18. Bonds, mutual funds, or publicly traded stocks**

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

No  
 Yes ..... Institution or issuer name:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

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

No  
 Yes. Give specific information about them. .... Name of entity: \_\_\_\_\_ % of ownership: \_\_\_\_\_ %  
\_\_\_\_\_ % \$ \_\_\_\_\_  
\_\_\_\_\_ % \$ \_\_\_\_\_  
\_\_\_\_\_ % \$ \_\_\_\_\_

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

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

Form for government and corporate bonds with checkboxes for 'No' and 'Yes. Give specific information about them.' and lines for issuer name and amount.

21. Retirement or pension accounts

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

Form for retirement or pension accounts with checkboxes for 'No' and 'Yes. List each account separately..' and lines for account type, institution name, and amount.

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company. Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

Form for security deposits and prepayments with checkboxes for 'No' and 'Yes..' and lines for institution name and various categories like Electric, Gas, Heating oil, etc.

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

Form for annuities with checkboxes for 'No' and 'Yes..' and lines for issuer name and description and amount.

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

No

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

Three lines for listing institutions with dollar amounts.

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

No

Yes. Give specific information about them...

Dollar amount line

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

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

No

Yes. Give specific information about them...

Dollar amount line

27. Licenses, franchises, and other general intangibles

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

No

Yes. Give specific information about them...

Dollar amount line

Money or property owed to you?

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

28. Tax refunds owed to you

No

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

Federal, State, and Local tax refund amounts.

29. Family support

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

No

Yes. Give specific information.

Alimony, Maintenance, Support, Divorce settlement, Property settlement amounts.

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

No

Yes. Give specific information.

Dollar amount line

31. Interests in insurance policies

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

No

Yes. Name the insurance company of each policy and list its value. ... Company name: Beneficiary: Surrender or refund value: \$

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

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

No

Yes. Give specific information. ... \$

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

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

No

Yes. Describe each claim. ... \$

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

No

Yes. Describe each claim. ... \$

35. Any financial assets you did not already list

No

Yes. Give specific information. ... \$

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

\$

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

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

No. Go to Part 6. Yes. Go to line 38.

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

38. Accounts receivable or commissions you already earned

No

Yes. Describe. ... \$

39. Office equipment, furnishings, and supplies

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

No

Yes. Describe. ... \$

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

No
Yes. Describe..... \$

41. Inventory

No
Yes. Describe..... \$

42. Interests in partnerships or joint ventures

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

43. Customer lists, mailing lists, or other compilations

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

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

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

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

\$

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

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

No. Go to Part 7.
Yes. Go to line 47.

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

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

No
Yes..... \$

48. Crops—either growing or harvested

No Yes. Give specific information. \$

49. Farm and fishing equipment, implements, machinery, fixtures, and tools of trade

No Yes \$

50. Farm and fishing supplies, chemicals, and feed

No Yes \$

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

No Yes. Give specific information. \$

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here \$

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

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

Examples: Season tickets, country club membership

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

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

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

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

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

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

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

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

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

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

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

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

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

Official Form 106C

**Schedule C: The Property You Claim as Exempt**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

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

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

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

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own	Amount of the exemption you claim	Specific laws that allow exemption
	Copy the value from <i>Schedule A/B</i>	Check only one box for each exemption.	
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____

3. Are you claiming a homestead exemption of more than \$155,675?

(Subject to adjustment on 4/01/16 and every 3 years after that for cases filed on or after the date of adjustment.)

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

Part 2: Additional Page

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own	Amount of the exemption you claim	Specific laws that allow exemption
	Copy the value from Schedule A/B	Check only one box for each exemption	
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____ _____ _____

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
 (If known)

Check if this is an amended filing

**Official Form 106D**

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

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

**1. Do any creditors have claims secured by your property?**

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

**Part 1: List All Secured Claims**

**2. List all secured claims.** If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

<i>Column A</i> Amount of claim <small>Do not deduct the value of collateral.</small>	<i>Column B</i> Value of collateral that supports this claim	<i>Column C</i> Unsecured portion <small>If any</small>
---	---	---

**2.1** Describe the property that secures the claim: \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_  
 Number \_\_\_\_\_ Street \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**As of the date you file, the claim is:** Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed

**Who owes the debt?** Check one.  
 Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another

Check if this claim relates to a community debt

**Nature of lien.** Check all that apply.  
 An agreement you made (such as mortgage or secured car loan)  
 Statutory lien (such as tax lien, mechanic's lien)  
 Judgment lien from a lawsuit  
 Other (including a right to offset) \_\_\_\_\_

Date debt was incurred \_\_\_\_\_ Last 4 digits of account number \_\_\_\_\_

**2.2** Describe the property that secures the claim: \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Creditor's Name \_\_\_\_\_  
 Number \_\_\_\_\_ Street \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**As of the date you file, the claim is:** Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed

**Who owes the debt?** Check one.  
 Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another

Check if this claim relates to a community debt

**Nature of lien.** Check all that apply.  
 An agreement you made (such as mortgage or secured car loan)  
 Statutory lien (such as tax lien, mechanic's lien)  
 Judgment lien from a lawsuit  
 Other (including a right to offset) \_\_\_\_\_

Date debt was incurred \_\_\_\_\_ Last 4 digits of account number \_\_\_\_\_

Add the dollar value of your entries in Column A on this page. Write that number here: \$ \_\_\_\_\_

Rules Appendix B-96

	Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion If any
<div style="background-color: black; color: white; padding: 5px; font-weight: bold;">Part 1:</div> <div style="background-color: black; color: white; padding: 5px; font-weight: bold; margin-top: 5px;">Additional Page</div> <p style="font-weight: bold; margin-top: 5px;">After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.</p>	\$ _____	\$ _____	\$ _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Describe the property that secures the claim:             </div> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>_____</p> <p>City _____ State _____ ZIP Code _____</p> <p><b>Who owes the debt?</b> Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	Last 4 digits of account number _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Describe the property that secures the claim:             </div> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>_____</p> <p>City _____ State _____ ZIP Code _____</p> <p><b>Who owes the debt?</b> Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	\$ _____	\$ _____	\$ _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Describe the property that secures the claim:             </div> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>_____</p> <p>City _____ State _____ ZIP Code _____</p> <p><b>Who owes the debt?</b> Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	Last 4 digits of account number _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Describe the property that secures the claim:             </div> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>_____</p> <p>City _____ State _____ ZIP Code _____</p> <p><b>Who owes the debt?</b> Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	\$ _____	\$ _____	\$ _____
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Describe the property that secures the claim:             </div> <p>Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>_____</p> <p>City _____ State _____ ZIP Code _____</p> <p><b>Who owes the debt?</b> Check one.</p> <p><input type="checkbox"/> Debtor 1 only</p> <p><input type="checkbox"/> Debtor 2 only</p> <p><input type="checkbox"/> Debtor 1 and Debtor 2 only</p> <p><input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p>	As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____	Last 4 digits of account number _____
<p><b>Add the dollar value of your entries in Column A on this page. Write that number here:</b></p>	\$ _____		
<p><b>If this is the last page of your form, add the dollar value totals from all pages. Write that number here:</b></p>	\$ _____		

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

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

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

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
 (If known)

Check if this is an amended filing

Official Form 106E/F

**Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Property* (Official Form 106A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G). Do not include any creditors with partially secured claims that are listed in *Schedule D: Creditors Who Have Claims Secured by Property*. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. On the top of any additional pages, write your name and case number (if known).

**Part 1: List All of Your PRIORITY Unsecured Claims**

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

- No. Go to Part 2.
- Yes.

**2. List all of your priority unsecured claims.** If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

		Total claim	Priority amount	Nonpriority amount
2.1	Priority Creditor's Name _____ _____ Number Street _____ _____ City State ZIP Code _____	Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____  When was the debt incurred? _____  As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
	Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt	Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____		
	Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes			
2.2	Priority Creditor's Name _____ _____ Number Street _____ _____ City State ZIP Code _____	Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____  When was the debt incurred? _____  As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
	Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt	Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____		
	Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes			

Part 1: Your PRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.

Total claim

Priority amount

Nonpriority amount

Form section 1: Includes fields for Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: (Contingent, Unliquidated, Disputed), Who incurred the debt?, Type of PRIORITY unsecured claim: (Domestic support obligations, Taxes and certain other debts you owe the government, Claims for death or personal injury while you were intoxicated, Other. Specify), Is the claim subject to offset?

Form section 2: Includes fields for Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: (Contingent, Unliquidated, Disputed), Who incurred the debt?, Type of PRIORITY unsecured claim: (Domestic support obligations, Taxes and certain other debts you owe the government, Claims for death or personal injury while you were intoxicated, Other. Specify), Is the claim subject to offset?

Form section 3: Includes fields for Priority Creditor's Name, Last 4 digits of account number, When was the debt incurred?, As of the date you file, the claim is: (Contingent, Unliquidated, Disputed), Who incurred the debt?, Type of PRIORITY unsecured claim: (Domestic support obligations, Taxes and certain other debts you owe the government, Claims for death or personal injury while you were intoxicated, Other. Specify), Is the claim subject to offset?

Part 2: List All of Your NONPRIORITY Unsecured Claims

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

- No. You have nothing to report in this part. Submit this form to the court with your other schedules.
Yes

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1 Nonpriority Creditor's Name Last 4 digits of account number Total claim
When was the debt incurred?
Number Street
City State ZIP Code
As of the date you file, the claim is: Check all that apply.
Who incurred the debt? Check one.
Is the claim subject to offset?

4.2 Nonpriority Creditor's Name Last 4 digits of account number Total claim
When was the debt incurred?
Number Street
City State ZIP Code
As of the date you file, the claim is: Check all that apply.
Who incurred the debt? Check one.
Is the claim subject to offset?

4.3 Nonpriority Creditor's Name Last 4 digits of account number Total claim
When was the debt incurred?
Number Street
City State ZIP Code
As of the date you file, the claim is: Check all that apply.
Who incurred the debt? Check one.
Is the claim subject to offset?

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.5, followed by 4.6, and so forth.

Total claim

4.5

Nonpriority Creditor's Name
Number Street
City State ZIP Code

Who incurred the debt? Check one.
Debtor 1 only
Debtor 2 only
Debtor 1 and Debtor 2 only
At least one of the debtors and another
Check if this claim is for a community debt
Is the claim subject to offset?
No
Yes

Last 4 digits of account number

\$

When was the debt incurred?

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

- Contingent
Unliquidated
Disputed

Type of NONPRIORITY unsecured claim:

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

4.6

Nonpriority Creditor's Name
Number Street
City State ZIP Code

Who incurred the debt? Check one.
Debtor 1 only
Debtor 2 only
Debtor 1 and Debtor 2 only
At least one of the debtors and another
Check if this claim is for a community debt
Is the claim subject to offset?
No
Yes

Last 4 digits of account number

\$

When was the debt incurred?

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

- Contingent
Unliquidated
Disputed

Type of NONPRIORITY unsecured claim:

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

4.7

Nonpriority Creditor's Name
Number Street
City State ZIP Code

Who incurred the debt? Check one.
Debtor 1 only
Debtor 2 only
Debtor 1 and Debtor 2 only
At least one of the debtors and another
Check if this claim is for a community debt
Is the claim subject to offset?
No
Yes

Last 4 digits of account number

\$

When was the debt incurred?

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

- Contingent
Unliquidated
Disputed

Type of NONPRIORITY unsecured claim:

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

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

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

Name
Number Street
City State ZIP Code

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

Line \_\_\_ of (Check one): [ ] Part 1: Creditors with Priority Unsecured Claims
[ ] Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_ \_\_\_ \_\_\_ \_\_\_

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

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. § 159. Add the amounts for each type of unsecured claim.

**Total claims from Part 1**

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

**Total claim**

- 6a. \$ \_\_\_\_\_
- 6b. \$ \_\_\_\_\_
- 6c. \$ \_\_\_\_\_
- 6d. + \$ \_\_\_\_\_

6e. \$ \_\_\_\_\_

**Total claims from Part 2**

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

**Total claim**

- 6f. \$ \_\_\_\_\_
- 6g. \$ \_\_\_\_\_
- 6h. \$ \_\_\_\_\_
- 6i. + \$ \_\_\_\_\_

6j. \$ \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse If filing) First Name Middle Name Last Name

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

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

**Official Form 106G**

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

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

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

- No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Property* (Official Form 106A/B).

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

	Person or company with whom you have the contract or lease	State what the contract or lease is for
2.1	Name _____ Number Street _____ City State ZIP Code _____	
2.2	Name _____ Number Street _____ City State ZIP Code _____	
2.3	Name _____ Number Street _____ City State ZIP Code _____	
2.4	Name _____ Number Street _____ City State ZIP Code _____	
2.5	Name _____ Number Street _____ City State ZIP Code _____	

**Additional Page if You Have More Contracts or Leases**

**Person or company with whom you have the contract or lease**

**What the contract or lease is for**

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. \_\_\_\_\_

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
 (If known)

Check if this is an amended filing

**Official Form 106H**

**Schedule H: Your Codebtors**

12/15

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

**1. Do you have any codebtors?** (If you are filing a joint case, do not list either spouse as a codebtor.)

- No
- Yes

**2. Within the last 8 years, have you lived in a community property state or territory?** (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No. Go to line 3.
- Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
  - No
  - Yes. In which community state or territory did you live? \_\_\_\_\_. Fill in the name and current address of that person.

\_\_\_\_\_  
Name of your spouse, former spouse, or legal equivalent

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.**

*Column 1: Your codebtor*

*Column 2: The creditor to whom you owe the debt*

Check all schedules that apply:

<b>3.1</b>	_____ <small>Name</small> _____ <small>Number Street</small> _____ <small>City State ZIP Code</small>	<input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____
<b>3.2</b>	_____ <small>Name</small> _____ <small>Number Street</small> _____ <small>City State ZIP Code</small>	<input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____
<b>3.3</b>	_____ <small>Name</small> _____ <small>Number Street</small> _____ <small>City State ZIP Code</small>	<input type="checkbox"/> Schedule D, line _____ <input type="checkbox"/> Schedule E/F, line _____ <input type="checkbox"/> Schedule G, line _____

Rules Appendix B-107

Additional Page to List More Codebtors

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

3.\_

Name
Number Street
City State ZIP Code

- Schedule D, line
Schedule E/F, line
Schedule G, line

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY \_\_\_\_\_

Official Form 106I

**Schedule I: Your Income**

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Employment**

1. **Fill in your employment information.**

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

**Employment status**

- Employed
- Not employed

- Employed
- Not employed

**Occupation**

\_\_\_\_\_

**Employer's name**

\_\_\_\_\_

**Employer's address**

Number _____ Street _____	Number _____ Street _____
_____	_____
_____	_____
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____

How long employed there? \_\_\_\_\_

**Part 2: Give Details About Monthly Income**

**Estimate monthly income as of the date you file this form.** If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	<b>For Debtor 1</b>	<b>For Debtor 2 or non-filing spouse</b>
2. <b>List monthly gross wages, salary, and commissions</b> (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ _____	\$ _____
3. <b>Estimate and list monthly overtime pay.</b>	3. + \$ _____	+ \$ _____
4. <b>Calculate gross income.</b> Add line 2 + line 3.	4. \$ _____	\$ _____

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here ..... → 4.	\$ _____	\$ _____
<b>5. List all payroll deductions:</b>		
5a. Tax, Medicare, and Social Security deductions	5a. \$ _____	\$ _____
5b. Mandatory contributions for retirement plans	5b. \$ _____	\$ _____
5c. Voluntary contributions for retirement plans	5c. \$ _____	\$ _____
5d. Required repayments of retirement fund loans	5d. \$ _____	\$ _____
5e. Insurance	5e. \$ _____	\$ _____
5f. Domestic support obligations	5f. \$ _____	\$ _____
5g. Union dues	5g. \$ _____	\$ _____
5h. Other deductions. Specify: _____	5h. + \$ _____	+ \$ _____
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e +5f + 5g + 5h.	6. \$ _____	\$ _____
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ _____	\$ _____
<b>8. List all other income regularly received:</b>		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ _____	\$ _____
8b. Interest and dividends	8b. \$ _____	\$ _____
8c. 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.	8c. \$ _____	\$ _____
8d. Unemployment compensation	8d. \$ _____	\$ _____
8e. Social Security	8e. \$ _____	\$ _____
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ _____	\$ _____
8g. Pension or retirement income	8g. \$ _____	\$ _____
8h. Other monthly income. Specify: _____	8h. + \$ _____	+ \$ _____
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f +8g + 8h.	9. \$ _____	\$ _____
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ _____ +	\$ _____ = \$ _____
11. State all other regular contributions to the expenses that you list in Schedule J. 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 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		11. + \$ _____
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Your Assets and Liabilities and Certain Statistical Information, if it applies		12. \$ _____ <b>Combined monthly income</b>
13. Do you expect an increase or decrease within the year after you file this form? <input type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

Official Form 106J

**Schedule J: Your Expenses**

12/15

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 another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household**

1. Is this a joint case?

- No. Go to line 2.
- Yes. Does Debtor 2 live in a separate household?
  - No
  - Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.  
 Do not state the dependents' names.

- No
- Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself and your dependents?

- No
- Yes

**Part 2: Estimate Your Ongoing Monthly Expenses**

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

Your expenses

4. \$ \_\_\_\_\_

If not included in line 4:

- 4a. Real estate taxes 4a. \$ \_\_\_\_\_
- 4b. Property, homeowner's, or renter's insurance 4b. \$ \_\_\_\_\_
- 4c. Home maintenance, repair, and upkeep expenses 4c. \$ \_\_\_\_\_
- 4d. Homeowner's association or condominium dues 4d. \$ \_\_\_\_\_

**Your expenses**

5. **Additional mortgage payments for your residence**, such as home equity loans

5. \$ \_\_\_\_\_

6. **Utilities:**

6a. Electricity, heat, natural gas

6a. \$ \_\_\_\_\_

6b. Water, sewer, garbage collection

6b. \$ \_\_\_\_\_

6c. Telephone, cell phone, Internet, satellite, and cable services

6c. \$ \_\_\_\_\_

6d. Other. Specify: \_\_\_\_\_

6d. \$ \_\_\_\_\_

7. **Food and housekeeping supplies**

7. \$ \_\_\_\_\_

8. **Childcare and children's education costs**

8. \$ \_\_\_\_\_

9. **Clothing, laundry, and dry cleaning**

9. \$ \_\_\_\_\_

10. **Personal care products and services**

10. \$ \_\_\_\_\_

11. **Medical and dental expenses**

11. \$ \_\_\_\_\_

12. **Transportation.** Include gas, maintenance, bus or train fare.  
 Do not include car payments.

12. \$ \_\_\_\_\_

13. **Entertainment, clubs, recreation, newspapers, magazines, and books**

13. \$ \_\_\_\_\_

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. \$ \_\_\_\_\_

15d. Other insurance. Specify: \_\_\_\_\_

15d. \$ \_\_\_\_\_

16. **Taxes.** Do not include taxes deducted from your pay or included in lines 4 or 20.  
 Specify: \_\_\_\_\_

16. \$ \_\_\_\_\_

17. **Installment or lease payments:**

17a. Car payments for Vehicle 1

17a. \$ \_\_\_\_\_

17b. Car payments for Vehicle 2

17b. \$ \_\_\_\_\_

17c. Other. Specify: \_\_\_\_\_

17c. \$ \_\_\_\_\_

17d. Other. Specify: \_\_\_\_\_

17d. \$ \_\_\_\_\_

18. **Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).**

18. \$ \_\_\_\_\_

19. **Other payments you make to support others who do not live with you.**

Specify: \_\_\_\_\_

19. \$ \_\_\_\_\_

20. **Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.**

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. Homeowner's association or condominium dues

20e. \$ \_\_\_\_\_

21. Other. Specify: \_\_\_\_\_

21. +\$ \_\_\_\_\_

22. Calculate your monthly expenses.

22a. Add lines 4 through 21.

22a. \$ \_\_\_\_\_

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22b. \$ \_\_\_\_\_

22c. Add line 22a and 22b. The result is your monthly expenses.

22c. \$ \_\_\_\_\_

23. Calculate your monthly net income.

23a. Copy line 12 (your combined monthly income) from Schedule I.

23a. \$ \_\_\_\_\_

23b. Copy your monthly expenses from line 22c above.

23b. - \$ \_\_\_\_\_

23c. Subtract your monthly expenses from your monthly income.  
The result is your monthly net income.

23c. \$ \_\_\_\_\_

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 here:

Empty text box for explanation.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

**Official Form 106J-2**

**Schedule J-2: Expenses for Separate Household of Debtor 2**

12/15

Use this form for Debtor 2's separate household expenses ONLY IF Debtor 1 and Debtor 2 maintain separate households. *If Debtor 1 and Debtor 2 have one or more dependents in common, list the dependents on both Schedule J and this form. Answer the questions on this form only with respect to expenses for Debtor 2 that are not reported on Schedule J.* Be as complete and accurate as possible. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household**

1. Do you and Debtor 1 maintain separate households?

- No. Do not complete this form.
- Yes

2. Do you have dependents?

No

Yes. Fill out this information for each dependent.....

Do not list Debtor 1 but list all other dependents of Debtor 2 regardless of whether listed as a dependent of Debtor 1 on Schedule J.

Do not state the dependents' names.

**Dependent's relationship to Debtor 2:**

**Dependent's age**

**Does dependent live with you?**

Dependent's relationship to Debtor 2:	Dependent's age	Does dependent live with you?
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself, your dependents, and Debtor 1?

- No
- Yes

**Part 2: Estimate Your Ongoing Monthly Expenses**

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

**Your expenses**

4. \$ \_\_\_\_\_

**If not included in line 4:**

- 4a. Real estate taxes 4a. \$ \_\_\_\_\_
- 4b. Property, homeowner's, or renter's insurance 4b. \$ \_\_\_\_\_
- 4c. Home maintenance, repair, and upkeep expenses 4c. \$ \_\_\_\_\_
- 4d. Homeowner's association or condominium dues 4d. \$ \_\_\_\_\_

Your expenses

- 5. **Additional mortgage payments for your residence**, such as home equity loans 5. \$ \_\_\_\_\_
- 6. **Utilities:**
  - 6a. Electricity, heat, natural gas 6a. \$ \_\_\_\_\_
  - 6b. Water, sewer, garbage collection 6b. \$ \_\_\_\_\_
  - 6c. Telephone, cell phone, Internet, satellite, and cable services 6c. \$ \_\_\_\_\_
  - 6d. Other. Specify: \_\_\_\_\_ 6d. \$ \_\_\_\_\_
- 7. **Food and housekeeping supplies** 7. \$ \_\_\_\_\_
- 8. **Childcare and children's education costs** 8. \$ \_\_\_\_\_
- 9. **Clothing, laundry, and dry cleaning** 9. \$ \_\_\_\_\_
- 10. **Personal care products and services** 10. \$ \_\_\_\_\_
- 11. **Medical and dental expenses** 11. \$ \_\_\_\_\_
- 12. **Transportation.** Include gas, maintenance, bus or train fare.  
Do not include car payments. 12. \$ \_\_\_\_\_
- 13. **Entertainment, clubs, recreation, newspapers, magazines, and books** 13. \$ \_\_\_\_\_
- 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. \$ \_\_\_\_\_
  - 15d. Other insurance. Specify: \_\_\_\_\_ 15d. \$ \_\_\_\_\_
- 16. **Taxes.** Do not include taxes deducted from your pay or included in lines 4 or 20.  
Specify: \_\_\_\_\_ 16. \$ \_\_\_\_\_
- 17. **Installment or lease payments:**
  - 17a. Car payments for Vehicle 1 17a. \$ \_\_\_\_\_
  - 17b. Car payments for Vehicle 2 17b. \$ \_\_\_\_\_
  - 17c. Other. Specify: \_\_\_\_\_ 17c. \$ \_\_\_\_\_
  - 17d. Other. Specify: \_\_\_\_\_ 17d. \$ \_\_\_\_\_
- 18. **Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).** 18. \$ \_\_\_\_\_
- 19. **Other payments you make to support others who do not live with you.**  
Specify: \_\_\_\_\_ 19. \$ \_\_\_\_\_
- 20. **Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.**
  - 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. Homeowner's association or condominium dues 20e. \$ \_\_\_\_\_

Debtor 1

\_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

21. **Other.** Specify: \_\_\_\_\_

21. **+\$** \_\_\_\_\_

22. **Your monthly expenses.** Add lines 5 through 21.

The result is the monthly expenses of Debtor 2. Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

22. \$ \_\_\_\_\_

23. Line not used on this form.

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 here:

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 106Sum**

**Summary of Your Assets and Liabilities and Certain Statistical Information** 12/15

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

**Part 1: Summarize Your Assets**

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

**Part 2: Summarize Your Liabilities**

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

**Part 3: Summarize Your Income and Expenses**

4. <i>Schedule I: Your Income</i> (Official Form 106I)		
Copy your combined monthly income from line 12 of <i>Schedule I</i> .....		\$ _____
5. <i>Schedule J: Your Expenses</i> (Official Form 106J)		
Copy your monthly expenses from line 22c of <i>Schedule J</i> .....		\$ _____

**Part 4: Answer These Questions for Administrative and Statistical Records**

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

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

7. What kind of debt do you have?

- Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

8. From the **Statement of Your Current Monthly Income**: Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

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

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*.

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

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

Official Form 106Dec

**Declaration About an Individual Debtor's Schedules**

12/15

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

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**Sign Below**

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

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

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

**X** \_\_\_\_\_  
Signature of Debtor 1

**X** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

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

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

The form is reformatted and updated with cross-references indicating the line numbers of specific schedules from which the summary information is to be gathered. In addition, because most filings are now done electronically, the form no longer requires the debtor to indicate which schedules are attached or to state the number of sheets of paper used for the schedules.

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

The layout and categories of property on Official Form 106A/B have changed. Instead of dividing property interests into two categories (real or personal property), the new form uses seven categories likely to be more familiar to non-lawyers: real estate, vehicles, personal household items, financial assets, business-related property, farm- and

commercial fishing-related property, and a catch-all category for property that was not listed elsewhere in the form. The new form categories and the examples provided in many of the categories are designed to prompt debtors to be thorough and list all of their interests in property. The debtor may describe generally items of minimal value (such as children's clothes) by adding the value of the items and reporting the total.

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

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

In Part 1, *Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In*, the debtor is asked to state the “current value of the portion you own,” and to also state who has an interest in the property. In addition, the debtor is asked for the nature of the ownership interest, if known by the debtor. Furthermore, instead of asking for an open-ended description of the property, the form guides the debtor in answering the description question by providing eight options from which to choose: single-family home, duplex or multi-unit building, condominium or cooperative, manufactured or mobile home, land, investment property, timeshare, and other.

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

Part 3, *Describe Your Personal and Household Items*, simplifies wording, updates categories, and uses more common terms. For example, “Wearing apparel” is changed to “Clothes” and examples include furs, which were previously grouped with jewelry. Firearms, on the

other hand, which were previously grouped with sports and other hobbies, are now set out as a separate category. Additionally, because a new Part 6 has been added to separately describe-farm related property, Part 3 includes a category for “Non-farm animals.”

Part 4, *Describe Your Financial Assets*, prompts a listing of the debtor’s financial assets through several questions providing separate space, after each listed type of account or deposit, for the institution or issuer name and the value of the debtor’s interest in the asset. Two new categories of financial assets are added: “Bonds, mutual funds, or publicly traded stocks” and “Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment.” In addition, qualified ABLE accounts, as defined in 26 U.S.C. § 529A(b), are added to the list of accounts in question 24. This change is made in response to the Tax Increase Prevention Act of 2014, Pub. Law No. 113-295, which excludes ABLE account contributions meeting the specified requirements from property of the estate.

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

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

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

Part 8, *List the Totals of Each Part of this Form*, tabulates the total value of the debtor’s interest in the listed property. The tabulation includes two subtotals, one for real estate, which corresponds to the real property total that was reported on former Official Form 6A. The second

subtotal is of Parts 2-7, which corresponds to the personal property total that was reported on former Official Form 6B.

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

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

The form has also been changed in light of the Supreme Court's ruling in *Schwab v. Reilly*, 560 U.S. 770 (2010). Entries in the "amount of the exemption you claim" column may now be listed as either a dollar limited amount or as 100% of fair market value, up to any applicable statutory limit. For example, a debtor might claim 100% of fair market value for a home covered by an exemption capped at \$15,000, and that limit would be applicable. This choice would impose no dollar limit where the exemption is unlimited in dollar amount, such as some exemptions for health aids, certain governmental benefits, and tax-exempt retirement funds.

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

Part 1, *List All Secured Claims*, now directs the debtor to list only the last four digits of the account number. Part 1 also adds four checkboxes with which to describe the nature of the lien: an agreement the debtor made (such as mortgage or secured car loan); statutory lien (such as tax lien, mechanic's lien); judgment lien from a lawsuit; and other.

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

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

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

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

Part 2, *List All of Your NONPRIORITY Unsecured Claims*, contains four checkboxes, including three for types of claims that must be separately reported for statistical purposes: student loans; obligations arising out of a separation agreement or divorce not listed as priority claims; and debts to pension or profit-sharing plans and other similar debts. The remaining “other” checkbox treats claims not subject to separate reporting. If the debtor selects “other,” the debtor must specify the basis of the claim.

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

Finally, Part 4, *Add the Amounts for Each Type of Unsecured Claim*, requires the debtor to provide the total amounts of particular types of unsecured claims for statistical reporting purposes and the overall totals of the priority and nonpriority unsecured claims reported in this form.

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

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

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

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

The form breaks out the questions about whether there are any codebtors, and whether the debtor has lived with a spouse, former spouse, or legal equivalent in a community property state in the prior eight years. It also removes Alaska from the listed community property states. Finally, it asks the debtor to indicate where the debt is listed on Schedule D, Schedule E/F, or Schedule G, thereby

eliminating the need to list the name and address of the creditor.

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

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

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

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

The form has been revised to include references to new *Schedule J-2: Expenses for Separate Household of Debtor 2* (Official Form 106J-2) at line 1 and new line 22b. The revisions clarify how to calculate monthly net income in joint cases where Debtor 1 and Debtor 2 maintain separate households. Line 22b is added so Schedule J and Schedule J-2 are easily coordinated.

**Official Form 106J-2** is new. It is used to report the monthly expenses of Debtor 2 in a joint debtor case only if Debtor 1 and Debtor 2 maintain separate households.

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

The form, which is to be signed by the debtor and filed with the debtor's schedules, deletes the Declaration and Signature of Bankruptcy Petition Preparer (BPP). Instead, the debtor is directed to complete and file Official Form 119, *Bankruptcy Petition Preparer's Notice*,

*Declaration, and Signature*, if a BPP helped fill out the bankruptcy forms.

Because the form applies only to individual debtors, it no longer contains the Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership. It also deletes from the declaration the phrase “to the best of my knowledge, information, and belief” in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 107**

**Statement of Financial Affairs for Individuals Filing for Bankruptcy**

12/15

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

**Part 1: Give Details About Your Marital Status and Where You Lived Before**

**1. What is your current marital status?**

- Married
- Not married

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

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

Debtor 1:	Dates Debtor 1 lived there	Debtor 2:	Dates Debtor 2 lived there
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number _____ Street _____	From _____ To _____	Number _____ Street _____	From _____ To _____
City _____ State _____ ZIP Code _____		City _____ State _____ ZIP Code _____	
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number _____ Street _____	From _____ To _____	Number _____ Street _____	From _____ To _____
City _____ State _____ ZIP Code _____		City _____ State _____ ZIP Code _____	

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

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

**Part 2: Explain the Sources of Your Income**

**4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?**

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

- No
- Yes. Fill in the details.

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

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

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

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- No
- Yes. Fill in the details.

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

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

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

No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,225\* or more?

No. Go to line 7.

Yes. List below each creditor to whom you paid a total of \$6,225\* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

\* Subject to adjustment on 4/01/16 and every 3 years after that for cases filed on or after the date of adjustment.

Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.

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

No. Go to line 7.

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

Table with 4 columns: Dates of payment, Total amount paid, Amount you still owe, Was this payment for... (Mortgage, Car, Credit card, Loan repayment, Suppliers or vendors, Other). It contains three rows of creditor information for reporting.

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

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
Yes. List all payments to an insider.

Table with 4 columns: Dates of payment, Total amount paid, Amount you still owe, Reason for this payment. Contains two rows of payment details with fields for Insider's Name, Number, Street, City, State, ZIP Code, and dollar amounts.

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

Include payments on debts guaranteed or cosigned by an insider.

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

Table with 4 columns: Dates of payment, Total amount paid, Amount you still owe, Reason for this payment. Contains two rows of payment details with fields for Insider's Name, Number, Street, City, State, ZIP Code, and dollar amounts. The 'Reason for this payment' column includes the instruction 'Include creditor's name'.

Part 4: Identify Legal Actions, Repossessions, and Foreclosures

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

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

- No
Yes. Fill in the details.

Table with 3 columns: Nature of the case, Court or agency, Status of the case. Includes fields for Case title, Case number, Court Name, Number, Street, City, State, ZIP Code, and checkboxes for Pending, On appeal, Concluded.

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

Check all that apply and fill in the details below.

- No. Go to line 11.
Yes. Fill in the information below.

Table with 3 columns: Describe the property, Date, Value of the property. Includes fields for Creditor's Name, Number, Street, City, State, ZIP Code, and checkboxes for Property was repossessed, foreclosed, garnished, attached, seized, or levied.

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- No
Yes. Fill in the details.

Table with 3 columns: Describe the action the creditor took, Date action was taken, Amount. Includes fields for Creditor's Name, Number Street, City State ZIP Code, and Last 4 digits of account number.

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

- No
Yes

Part 5: List Certain Gifts and Contributions

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

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

Table with 4 columns: Gifts with a total value of more than \$600 per person, Describe the gifts, Dates you gave the gifts, Value. Includes fields for Person to Whom You Gave the Gift, Number Street, City State ZIP Code, and Person's relationship to you.

Table with 4 columns: Gifts with a total value of more than \$600 per person, Describe the gifts, Dates you gave the gifts, Value. Includes fields for Person to Whom You Gave the Gift, Number Street, City State ZIP Code, and Person's relationship to you.

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

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

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

**Part 6: List Certain Losses**

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

- No
- Yes. Fill in the details.

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

**Part 7: List Certain Payments or Transfers**

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

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

- No
- Yes. Fill in the details.

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

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Person Who Was Paid <hr/> Number Street <hr/> City State ZIP Code <hr/> Email or website address <hr/> Person Who Made the Payment, if Not You <hr/>	<div style="border: 1px solid black; height: 150px;"></div>	<hr/>	\$ <hr/>
		<hr/>	\$ <hr/>

**17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?**  
 Do not include any payment or transfer that you listed on line 16.

- No
- Yes. Fill in the details.

	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Person Who Was Paid <hr/> Number Street <hr/> City State ZIP Code <hr/>	<div style="border: 1px solid black; height: 100px;"></div>	<hr/>	\$ <hr/>
		<hr/>	\$ <hr/>

**18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?**  
 Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property).  
 Do not include gifts and transfers that you have already listed on this statement.

- No
- Yes. Fill in the details.

Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person Who Received Transfer <hr/> Number Street <hr/> City State ZIP Code <hr/> Person's relationship to you _____ <hr/>	<div style="border: 1px solid black; height: 150px;"></div>	<hr/>
Person Who Received Transfer <hr/> Number Street <hr/> City State ZIP Code <hr/> Person's relationship to you _____ <hr/>		<hr/>

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

- No
- Yes. Fill in the details.

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

**Part 8: List Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units**

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

- Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.
- No
  - Yes. Fill in the details.

	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	XXXX-__ __ __ __	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	XXXX-__ __ __ __	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

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

- No
- Yes. Fill in the details.

	Who else had access to it?	Describe the contents	Do you still have it?
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	Name _____ Number Street _____ City State ZIP Code _____		<input type="checkbox"/> No <input type="checkbox"/> Yes

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- No
- Yes. Fill in the details.

Who else has or had access to it?		Describe the contents	Do you still have it?
Name of Storage Facility	Name		<input type="checkbox"/> No <input type="checkbox"/> Yes
Number Street	Number Street		
City State ZIP Code	CityState ZIP Code		
City State ZIP Code			

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

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

- No
- Yes. Fill in the details.

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

**Part 10: Give Details About Environmental Information**

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

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

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

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

- No
- Yes. Fill in the details.

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

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

- No
Yes. Fill in the details.

Form for question 25 with fields: Governmental unit, Environmental law, Date of notice, Name of site, Number Street, City State ZIP Code.

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

- No
Yes. Fill in the details.

Form for question 26 with fields: Court or agency, Nature of the case, Status of the case, Case title, Court Name, Number Street, Case number, City State ZIP Code.

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

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

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
A member of a limited liability company (LLC) or limited liability partnership (LLP)
A partner in a partnership
An officer, director, or managing executive of a corporation
An owner of at least 5% of the voting or equity securities of a corporation
No. None of the above applies. Go to Part 12.
Yes. Check all that apply above and fill in the details below for each business.

Form for question 27 with fields: Business Name, Describe the nature of the business, Employer Identification number, Name of accountant or bookkeeper, Dates business existed, City State ZIP Code.



## COMMITTEE NOTE

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

The form is derived from former Official Form 7, *Statement of Financial Affairs*. The new form uses eleven sections likely to be more understandable to non-lawyers, groups questions of a similar nature together, and eliminates questions unrelated to individual debtors. The new form deletes the instruction, previously found in many questions, that married debtors filing under chapter 12 or chapter 13 must include information applicable to their spouse, even if their spouse is not filing with them, unless the spouses are separated. This change was made because a non-filing spouse's general financial affairs are not relevant to the debtor's bankruptcy case.

Part 1, *Give Details About Your Marital Status and Where You Lived Before*, moves the questions regarding the debtor's prior addresses, as well as residences in a community property state, to the beginning of the form. The form eliminates the "name used" question in reference to prior addresses. Also, the debtor is no longer required to list the name of a spouse or former spouse who lived with the debtor in a community property state since that information will be provided in Official Form 106H.

Part 2, *Explain the Sources of Your Income*, consolidates the questions regarding income, adding “wages, commissions, bonuses, tips” as a category for sources of income, and it eliminates the option to report income on a fiscal year basis. In addition, the form provides examples of types of “other income.” The time period is clarified to indicate that the prior two years means two calendar years, plus the portion of the calendar year in which the bankruptcy is filed.

Part 3, *List Certain Payments You Made Before You Filed for Bankruptcy*, includes questions related to payments made in the 90 days prior to bankruptcy, with a separate question for payments made to insiders within one year before filing for bankruptcy. The statutory definition of consumer debt is provided. The question regarding the nature of the debtor’s debts requires the debtor to use checkboxes to indicate whether or not they are primarily consumer debts. The form instructs debtors not to include payments for domestic support obligations in the section regarding insider payments. The form provides a separate question regarding payments or transfers on account of a debt that benefited an insider. For both questions regarding payments to insiders, the debtor is required to provide a reason for the payment. Partnerships of which the debtor is a general partner have been added to the examples of “insiders.”

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

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

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

Part 7, *List Certain Payments or Transfers*, includes questions regarding payments or transfers of property by the debtor. The question regarding payments or transfers to anyone who was consulted about seeking bankruptcy or preparing a bankruptcy petition requires the email or website address of the person who was paid, as well as the name of the person who made the payment if it was not the debtor. There is a separate question asked about payments or transfers to anyone who promised to help the debtor deal with creditors or make payments to creditors, reminding the debtor not to include any payments or transfers already listed. Also, the debtor must list any transfers of property, outright or for security purposes, made within two years of filing for bankruptcy, unless the transfer was made in the ordinary course of the debtor's business. There is a reminder not to list gifts or other transfers already included elsewhere on the form. The question regarding self-settled trusts adds an explanation that such trusts are often referred to as asset-protection devices.

Part 8, *List Certain Financial Accounts, Safe Deposit Boxes, and Storage Units*, adds money market accounts to the examples provided for the question regarding financial accounts or instruments and removes "other instruments" from the examples. Also, the form adds a question about whether the debtor has or had property stored in a storage unit within one year of filing for bankruptcy. The debtor must provide the name and address of the storage facility and anyone who has or had

access to the unit, as well as a description of the contents and whether the debtor still has access to the storage unit. Storage units that are part of the building in which the debtor resides are excluded.

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

Part 10, *Give Details About Environmental Information*, requires the debtor to list the case title and nature of the case for any judicial or administrative proceeding under any environmental law and to indicate the status of the case.

Part 11, *Give Details About Your Business or Connections to Any Business*, eliminates instructions that apply only to corporations and partnerships. The debtor must indicate if, within four years (previously six years) before filing for bankruptcy, the debtor owned a business or had certain connections to a business, with five categories of businesses provided as checkboxes. If the debtor has a connection to a business, the debtor must list the name, address, nature, and Employer Identification number of the business, the dates the business existed, and the name of an accountant or bookkeeper for the business. Accounting information requested is truncated; the debtor is simply required to provide the name of the business bookkeeper or accountant.

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

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

**Official Form 108**

**Statement of Intention for Individuals Filing Under Chapter 7**

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- creditors have claims secured by your property, or
- you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

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

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

**Part 1: List Your Creditors Who Have Secured Claims**

1. For any creditors that you listed in Part 1 of *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D), fill in the information below.

Identify the creditor and the property that is collateral	What do you intend to do with the property that secures a debt?	Did you claim the property as exempt on Schedule C?
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
Creditor's name: _____ Description of property securing debt: _____	<input type="checkbox"/> Surrender the property. <input type="checkbox"/> Retain the property and redeem it. <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> . <input type="checkbox"/> Retain the property and [explain]: _____	<input type="checkbox"/> No <input type="checkbox"/> Yes

**Part 2: List Your Unexpired Personal Property Leases**

For any unexpired personal property lease that you listed in *Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G)*, fill in the information below. Do not list real estate leases. *Unexpired leases* are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

**Describe your unexpired personal property leases** **Will the lease be assumed?**

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

Lessor's name: \_\_\_\_\_  No  
Description of leased property: \_\_\_\_\_  Yes

**Part 3: Sign Below**

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

**X** \_\_\_\_\_  
Signature of Debtor 1

**X** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

Official Form 108, *Statement of Intention for Individuals Filing Under Chapter 7*, is revised in its entirety as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. In addition, the form is renumbered, and stylistic changes are made throughout the form.

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

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

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

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_ Chapter \_\_\_\_\_  
(If known)

**Official Form 119**

**Bankruptcy Petition Preparer's Notice, Declaration, and Signature**

12/15

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

**Part 1: Notice to Debtor**

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

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

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

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

\_\_\_\_\_  
Signature of Debtor 1 acknowledging receipt of this notice Date MM / DD / YYYY

\_\_\_\_\_  
Signature of Debtor 2 acknowledging receipt of this notice Date MM / DD / YYYY

**Part 2: Declaration and Signature of the Bankruptcy Petition Preparer**

**Under penalty of perjury, I declare that:**

- I am a bankruptcy petition preparer or the officer, principal, responsible person, or partner of a bankruptcy petition preparer;
- I or my firm prepared the documents listed below and gave the debtor a copy of them and the *Notice to Debtor by Bankruptcy Petition Preparer* as required by 11 U.S.C. §§ 110(b), 110(h), and 342(b); and
- if rules or guidelines are established according to 11 U.S.C. § 110(h) setting a maximum fee for services that bankruptcy petition preparers may charge, I or my firm notified the debtor of the maximum amount before preparing any document for filing or before accepting any fee from the debtor.

Printed name \_\_\_\_\_ Title, if any \_\_\_\_\_ Firm name, if it applies \_\_\_\_\_  
 \_\_\_\_\_  
 Number \_\_\_\_\_ Street \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Contact phone \_\_\_\_\_

**I or my firm prepared the documents checked below and the completed declaration is made a part of each document that I check:**  
 (Check all that apply.)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Voluntary Petition (Form 101)  | <input type="checkbox"/> Schedule I (Form 106I)   | <input type="checkbox"/> Chapter 11 Statement of Your Current Monthly Income (Form 122B)  |
| <input type="checkbox"/> Statement About Your Social Security Numbers (Form 121)                                  | <input type="checkbox"/> Schedule J (Form 106J)   | <input type="checkbox"/> Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 122C-1) |
| <input type="checkbox"/> Summary of Your Assets and Liabilities and Certain Statistical Information (Form 106Sum) | <input type="checkbox"/> Declaration About an Individual Debtor's Schedules (Form 106Dec)                     | <input type="checkbox"/> Chapter 13 Calculation of Your Disposable Income (Form 122C-2)   |
| <input type="checkbox"/> Schedule A/B (Form 106A/B)   | <input type="checkbox"/> Statement of Financial Affairs (Form 107)  | <input type="checkbox"/> Application to Pay Filing Fee in Installments (Form 103A)  |
| <input type="checkbox"/> Schedule C (Form 106C)   | <input type="checkbox"/> Statement of Intention for Individuals Filing Under Chapter 7 (Form 108)             | <input type="checkbox"/> Application to Have Chapter 7 Filing Fee Waived (Form 103B)  |
| <input type="checkbox"/> Schedule D (Form 106D)   | <input type="checkbox"/> Chapter 7 Statement of Your Current Monthly Income (Form 122A-1)                     | <input type="checkbox"/> A list of names and addresses of all creditors ( <i>creditor or mailing matrix</i> )                   |
| <input type="checkbox"/> Schedule E/F (Form 106E/F)   | <input type="checkbox"/> Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (Form 122A-1Supp) | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Schedule G (Form 106G)   | <input type="checkbox"/> Chapter 7 Means Test Calculation (Form 122A-2)                                       |   |
| <input type="checkbox"/> Schedule H (Form 106H)   |   |   |

Bankruptcy petition preparers must sign and give their Social Security numbers. If more than one bankruptcy petition preparer prepared the documents to which this declaration applies, the signature and Social Security number of each preparer must be provided. 11 U.S.C. § 110.

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner \_\_\_\_\_ Social Security number of person who signed \_\_\_\_\_ Date \_\_\_\_\_  
MM / DD / YYYY

Printed name \_\_\_\_\_

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner \_\_\_\_\_ Social Security number of person who signed \_\_\_\_\_ Date \_\_\_\_\_  
MM / DD / YYYY

Printed name \_\_\_\_\_

## COMMITTEE NOTE

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

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

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

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

preparer to enter a social security number, and language regarding an officer, principal, responsible person, or partner of the bankruptcy petition preparer.

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
State

Case number (If known): \_\_\_\_\_

Official Form 121

**Statement About Your Social Security Numbers**

12/15

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

To protect your privacy, the court will not make this form available to the public. You should not include a full Social Security Number or Individual Taxpayer Number on any other document filed with the court. The court will make only the last four digits of your numbers known to the public. However, the full numbers will be available to your creditors, the U.S. Trustee or bankruptcy administrator, and the trustee assigned to your case.

Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**Part 1: Tell the Court About Yourself and Your spouse if Your Spouse is Filing With You**

For Debtor 1:

For Debtor 2 (Only If Spouse Is Filing):

1. Your name

\_\_\_\_\_  
First name  
\_\_\_\_\_  
Middle name  
\_\_\_\_\_  
Last name

\_\_\_\_\_  
First name  
\_\_\_\_\_  
Middle name  
\_\_\_\_\_  
Last name

**Part 2: Tell the Court About all of Your Social Security or Federal Individual Taxpayer Identification Numbers**

2. All Social Security Numbers you have used

\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

You do not have a Social Security number.

\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

You do not have a Social Security number.

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

9 \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

9 \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

You do not have an ITIN.

9 \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

9 \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

You do not have an ITIN.

**Part 3: Sign Below**

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

**x** \_\_\_\_\_  
Signature of Debtor 1

Date \_\_\_\_\_  
MM / DD / YYYY

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

**x** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

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

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

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

**Check one box only as directed in this form and in Form 122A-1Supp:**

- 1. There is no presumption of abuse.
- 2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-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

**Official Form 122A-1**

**Chapter 7 Statement of Your Current Monthly Income**

12/15

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 any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

**Part 1: Calculate Your Current Monthly Income**

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

- Not married.** Fill out Column A, lines 2-11.
- 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. You and your spouse are:**
  - Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 2-11.
  - Living separately or are legally separated.** Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies 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. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).	\$ _____	\$ _____
3. <b>Alimony and maintenance payments.</b> Do not include payments from a spouse if Column B is filled in.	\$ _____	\$ _____
4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. <b>Net income from operating a business, profession, or farm</b>	<b>Debtor 1</b>	<b>Debtor 2</b>
Gross receipts (before all deductions)	\$ _____	\$ _____
Ordinary and necessary operating expenses	– \$ _____	– \$ _____
Net monthly income from a business, profession, or farm	\$ _____	\$ _____
		Copy here →
6. <b>Net income from rental and other real property</b>	<b>Debtor 1</b>	<b>Debtor 2</b>
Gross receipts (before all deductions)	\$ _____	\$ _____
Ordinary and necessary operating expenses	– \$ _____	– \$ _____
Net monthly income from rental or other real property	\$ _____	\$ _____
		Copy here →
7. <b>Interest, dividends, and royalties</b>	\$ _____	\$ _____

Debtor 1

\_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

Column A Debtor 1	Column B Debtor 2 or non-filing spouse
----------------------	--

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

**8. Unemployment compensation**

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:..... ↓

For you..... \$ \_\_\_\_\_

For your spouse..... \$ \_\_\_\_\_

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

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

**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. If necessary, list other sources on a separate page and put the total below.

\_\_\_\_\_

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

\_\_\_\_\_

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

Total amounts from separate pages, if any.

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

**11. Calculate your total current monthly income.** Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ _____	+	\$ _____	=	\$ _____
				Total current monthly income

**Part 2: Determine Whether the Means Test Applies to You**

**12. Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11. .... Copy line 11 here → \$ \_\_\_\_\_  
Multiply by 12 (the number of months in a year). x 12

12b. The result is your annual income for this part of the form. 12b. \$ \_\_\_\_\_

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

Fill in the state in which you live. \_\_\_\_\_

Fill in the number of people in your household. \_\_\_\_\_

Fill in the median family income for your state and size of household. ....13. \$ \_\_\_\_\_

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

**14. How do the lines compare?**

14a.  Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3.

14b.  Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

**Part 3: Sign Below**

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

X \_\_\_\_\_  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 122A-1Supp**

**Statement of Exemption from Presumption of Abuse Under § 707(b)(2)** 12/15

File this supplement together with *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1), if you believe that you are exempted from a presumption of abuse. Be as complete and accurate as possible. If two married people are filing together, and any of the exclusions in this statement applies to only one of you, the other person should complete a separate Form 122A-1 if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).

**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 answer you gave at line 16 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).
- No. Go to Form 122A-1; on the top of page 1 of that form, check box 1, *There is no presumption of abuse*, and sign Part 3. Then submit this supplement with the signed Form 122A-1.
- Yes. Go to Part 2.

**Part 2: Determine Whether Military Service Provisions Apply to You**

2. **Are you a disabled veteran** (as defined in 38 U.S.C. § 3741(1))?
- No. Go to line 3.
- Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity?  
10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1).
- No. Go to line 3.
- Yes. Go to Form 122A-1; on the top of page 1 of that form, check box 1, *There is no presumption of abuse*, and sign Part 3. Then submit this supplement with the signed Form 122A-1.
3. **Are you or have you been a Reservist or member of the National Guard?**
- No. Complete Form 122A-1. Do not submit this supplement.
- 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. Complete Form 122A-1. Do not submit this supplement.
- Yes. Check any one of the following categories that applies:
- I was called to active duty after September 11, 2001**, for at least 90 days and remain on active duty.
  - I was called to active duty after September 11, 2001**, for at least 90 days and was released from active duty on \_\_\_\_\_, which is fewer than 540 days before I file this bankruptcy case.
  - I am performing a homeland defense activity for at least 90 days.**
  - I performed a homeland defense activity for at least 90 days**, ending on \_\_\_\_\_, which is fewer than 540 days before I file this bankruptcy case.

If you checked one of the categories to the left, go to Form 122A-1. On the top of page 1 of Form 122A-1, check box 3, *The Means Test does not apply now*, and sign Part 3. Then submit this supplement with the signed Form 122A-1. You are not required to fill out the rest of Official Form 122A-1 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.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
 First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
 (if known)

Check the appropriate box as directed in lines 40 or 42:

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

## Official Form 122A-2

### Chapter 7 Means Test Calculation

12/15

To fill out this form, you will need your completed copy of *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1).

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 any additional pages, write your name and case number (if known).

#### Part 1: Determine Your Adjusted Income

1. Copy your total current monthly income.....Copy line 11 from Official Form 122A-1 here → ..... \$ \_\_\_\_\_

2. Did you fill out Column B in Part 1 of Form 122A-1?

- No. Fill in \$0 for the total on line 3.
- Yes. Is your spouse filing with you?
  - No. Go to line 3.
  - Yes. Fill in \$0 for the total on line 3.

3. Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents. Follow these steps:

On line 11, Column B of Form 122A-1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?

- No. Fill in 0 for the total on line 3.
- Yes. Fill in the information below:

**State each purpose for which the income was used**

For example, the income is used to pay your spouse's tax debt or to support people other than you or your dependents

**Fill in the amount you are subtracting from your spouse's income**

_____	\$ _____
_____	\$ _____
_____	+ \$ _____
<b>Total</b> .....	\$ _____

Copy total here ..... → - \$ \_\_\_\_\_

4. Adjust your current monthly income. Subtract the total on line 3 from line 1.

\$ \_\_\_\_\_

Part 2: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not deduct any amounts that you subtracted from your spouse's income in line 3 and do not deduct any operating expenses that you subtracted from income in lines 5 and 6 of Form 122A-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the form refers to you, it means both you and your spouse if Column B of Form 122A-1 is filled in.

5. The number of people used in determining your deductions from 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.

[Empty box for line 5]

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. \$

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$

7b. Number of people who are under 65 X

7c. Subtotal. Multiply line 7a by line 7b. \$ Copy here \$

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person \$

7e. Number of people who are 65 or older X

7f. Subtotal. Multiply line 7d by line 7e. \$ Copy here + \$

7g. Total. Add lines 7c and 7f. \$ Copy total here \$

**Local Standards** You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities – Insurance and operating expenses
- Housing and utilities – Mortgage or rent expenses

To answer the questions in lines 8-9, use the U.S. Trustee Program chart.

To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk’s office.

8. **Housing and utilities – Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \_\_\_\_\_ \$ \_\_\_\_\_

9. **Housing and utilities – Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses..... \$ \_\_\_\_\_

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of the creditor	Average monthly payment			
_____	\$ _____			
_____	\$ _____			
_____	+ \$ _____			
Total average monthly payment	\$ _____	Copy here →	– \$ _____	Repeat this amount on line 33a.

9c. Net mortgage or rent expense.  
 Subtract line 9b (*total average monthly payment*) from line 9a (*mortgage or rent expense*). If this amount is less than \$0, enter \$0..... \$ \_\_\_\_\_ Copy here →

10. **If you claim that the U.S. Trustee Program’s division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.** \$ \_\_\_\_\_

Explain why: \_\_\_\_\_  
 \_\_\_\_\_

11. **Local transportation expenses:** Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
- 1. Go to line 12.
- 2 or more. Go to line 12.

12. **Vehicle operation expense:** Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area. \$ \_\_\_\_\_

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1:

13a. Ownership or leasing costs using IRS Local Standard. \$

13b. Average monthly payment for all debts secured by Vehicle 1. Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you filed for bankruptcy. Then divide by 60.

Table with 2 columns: Name of each creditor for Vehicle 1, Average monthly payment. Includes lines for creditor names and payments.

Total average monthly payment \$ Copy here - \$ Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense Subtract line 13b from line 13a. If this amount is less than \$0, enter \$0. Copy net Vehicle 1 expense here \$

Vehicle 2 Describe Vehicle 2:

13d. Ownership or leasing costs using IRS Local Standard. \$

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Table with 2 columns: Name of each creditor for Vehicle 2, Average monthly payment. Includes lines for creditor names and payments.

Total average monthly payment \$ Copy here - \$ Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense Subtract line 13e from 13d. If this amount is less than \$0, enter \$0. Copy net Vehicle 2 expense here \$

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation. \$

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation. \$

**Other Necessary Expenses** In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe 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. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes. \$ \_\_\_\_\_

Do not include real estate, sales, or use taxes.

17. **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.

18. **Life insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. \$ \_\_\_\_\_

19. **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 35.

20. **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. \$ \_\_\_\_\_

21. **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. \$ \_\_\_\_\_

22. **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 7. Payments for health insurance or health savings accounts should be listed only in line 25. \$ \_\_\_\_\_

23. **Optional telephones and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or 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 5 of Official Form 122A-1, or any amount you previously deducted.

24. **Add all of the expenses allowed under the IRS expense allowances.** \$ \_\_\_\_\_  
Add lines 6 through 23.

**Additional Expense Deductions**

These are additional deductions allowed by the Means Test.  
Note: Do not include any expense allowances listed in lines 6-24.

25. **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.

Health insurance \$ \_\_\_\_\_

Disability insurance \$ \_\_\_\_\_

Health savings account + \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Copy total here → ..... \$ \_\_\_\_\_

Do you actually spend this total amount?

No. How much do you actually spend? \$ \_\_\_\_\_

Yes

26. **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. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b). \$ \_\_\_\_\_

27. **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.

28. **Additional home energy costs.** Your home energy costs are included in your insurance and operating expenses on line 8. If you believe that you have home energy costs that are more than the home energy costs included in expenses on line 8, 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.

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$156.25\* 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 6-23.

\* Subject to adjustment on 4/01/16, and every 3 years after that for cases begun on or after the date of adjustment.

30. **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. \$ \_\_\_\_\_

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

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

31. **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. 26 U.S.C. § 170(c)(1)-(2). + \$ \_\_\_\_\_

32. **Add all of the additional expense deductions.** Add lines 25 through 31. \$ \_\_\_\_\_

**Deductions for Debt Payment**

33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

**Mortgages on your home:**

33a. Copy line 9b here ..... → **Average monthly payment**  
\$ \_\_\_\_\_

**Loans on your first two vehicles:**

33b. Copy line 13b here. .... → \$ \_\_\_\_\_

33c. Copy line 13e here. .... → \$ \_\_\_\_\_

33d. List other secured debts:

Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes	+ \$ _____

33e. Total average monthly payment. Add lines 33a through 33d. .... **\$ \_\_\_\_\_** Copy total here → \$ \_\_\_\_\_

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- No. Go to line 35.
- Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount		Monthly cure amount
_____	_____	\$ _____	÷ 60 =	\$ _____
_____	_____	\$ _____	÷ 60 =	\$ _____
_____	_____	\$ _____	÷ 60 =	+ \$ _____
Total				<b>\$ _____</b> Copy total here → \$ _____

35. Do you owe any priority claims such as a priority tax, child support, or alimony — that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

- No. Go to line 36.
- Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims ..... \$ \_\_\_\_\_ ÷ 60 = \$ \_\_\_\_\_

36. Are you eligible to file a case under Chapter 13? 11 U.S.C. § 109(e). For more information, go online using the link for Bankruptcy Basics specified in the separate instructions for this form. Bankruptcy Basics may also be available at the bankruptcy clerk's office.

- No. Go to line 37.
Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13 \$

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

X

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

Average monthly administrative expense if you were filing under Chapter 13

Copy total here \$

37. Add all of the deductions for debt payment.

Add lines 33e through 36.

\$

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances \$

Copy line 32, All of the additional expense deductions \$

Copy line 37, All of the deductions for debt payment + \$

Total deductions \$ Copy total here \$

Part 3: Determine Whether There Is a Presumption of Abuse

39. Calculate monthly disposable income for 60 months

39a. Copy line 4, adjusted current monthly income \$

39b. Copy line 38, Total deductions - \$

39c. Monthly disposable income. 11 U.S.C. § 707(b)(2). Subtract line 39b from line 39a. \$ Copy here \$

For the next 60 months (5 years) x 60

39d. Total. Multiply line 39c by 60. \$ Copy here \$

40. Find out whether there is a presumption of abuse. Check the box that applies:

- The line 39d is less than \$7,475\*. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.
The line 39d is more than \$12,475\*. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.
The line 39d is at least \$7,475\*, but not more than \$12,475\*. Go to line 41.

\* Subject to adjustment on 4/01/16, and every 3 years after that for cases filed on or after the date of adjustment.

41. 41a. Fill in the amount of your total nonpriority unsecured debt. If you filled out A Summary of Your Assets and Liabilities and Certain Statistical Information Schedules (Official Form 106Sum), you may refer to line 3b on that form.

\$

x .25

41b. 25% of your total nonpriority unsecured debt. 11 U.S.C. § 707(b)(2)(A)(i)(I). Multiply line 41a by 0.25.

Box for 25% calculation result

Copy here

Box for copied result

42. Determine whether the income you have left over after subtracting all allowed deductions is enough to pay 25% of your unsecured, nonpriority debt.

Check the box that applies:

Line 39d is less than line 41b. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.

Line 39d is equal to or more than line 41b. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

Part 4: Give Details About Special Circumstances

43. Do you have any special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative? 11 U.S.C. § 707(b)(2)(B).

- No. Go to Part 5.
Yes. Fill in the following information. All figures should reflect your average monthly expense or income adjustment for each item. You may include expenses you listed in line 25.

You must give a detailed explanation of the special circumstances that make the expenses or income adjustments necessary and reasonable. You must also give your case trustee documentation of your actual expenses or income adjustments.

Table with 2 columns: Give a detailed explanation of the special circumstances, Average monthly expense or income adjustment

Part 5: Sign Below

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

Signature of Debtor 1

Signature of Debtor 2

Date MM/DD/YYYY

Date MM/DD/YYYY

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

Official Form 122B

**Chapter 11 Statement of Your Current Monthly Income**

12/15

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 any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Current Monthly Income**

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

- Not married.** Fill out Column A, lines 2-11.
- 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.

**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. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

Column A Debtor 1	Column B Debtor 2
----------------------	----------------------

- |   |          |          |
|---|----------|----------|
| 2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).   | \$ _____ | \$ _____ |
| 3. <b>Alimony and maintenance payments.</b> Do not include payments from a spouse if Column B is filled in.   | \$ _____ | \$ _____ |
| 4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3. | \$ _____ | \$ _____ |

5. <b>Net income from operating a business, profession, or farm</b>	<b>Debtor 1</b>	<b>Debtor 2</b>			
	Gross receipts (before all deductions)	\$ _____	\$ _____		
	Ordinary and necessary operating expenses	– \$ _____	– \$ _____		
	Net monthly income from a business, profession, or farm	\$ _____	\$ _____	<b>Copy here →</b>	\$ _____

6. <b>Net income from rental and other real property</b>	<b>Debtor 1</b>	<b>Debtor 2</b>			
	Gross receipts (before all deductions)	\$ _____	\$ _____		
	Ordinary and necessary operating expenses	– \$ _____	– \$ _____		
	Net monthly income from rental or other real property	\$ _____	\$ _____	<b>Copy here →</b>	\$ _____



**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

**Check 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

Official Form 122C-1

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

12/15

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 any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Average Monthly Income**

1. **What is your marital and filing 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. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse												
2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).	\$ _____	\$ _____												
3. <b>Alimony and maintenance payments.</b> Do not include payments from a spouse.	\$ _____	\$ _____												
4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include payments from a spouse. Do not include payments you listed on line 3.	\$ _____	\$ _____												
5. <b>Net income from operating a business, profession, or farm</b>	<table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="background-color: #e0e0e0;">Debtor 1</th> <th style="background-color: #e0e0e0;">Debtor 2</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ _____</td> <td>- \$ _____</td> </tr> <tr> <td>Net monthly income from a business, profession, or farm</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from a business, profession, or farm	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from a business, profession, or farm	\$ _____	\$ _____												
	Copy here →	\$ _____												
6. <b>Net income from rental and other real property</b>	<table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="background-color: #e0e0e0;">Debtor 1</th> <th style="background-color: #e0e0e0;">Debtor 2</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ _____</td> <td>- \$ _____</td> </tr> <tr> <td>Net monthly income from rental or other real property</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from rental or other real property	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from rental or other real property	\$ _____	\$ _____												
	Copy here →	\$ _____												

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. <b>Interest, dividends, and royalties</b>	\$ _____	\$ _____
8. <b>Unemployment compensation</b>	\$ _____	\$ _____
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: _____ ↓		
For you .....	\$ _____	
For your spouse .....	\$ _____	
9. <b>Pension or retirement income.</b> Do not include any amount received that was a benefit under the Social Security Act.	\$ _____	\$ _____
10. <b>Income from all other sources not listed above.</b> 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. If necessary, list other sources on a separate page and put the total below.		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Total amounts from separate pages, if any.	+ \$ _____	+ \$ _____
11. <b>Calculate your total average monthly income.</b> Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ _____	\$ _____
	+ \$ _____	= \$ _____
		<b>Total average monthly income</b>

**Part 2: Determine How to Measure Your Deductions from Income**

12. Copy your total average monthly income from line 11. \_\_\_\_\_ \$ \_\_\_\_\_

13. Calculate the marital adjustment. Check one:

You are not married. Fill in 0 below.

You are married and your spouse is filing with you. Fill in 0 below.

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 regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

Below, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 below.

_____	\$ _____	
_____	\$ _____	
_____	+ \$ _____	
Total .....	\$ _____	Copy here → _____

14. **Your current monthly income.** Subtract the total in line 13 from line 12. \$ \_\_\_\_\_

15. **Calculate your current monthly income for the year.** Follow these steps:

15a. Copy line 14 here → \_\_\_\_\_ \$ \_\_\_\_\_

Multiply line 15a by 12 (the number of months in a year). x 12

15b. The result is your current monthly income for the year for this part of the form. \_\_\_\_\_ \$ \_\_\_\_\_

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

- 16a. Fill in the state in which you live.
16b. Fill in the number of people in your household.
16c. Fill in the median family income for your state and size of household.
To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

17. How do the lines compare?

- 17a. Line 15b is less than or equal to line 16c. 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). Go to Part 3. Do NOT fill out Calculation of Your Disposable Income (Official Form 122C-2).
17b. Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Your Disposable Income (Official Form 122C-2). On line 39 of that form, copy your current monthly income from line 14 above.

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

- 18. Copy your total average monthly income from line 11.
19. Deduct the marital adjustment if it applies. 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.
19a. If the marital adjustment does not apply, fill in 0 on line 19a.
19b. Subtract line 19a from line 18.

20. Calculate your current monthly income for the year. Follow these steps:

- 20a. Copy line 19b. Multiply by 12 (the number of months in a year).
20b. The result is your current monthly income for the year for this part of the form.
20c. Copy the median family income for your state and size of household from line 16c.

21. How do the lines compare?

- Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, The commitment period is 3 years. Go to Part 4.
Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, The commitment period is 5 years. Go to Part 4.

Part 4: Sign Below

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

Signature of Debtor 1

Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

Official Form 122C-2

**Chapter 13 Calculation of Your Disposable Income**

12/15

To fill out this form, you will need your completed copy of *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 122C-1).

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 any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Deductions from Your Income**

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 122C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 122C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

**5. The number of people used in determining your deductions from 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.

**National Standards**

You must use the IRS National Standards to answer the questions in lines 6-7.

**6. Food, clothing, and other items:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$ \_\_\_\_\_

**7. Out-of-pocket health care allowance:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$

7b. Number of people who are under 65 X

7c. Subtotal. Multiply line 7a by line 7b. \$ Copy here -> \$

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person \$

7e. Number of people who are 65 or older X

7f. Subtotal. Multiply line 7d by line 7e. \$ Copy here -> + \$

7g. Total. Add lines 7c and 7f. \$ Copy here -> \$

Local Standards

You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities - Insurance and operating expenses
Housing and utilities - Mortgage or rent expenses

To answer the questions in lines 8-9, use the U.S. Trustee Program chart. To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. Housing and utilities - Insurance and operating expenses: Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$

9. Housing and utilities - Mortgage or rent expenses:

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses. \$

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Next divide by 60.

Table with 2 columns: Name of the creditor, Average monthly payment. Includes input lines for creditor names and payments.

9b. Total average monthly payment \$ Copy here -> - \$ Repeat this amount on line 33a.

9c. Net mortgage or rent expense. Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this number is less than \$0, enter \$0. \$ Copy here -> \$

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim. \$

Explain why: \_\_\_\_\_

11. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
1. Go to line 12.
2 or more. Go to line 12.

12. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the Operating Costs that apply for your Census region or metropolitan statistical area. \$

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1:

13a. Ownership or leasing costs using IRS Local Standard \$

13b. Average monthly payment for all debts secured by Vehicle 1. Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Table with 2 columns: Name of each creditor for Vehicle 1, Average monthly payment

Table rows showing creditor names and average monthly payments with a plus sign.

Total average monthly payment \$ Copy here - \$ Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense Subtract line 13b from line 13a. If this number is less than \$0, enter \$0. \$ Copy net Vehicle 1 expense here \$

Vehicle 2 Describe Vehicle 2:

13d. Ownership or leasing costs using IRS Local Standard \$

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Table with 2 columns: Name of each creditor for Vehicle 2, Average monthly payment

Table rows showing creditor names and average monthly payments with a plus sign.

Total average monthly payment \$ Copy here - \$ Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense Subtract line 13e from 13d. If this number is less than \$0, enter \$0. \$ Copy net Vehicle 2 expense here \$

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation. \$

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation. \$

Other Necessary Expenses

In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

- 16. Taxes: The total monthly amount that you actually pay for federal, state and local taxes... \$
17. Involuntary deductions: The total monthly payroll deductions that your job requires... \$
18. Life insurance: The total monthly premiums that you pay for your own term life insurance... \$
19. Court-ordered payments: The total monthly amount that you pay as required by the order of a court... \$
20. Education: The total monthly amount that you pay for education that is either required... \$
21. Childcare: The total monthly amount that you pay for childcare... \$
22. Additional health care expenses, excluding insurance costs: The monthly amount that you pay for health care... \$
23. Optional telephones and telephone services: The total monthly amount that you pay for telecommunication services... + \$
24. Add all of the expenses allowed under the IRS expense allowances. Add lines 6 through 23. \$

Additional Expense Deductions

These are additional deductions allowed by the Means Test. Note: Do not include any expense allowances listed in lines 6-24.

- 25. 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.
Health insurance \$
Disability insurance \$
Health savings account + \$
Total \$ Copy total here -> \$
Do you actually spend this total amount?
[ ] No. How much do you actually spend? \$
[ ] Yes \$
26. 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. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b). \$
27. 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.

28. Additional home energy costs. Your home energy costs are included in your insurance and operating expenses on line 8. If you believe that you have home energy costs that are more than the home energy costs included in expenses on line 8, 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.

29. Education expenses for dependent children who are younger than 18. The monthly expenses (not more than \$156.25\* 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 6-23.

\* Subject to adjustment on 4/01/16, and every 3 years after that for cases begun on or after the date of adjustment.

30. 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.

\$ \_\_\_\_\_

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

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

31. 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 monthly income.

32. Add all of the additional expense deductions.

\$ \_\_\_\_\_

Add lines 25 through 31.

Deductions for Debt Payment

33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Average monthly payment

Mortgages on your home

33a. Copy line 9b here..... -> \$ \_\_\_\_\_

Loans on your first two vehicles

33b. Copy line 13b here. .... -> \$ \_\_\_\_\_

33c. Copy line 13e here. .... -> \$ \_\_\_\_\_

33d. List other secured debts:

Table with 3 columns: Name of each creditor for other secured debt, Identify property that secures the debt, Does payment include taxes or insurance? (No/Yes) and corresponding dollar amounts.

33e. Total average monthly payment. Add lines 33a through 33d..... \$ \_\_\_\_\_ Copy total here -> \$ \_\_\_\_\_

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- No. Go to line 35.
Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the cure amount). Next, divide by 60 and fill in the information below.

Table with 4 columns: Name of the creditor, Identify property that secures the debt, Total cure amount, Monthly cure amount. Includes a Total row with a box for the sum and a 'Copy total here' instruction.

35. Do you owe any priority claims—such as a priority tax, child support, or alimony—that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

- No. Go to line 36.
Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims. \$ \_\_\_\_\_ ÷ 60 \$ \_\_\_\_\_

36. Projected monthly Chapter 13 plan payment

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).
To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

\$ \_\_\_\_\_

X \_\_\_\_\_

Average monthly administrative expense

\$ \_\_\_\_\_ ÷ 60 \$ \_\_\_\_\_

37. Add all of the deductions for debt payment. Add lines 33e through 36.

\$ \_\_\_\_\_

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances..... \$ \_\_\_\_\_

Copy line 32, All of the additional expense deductions..... \$ \_\_\_\_\_

Copy line 37, All of the deductions for debt payment..... + \$ \_\_\_\_\_

Total deductions..... \$ \_\_\_\_\_ Copy total here \$ \_\_\_\_\_

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

39. Copy your total current monthly income from line 14 of Form 122C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period..... \$

40. Fill in any reasonably necessary income you receive for support for dependent children. The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 122C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child. \$

41. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in 11 U.S.C. § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in 11 U.S.C. § 362(b)(19). \$

42. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 38 here ..... \$

43. 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 with 2 columns: Describe the special circumstances, Amount of expense. Includes a Total row and a 'Copy here' instruction.

44. Total adjustments. Add lines 40 through 43..... \$ Copy here - \$

45. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 44 from line 39. \$

Part 3: Change in Income or Expenses

46. Change in income or expenses. If the income in Form 122C-1 or the expenses you reported in this form have changed or are virtually certain to change after the date you filed your bankruptcy petition and during the time your case will be open, fill in the information below.

Table with 6 columns: Form, Line, Reason for change, Date of change, Increase or decrease?, Amount of change. Includes checkboxes for Increase/Decrease.

Debtor 1

\_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

**Part 4: Sign Below**

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

**X** \_\_\_\_\_

Signature of Debtor 1

**X** \_\_\_\_\_

Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

Official Forms 122A-1, 122A-1Supp, 122A-2, 122B, 122C-1, and 122C-2 are updated to comport with the form numbering style developed as part of the Forms Modernization Project. The forms are derived from Official Forms 22A-1, 22A-1Supp, 22A-2, 22B, 122C-1, and 22C-2.

A statement is added to line 26 of Forms 122A-2 and 122C-2 explaining that contributions to qualified ABLE accounts, as defined in 26 U.S.C. § 529A(b), may be included in the deduction for contributions to the care of household or family members. Authorization of the deduction of such contributions was added to Bankruptcy Code § 707(b)(2)(A)(ii)(II) by the Tax Increase Prevention Act of 2014, Pub. Law No. 113-295.

Official Forms 122A-1, 122B, and 122C-1 are revised to add a workspace column for debtor 2 at questions 5 and 6 on the forms.

Official Form 122B is also revised to remove former Part 2. This portion of the form provided for the exclusion of certain income of a debtor's non-filing spouse; since that income is not required to be reported, its exclusion is unnecessary.

Other stylistic changes were made throughout the forms.

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_ Chapter \_\_\_\_\_

Check if this is an amended filing

Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

\_\_\_\_\_

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business* as names

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Debtor's federal Employer Identification Number (EIN)

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

Number Street

Number Street

\_\_\_\_\_

P.O. Box

City State ZIP Code

City State ZIP Code

County

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

5. Debtor's website (URL)

\_\_\_\_\_

6. Type of debtor

- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
- Partnership (excluding LLP)
- Other. Specify: \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply:

- Tax-exempt entity (as described in 26 U.S.C. § 501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.naics.com/search/>.

\_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:
  - Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every 3 years after that).
  - The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
  - A plan is being filed with this petition.
  - Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
  - The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
  - The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.
- Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

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

If more than 2 cases, attach a separate list.

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- No
- Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_  
MM / DD / YYYY
- Case number, if known \_\_\_\_\_

List all cases. If more than 1, attach a separate list.

11. Why is the case filed in this district?

Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- No
- Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other \_\_\_\_\_

Where is the property?

Number \_\_\_\_\_ Street \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Is the property insured?

- No
  - Yes. Insurance agency \_\_\_\_\_
- Contact name \_\_\_\_\_
- Phone \_\_\_\_\_

**Statistical and administrative information**

13. Debtor's estimation of available funds

Check one:

- Funds will be available for distribution to unsecured creditors.
- After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

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

15. Estimated assets

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

Debtor \_\_\_\_\_  
Name

Case number (if known) \_\_\_\_\_

**16. Estimated liabilities**

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

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of authorized representative of debtor

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Title

**18. Signature of attorney**

**X**

\_\_\_\_\_  
Signature of attorney for debtor

Date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Bar number

\_\_\_\_\_  
State

## COMMITTEE NOTE

Official Form 201, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*, replaces Official Form 1, *Voluntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 201 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 201 has been substantially reformatted and reorganized. References to Exhibits B, C, and D, and the exhibits themselves, have been eliminated because the requested information is now asked in the form or is not applicable to non-individual debtors. Official Form 201A, *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11*, has replaced Exhibit A. The debtor is instructed to file Official Form 201A if the debtor is filing under chapter 11 and is required to file periodic reports with the Securities and Exchange Commission. A checkbox has been added to the form to indicate whether it is an amended filing.

In Question 2, *All other names debtor used in the last 8 years*, instructions pertaining only to individuals have been deleted, and an instruction to include *doing business as* names and assumed names has been added. In Question 3, *Debtor's federal Employee Identification Number (EIN)*, references to social security numbers and individual taxpayer I.D. numbers have been deleted. In Question 4, *Debtor's address*, the order of listing the various addresses for the debtor has been rearranged, and an address for the location of principal assets is required if different from the principal place of business. Also, the form has been revised to include a space for listing the debtor's website in Question 5.

In Question 6, *Type of Debtor*, options pertaining only to individual debtors have been deleted, and an instruction that the "partnership" option does not include LLPs has been added. Question 7, *Describe debtor's business*, is revised to include a statutory citation for each business type, to add an option for "none of the above," and to delete the option for "other." A new instruction requires the debtor to indicate if the debtor is an investment company, including a hedge fund or pooled investment vehicle; an investment advisor; or a tax exempt entity. The definition of "tax exempt entity" has been removed and replaced with a statutory citation. Additionally, an instruction has been added to require the debtor to list its North American Industry Classification System 4-digit code. A hyperlink is provided for information on finding the correct code.

In *Question 8, Under which chapter of the Bankruptcy Code is the debtor filing*, several separate boxes have been combined, and the options for Chapter 13 and Chapter 15 have been deleted. More detailed options have been added for Chapter 11. The question regarding the nature of the debtor's debts has been removed.

Question 9, *Were prior bankruptcy cases filed by or against the debtor within the last 8 years*, has been revised

to instruct the debtor to include prior bankruptcy cases filed against the debtor and to list the district rather than location of the prior filings. In Question 10, *Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor*, the reference to spouse and the requirement to list the judge in any other cases have been removed.

Question 11, *Why is this case filed in this district*, has been revised to delete references that pertain only to individuals.

Question 12, *Does the debtor own or have possession of any real property or personal property that needs immediate attention*, replaces Exhibit C from Official Form 1. The category of “property that needs immediate attention” has been added, as well as options to indicate why the property needs immediate attention. Additionally, the form has been revised to require the debtor to list the location of the property and whether or not the property is insured and, if so, the insurance details.

*Statistical and administrative information* has been moved to immediately above the signature line, and the reference to exempt property has been removed. The maximum values for “Estimated Assets” and “Estimated Liabilities” have been increased from “more than \$1 billion” to “more than \$50 billion.” *Request for Relief, Declaration, and Signatures* has been reformatted and the signature lines for individual debtors and non-attorney bankruptcy petition preparers have been removed.

*[If debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11 of the Bankruptcy Code, this Exhibit "A" shall be completed and attached to the petition.]*

*[Caption as in Form 416B]*

**Attachment to Voluntary Petition for Non-Individuals Filing for  
Bankruptcy under Chapter 11**

1. If any of the debtor's securities are registered under Section 12 of the Securities Exchange Act of 1934, the SEC file number is \_\_\_\_\_.

2. The following financial data is the latest available information and refers to the debtor's condition on \_\_\_\_\_.

a. Total assets \$ \_\_\_\_\_

b. Total debts (including debts listed in 2.c., below) \$ \_\_\_\_\_

c. Debt securities held by more than 500 holders

Approximate  
number of  
holders:

secured <input type="checkbox"/>	unsecured <input type="checkbox"/>	subordinated <input type="checkbox"/>	\$ _____	_____
secured <input type="checkbox"/>	unsecured <input type="checkbox"/>	subordinated <input type="checkbox"/>	\$ _____	_____
secured <input type="checkbox"/>	unsecured <input type="checkbox"/>	subordinated <input type="checkbox"/>	\$ _____	_____
secured <input type="checkbox"/>	unsecured <input type="checkbox"/>	subordinated <input type="checkbox"/>	\$ _____	_____
secured <input type="checkbox"/>	unsecured <input type="checkbox"/>	subordinated <input type="checkbox"/>	\$ _____	_____

d. Number of shares of preferred stock \_\_\_\_\_

e. Number of shares common stock \_\_\_\_\_

Comments, if any: \_\_\_\_\_

\_\_\_\_\_

3. Brief description of debtor's business: \_\_\_\_\_

\_\_\_\_\_

4. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Fill in this information to identify the case and this filing:**

Debtor Name \_\_\_\_\_  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number (If known): \_\_\_\_\_

**Official Form 202**

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- Schedule H: Codebtors (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)
- Amended Schedule \_\_\_\_\_
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of individual signing on behalf of debtor

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Position or relationship to debtor

## COMMITTEE NOTE

Official Form 202, *Declaration Under Penalty of Perjury for Non-Individual Debtors*, replaces Official Form 2, *Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership*, and the section of Official Form 6 Declaration, *Declaration Concerning Debtor's Schedules* containing a corporation's or partnership's declaration. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 202 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

Official Form 202 has been substantially reformatted and reorganized with elements from both Official Form 2 and the section of Official Form 6 for a corporation or partnership. Instructions have been added, along with warning language regarding bankruptcy fraud. Checkboxes are provided so the declaration will indicate the documents included with the declaration, including the schedules and Official Form 204, *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders*. If the declaration accompanies another document, a space is provided to include a description of the attached document. The phrase “to the best of my information and belief” has been deleted from the declaration in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008. The form, however, includes a statement that the person signing the declaration has examined the information in the documents subject to the declaration and has “a reasonable belief that the information is true and correct.” Finally, the person signing the declaration must indicate his or her position or relationship to the debtor.

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_

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

Case number (If known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1							
2							
3							
4							
5							
6							
7							
8							

Debtor \_\_\_\_\_  
Name

Case number *(if known)* \_\_\_\_\_

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim <small>If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.</small>		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

## COMMITTEE NOTE

Official Form 204, *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders*, replaces Official Form 4, *List of Creditors Holding 20 Largest Unsecured Claims*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 204 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 204 has been reformatted and reorganized. The instructions have been shortened and revised to include a full cite to the definition of “insider” and a revised explanation of when to include a secured creditor’s unsecured claim. The warning regarding the disclosure of a minor child’s name has been deleted as a caution has been added to the general instructions for all forms regarding listing a minor child’s name.

The heading of the second column of the form has been revised to require the “name, telephone number, and email address of creditor contact,” eliminating the need to provide a complete mailing address for the creditor contact.

Additional examples of “nature of claim” have been provided in the third column. In the fourth column, “subject to setoff” has been removed as an option.

The fifth column has been revised to include three separate potential entries to be used to list the value of the unsecured claim: the total claim, if partially secured; the deduction for value of collateral or setoff; and unsecured claim. The new instructions for the fifth column contain an explanation that if a claim is a fully unsecured claim, only the final sub-column needs to be completed, and that all of the columns must be completed if a claim is partially secured.

The signature line and the instruction to include a declaration have been deleted from the form.

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_ Chapter \_\_\_\_\_

Check if this is an amended filing

**Official Form 205**

**Involuntary Petition Against a Non-Individual**

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**

1. Chapter of the Bankruptcy Code

Check one:

- Chapter 7
- Chapter 11

**Part 2: Identify the Debtor**

2. Debtor's name \_\_\_\_\_

3. Other names you know the debtor has used in the last 8 years

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Include any assumed names, trade names, or *doing business as* names.

4. Debtor's federal Employer Identification Number (EIN)

Unknown

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_  
EIN

5. Debtor's address

**Principal place of business**

Number Street \_\_\_\_\_

\_\_\_\_\_

City State ZIP Code \_\_\_\_\_

County \_\_\_\_\_

**Mailing address, if different**

Number Street \_\_\_\_\_

P.O. Box \_\_\_\_\_

City State ZIP Code \_\_\_\_\_

**Location of principal assets, if different from principal place of business**

Number Street \_\_\_\_\_

\_\_\_\_\_

City State ZIP Code \_\_\_\_\_

6. Debtor's website (URL) \_\_\_\_\_

7. Type of debtor
- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
  - Partnership (excluding LLP)
  - Other type of debtor. Specify: \_\_\_\_\_

8. Type of debtor's business
- Check one:*
- Health Care Business (as defined in 11 U.S.C. § 101(27A))
  - Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
  - Railroad (as defined in 11 U.S.C. § 101(44))
  - Stockbroker (as defined in 11 U.S.C. § 101(53A))
  - Commodity Broker (as defined in 11 U.S.C. § 101(6))
  - Clearing Bank (as defined in 11 U.S.C. § 781(3))
  - None of the types of business listed.
  - Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?
- No
  - Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY  
  
Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
MM / DD / YYYY

**Part 3: Report About the Case**

10. Venue
- Check one:*
- Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
  - A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations
- Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).  
The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).
- At least one box must be checked.*
- The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
  - Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?
- No
  - Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor \_\_\_\_\_  
Name

Case number (if known) \_\_\_\_\_

13. Each petitioner's claim	Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
	_____	_____	\$ _____
	_____	_____	\$ _____
	_____	_____	\$ _____
	Total of petitioners' claims		\$ _____

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

**Part 4: Request for Relief**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative	Attorneys
<b>Name and mailing address of petitioner</b> Name _____ Number Street _____ City _____ State _____ ZIP Code _____	Printed name _____ Firm name, if any _____ Number Street _____ City _____ State _____ ZIP Code _____
<b>Name and mailing address of petitioner's representative, if any</b> Name _____ Number Street _____ City _____ State _____ ZIP Code _____	Contact phone _____ Email _____ Bar number _____ State _____
I declare under penalty of perjury that the foregoing is true and correct. Executed on _____ MM / DD / YYYY	<b>X</b> _____ Signature of attorney Date signed _____ MM / DD / YYYY
<b>X</b> _____ Signature of petitioner or representative, including representative's title	

Debtor \_\_\_\_\_  
Name

Case number (if known) \_\_\_\_\_

**Name and mailing address of petitioner**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**Name and mailing address of petitioner's representative, if any**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of petitioner or representative, including representative's title

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name, if any

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

**X**

\_\_\_\_\_  
Signature of attorney

Date signed \_\_\_\_\_  
MM / DD / YYYY

**Name and mailing address of petitioner**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

**Name and mailing address of petitioner's representative, if any**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of petitioner or representative, including representative's title

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name, if any

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

**X**

\_\_\_\_\_  
Signature of attorney

Date signed \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

Official Form 205, *Involuntary Petition Against a Non-Individual*, replaces Official Form 5, *Involuntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 205 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Part 1, *Identify the Chapter of the Bankruptcy Code Under Which Petition is Filed*, has been moved to the beginning of the form.

In Part 2, *Identify the Debtor*, instructions pertaining only to individuals have been deleted, and an instruction to include doing-business-as names and assumed names has been added. The references to social security numbers and individual taxpayer I.D. numbers have been deleted. The order of listing the various addresses for the debtor have been rearranged in Line 5, and an address for the location of principal assets is required if different from the principal place of business.

The form has been revised to include a space for listing the debtor's website in Line 6.

Also in Part 2, the options for type of debtor that pertained only to individuals have been deleted, and an instruction that the "partnership" option does not include LLPs has been added. The options regarding the type of debtor's business have been revised to include a statutory citation for each business type, to add an option for "none of the above," and to delete the option for "other." The question regarding pending bankruptcy cases has been revised to remove the reference to spouse and the requirement to list the judge in any other cases.

In Part 3, *Report About the Case*, the question regarding venue has been revised in Line 10 to read "[o]ver the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place or business, or principal assets in this district longer than in any other district." In the question for Allegations, "each" has been added to the first allegation, the exact citation to the Bankruptcy Code has been provided for the second allegation, and checkboxes have been provided for the last allegation. Also, in Line 12, petitioners must check "yes" or "no" to answer whether there has been any transfer of any claim against the debtor by or to a petitioner.

The information regarding the petitioner's claims has been moved to Part 3, and the portion listing the amount of the claim is amended to ask about the amount of the claim that exceeds the value of the lien, if any.

Part 4, *Request for Relief*, has been amended to include a warning about making a false statement, and the declaration under penalty of perjury has been revised in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008. A statement has been added that each petitioner, or the petitioner's representative, has reviewed the information in the petition and has "a reasonable belief that the information is true and correct." A requirement has

been added for each petitioner's mailing address. Also, petitioners' attorneys must provide their email addresses, bar number, and state of bar membership.

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number (if known): \_\_\_\_\_

Check if this is an amended filing

Official Form 206A/B

**Schedule A/B: Assets — Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

**Part 1: Cash and cash equivalents**

1. Does the debtor have any cash or cash equivalents?

- No. Go to Part 2.
- Yes. Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

2. Cash on hand

\$ \_\_\_\_\_

3. Checking, savings, money market, or financial brokerage accounts (Identify all)

Name of institution (bank or brokerage firm)	Type of account	Last 4 digits of account number	
3.1. _____	_____	____ _	\$ _____
3.2. _____	_____	____ _	\$ _____

4. Other cash equivalents (Identify all)

4.1. _____	\$ _____
4.2. _____	\$ _____

5. Total of Part 1

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$ \_\_\_\_\_

**Part 2: Deposits and prepayments**

6. Does the debtor have any deposits or prepayments?

- No. Go to Part 3.
- Yes. Fill in the information below.

Current value of debtor's interest

7. Deposits, including security deposits and utility deposits

Description, including name of holder of deposit

7.1. _____	\$ _____
7.2. _____	\$ _____



**Part 5: Inventory, excluding agriculture assets**

18. Does the debtor own any inventory (excluding agriculture assets)?

- No. Go to Part 6.  
 Yes. Fill in the information below.

General description	Date of the last physical inventory	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
19. Raw materials	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
20. Work in progress	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
21. Finished goods, including goods held for resale	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
22. Other inventory or supplies	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
23. Total of Part 5	Add lines 19 through 22. Copy the total to line 84.			\$ _____

24. Is any of the property listed in Part 5 perishable?

- No  
 Yes

25. Has any of the property listed in Part 5 been purchased within 20 days before the bankruptcy was filed?

- No  
 Yes. Book value \_\_\_\_\_ Valuation method \_\_\_\_\_ Current value \_\_\_\_\_

26. Has any of the property listed in Part 5 been appraised by a professional within the last year?

- No  
 Yes

**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)**

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- No. Go to Part 7.  
 Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
28. Crops—either planted or harvested	\$ _____	_____	\$ _____
29. Farm animals <i>Examples:</i> Livestock, poultry, farm-raised fish	\$ _____	_____	\$ _____
30. Farm machinery and equipment (Other than titled motor vehicles)	\$ _____	_____	\$ _____
31. Farm and fishing supplies, chemicals, and feed	\$ _____	_____	\$ _____
32. Other farming and fishing-related property not already listed in Part 6	\$ _____	_____	\$ _____

**33. Total of Part 6.**

Add lines 28 through 32. Copy the total to line 85.

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

**34. Is the debtor a member of an agricultural cooperative?**

- No
- Yes. Is any of the debtor's property stored at the cooperative?
  - No
  - Yes

**35. Has any of the property listed in Part 6 been purchased within 20 days before the bankruptcy was filed?**

- No
- Yes. Book value \$ \_\_\_\_\_ Valuation method \_\_\_\_\_ Current value \$ \_\_\_\_\_

**36. Is a depreciation schedule available for any of the property listed in Part 6?**

- No
- Yes

**37. Has any of the property listed in Part 6 been appraised by a professional within the last year?**

- No
- Yes

**Part 7: Office furniture, fixtures, and equipment; and collectibles**

**38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**

- No. Go to Part 8.
- Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
39. <b>Office furniture</b> _____	\$ _____	_____	\$ _____
40. <b>Office fixtures</b> _____	\$ _____	_____	\$ _____
41. <b>Office equipment, including all computer equipment and communication systems equipment and software</b> _____	\$ _____	_____	\$ _____
42. <b>Collectibles</b> <i>Examples:</i> Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; china and crystal; stamp, coin, or baseball card collections; other collections, memorabilia, or collectibles			
42.1 _____	\$ _____	_____	\$ _____
42.2 _____	\$ _____	_____	\$ _____
42.3 _____	\$ _____	_____	\$ _____

**43. Total of Part 7.**

Add lines 39 through 42. Copy the total to line 86.

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

**44. Is a depreciation schedule available for any of the property listed in Part 7?**

- No
- Yes

**45. Has any of the property listed in Part 7 been appraised by a professional within the last year?**

- No
- Yes

**Part 8: Machinery, equipment, and vehicles**

46. Does the debtor own or lease any machinery, equipment, or vehicles?

- No. Go to Part 9.  
 Yes. Fill in the information below.

General description Include year, make, model, and identification numbers (i.e., VIN, HIN, or N-number)	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
--	--	---	------------------------------------

47. Automobiles, vans, trucks, motorcycles, trailers, and titled farm vehicles

47.1 _____	\$ _____	_____	\$ _____
47.2 _____	\$ _____	_____	\$ _____
47.3 _____	\$ _____	_____	\$ _____
47.4 _____	\$ _____	_____	\$ _____

48. Watercraft, trailers, motors, and related accessories Examples: Boats, trailers, motors, floating homes, personal watercraft, and fishing vessels

48.1 _____	\$ _____	_____	\$ _____
48.2 _____	\$ _____	_____	\$ _____

49. Aircraft and accessories

49.1 _____	\$ _____	_____	\$ _____
49.2 _____	\$ _____	_____	\$ _____

50. Other machinery, fixtures, and equipment (excluding farm machinery and equipment)

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

51. Total of Part 8.

Add lines 47 through 50. Copy the total to line 87.

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

52. Is a depreciation schedule available for any of the property listed in Part 8?

- No  
 Yes

53. Has any of the property listed in Part 8 been appraised by a professional within the last year?

- No  
 Yes

**Part 9: Real property**

54. Does the debtor own or lease any real property?  
 No. Go to Part 10.  
 Yes. Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building), if available.	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1 _____	_____	\$ _____	_____	\$ _____
55.2 _____	_____	\$ _____	_____	\$ _____
55.3 _____	_____	\$ _____	_____	\$ _____
55.4 _____	_____	\$ _____	_____	\$ _____
55.5 _____	_____	\$ _____	_____	\$ _____
55.6 _____	_____	\$ _____	_____	\$ _____

56. Total of Part 9.

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets. Copy the total to line 88.

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

57. Is a depreciation schedule available for any of the property listed in Part 9?

- No  
 Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

- No  
 Yes

**Part 10: Intangibles and intellectual property**

59. Does the debtor have any interests in intangibles or intellectual property?

- No. Go to Part 11.  
 Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
60. Patents, copyrights, trademarks, and trade secrets _____	\$ _____	_____	\$ _____
61. Internet domain names and websites _____	\$ _____	_____	\$ _____
62. Licenses, franchises, and royalties _____	\$ _____	_____	\$ _____
63. Customer lists, mailing lists, or other compilations _____	\$ _____	_____	\$ _____
64. Other intangibles, or intellectual property _____	\$ _____	_____	\$ _____
65. Goodwill _____	\$ _____	_____	\$ _____

66. Total of Part 10.

Add lines 60 through 65. Copy the total to line 89.

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

67. Do your lists or records include personally identifiable information of customers (as defined in 11 U.S.C. §§ 101(41A) and 107)?
- No  
 Yes
68. Is there an amortization or other similar schedule available for any of the property listed in Part 10?
- No  
 Yes
69. Has any of the property listed in Part 10 been appraised by a professional within the last year?
- No  
 Yes

**Part 11: All other assets**

70. Does the debtor own any other assets that have not yet been reported on this form?  
Include all interests in executory contracts and unexpired leases not previously reported on this form.
- No. Go to Part 12.  
 Yes. Fill in the information below.

Current value of debtor's interest

71. **Notes receivable**  
Description (include name of obligor) \_\_\_\_\_

\_\_\_\_\_ - \_\_\_\_\_ = → \$ \_\_\_\_\_  
Total face amount      doubtful or uncollectible amount

72. **Tax refunds and unused net operating losses (NOLs)**  
Description (for example, federal, state, local) \_\_\_\_\_

	Tax year _____	\$ _____
	Tax year _____	\$ _____
	Tax year _____	\$ _____

73. **Interests in insurance policies or annuities**  
\_\_\_\_\_ \$ \_\_\_\_\_

74. **Causes of action against third parties (whether or not a lawsuit has been filed)**  
\_\_\_\_\_ \$ \_\_\_\_\_

Nature of claim \_\_\_\_\_

Amount requested \$ \_\_\_\_\_

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**  
\_\_\_\_\_ \$ \_\_\_\_\_

Nature of claim \_\_\_\_\_

Amount requested \$ \_\_\_\_\_

76. **Trusts, equitable or future interests in property**  
\_\_\_\_\_ \$ \_\_\_\_\_

77. **Other property of any kind not already listed** *Examples: Season tickets, country club membership*  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

78. **Total of Part 11.**  
Add lines 71 through 77. Copy the total to line 90. \$ \_\_\_\_\_

79. Has any of the property listed in Part 11 been appraised by a professional within the last year?
- No  
 Yes

**Part 12: Summary**

In Part 12 copy all of the totals from the earlier parts of the form.

Type of property	Current value of personal property	Current value of real property
80. <b>Cash, cash equivalents, and financial assets.</b> <i>Copy line 5, Part 1.</i>	\$ _____	
81. <b>Deposits and prepayments.</b> <i>Copy line 9, Part 2.</i>	\$ _____	
82. <b>Accounts receivable.</b> <i>Copy line 12, Part 3.</i>	\$ _____	
83. <b>Investments.</b> <i>Copy line 17, Part 4.</i>	\$ _____	
84. <b>Inventory.</b> <i>Copy line 23, Part 5.</i>	\$ _____	
85. <b>Farming and fishing-related assets.</b> <i>Copy line 33, Part 6.</i>	\$ _____	
86. <b>Office furniture, fixtures, and equipment; and collectibles.</b> <i>Copy line 43, Part 7.</i>	\$ _____	
87. <b>Machinery, equipment, and vehicles.</b> <i>Copy line 51, Part 8.</i>	\$ _____	
88. <b>Real property.</b> <i>Copy line 56, Part 9.</i> . . . . . →		\$ _____
89. <b>Intangibles and intellectual property.</b> <i>Copy line 66, Part 10.</i>	\$ _____	
90. <b>All other assets.</b> <i>Copy line 78, Part 11.</i>	+ \$ _____	
91. <b>Total.</b> Add lines 80 through 90 for each column. . . . . 91a.	\$ _____	+ 91b. \$ _____
92. <b>Total of all property on Schedule A/B.</b> Lines 91a + 91b = 92. . . . .		\$ _____

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_  
 United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
 (State)  
 Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 206D**

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible.

**1. Do any creditors have claims secured by debtor's property?**

- No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- Yes. Fill in all of the information below.

**Part 1: List Creditors Who Have Secured Claims**

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

Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim
---	--

<p><b>2.1</b> Creditor's name _____</p> <p>Creditor's mailing address _____                  _____                  _____</p> <p>Creditor's email address, if known _____</p> <p>Date debt was incurred _____</p> <p>Last 4 digits of account number _____</p> <p>Do multiple creditors have an interest in the same property?  <input type="checkbox"/> No  <input type="checkbox"/> Yes. Specify each creditor, including this creditor, and its relative priority.                  _____                  _____</p>	<p>Describe debtor's property that is subject to a lien _____</p> <p style="text-align: right;">\$ _____</p> <p>Describe the lien _____</p> <p>Is the creditor an insider or related party?  <input type="checkbox"/> No  <input type="checkbox"/> Yes</p> <p>Is anyone else liable on this claim?  <input type="checkbox"/> No  <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H).</p> <p>As of the petition filing date, the claim is:                  Check all that apply.  <input type="checkbox"/> Contingent  <input type="checkbox"/> Unliquidated  <input type="checkbox"/> Disputed</p>	<p style="text-align: right;">\$ _____</p>
---	---	--

<p><b>2.2</b> Creditor's name _____</p> <p>Creditor's mailing address _____                  _____                  _____</p> <p>Creditor's email address, if known _____</p> <p>Date debt was incurred _____</p> <p>Last 4 digits of account number _____</p> <p>Do multiple creditors have an interest in the same property?  <input type="checkbox"/> No  <input type="checkbox"/> Yes. Have you already specified the relative priority?  <input type="checkbox"/> No. Specify each creditor, including this creditor, and its relative priority.                  _____                  _____  <input type="checkbox"/> Yes. The relative priority of creditors is specified on lines _____</p>	<p>Describe debtor's property that is subject to a lien _____</p> <p style="text-align: right;">\$ _____</p> <p>Describe the lien _____</p> <p>Is the creditor an insider or related party?  <input type="checkbox"/> No  <input type="checkbox"/> Yes</p> <p>Is anyone else liable on this claim?  <input type="checkbox"/> No  <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H).</p> <p>As of the petition filing date, the claim is:                  Check all that apply.  <input type="checkbox"/> Contingent  <input type="checkbox"/> Unliquidated  <input type="checkbox"/> Disputed</p>	<p style="text-align: right;">\$ _____</p>
---	---	--

**3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.** \$ \_\_\_\_\_

**Part 1: Additional Page**

**Column A**  
**Amount of claim**  
Do not deduct the value of collateral.

**Column B**  
**Value of collateral that supports this claim**

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

**2.** **Creditor's name** \_\_\_\_\_ **Describe debtor's property that is subject to a lien** \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

**Creditor's mailing address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Creditor's email address, if known** \_\_\_\_\_

**Date debt was incurred** \_\_\_\_\_

**Last 4 digits of account number** \_\_\_\_\_

**Describe the lien** \_\_\_\_\_

**Is the creditor an insider or related party?**  
 No  
 Yes

**Is anyone else liable on this claim?**  
 No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

**Do multiple creditors have an interest in the same property?**  
 No  
 Yes. Have you already specified the relative priority?  
 No. Specify each creditor, including this creditor, and its relative priority.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**As of the petition filing date, the claim is:**  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed

Yes. The relative priority of creditors is specified on lines \_\_\_\_\_

**2.** **Creditor's name** \_\_\_\_\_ **Describe debtor's property that is subject to a lien** \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

**Creditor's mailing address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Creditor's email address, if known** \_\_\_\_\_

**Date debt was incurred** \_\_\_\_\_

**Last 4 digits of account number** \_\_\_\_\_

**Describe the lien** \_\_\_\_\_

**Is the creditor an insider or related party?**  
 No  
 Yes

**Is anyone else liable on this claim?**  
 No  
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

**Do multiple creditors have an interest in the same property?**  
 No  
 Yes. Have you already specified the relative priority?  
 No. Specify each creditor, including this creditor, and its relative priority.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**As of the petition filing date, the claim is:**  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed

Yes. The relative priority of creditors is specified on lines \_\_\_\_\_



**Fill in this information to identify the case:**

Debtor \_\_\_\_\_  
 United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
 (State)  
 Case number \_\_\_\_\_  
 (If known)

Check if this is an amended filing

**Official Form 206E/F**

**Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Assets - Real and Personal Property (Official Form 206A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

- No. Go to Part 2.
- Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

	Total claim	Priority amount
<b>2.1</b> Priority creditor's name and mailing address _____ _____ _____ Date or dates debt was incurred _____ Last 4 digits of account number _____ Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)	As of the petition filing date, the claim is: \$ _____ <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____

<b>2.2</b> Priority creditor's name and mailing address _____ _____ _____ Date or dates debt was incurred _____ Last 4 digits of account number _____ Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)	As of the petition filing date, the claim is: \$ _____ <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
--	--	----------

<b>2.3</b> Priority creditor's name and mailing address _____ _____ _____ Date or dates debt was incurred _____ Last 4 digits of account number _____ Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)	As of the petition filing date, the claim is: \$ _____ <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
--	--	----------

**Part 1. Additional Page**

Copy this page if more space is needed. Continue numbering the lines sequentially from the previous page. If no additional PRIORITY creditors exist, do not fill out or submit this page.

Total claim

Priority amount

2. Priority creditor's name and mailing address \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
As of the petition filing date, the claim is:  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed  
Date or dates debt was incurred \_\_\_\_\_ Basis for the claim: \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_ Is the claim subject to offset?  
 No  
 Yes  
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (\_\_\_\_)

2. Priority creditor's name and mailing address \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
As of the petition filing date, the claim is:  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed  
Date or dates debt was incurred \_\_\_\_\_ Basis for the claim: \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_ Is the claim subject to offset?  
 No  
 Yes  
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (\_\_\_\_)

2. Priority creditor's name and mailing address \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
As of the petition filing date, the claim is:  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed  
Date or dates debt was incurred \_\_\_\_\_ Basis for the claim: \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_ Is the claim subject to offset?  
 No  
 Yes  
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (\_\_\_\_)

2. Priority creditor's name and mailing address \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
As of the petition filing date, the claim is:  
Check all that apply.  
 Contingent  
 Unliquidated  
 Disputed  
Date or dates debt was incurred \_\_\_\_\_ Basis for the claim: \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_ Is the claim subject to offset?  
 No  
 Yes  
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (\_\_\_\_)

**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

		Amount of claim
<b>3.1</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____
<b>3.2</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____
<b>3.3</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____
<b>3.4</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____
<b>3.5</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____
<b>3.6</b>	<b>Nonpriority creditor's name and mailing address</b> _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
	<b>Date or dates debt was incurred</b> _____ <b>Last 4 digits of account number</b> _____	<b>Basis for the claim:</b> _____ <b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes
		\$ _____

**Part 2: Additional Page**

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page. If no additional NONPRIORITY creditors exist, do not fill out or submit this page.

Amount of claim

3.      Nonpriority creditor's name and mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As of the petition filing date, the claim is: \_\_\_\_\_  
*Check all that apply.*

Contingent  
 Unliquidated  
 Disputed  
 Liquidated and neither contingent nor disputed

Basis for the claim: \_\_\_\_\_

Date or dates debt was incurred \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?  
 No  
 Yes

\$ \_\_\_\_\_

3.      Nonpriority creditor's name and mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As of the petition filing date, the claim is: \_\_\_\_\_  
*Check all that apply.*

Contingent  
 Unliquidated  
 Disputed

Basis for the claim: \_\_\_\_\_

Date or dates debt was incurred \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?  
 No  
 Yes

\$ \_\_\_\_\_

3.      Nonpriority creditor's name and mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As of the petition filing date, the claim is: \_\_\_\_\_  
*Check all that apply.*

Contingent  
 Unliquidated  
 Disputed

Basis for the claim: \_\_\_\_\_

Date or dates debt was incurred \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?  
 No  
 Yes

\$ \_\_\_\_\_

3.      Nonpriority creditor's name and mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As of the petition filing date, the claim is: \_\_\_\_\_  
*Check all that apply.*

Contingent  
 Unliquidated  
 Disputed

Basis for the claim: \_\_\_\_\_

Date or dates debt was incurred \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?  
 No  
 Yes

\$ \_\_\_\_\_

3.      Nonpriority creditor's name and mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As of the petition filing date, the claim is: \_\_\_\_\_  
*Check all that apply.*

Contingent  
 Unliquidated  
 Disputed

Basis for the claim: \_\_\_\_\_

Date or dates debt was incurred \_\_\_\_\_  
Last 4 digits of account number \_\_\_\_\_

Is the claim subject to offset?  
 No  
 Yes

\$ \_\_\_\_\_

**Part 3: List Others to Be Notified About Unsecured Claims**

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4.1. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.2. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.3. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.1. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.5. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.6. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.7. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.8. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.9. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.10. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.11. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _

**Part 3: Additional Page for Others to Be Notified About Unsecured Claims**

Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _

**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

5. Add the amounts of priority and nonpriority unsecured claims.

**Total of claim amounts**

5a. Total claims from Part 1 5a. \$ \_\_\_\_\_

5b. Total claims from Part 2 5b. + \$ \_\_\_\_\_

5c. Total of Parts 1 and 2 5c. \$ \_\_\_\_\_  
Lines 5a + 5b = 5c.

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number (if known): \_\_\_\_\_ Chapter \_\_\_\_\_

Check if this is an amended filing

**Official Form 206G**

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, numbering the entries consecutively.

**1. Does the debtor have any executory contracts or unexpired leases?**

- No. Check this box and file this form with the court with the debtor's other schedules. There is nothing else to report on this form.
- Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).

2. List all contracts and unexpired leases		State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease
2.1	State what the contract or lease is for and the nature of the debtor's interest	_____
	State the term remaining	_____
	List the contract number of any government contract	_____
2.2	State what the contract or lease is for and the nature of the debtor's interest	_____
	State the term remaining	_____
	List the contract number of any government contract	_____
2.3	State what the contract or lease is for and the nature of the debtor's interest	_____
	State the term remaining	_____
	List the contract number of any government contract	_____
2.4	State what the contract or lease is for and the nature of the debtor's interest	_____
	State the term remaining	_____
	List the contract number of any government contract	_____
2.5	State what the contract or lease is for and the nature of the debtor's interest	_____
	State the term remaining	_____
	List the contract number of any government contract	_____

**Additional Page if Debtor Has More Executory Contracts or Unexpired Leases**

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.\_

State what the contract or lease is for and the nature of the debtor's interest \_\_\_\_\_  
\_\_\_\_\_

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_  
 United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
 (State)  
 Case number (if known): \_\_\_\_\_

Check if this is an amended filing

Official Form 206H

**Schedule H: Codebtors**

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

**1. Does the debtor have any codebtors?**

- No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.  
 Yes

**2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G.** Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

Column 1: Codebtor		Column 2: Creditor	
Name	Mailing address	Name	Check all schedules that apply:
2.1 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.2 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.3 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.4 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.5 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.6 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G



**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_

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

Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 206Sum**

**Summary of Assets and Liabilities for Non-Individuals**

12/15

**Part 1: Summary of Assets**

1. **Schedule A/B: Assets—Real and Personal Property** (Official Form 206A/B)

1a. **Real property:**

Copy line 88 from *Schedule A/B* .....

\$ \_\_\_\_\_

1b. **Total personal property:**

Copy line 91A from *Schedule A/B* .....

\$ \_\_\_\_\_

1c. **Total of all property:**

Copy line 92 from *Schedule A/B* .....

\$ \_\_\_\_\_

**Part 2: Summary of Liabilities**

2. **Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D* .....

\$ \_\_\_\_\_

3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)

3a. **Total claim amounts of priority unsecured claims:**

Copy the total claims from Part 1 from line 6a of *Schedule E/F* .....

\$ \_\_\_\_\_

3b. **Total amount of claims of nonpriority amount of unsecured claims:**

Copy the total of the amount of claims from Part 2 from line 6b of *Schedule E/F* .....

+ \$ \_\_\_\_\_

4. **Total liabilities** .....

Lines 2 + 3a + 3b

\$ \_\_\_\_\_

## COMMITTEE NOTE

The schedules to be used in cases of non-individual debtors have been revised as part of the Forms Modernization Project, making them easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals eliminate questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records. The non-individual debtor schedules are also renumbered, starting with the number 206 and followed by the letter or name of the schedule to distinguish them from the versions to be used in individual cases. Each form includes a checkbox to indicate whether it is an amended filing.

**Official Form 206Sum**, *Summary of Assets and Liabilities for Non-Individuals*, replaces Official Form 6, *Summary of Schedules and Statistical Summary of Certain Liability and Related Data (28 U.S.C. § 159)*, in cases of non-individual debtors. The form is reformatted and updated with cross-references indicating the line numbers from specific schedules from which the summary information is to be gathered, and the Statistical Summary is deleted because it only applies to individual debtors. In addition, because most filings are now done electronically, the form no longer requires the debtor to indicate which schedules are attached or to state the number of sheets of paper used for the schedules.

**Official Form 206A/B, Schedule A/B: Assets – Real and Personal Property**, consolidates information about a non-individual debtor’s real and personal property into a single form and replaces Official Form 6A - *Real Property* and Official Form 6B - *Personal Property*, in cases of non-individual debtors. The layout and categories of property on Official Form 206A/B have changed. Instead of dividing property interests into two categories (real or personal property), the new form uses eleven categories of property types. For each part, the specific items are broken out and debtors are instructed to total the part and list the total on a specific line later in the form.

Part 1: *Cash and cash equivalents*, includes cash and cash equivalents and a shortened list of examples. All financial assets other than cash or cash equivalents are moved to Part 4: *Investments*. In the section to list checking, savings, money market, or financial brokerage accounts, debtors are instructed to include the name of the institution and the last 4-digits of any account number.

In Part 2: *Deposits and prepayments*, adds prepayments and examples. A requirement has been added to include the name of the holder of any deposit.

Part 3: *Accounts receivable*, has been revised to divide accounts receivable into two categories depending on age and asks for separate values for the two categories.

Part 4: *Investments*, has been expanded and includes more detail.

Part 5: *Inventory, excluding agricultural assets*, has been amended to separate non-agricultural from agricultural assets, and has been expanded to include more detail. Categories of inventory are listed, and debtors must include the last date of physical inventory, the net book value of debtor’s interest (if available), the valuation method used for current value, and the current value of debtor’s interest. The form has been further amended to

require the debtor to indicate whether the properties listed are perishable, whether any of the property was purchased within 20 days of the bankruptcy filing, and whether any of the property was appraised by a professional within the year prior to the bankruptcy filing.

In Part 6: *Farming- and Fishing-Related Assets (other than titled motor vehicles and land)*, the form has been amended to require more detailed responses and to require the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. A requirement to list fishing supplies has been added. The form has been further amended to require the debtor to indicate whether the properties listed are perishable, whether any of the property was purchased within 20 days of the bankruptcy filing, whether a depreciation schedule is available for any of the property listed, and whether any of the property was appraised by a professional within the year prior to the bankruptcy filing.

Part 7: *Office furniture, fixtures, and equipment; and collectibles*, has been amended to combine several categories of assets and to require more detail, including requiring the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. Examples of collectibles are provided. The form has been further amended to require the debtor to indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 8: *Machinery, equipment, and vehicles*, has been amended to combine several categories of property and to require more detail, including requiring the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. More examples are provided for each property type. The form has been further amended to

indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 9: *Real property*, includes the elements of Official Form 6A, *Real Property*, and has been amended to expand the required information to include the net book value of the debtor's interest and the valuation method used for current value. Also, an instruction has been added for the description and location of the property. The form has been further amended to indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 10: *Intangibles and intellectual property*, includes amendments to combine several categories of property and to include more property types. The debtor is required to list the net book value of the debtor's interest and the valuation method used for current value. The question regarding personally identifiable information has been revised, and the form has been amended to require the debtor to indicate if there is an amortization schedule or similar schedule available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 11: *All other assets*, includes a new category for notes receivable, which requires a description, including the name of the obligor, the face amount, and any uncollectible amount. In addition, the form has been amended to combine tax refunds and net operating losses into a single question and to require more detail, to delete the requirement to list the insurance company name for any interests in insurance policies, to expand the question regarding contingent and unliquidated claims, and to include examples of other property. The form has been further amended to include a question regarding whether

the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 12, *Summary*, has been amended to list relevant line numbers for each type of property.

**Official Form 206D**, *Schedule D: Creditors Who Have Claims Secured by Property*, replaces Official Form 6D, *Creditors Holding Secured Claims*, for non-individual debtors and has been revised to eliminate instructions that pertain only to individuals. The form has been further amended to instruct debtors that if a creditor has more than one secured claim, to list the creditor separately for each claim; to list the creditor's email address, if known; to indicate if multiple creditors have an interest in the same collateral; to list the order of each creditor's priority interest in the collateral; and to indicate whether the creditor is an insider or related party. The debtor is also instructed to describe the lien and to fill out *Schedule H: Codebtors*, if anyone else is liable on the claim. Finally, the form has been amended to require the debtor to list the value of the debtor's property that secures the claim.

A new Part 2: *List Others to be Notified for a Debt Already Listed in Part 1* has been added, with instructions to list any others who must be notified about the bankruptcy for a debt listed in Part 1 of the form. Examples are provided. The debtor must include the relevant line from Part 1 and the last 4 digits of the account number for the entity.

A new Part 3: *Total Amounts of Claims and the Unsecured Portion of Claims*, has been added.

**Official Form 206E/F**, *Schedule E/F: Creditors Who Have Unsecured Claims*, has been amended to combine Official Form 6E, *Schedule E – Creditors Holding Unsecured Priority Claims* and Official Form 6F, *Schedule F – Creditors Holding Unsecured Nonpriority Claims* for non-individual debtors. Priority unsecured claims are listed

in Part 1, and nonpriority unsecured claims are listed in Part 2. The instructions have been revised to require the debtor to list the other party to any executory contract or unexpired lease on this schedule and on *Schedule A/B Real and Personal Property* and *Schedule G: Executory Contracts and Unexpired Leases* (Official Forms 206A/B and 206G).

Part 1, *List All Creditors with PRIORITY Unsecured Claims*, has been revised to delete the requirement to list the amount not entitled to priority and to add requirements to specify the Code section for the priority unsecured claim and whether the claim is subject to offset. A new requirement was added to Part 2, *List All Creditor's with NONPRIORITY Unsecured Claims*, to indicate if the claim is subject to offset. The instructions have also been significantly shortened. Part 3, *List Others to be Notified About Unsecured Claims*, has been added, with instructions to list any others who must be notified for claims listed in Parts 1 and 2. Examples are given. The debtor must include the relevant line from Part 1 or 2 and the last 4 digits of the account number for the entity. A new Part 4: *Total Amounts of the Priority and Nonpriority Unsecured Claims* has been added.

**Official Form 206G**, *Schedule G: Executory Contracts and Unexpired Leases*, replaces Official Form 6G - *Executory Contracts and Unexpired Leases* for non-individual debtors. The form has been amended to delete the instruction regarding the listing of a minor child's name from the form as a caution is included in the general instructions for all forms regarding listing a minor child's name. A new requirement has been added to state the remaining term for any contract or lease listed.

**Official Form 206H**, *Schedule H: Codebtors*, replaces Official Form 6H – *Codebtors* for non-individual debtors. The form has been amended to delete the instruction regarding the listing of a minor child's name from the form as a caution is included in the general

instructions for all forms regarding listing a minor child's name. A new requirement is added to indicate by checkbox what schedule applies to each codebtor.

**Schedules C, Exemptions, I, Income and J, Expenses.** There are no Official Forms for Schedules C, I, and J in non-individual debtor cases. There is no need for an Official Form 206C for non-individual debtors because exemptions are inapplicable to non-individual debtors. And, although section 521(a) of the Bankruptcy Code requires all debtors, including non-individual debtors, to provide schedules of income and expenses, uncertainty about the state of the debtor's business on the petition date – whether it is operating or not, for example – makes it difficult to create standard income and expense forms for non-individual debtors. Some bankruptcy courts have adopted local rules and forms for reporting the income and expenses of non-individual debtors, and Director's Procedural Forms 2060I and 2060J, can be used and modified as appropriate if there are no applicable local rules and forms.

**Declaration.** There is no Official Form 206, Declaration. The portion of Official Form 6 Declaration for a declaration on behalf of a corporation or partnership has been replaced by Official Form 202, *Declaration Under Penalty of Perjury for Non-Individual Debtors*. Official Form 202 includes checkboxes for the schedules included in Official Form 206.

**Fill in this information to identify the case:**

Debtor name \_\_\_\_\_  
 United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
 (State)  
 Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 207**

**Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

12/15

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

**Part 1: Income**

**1. Gross revenue from business**

None

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year	Sources of revenue Check all that apply	Gross revenue (before deductions and exclusions)
<b>From the beginning of the fiscal year to filing date:</b> From _____ to Filing date MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
<b>For prior year:</b> From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
<b>For the year before that:</b> From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____

**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None

	Description of sources of revenue	Gross revenue from each source (before deductions and exclusions)
<b>From the beginning of the fiscal year to filing date:</b> From _____ to Filing date MM / DD / YYYY	_____	\$ _____
<b>For prior year:</b> From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____
<b>For the year before that:</b> From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____

**Part 2: List Certain Transfers Made Before Filing for Bankruptcy**

**3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None

Creditor's name and address	Dates	Total amount or value	Reasons for payment or transfer <i>Check all that apply</i>
3.1. _____ Creditor's name _____ Street _____ City State ZIP Code	_____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____
3.2. _____ Creditor's name _____ Street _____ City State ZIP Code	_____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____

**4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider**

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

None

Insider's name and address	Dates	Total amount or value	Reasons for payment or transfer
4.1. _____ Insider's name _____ Street _____ City State ZIP Code	_____	\$ _____	_____
<b>Relationship to debtor</b> _____			
4.2. _____ Insider's name _____ Street _____ City State ZIP Code	_____	\$ _____	_____
<b>Relationship to debtor</b> _____			

**5. Repossessions, foreclosures, and returns**

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

None

Creditor's name and address	Description of the property	Date	Value of property
5.1. Creditor's name _____ Street _____ City _____ State _____ ZIP Code _____	_____	_____	\$ _____
5.2. Creditor's name _____ Street _____ City _____ State _____ ZIP Code _____	_____	_____	\$ _____

**6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
Creditor's name _____ Street _____ City _____ State _____ ZIP Code _____	_____	_____	\$ _____
Last 4 digits of account number: XXXX- _____			

**Part 3: Legal Actions or Assignments**

**7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

None

Case title	Nature of case	Court or agency's name and address	Status of case
7.1. _____	_____	Name _____ Street _____ City _____ State _____ ZIP Code _____	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
Case number _____			
7.2. _____	_____	Name _____ Street _____ City _____ State _____ ZIP Code _____	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
Case number _____			

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

None

Custodian's name and address			Description of the property	Value
Custodian's name _____			_____	\$ _____
Street _____				
City _____ State _____ ZIP Code _____				
Case title		Court name and address		
_____		Name _____		
_____		Street _____		
_____		_____		
Date of order or assignment		City _____ State _____ ZIP Code _____		
_____		_____		

**Part 4: Certain Gifts and Charitable Contributions**

**9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**

None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
9.1. Recipient's name _____ Street _____ City _____ State _____ ZIP Code _____	_____ _____	_____	\$ _____
Recipient's relationship to debtor _____			
9.2. Recipient's name _____ Street _____ City _____ State _____ ZIP Code _____	_____ _____	_____	\$ _____
Recipient's relationship to debtor _____			

**Part 5: Certain Losses**

**10. All losses from fire, theft, or other casualty within 1 year before filing this case.**

None

Description of the property lost and how the loss occurred	Amount of payments received for the loss <small>If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).</small>	Date of loss	Value of property lost
_____ _____	_____	_____	\$ _____

**Part 6: Certain Payments or Transfers**

**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

None

Who was paid or who received the transfer?	If not money, describe any property transferred	Dates	Total amount or value
11.1. _____ <b>Address</b> _____ Street _____ City State ZIP Code <b>Email or website address</b> _____ <b>Who made the payment, if not debtor?</b> _____	_____ _____	_____	\$ _____

Who was paid or who received the transfer?	If not money, describe any property transferred	Dates	Total amount or value
11.2. _____ <b>Address</b> _____ Street _____ City State ZIP Code <b>Email or website address</b> _____ <b>Who made the payment, if not debtor?</b> _____	_____ _____	_____	\$ _____

**12. Self-settled trusts of which the debtor is a beneficiary**

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.  
Do not include transfers already listed on this statement.

None

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value
_____ <b>Trustee</b> _____	_____ _____	_____	\$ _____

**13. Transfers not already listed on this statement**

List any transfers of money or other property—by sale, trade, or any other means—made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

None

Who received transfer?	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
------------------------	--	------------------------	-----------------------

13.1. \_\_\_\_\_ \$ \_\_\_\_\_

**Address**

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Relationship to debtor**

\_\_\_\_\_

**Who received transfer?**

13.2. \_\_\_\_\_ \$ \_\_\_\_\_

**Address**

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Relationship to debtor**

\_\_\_\_\_

**Part 7: Previous Locations**

**14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

Does not apply

Address	Dates of occupancy	
---------	--------------------	--

14.1. \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

14.2. \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Part 8: Health Care Bankruptcies**

**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

- No. Go to Part 9.
- Yes. Fill in the information below.

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
---------------------------	--	---

15.1. \_\_\_\_\_  
Facility name \_\_\_\_\_

\_\_\_\_\_

Street \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

\_\_\_\_\_

**Location where patient records are maintained** (if different from facility address). If electronic, identify any service provider. \_\_\_\_\_

\_\_\_\_\_

**How are records kept?**

*Check all that apply:*

Electronically

Paper

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
---------------------------	--	---

15.2. \_\_\_\_\_  
Facility name \_\_\_\_\_

\_\_\_\_\_

Street \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

\_\_\_\_\_

**Location where patient records are maintained** (if different from facility address). If electronic, identify any service provider. \_\_\_\_\_

\_\_\_\_\_

**How are records kept?**

*Check all that apply:*

Electronically

Paper

**Part 9: Personally Identifiable Information**

**16. Does the debtor collect and retain personally identifiable information of customers?**

- No.
  - Yes. State the nature of the information collected and retained. \_\_\_\_\_
- Does the debtor have a privacy policy about that information?
- No
  - Yes

**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**

- No. Go to Part 10.
- Yes. Does the debtor serve as plan administrator?
  - No. Go to Part 10.
  - Yes. Fill in below:

Name of plan	Employer identification number of the plan
_____	EIN: _____ - _____

- Has the plan been terminated?
- No
  - Yes

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**

**18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

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

None

	Financial institution name and address	Last 4 digits of account number	Type of account	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
18.1.	_____ Name _____ Street _____ City State ZIP Code	XXXX-____-____-____	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____
18.2.	_____ Name _____ Street _____ City State ZIP Code	XXXX-____-____-____	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

None

Depository institution name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____ _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Address</b>		_____ _____	

**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____ _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Address</b>		_____ _____	

**Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**

**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

None

Owner's name and address	Location of the property	Description of the property	Value
_____	_____	_____	\$ _____
Name	_____	_____	
Street	_____	_____	
_____	_____	_____	
City State ZIP Code	_____	_____	

**Part 12: Details About Environmental Information**

For the purpose of Part 12, the following definitions apply:

- *Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).
- *Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.
- *Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law?** Include settlements and orders.

- No  
 Yes. Provide details below.

Case title	Court or agency name and address	Nature of the case	Status of case
_____	_____	_____	<input type="checkbox"/> Pending
Case number	Name	_____	<input type="checkbox"/> On appeal
_____	Street	_____	<input type="checkbox"/> Concluded
	_____	_____	
	City State ZIP Code	_____	

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

- No  
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
_____	_____	_____	_____
Name	Name	_____	
Street	Street	_____	
_____	_____	_____	
City State ZIP Code	City State ZIP Code	_____	

**24. Has the debtor notified any governmental unit of any release of hazardous material?**

- No  
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
Name _____	Name _____	_____	_____
Street _____	Street _____	_____	
_____	_____		
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____		

**Part 13: Details About the Debtor's Business or Connections to Any Business**

**25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- None

Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.1. Name _____	_____	EIN: _____ - _____
Street _____	_____	<b>Dates business existed</b>
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		

Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.2. Name _____	_____	EIN: _____ - _____
Street _____	_____	<b>Dates business existed</b>
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		

Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.3. Name _____	_____	EIN: _____ - _____
Street _____	_____	<b>Dates business existed</b>
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		

**26. Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

Name and address		Dates of service	
26a.1.	_____	From _____	To _____
	Name _____		
	Street _____		
	_____		
	City _____	State _____	ZIP Code _____

Name and address		Dates of service	
26a.2.	_____	From _____	To _____
	Name _____		
	Street _____		
	_____		
	City _____	State _____	ZIP Code _____

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

Name and address		Dates of service	
26b.1.	_____	From _____	To _____
	Name _____		
	Street _____		
	_____		
	City _____	State _____	ZIP Code _____

Name and address		Dates of service	
26b.2.	_____	From _____	To _____
	Name _____		
	Street _____		
	_____		
	City _____	State _____	ZIP Code _____

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

Name and address		If any books of account and records are unavailable, explain why
26c.1.	_____	_____
	Name _____	_____
	Street _____	_____
	_____	_____
	City _____	State _____
		ZIP Code _____

Debtor \_\_\_\_\_  
Name

Case number (if known) \_\_\_\_\_

**Name and address**

**If any books of account and records are unavailable, explain why**

26c.2.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

None

**Name and address**

26d.1.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State ZIP Code

**Name and address**

26d.2.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State ZIP Code

**27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

- No
- Yes. Give the details about the two most recent inventories.

**Name of the person who supervised the taking of the inventory**

**Date of inventory**

**The dollar amount and basis (cost, market, or other basis) of each inventory**

\_\_\_\_\_ \$ \_\_\_\_\_

**Name and address of the person who has possession of inventory records**

27.1.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State ZIP Code

Name of the person who supervised the taking of the inventory

Date of inventory

The dollar amount and basis (cost, market, or other basis) of each inventory

\_\_\_\_\_ \$ \_\_\_\_\_

Name and address of the person who has possession of inventory records

27.2.

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and nature of any interest	% of interest, if any
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- No  
 Yes. Identify below.

Name	Address	Position and nature of any interest	Period during which position or interest was held
_____	_____	_____	From _____ To _____
_____	_____	_____	From _____ To _____
_____	_____	_____	From _____ To _____
_____	_____	_____	From _____ To _____

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- No  
 Yes. Identify below.

Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
30.1. _____ Name _____ Street _____ City _____ State _____ ZIP Code _____	_____	_____	_____
Relationship to debtor _____	_____	_____	_____

Debtor \_\_\_\_\_  
Name

Case number (if known) \_\_\_\_\_

**Name and address of recipient**

30.2

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Relationship to debtor**

\_\_\_\_\_

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- No
- Yes. Identify below.

**Name of the parent corporation**

**Employer Identification number of the parent corporation**

\_\_\_\_\_

EIN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- No
- Yes. Identify below.

**Name of the pension fund**

**Employer Identification number of the pension fund**

\_\_\_\_\_

EIN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with or imprisonment for up to 20 years, or both.  
18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of individual signing on behalf of the debtor

Printed name \_\_\_\_\_

Position or relationship to debtor \_\_\_\_\_

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- No
- Yes

## COMMITTEE NOTE

Official Form 207, *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy*, replaces Official Form 7, *Statement of Financial Affairs*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 207 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

The form is derived from Official Form 7, *Statement of Financial Affairs*, and has been substantially reorganized. The form is divided into 14 sections grouping similar questions together. Many of the instructions have been shortened, and questions and instructions pertaining to individual debtors have been deleted. The instructions at the beginning of the form have been shortened, and the definitions deleted or moved to other parts of the form.

In Part 1, *Income*, the questions regarding gross revenue from business and non-business revenue have been consolidated, and checkboxes have been added to indicate the source of revenue. Also, the debtor is instructed to include revenue only once.

In Part 2, *List Certain Transfers Made Before Filing for Bankruptcy*, information that pertains only to individuals has been eliminated, and the questions related to payments made in the 90 days prior to bankruptcy, payments made to insiders within one year prior to bankruptcy, repossessions, and setoffs have been consolidated. Instructions have been added to include expense reimbursements in answer to the questions regarding payments and to exclude regular employee compensation from the question regarding payments within 90 days. A dollar limitation has been added to the instructions for the question regarding payments to insiders. Checkboxes have been added to both questions to provide a reason for the payment, and the explanation that the dollar limitation changes every three years has been moved to the instructions from the footnotes. “Amount still owing” has been removed, and a definition of “insider” has been added along with a statutory citation to the question regarding insiders. Partnerships have been added to examples of “insiders.” The question regarding setoffs includes a revised definition and has been revised to require that the debtor provide a description of the creditor’s actions and the last four digits of any account number.

In Part 3, *Legal Actions or Assignments*, several questions have been consolidated, instructions pertaining only to individuals have been removed, and additional examples have been added. Checkboxes have been added to indicate the status of the legal action. The requirement to list the terms of any assignment or settlement has been removed.

In Part 4, *Certain Gifts and Charitable Contributions*, instructions pertaining only to individuals have been removed, and the reporting threshold has been changed to \$1,000 per recipient. The look-back period has been increased from one to two years.

Part 5, *Certain Losses*, has been revised to expand the types of payments for losses, and an instruction has

been added to list unpaid claims on Official Form 206A/B (*Schedule A/B: Assets – Real and Personal Property*). Portions of the instructions that pertain only to individuals have been removed. Losses due to gambling have been excluded from this part.

In Part 6, *Certain Payments or Transfers*, the questions regarding payments related to bankruptcy, payments to self-settled trusts, and other payments or transfers have been consolidated. Instructions and questions that relate only to individuals have been eliminated. An instruction has been added to include payments related to restructuring, and the email or website of the person who received the money or transfer is added as a requirement. In response to the question regarding self-settled trusts and other transfers not already listed, debtors are instructed to include payments or transfers of property made by a person acting on behalf of the debtor. A requirement has been added to the question regarding self-settled trusts to list the name of the trustee. The relationship to the debtor must be included for all transfers not already listed, as well as any debts paid in exchange. There is a reminder added not to include transfers already listed.

Part 7, *Previous Locations*, has been revised in the instructions, and information pertaining only to individuals has been deleted.

Part 8, *Health Care Bankruptcies*, is new. Part 8 requires additional information if the debtor is primarily engaged in offering services and facilities for diagnosing or treating injury, deformity, or disease or providing any surgical, psychiatric, drug treatment, or obstetric care. This part has been added to comply with the special requirements imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Part 9, *Personally Identifiable Information*, is also new and includes questions about pension and profit sharing plans and adds a question about whether the debtor

collects and retains personally identifiable information of customers. Questions are added about whether the debtor is the plan administrator of any pension or profit sharing plan and if any such plan is terminated. Similar to Part 8, this part has been added to comply with the special requirements imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

In Part 10, *Certain Financial Accounts, Safe Deposit Boxes, and Storage Units*, money market accounts have been added to the examples provided for the question regarding financial accounts, and checkboxes have been added to indicate the type of account. The requirement of the date of surrender of any safe deposit box has been removed. A question has been added about whether the debtor has property kept in storage units or warehouses within one year of filing, and the debtor must provide the facility name and address, the name and address of anyone with access to the facility, the description of the contents, and whether the debtor still has the storage unit or warehouse. Facilities that are in a part of a building in which the debtor does business are excluded.

In Part 11, *Property the Debtor Holds or Controls That the Debtor Does Not Own*, an instruction has been added to include any property borrowed from, being stored for, or held in trust, and to exclude leased or rented property.

Part 12, *Details About Environmental Information*, has been revised to include new definitions of “Environmental law,” “Site,” and “Hazardous materials.” An instruction to report all notices, releases, and proceedings known, regardless of when they occurred, has been added.

In Part 13, *Details About the Debtor’s Business or Connections to Any Business*, questions regarding various business issues have been consolidated, and instructions that pertain only to individuals have been eliminated. The

five-percent ownership limitation has been eliminated. The phrase “kept or supervised the keeping of books or account and records” has been replaced with “maintained the debtor’s books and records.” The instructions for the question regarding auditing or preparation of financial records have been revised to add compiling and reviewing the debtor’s books of account and records. A requirement has been added to explain if the debtor’s books of account and records are unavailable. The questions regarding current and former officers, directors, managing members, general partners, members in control, or controlling shareholders have combined the formerly separate corporate and partnership questions. The question regarding former officers and partners has been changed to add the requirement of indicating the start and end dates for each listing. The instruction for withdrawals from a partnership or distribution by a corporation has been changed to add salary, other compensation, and draws to the list of examples.

In Part 14, *Signature and Declaration*, the declaration under penalty of perjury has been revised in order to conform to the language of 28 U.S.C. § 1746. See Rule 1008. A statement has been added that the individual signing on behalf of the debtor has reviewed the information in the Statement of Financial Affairs and any attachments and has “a reasonable belief that the information is true and correct.” The signature boxes for bankruptcy petition preparers have been eliminated, and checkboxes for the debtor to indicate whether additional pages are attached to the form have been added.

**Information to identify the case:**Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)[Date case filed for chapter 7 \_\_\_\_\_  
MM / DD / YYYY OR

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_  
MM / DD / YYYYDate case converted to chapter 7 \_\_\_\_\_  
MM / DD / YYYY**Official Form 309A (For Individuals or Joint Debtors)****Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15**

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____

For more information, see page 2 ►

**6. Bankruptcy clerk's office**

Documents in this case may be filed at this address.  
You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_

Contact phone \_\_\_\_\_

**7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.  
Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Presumption of abuse**

If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.

[The presumption of abuse does not arise.]

[The presumption of abuse arises.]

[Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]

**9. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:**

Filing deadline: \_\_\_\_\_

**You must file a complaint:**

if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or

if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

**You must file a motion** if you assert that

the discharge should be denied under § 727(a)(8) or (9).

**Deadline to object to exemptions:**

**Filing deadline:** 30 days after the *conclusion* of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**10. Proof of claim**

Please do not file a proof of claim unless you receive a notice to do so.

No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.

**11. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.

**Information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

[Date case filed for chapter 7 \_\_\_\_\_] OR  
MM / DD / YYYY

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_]  
MM / DD / YYYY

Date case converted to chapter 7 \_\_\_\_\_  
MM / DD / YYYY

**Official Form 309B (For Individuals or Joint Debtors)**

**Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set** 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____

For more information, see page 2 ►

<p><b>6. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a>.</p>	<p>Hours open _____</p> <p>Contact phone _____</p>
<p><b>7. Meeting of creditors</b> Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p>_____ at _____ Date Time</p> <p>Location: _____</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>
<p><b>8. Presumption of abuse</b> If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p>	<p>[The presumption of abuse does not arise.]</p> <p>[The presumption of abuse arises.]</p> <p>[Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]</p>
<p><b>9. Deadlines</b> The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p><b>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</b>      <b>Filing deadline:</b> _____</p> <p><b>You must file a complaint:</b></p> <ul style="list-style-type: none"> <li>■ if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or</li> <li>■ if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).</li> </ul> <p><b>You must file a motion:</b></p> <ul style="list-style-type: none"> <li>■ if you assert that the discharge should be denied under § 727(a)(8) or (9).</li> </ul> <hr/> <p><b>Deadline for all creditors to file a proof of claim (except governmental units):</b>      <b>Filing deadline:</b> _____</p> <p><b>Deadline for governmental units to file a proof of claim:</b>      <b>Filing deadline:</b> _____</p> <hr/> <p><b>Deadlines for filing proof of claim:</b> A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at <a href="http://www.uscourts.gov">www.uscourts.gov</a> or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p> <hr/> <p><b>Deadline to object to exemptions:</b>      <b>Filing deadline:</b> 30 days after the <i>conclusion</i> of the meeting of creditors</p> <p>The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p>
<p><b>10. Creditors with a foreign address</b></p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p><b>11. Liquidation of the debtor's property and payment of creditors' claims</b></p>	<p>The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim as described above.</p>
<p><b>12. Exempt property</b></p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a>. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.</p>

**Information to identify the case:**

Debtor _____ Name	EIN _____ - _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 7 _____ MM / DD / YYYY]
Case number: _____	

**Official Form 309C (For Corporations or Partnerships)****Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15**

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

<b>1. Debtor's full name</b>	
<b>2. All other names used in the last 8 years</b>	
<b>3. Address</b>	
<b>4. Debtor's attorney</b> Name and address	Contact phone _____ Email _____
<b>5. Bankruptcy trustee</b> Name and address	Contact phone _____ Email _____
<b>6. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	Hours open _____ Contact phone _____
<b>7. Meeting of creditors</b> The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	_____ at _____ Date Time Location: The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.
<b>8. Proof of claim</b> Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.
<b>9. Creditors with a foreign address</b>	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**Information to identify the case:**

Debtor _____ Name	EIN _____ - _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____ MM / DD / YYYY OR
Case number: _____	[Date case filed in chapter _____ MM / DD / YYYY
	Date case converted to chapter 7 _____ MM / DD / YYYY

**Official Form 309D (For Corporations or Partnerships)****Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set 12/15**

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

1. **Debtor's full name**

2. **All other names used in the last 8 years**

3. **Address**

4. **Debtor's attorney**  
Name and address

Contact phone \_\_\_\_\_  
Email \_\_\_\_\_

5. **Bankruptcy trustee**  
Name and address

Contact phone \_\_\_\_\_  
Email \_\_\_\_\_

6. **Bankruptcy clerk's office**

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_  
Contact phone \_\_\_\_\_

7. **Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

For more information, see page 2 ►

**8. Deadlines**

The bankruptcy clerk's office must receive proofs of claim by the following deadlines.

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline:** \_\_\_\_\_

**Deadline for governmental units to file a proof of claim:**

**Filing deadline:** \_\_\_\_\_

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**9. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**10. Liquidation of the debtor's property and payment of creditors' claims**

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim, as described above.

**Information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

[Date case filed for chapter 11 \_\_\_\_\_] OR  
MM / DD / YYYY

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_]  
MM / DD / YYYY

Date case converted to chapter 11 \_\_\_\_\_  
MM / DD / YYYY

**Official Form 309E (For Individuals or Joint Debtors)**

**Notice of Chapter 11 Bankruptcy Case**

12/15

**For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 10 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____
		Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .		Hours open _____
		Contact phone _____

For more information, see page 2 ►

**6. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.  
Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location:

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**7. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:**

**You must file a complaint:**

- if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or
- if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

First date set for hearing on confirmation of plan. The court will send you a notice of that date later.

**Filing deadline for dischargeability complaints:** \_\_\_\_\_

**Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or  
[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov).

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**Filing deadline:** 30 days after the *conclusion* of the meeting of creditors

**8. Creditors with a foreign address**

If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**9. Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate the debtor's business.

**10. Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.

**11. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.

**Information to identify the case:**

Debtor _____ Name	EIN _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 11 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 11 _____ MM / DD / YYYY]
Case number: _____	

**Official Form 309F (For Corporations or Partnerships)****Notice of Chapter 11 Bankruptcy Case**

12/15

**For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

**1. Debtor's full name**

**2. All other names used in the last 8 years**

**3. Address**

**4. Debtor's attorney**

Name and address

Contact phone \_\_\_\_\_

Email \_\_\_\_\_

**5. Bankruptcy clerk's office**

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_

Contact phone \_\_\_\_\_

**6. Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**For more information, see page 2 ►**

**7. Proof of claim deadline****Deadline for filing proof of claim:**

[Not yet set. If a deadline is set, the court will send you another notice.] or

[date, if set by the court]]

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov).

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**8. Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 1141(d)(6)(A).

**Deadline for filing the complaint:** \_\_\_\_\_**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**10. Filing a Chapter 11 bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

**11. Discharge of debts**

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge under 11 U.S.C. § 1141(d)(6)(A), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

**Information to identify the case:**Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

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

Last 4 digits of Social Security number or ITIN \_\_\_\_\_

EIN \_\_\_\_\_

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)[Date case filed for chapter 12 \_\_\_\_\_  
MM / DD / YYYY OR

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_  
MM / DD / YYYYDate case converted to chapter 12 \_\_\_\_\_  
MM / DD / YYYY**Official Form 309G (For Individuals or Joint Debtors)****Notice of Chapter 12 Bankruptcy Case**

12/15

**For the debtors listed above, a case has been filed under chapter 12 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, from the debtors' property, or from certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 12 plan may result in a discharge of debt. Creditors who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .		Hours open _____ Contact phone _____

For more information, see page 2 ►

**7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
 Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge dischargeability of certain debts:**

**Filing deadline:** \_\_\_\_\_

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline:** \_\_\_\_\_

**Deadline for governmental units to file a proof of claim:**

**Filing deadline:** \_\_\_\_\_

**Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

**Filing deadline:** 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**9. Filing of plan**

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: \_\_\_\_\_ at \_\_\_\_\_ Location: \_\_\_\_\_  
 Date Time ]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a Chapter 12 bankruptcy case**

Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business unless the court orders otherwise.

**12. Discharge of debts**

Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt excepted under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the clerk's office by the deadline.

**13. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

**Information to identify the case:**

Debtor _____ Name	EIN _____ - _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 12 _____ MM / DD / YYYY OR [Date case filed in chapter _____ MM / DD / YYYY Date case converted to chapter 12 _____ MM / DD / YYYY]
Case number: _____	

**Official Form 309H (For Corporations or Partnerships)****Notice of Chapter 12 Bankruptcy Case**

12/15

**For the debtor listed above, a case has been filed under chapter 12 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor, the debtor's property, or certain codebtors. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 12 plan may result in the discharge of debt. Creditors who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

**1. Debtor's full name**

**2. All other names used in the last 8 years**

**3. Address**

**4. Debtor's attorney**

Name and address

Contact phone \_\_\_\_\_

Email \_\_\_\_\_

**5. Bankruptcy clerk's office**

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Hours open \_\_\_\_\_

Contact phone \_\_\_\_\_

**6. Bankruptcy trustee**

Name and address

Contact phone \_\_\_\_\_

Email \_\_\_\_\_

**For more information, see page 2 ►**

**7. Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Exception to discharge deadline**

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

**Deadline for filing the complaint:** \_\_\_\_\_

**9. Filing of plan**

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: \_\_\_\_\_ at \_\_\_\_\_ Location: \_\_\_\_\_  
Date Time]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

**10. Deadlines**

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline:** \_\_\_\_\_

**Deadline for governmental units to file a proof of claim:**

**Filing deadline:** \_\_\_\_\_

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**11. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**12. Filing a chapter 12 bankruptcy case**

Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business.

**13. Discharge of debts**

Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan.

If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

**Information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Last 4 digits of Social Security number or ITIN \_\_\_\_\_  
 EIN \_\_\_\_\_

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

Last 4 digits of Social Security number or ITIN \_\_\_\_\_  
 EIN \_\_\_\_\_

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

[Date case filed for chapter 13 \_\_\_\_\_  
MM / DD / YYYY OR

Case number: \_\_\_\_\_

[Date case filed in chapter \_\_\_\_\_  
MM / DD / YYYY

Date case converted to chapter 13 \_\_\_\_\_  
MM / DD / YYYY]

**Official Form 309I**

**Notice of Chapter 13 Bankruptcy Case**

12/15

**For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

About Debtor 1:	About Debtor 2:
1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	Hours open _____ Contact phone _____

For more information, see page 2 ►

**7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

Location: \_\_\_\_\_

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge dischargeability of certain debts:**

**Filing deadline:** \_\_\_\_\_

**You must file:**

a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or  
a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline:** \_\_\_\_\_

**Deadline for governmental units to file a proof of claim:**

**Filing deadline:** \_\_\_\_\_

**Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim.

Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

**Filing deadline:** 30 days after the conclusion of the meeting of creditors

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**9. Filing of plan**

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: \_\_\_\_\_ at \_\_\_\_\_ Location: \_\_\_\_\_  
Date Time ]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a chapter 13 bankruptcy case**

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 9 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

**13. Discharge of debts**

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

## COMMITTEE NOTE

Official Forms 309A-I, collectively the Bankruptcy Case Commencement Notices, have been revised as part of the Forms Modernization Project to make them easier to read and understand. The notices, derived from Official Forms 9A-I are renumbered and stylistic changes have been made.

References to the limitations on the automatic stay imposed by 11 U.S.C. § 362(c)(3) and (4) in some repeat bankruptcy filings by individuals have been deleted from the three versions of the notice for cases filed by corporations and partnerships. Email addresses for the debtor's attorney and the trustee have been added to the form.

The parties are informed that they may review papers filed in the case through the judiciary's PACER system (Public Access to Court Electronic Records) as well as at the bankruptcy clerk's office.

The lettering scheme for the versions of Official Form 309 track the versions of Official Form 9 used in different types of bankruptcy cases with following exceptions. Official Forms 9E(Alt.) and 9F(Alt.) have been eliminated by including alternative language in Official Forms 309E and 309F to be used if the court sets a deadline for filing claims at the start of the chapter 11 case. In addition, the B and C versions have been reversed in order. That is, Official Form 9C has been designated 309B and Official Form 9B as 309C. This groups together the notices for chapter 7 individual debtors and for non-individual debtors. Finally, as a result of the reformatting, Official Form 309C has been reduced to a single page.

The four versions of the form for chapter 7 cases have been renamed to state whether the notice specifies a deadline for filing proofs of claim, rather than whether the case is an "asset" or "no-asset" case.

[Caption as in 416A]

## **Order and Notice for Hearing on Disclosure Statement**

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**To the debtor, its creditors, and other parties in interest:**

A disclosure statement and a plan under chapter 11 [or chapter 9] of the Bankruptcy Code having been filed by \_\_\_\_\_ on \_\_\_\_\_,

**IT IS ORDERED** and notice is hereby given, that:

1. The hearing to consider the approval of the disclosure statement shall be held at:

\_\_\_\_\_,  
on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m.

2. \_\_\_\_\_ is fixed as the last day for filing and serving in accordance with Fed. R. Bankr. P. 3017(a) written objections to the disclosure statement.

3. Within \_\_\_\_\_ days after entry of this order, the disclosure statement and plan shall be distributed in accordance with Fed. R. Bankr. P. 3017(a).

4. Requests for copies of the disclosure statement and plan shall be mailed to the debtor in possession [or trustee or debtor or \_\_\_\_\_] at the following mailing address:

[\_\_\_\_\_].

\_\_\_\_\_  
MM / DD / YYYY

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

**COMMITTEE NOTE**

Official Form 312, *Order and Notice for Hearing on Disclosure Statement* replaces Official Form 12, *Order and Notice for Hearing on Disclosure Statement*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

[Caption as in 416A]

## **Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof**

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A disclosure statement under chapter 11 of the Bankruptcy Code having been filed by \_\_\_\_\_ on \_\_\_\_\_ [if appropriate, and by \_\_\_\_\_, on \_\_\_\_\_], referring to a plan under chapter 11 of the Code filed by \_\_\_\_\_, on \_\_\_\_\_ [if appropriate, and by \_\_\_\_\_, on \_\_\_\_\_ respectively] [if appropriate, as modified by a modification filed on \_\_\_\_\_]; and

It having been determined after hearing on notice that the disclosure statement [or statements] contain[s] adequate information:

**IT IS ORDERED**, and notice is hereby given, that:

- A. The disclosure statement filed by \_\_\_\_\_ dated \_\_\_\_\_ [if appropriate, and by \_\_\_\_\_, dated \_\_\_\_\_] is [are] approved.
- B. \_\_\_\_\_ is fixed as the last day for filing written acceptances or rejections of the plan [or plans] referred to above.
- C. Within \_\_\_\_\_ days after the entry of this order, the plan [or plans] or a summary or summaries thereof approved by the court, [and [if appropriate] a summary approved by the court of its opinion, if any, dated \_\_\_\_\_, approving the disclosure statement [or statements]], the disclosure statement [or statements], and a ballot conforming to *Ballot for Accepting or Rejecting Plan of Reorganization* (Official Form 314) shall be mailed to creditors, equity security holders, and other parties in interest, and shall be transmitted to the United States trustee, as provided in Fed. R. Bankr. P. 3017(d).
- D. If acceptances are filed for more than one plan, preferences among the plans so accepted may be indicated.
- E. [If appropriate] \_\_\_\_\_ is fixed for the hearing on confirmation of the plan [or plans].
- F. [If appropriate] \_\_\_\_\_ is fixed as the last day for filing and serving pursuant to Fed. R. Bankr. P. 3020(b)(1) written objections to confirmation of the plan.

\_\_\_\_\_  
MM / DD / YYYY

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

[If the court directs that a copy of the opinion should be transmitted in lieu of or in addition to the summary thereof, the appropriate change should be made in paragraph C of this order.]

**COMMITTEE NOTE**

Official Form 313, *Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof* replaces Official Form 13, *Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

[Caption as in 416A]

## **Class [ ] Ballot for Accepting or Rejecting Plan of Reorganization**

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[Proponent] filed a plan of reorganization dated [Date] (the *Plan*) for the Debtor in this case. The Court has [conditionally] approved a disclosure statement with respect to the Plan (the *Disclosure Statement*). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]

Court approval of the disclosure statement does not indicate approval of the Plan by the Court.

**You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [ ] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.**

**If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**

**If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.**

### **Acceptance or Rejection of the Plan**

[At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives:]

[If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

The undersigned, the holder of a Class [ ] claim against the Debtor in the unpaid amount of Dollars (\$ )

[or, if the voter is the holder of a bond, debenture, or other debt security:]

The undersigned, the holder of a Class [ ] claim against the Debtor, consisting of Dollars (\$) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [ ] equity interest in the Debtor, consisting of \_\_\_\_\_ shares or other interests of [describe equity interest] in the Debtor

[In each case, the following language should be included:]

*Check one box only*

**Accepts the plan**

**Rejects the plan**

Dated: \_\_\_\_\_

Print or type name: \_\_\_\_\_

Signature: \_\_\_\_\_ Title (if corporation or partnership) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Return this ballot to:**

[Name and address of proponent's attorney or other appropriate address]

**COMMITTEE NOTE**

Official Form 314, *Ballot for Accepting or Rejecting Plan* replaces Official Form 14, *Ballot for Accepting or Rejecting Plan*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

Official Form 315 (12/15)

[Caption as in 416A]

## Order Confirming Plan

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The plan under chapter 11 of the Bankruptcy Code filed by \_\_\_\_\_, on \_\_\_\_\_ [if applicable, as modified by a modification filed on \_\_\_\_\_], or a summary thereof, having been transmitted to creditors and equity security holders; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1129(a) [or, if appropriate, 11 U.S.C. § 1129(b)] have been satisfied;

**IT IS ORDERED** that:

The plan filed by \_\_\_\_\_, on \_\_\_\_\_, [if appropriate, include dates and any other pertinent details of modifications to the plan] is confirmed. [If the plan provides for an injunction against conduct not otherwise enjoined under the Code, include the information required by Rule 3020.]

A copy of the confirmed plan is attached.

\_\_\_\_\_  
MM / DD / YYYY

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

**COMMITTEE NOTE**

Official Form 315, *Order Confirming Plan* replaces Official Form 15, *Order Confirming Plan*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

**Information to identify the case:**

Debtor 1 \_\_\_\_\_ Last 4 digits of Social Security number or ITIN \_\_\_\_-\_\_\_\_  
 First Name Middle Name Last Name EIN \_\_\_\_ - \_\_\_\_\_

Debtor 2 \_\_\_\_\_ Last 4 digits of Social Security number or ITIN \_\_\_\_-\_\_\_\_  
 (Spouse, if filing) First Name Middle Name Last Name EIN \_\_\_\_ - \_\_\_\_\_

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

Case number: \_\_\_\_\_

**Order of Discharge**

**12/15**

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

\_\_\_\_\_ [\_\_\_\_\_]  
 [include all names used by each debtor, including trade names, within the 8 years prior to the filing of the petition]

\_\_\_\_\_  
 MM / DD / YYYY

**By the court:** \_\_\_\_\_  
 United States Bankruptcy Judge

**Explanation of Bankruptcy Discharge in a Chapter 7 Case**

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

**Creditors cannot collect discharged debts**

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

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

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

**Most debts are discharged**

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors' personal liability for debts owed before the debtors' bankruptcy case was filed.

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

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

**For more information, see page 2 ►**

**Some debts are not discharged**

Examples of debts that are not discharged are:

- debts that are domestic support obligations;
- debts for most student loans;
- debts for most taxes;
- debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- some debts which the debtors did not properly list;
- debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

Also, debts covered by a valid reaffirmation agreement are not discharged.

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

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

## COMMITTEE NOTE

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

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

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

Director's Procedural Forms 18J and 18JO are no longer needed because Form 318 specifies the names of the debtors, or debtor, to whom the discharge is issued. Any alternate names of the debtor or debtors appear in the order not in the information box at the top of the form.

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

\_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_ Chapter 15

Check if this is an amended filing

Official Form 401

**Chapter 15 Petition for Recognition of a Foreign Proceeding**

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write debtor's name and case number (if known).

1. Debtor's name \_\_\_\_\_

2. Debtor's unique identifier

**For non-individual debtors:**

Federal Employer Identification Number (EIN) \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Other \_\_\_\_\_. Describe identifier \_\_\_\_\_.

**For individual debtors:**

Social Security number: xxx - xx- \_\_\_\_ - \_\_\_\_

Individual Taxpayer Identification number (ITIN): 9 xx - xx - \_\_\_\_ - \_\_\_\_

Other \_\_\_\_\_. Describe identifier \_\_\_\_\_.

3. Name of foreign representative(s) \_\_\_\_\_

4. Foreign proceeding in which appointment of the foreign representative(s) occurred \_\_\_\_\_

5. Nature of the foreign proceeding

Check one:

Foreign main proceeding

Foreign nonmain proceeding

Foreign main proceeding, or in the alternative foreign nonmain proceeding

6. Evidence of the foreign proceeding

A certified copy, translated into English, of the decision commencing the foreign proceeding and appointing the foreign representative is attached.

A certificate, translated into English, from the foreign court, affirming the existence of the foreign proceeding and of the appointment of the foreign representative, is attached.

Other evidence of the existence of the foreign proceeding and of the appointment of the foreign representative is described below, and relevant documentation, translated into English, is attached.

\_\_\_\_\_  
\_\_\_\_\_

7. Is this the only foreign proceeding with respect to the debtor known to the foreign representative(s)?

No. (Attach a statement identifying each country in which a foreign proceeding by, regarding, or against the debtor is pending.)

Yes

**8. Others entitled to notice**

Attach a list containing the names and addresses of:

- (i) all persons or bodies authorized to administer foreign proceedings of the debtor,
- (ii) all parties to litigation pending in the United States in which the debtor is a party at the time of filing of this petition, and
- (iii) all entities against whom provisional relief is being sought under § 1519 of the Bankruptcy Code.

**9. Addresses**

**Country where the debtor has the center of its main interests:**

\_\_\_\_\_

**Debtor's registered office:**

Number Street \_\_\_\_\_

P.O. Box \_\_\_\_\_

City State/Province/Region ZIP/Postal Code \_\_\_\_\_

Country \_\_\_\_\_

**Individual debtor's habitual residence:**

Number Street \_\_\_\_\_

P.O. Box \_\_\_\_\_

City State/Province/Region ZIP/Postal Code \_\_\_\_\_

Country \_\_\_\_\_

**Address of foreign representative(s):**

Number Street \_\_\_\_\_

P.O. Box \_\_\_\_\_

City State/Province/Region ZIP/Postal Code \_\_\_\_\_

Country \_\_\_\_\_

**10. Debtor's website (URL)**

\_\_\_\_\_

**11. Type of debtor**

Check one:

- Non-individual (check one):
  - Corporation. Attach a corporate ownership statement containing the information described in Fed. R. Bankr. P. 7007.1.
  - Partnership
  - Other. Specify: \_\_\_\_\_
- Individual

**12. Why is venue proper in this district?**

Check one:

- Debtor's principal place of business or principal assets in the United States are in this district.
- Debtor does not have a place of business or assets in the United States, but the following action or proceeding in a federal or state court is pending against the debtor in this district:  
\_\_\_\_\_
- If neither box is checked, venue is consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative, because:  
\_\_\_\_\_

**13. Signature of foreign representative(s)**

I request relief in accordance with chapter 15 of title 11, United States Code.

I am the foreign representative of a debtor in a foreign proceeding, the debtor is eligible for the relief sought in this petition, and I am authorized to file this petition.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct,

**X**

\_\_\_\_\_  
Signature of foreign representative

\_\_\_\_\_  
Printed name

Executed on

\_\_\_\_\_  
MM / DD / YYYY

**X**

\_\_\_\_\_  
Signature of foreign representative

\_\_\_\_\_  
Printed name

Executed on

\_\_\_\_\_  
MM / DD / YYYY

**14. Signature of attorney**

**X**

\_\_\_\_\_  
Signature of Attorney for foreign representative

Date

\_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Firm name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Bar number

\_\_\_\_\_  
State

### COMMITTEE NOTE

Official Form 401 is required for any petition seeking recognition of a foreign proceeding under chapter 15 of the Bankruptcy Code. The form, which applies to foreign proceedings involving individual and non-individual debtors, consolidates information formerly included on Official Form 1 (Voluntary Petition). The petition must be signed by the foreign representative, under penalty of perjury, and by the foreign representative's attorney.

The petition requires disclosure of the foreign proceeding in which the foreign representative has been appointed (Line 4) and whether it is a foreign main proceeding or foreign nonmain proceeding (Line 5). If the foreign representative seeks recognition of the foreign proceeding as a foreign main proceeding or, in the alternative, a foreign nonmain proceeding, that request should be indicated in Line 5. Each country where any additional foreign proceeding known to the foreign representative is pending must be disclosed on Line 7. See Bankruptcy Rule 1004.2. Evidence of the foreign proceeding and of the foreign representative's appointment must accompany the petition. See 11 U.S.C. § 1515(b). These documents must be translated into English in accordance with 11 U.S.C. § 1515(d). The foreign representative must also attach a list of persons or bodies entitled to notice. See Bankruptcy Rule 2002(q).

The petition calls for information about the debtor, including the debtor's name (Line 1), other unique identifying information, if available (Line 2), and center of main interest (Line 9). The type of debtor is also requested (Line 11).

The foreign representative must indicate the basis for venue in the district by selecting an appropriate checkbox and, if necessary, providing additional information, such as a statement explaining why venue in the district is appropriate (Line 12). See 28 U.S.C. § 1410.

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number \_\_\_\_\_

**Official Form 410**

**Proof of Claim**

12/15

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

1. **Who is the current creditor?**

\_\_\_\_\_  
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor \_\_\_\_\_

2. **Has this claim been acquired from someone else?**

No  
 Yes. From whom? \_\_\_\_\_

3. **Where should notices and payments to the creditor be sent?**

**Where should notices to the creditor be sent?**

**Where should payments to the creditor be sent? (if different)**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
City State ZIP Code

Contact phone \_\_\_\_\_

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

Contact email \_\_\_\_\_

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
\_\_\_\_\_

4. **Does this claim amend one already filed?**

No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on \_\_\_\_\_  
MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**

No  
 Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_

7. How much is the claim? \$\_\_\_\_\_. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

No

Yes. Check all that apply:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,475\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)(    ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_





Fill in this information to identify the case:

Debtor 1 \_\_\_\_\_
Debtor 2 (Spouse, if filing) \_\_\_\_\_
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_ (State)
Case number \_\_\_\_\_

Official Form 410S1

Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: \_\_\_\_\_

Court claim no. (if known): \_\_\_\_\_

Last 4 digits of any number you use to identify the debtor's account: \_\_\_\_\_

Date of payment change: Must be at least 21 days after date of this notice \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

New total payment: \$ \_\_\_\_\_ Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?

- No
Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ \_\_\_\_\_ New escrow payment: \$ \_\_\_\_\_

Part 2: Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

- No
Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_% New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

Part 3: Other Payment Change

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

- No
Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X** \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature

Print: \_\_\_\_\_ Title \_\_\_\_\_  
First Name Middle Name Last Name

Company \_\_\_\_\_

Address \_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code

Contact phone (\_\_\_\_) \_\_\_\_-\_\_\_\_ Email \_\_\_\_\_

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number \_\_\_\_\_

**Official Form 410S2**

**Notice of Postpetition Mortgage Fees, Expenses, and Charges** 12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any fees, expenses, and charges incurred after the bankruptcy filing that you assert are recoverable against the debtor or against the debtor's principal residence.

File this form as a supplement to your proof of claim. See Bankruptcy Rule 3002.1.

Name of creditor: \_\_\_\_\_ Court claim no. (if known): \_\_\_\_\_

Last 4 digits of any number you use to identify the debtor's account: \_\_\_\_\_

Does this notice supplement a prior notice of postpetition fees, expenses, and charges?

- No
- Yes. Date of the last notice: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part 1: Itemize Postpetition Fees, Expenses, and Charges**

Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case or ruled on by the bankruptcy court.

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Bankruptcy/Proof of claim fees	_____	(5) \$ _____
6. Appraisal/Broker's price opinion fees	_____	(6) \$ _____
7. Property inspection fees	_____	(7) \$ _____
8. Tax advances (non-escrow)	_____	(8) \$ _____
9. Insurance advances (non-escrow)	_____	(9) \$ _____
10. Property preservation expenses. Specify: _____	_____	(10) \$ _____
11. Other. Specify: _____	_____	(11) \$ _____
12. Other. Specify: _____	_____	(12) \$ _____
13. Other. Specify: _____	_____	(13) \$ _____
14. Other. Specify: _____	_____	(14) \$ _____

The debtor or trustee may challenge whether the fees, expenses, and charges you listed are required to be paid. See 11 U.S.C. § 1322(b)(5) and Bankruptcy Rule 3002.1.

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

**Part 2: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X** \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature

Print: \_\_\_\_\_ Title \_\_\_\_\_  
First Name Middle Name Last Name

Company \_\_\_\_\_

Address \_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code

Contact phone (\_\_\_\_) \_\_\_\_-\_\_\_\_ Email \_\_\_\_\_

## COMMITTEE NOTE

Official Form 410, *Proof of Claim*, applies in all cases. Form 410 replaces Official Form 10, Proof of Claim. It is renumbered to distinguish it from the forms used by debtors for case opening, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 410 has been substantially reorganized. A new question has been added at line 10 that solicits information about claims based on leases.

Official Form 410A, *Mortgage Proof of Claim Attachment*, is revised in its content and format. Rather than requiring a home mortgage claimant to fill in blanks with itemized information about the principal, interest, and fees due as of the petition date and the amount necessary to cure a prepetition default, the form now requires the claimant to provide a loan history that reveals when payments were received, how they were applied, when fees and charges were incurred, and when escrow charges were satisfied. Because completion of the revised form can be automated, it will permit claimants to comply with Rule 3001(c)(2)(C) with efficiency and accuracy. Attachment of a loan history with a home mortgage proof of claim will also provide transparency about the basis for the claimant's calculation of the claim and arrearage amount.

The loan history should begin with the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently brought current with no principal,

interest, fees, escrow payments, or other charges immediately payable.

Official Forms 410S1 and 410S2, *Notice of Mortgage Payment Change* and *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, are revised as part of the Forms Modernization Project. There are formatting changes throughout the forms.

**Form 416A. CAPTION (FULL)**

**United States Bankruptcy Court**

\_\_\_\_\_ District Of \_\_\_\_\_

In re

\_\_\_\_\_,  
*[Set forth here all names including married,  
maiden, and trade names used by debtor within  
the last 8 years.]*

Debtor

Address

\_\_\_\_\_  
\_\_\_\_\_

Last four digits of Social-Security or Individual  
Tax- Payer-Identification (ITIN) No(s)., (if any): \_\_\_\_\_

\_\_\_\_\_

Employer's Tax Identification No(s). (if any): \_\_\_\_\_

\_\_\_\_\_

Case No.

\_\_\_\_\_

Chapter

\_\_\_\_\_

*[Designation of Character of Paper]*

**COMMITTEE NOTE**

Official Form 416A, *Caption*, applies on all forms where prescribed. Form 416A replaces Official Form 16A, *Caption*. It is renumbered as part of the Forms Modernization Project.

**Form 416B CAPTION (Short Title)**

*(May be used if 11 U.S.C. § 342(c) is not applicable)*

**United States Bankruptcy Court**

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,

Debtor

Case No.

Chapter

\_\_\_\_\_  
*[Designation of Character of Paper]*

**COMMITTEE NOTE**

Official Form 416B, *Caption*, applies on all forms where prescribed. Form 416B replaces Official Form 16B, *Caption*. It is renumbered as part of the Forms Modernization Project.

**Form 416D Caption for Use in Adversary Proceeding**

**United States Bankruptcy Court**

\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor  
\_\_\_\_\_,  
Plaintiff  
\_\_\_\_\_,  
Defendant

Case No.  
\_\_\_\_\_

Chapter  
\_\_\_\_\_

Adv. Proc. No.  
\_\_\_\_\_

COMPLAINT [*or other designation*]

[If in a Notice of Appeal and Statement of Election (see Form 417A) or other notice filed and served by the debtor, the caption must be altered to include the debtor's address and Employer's Tax Identification Numbers(s) or last four digits of Social Security Number(s) as in Form 416A]

**COMMITTEE NOTE**

Official Form 416D, *Caption for Use in Adversary Proceeding Other Than for a Complaint Filed by a Debtor*, applies on all forms where prescribed. Form 416D replaces Official Form 16D, *Caption for Use in Adversary Proceeding Other Than for a Complaint Filed by a Debtor*. It is renumbered as part of the Forms Modernization Project.

[Caption as in Form 416A, 416B, or 416D, as appropriate]

## NOTICE OF APPEAL AND STATEMENT OF ELECTION

### **Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): \_\_\_\_\_

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- Plaintiff
- Defendant
- Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

- Debtor
- Creditor
- Trustee
- Other (describe) \_\_\_\_\_

### **Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: \_\_\_\_\_

2. State the date on which the judgment, order, or decree was entered: \_\_\_\_\_

### **Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: \_\_\_\_\_ Attorney: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Party: \_\_\_\_\_ Attorney: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

\_\_\_\_\_  
Signature of attorney for appellant(s) (or appellant(s)  
if not represented by an attorney)

Date: \_\_\_\_\_

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

### **COMMITTEE NOTE**

The form number is updated to comport with the form numbering style developed as part of the Forms Modernization Project. Other stylistic changes were made throughout the form.

*[Caption as in Form 416A, 416B, or 416D, as appropriate]*

## OPTIONAL APPELLEE STATEMENT OF ELECTION TO PROCEED IN DISTRICT COURT

**This form should be filed only if all of the following are true:**

- this appeal is pending in a district served by a Bankruptcy Appellate Panel,
- the appellant(s) did not elect in the Notice of Appeal to proceed in the District Court rather than in the Bankruptcy Appellate Panel,
- no other appellee has filed a statement of election to proceed in the district court, and
- you elect to proceed in the District Court.

### **Part 1: Identify the appellee(s) electing to proceed in the District Court**

1. Name(s) of appellee(s):

\_\_\_\_\_

2. Position of appellee(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- Plaintiff
- Defendant
- Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

- Debtor
- Creditor
- Trustee
- Other (describe) \_\_\_\_\_

### **Part 2: Election to have this appeal heard by the District Court (applicable only in certain districts)**

I (we) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

### **Part 3: Sign below**

\_\_\_\_\_  
Signature of attorney for appellee(s) (or appellee(s) if not represented by an attorney)

Date: \_\_\_\_\_

\_\_\_\_\_  
Name, address, and telephone number of attorney (or appellee(s) if not represented by an attorney):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **COMMITTEE NOTE**

The form number is updated to comport with the form numbering style developed as part of the Forms Modernization Project. Other stylistic changes were made throughout the form.

*[This certification must be appended to your brief if the length of your brief is calculated by maximum number of words or lines of text rather than number of pages.]*

**Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)**

This brief complies with the type-volume limitation of Rule 8015(a)(7)(B) or 8016(d)(2) because:

- this brief contains [*state the number of*] words, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D), or
- this brief uses a monospaced typeface having no more than 10½ characters per inch and contains [*state the number of*] lines of text, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii) or 8016(d)(2)(D).

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Print name of person signing certificate of compliance:  
\_\_\_\_\_

**COMMITTEE NOTE**

The form number is updated to comport with the form numbering style developed as part of the Forms Modernization Project. Other stylistic changes were made throughout the form.

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
(If known)

**Official Form 423**

**Certification About a Financial Management Course**

12/15

If you are an individual, you must take an approved course about personal financial management if:

- you filed for bankruptcy under chapter 7 or 13, or
- you filed for bankruptcy under chapter 11 and § 1141 (d)(3) does not apply.

In a joint case, each debtor must take the course. 11 U.S.C. §§ 727(a)(11) and 1328(g).

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

- If you filed under chapter 7 and you need to file this form, file it within 60 days after the first date set for the meeting of creditors under § 341 of the Bankruptcy Code.
- If you filed under chapter 11 or 13 and you need to file this form, file it before you make the last payment that your plan requires or before you file a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Bankruptcy Code. Fed. R. Bankr. P. 1007(c).

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

**Part 1: Tell the Court About the Required Course**

You must check one:

- I completed an approved course in personal financial management:

Date I took the course \_\_\_\_\_  
MM / DD / YYYY

Name of approved provider \_\_\_\_\_

Certificate number \_\_\_\_\_

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

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

**Part 2: Sign Here**

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

\_\_\_\_\_  
Signature of debtor named on certificate

\_\_\_\_\_  
Printed name of debtor

Date \_\_\_\_\_  
MM / DD / YYYY

## COMMITTEE NOTE

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

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

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

[Caption as described in Fed. R. Bankr. P. 7010 or 9004(b), as applicable]

## **Certification to Court of Appeals by All Parties**

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A notice of appeal having been filed in the above-styled matter on \_\_\_\_\_[Date], \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, [names of all the appellants and all the appellees, if any], who are all the appellants [and all the appellees] hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- is required under 28 U.S.C. § 158(a)
- is not required under 28 U.S.C. § 158(a).

*[If from a final judgment, order, or decree]* This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the \_\_\_\_\_ District of \_\_\_\_\_ entered on \_\_\_\_\_[Date].

*[If from an interlocutory order or decree]* This certification arises in an appeal from an interlocutory order or decree, and the parties hereby request leave to appeal as required by 28 U.S.C. § 158(a).

*[The certification shall contain one or more of the following statements, as is appropriate to the circumstances.]*

The judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States, or involves a matter of public importance.

Or

The judgment, order, or decree involves a question of law requiring resolution of conflicting decisions.

Or

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken.

*[The parties may include or attach the information specified in Rule 8001.]*

Signed: *[If there are more than two signatories, all must sign and provide the information requested below. Attach additional signed sheets if needed.]*

Attorney for Appellant (or  
Appellant, if not represented  
by an attorney):

\_\_\_\_\_

Printed name of signer:

\_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number:

(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Date:

\_\_\_\_/\_\_\_\_/\_\_\_\_  
MM / DD / YYYY

\_\_\_\_/\_\_\_\_/\_\_\_\_  
MM / DD / YYYY

**COMMITTEE NOTE**

Official Form 424, *Certification to Court of Appeal by All Parties* replaces Official Form 24, *Certification to Court of Appeal by All Parties*. It is revised as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

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

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

Case number \_\_\_\_\_  
 (If known)

**Official Form 427**

**Cover Sheet for Reaffirmation Agreement**

12/15

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

**Part 1: Explain the Repayment Terms of the Reaffirmation Agreement**

1. Who is the creditor? \_\_\_\_\_  
Name of the creditor

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

3. What is the Annual Percentage Rate (APR) of interest? (See Bankruptcy Code § 524(k)(3)(E).) Before the bankruptcy case was filed \_\_\_\_\_ %  
 Under the reaffirmation agreement \_\_\_\_\_ %  Fixed rate  
 Adjustable rate

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

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

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

Debtor 1

First Name Middle Name Last Name

Case number (if known)

7. Are the income amounts on lines 6a and 6e different?  No  Yes. Explain why they are different and complete line 10. \_\_\_\_\_

\_\_\_\_\_

8. Are the expense amounts on lines 6b and 6f different?  No  Yes. Explain why they are different and complete line 10. \_\_\_\_\_

\_\_\_\_\_

9. Is the net monthly income in line 6h less than 0?  No  Yes. A presumption of hardship arises (unless the creditor is a credit union). Explain how the debtor will make monthly payments on the reaffirmed debt and pay other living expenses. Complete line 10.

\_\_\_\_\_

\_\_\_\_\_

10. Debtor's certification about lines 7-9

I certify that each explanation on lines 7-9 is true and correct.

If any answer on lines 7-9 is Yes, the debtor must sign here.

\_\_\_\_\_  \_\_\_\_\_

If all the answers on lines 7-9 are No, go to line 11.

Signature of Debtor 1 Signature of Debtor 2 (Spouse Only in a Joint Case)

11. Did an attorney represent the debtor in negotiating the reaffirmation agreement?  No  Yes. Has the attorney executed a declaration or an affidavit to support the reaffirmation agreement?

No  Yes

**Part 2: Sign Here**

Whoever fills out this form must sign here. I certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this *Cover Sheet for Reaffirmation Agreement*.

\_\_\_\_\_ Date \_\_\_\_\_

Signature MM / DD / YYYY

\_\_\_\_\_

Printed Name

Check one:

Debtor or Debtor's Attorney

Creditor or Creditor's Attorney

## COMMITTEE NOTE

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

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

Line 3 of the form has been changed to clarify the requirement to disclose an annual percentage rate of interest. Section 524(k)(3)(E) of the Bankruptcy Code defines the "Annual Percentage Rate" to be disclosed in connection with a reaffirmation agreement. Line 3 of the form now includes a reference to that Code provision, which in appropriate circumstances permits disclosure of the simple interest rate as the Annual Percentage Rate.

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

JEFFREY S. SUTTON  
CHAIR

REBECCA A. WOMELDORF  
SECRETARY

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CIVIL RULES

REENA RAGGI  
CRIMINAL RULES

WILLIAM K. SESSIONS III  
EVIDENCE RULES

**MEMORANDUM**

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

**FROM:** Honorable David G. Campbell, Chair  
Advisory Committee on Civil Rules

**DATE:** May 2, 2015

**RE:** Report of the Advisory Committee on Civil Rules

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*Introduction*

The Civil Rules Advisory Committee met at the Administrative Office of the United States Courts on April 9, 2015. Draft Minutes of this meeting are attached. This report has been prepared by Professor Cooper, Committee Reporter, with Professor Marcus, Associate Reporter, and various subcommittee chairs.

Part I of this Report presents recommendations to approve for adoption several proposals that were published for comment in August, 2014. Each deals with distinctive topics presented separately as I.A., Rule 4(m); I.B., Rule 6(d); and I.C., Rule 82.

\* \* \* \* \*

## I. RECOMMENDATIONS TO APPROVE FOR ADOPTION

### I.A. RULE 4(m) - RULE 4(h)(2)

The Standing Committee approved the August, 2014 publication of a proposed amendment of Rule 4(m). The amendment adds service on an entity in a foreign country to the list in the last sentence that exempts service in a foreign country from the presumptive time limit set by Rule 4(m) for serving the summons and complaint. It is recommended that the proposed amendment be recommended for adoption. The reasons are described in the Committee Note.

#### Rule 4. Summons

\* \* \* \* \*

**(m) Time Limit for Service.** If a defendant is not served within 90<sup>1</sup> days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).

\* \* \* \* \*

#### COMMITTEE NOTE

Rule 4(m) is amended to correct a possible ambiguity that appears to have generated some confusion in practice. Service in a foreign country often is accomplished by means that require more than the 120 days originally set by Rule 4(m)[, or than the 90 days set by amended Rule 4(m)]. This problem is recognized by the two clear exceptions for service on an individual in a foreign country under Rule 4(f) and for service on a foreign state under Rule 4(j)(1). The potential ambiguity arises from the lack of any explicit reference to service on a corporation, partnership, or other unincorporated association. Rule 4(h)(2) provides for service on such defendants at a place outside any judicial district of the United States “in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).” Invoking service “in the manner prescribed by Rule 4(f)” could easily be read to mean that service under Rule 4(h)(2) is also service “under” Rule 4(f). That interpretation is in keeping with the purpose to recognize the delays that often occur in effecting service in a foreign country. But it also is possible to read the words for what they seem to say—service is under Rule 4(h)(2), albeit in a manner borrowed from almost all, but not quite all, of Rule 4(f).

The amendment resolves this possible ambiguity.

#### Gap Report

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<sup>1</sup> This anticipates adoption of the proposed amendment transmitted to Congress on April 29, 2015.

No changes were made in the published rule text or Committee Note.

### **I.B. RULE 6(d)**

The Standing Committee approved the August, 2014 publication of a proposed amendment of Rule 6(d). Present Rule 6(d) provides 3 added days to respond after service “made under Rule 5(b)(2)(C), (D), (E), or (F).” The amendment deletes (E), service by electronic means consented to by the person served. It also adds parenthetical descriptions of the modes of service that continue to allow the 3 added days: “(C)(mail), (D)(leaving with the clerk), or (F)(other means consented to).” Parallel proposals to delete electronic service from the 3-added days provision were published for the other sets of rules that included it. It is recommended that the proposed amendment be recommended for adoption as published. It is further recommended that a new paragraph be added to the Committee Note to reflect concerns raised by the Department of Justice and several other public comments. This brief new paragraph is discussed below.

A variety of concerns were raised by the public comments. One theme is that the time periods allowed by the Civil Rules are too short as they are. Any provision that allows even some relief should be retained. A related theme focuses on strategic opportunities to manipulate the amount of time practically available to respond after electronic service. This concern is illustrated by electronic filings made just before midnight on a Friday or the eve of a holiday. “No one goes home until after midnight.” Suggested remedies include either a rule barring electronic filing after 5:00 or 6:00 p.m., or treating any later filing as made the next day (or on the next day that is not a weekend or legal holiday).

The Federal Magistrate Judges Association expressed a different concern — that some hasty readers would conclude that because Rule 5(b)(2)(E) currently requires consent for electronic service, electronic service is an “other means consented to” under Rule 5(b)(2)(F), restoring the 3 added days after all. Magistrate Judges are all too familiar with the ways in which rule text can be misread. But the Committee decided not to revise the recommended rule text. Apart from the hope that few will fall into this patent misreading, it is unlikely that a court would visit any serious consequences for a filing made 3 days late. The occasion for misreading, moreover, will be reduced when the proposed amendment of Rule 5(b)(2)(E) described below is approved for publication, and if it survives the public comment process. Consent would no longer be required for service on a registered user through the court’s transmission facilities. That is likely to govern an ever-growing swath of civil litigation.

The Department of Justice, after expressing concerns with failed electronic transmission, late-night filing in general, and strategic use of late-night filing in particular, recommended that language be added to the Committee Note to remind courts of the reasons to allow extensions of time when appropriate to respond to such problems. Adding anything to the Committee Note on this account could be resisted as unnecessary. Judges do not need to be told to make reasonable adjustments for these or any of the other myriad circumstances that may counsel that a time limit be extended. Brevity, moreover, is increasingly emphasized in framing Committee Notes. The Department’s extensive experience with these and similar problems throughout the country, however, deserves some deference. The several advisory committees have agreed to add the new

paragraph underlined in the Committee Note set out below. Considering the question independently, the Committees took different positions. The Civil, Appellate, and Bankruptcy Rules Committees preferred not to add any new language. But the Criminal Rules Committee strongly favored adding some language, moved in part by concern that many criminal defense lawyers are occupied in court or otherwise away from their small offices and may not actually view e-service for some time after it arrives. Each Committee authorized its chair to agree to a common solution. Given the strength of the Criminal Rules Committee's position, and the value of uniformity, the joint recommendation is to adopt a much-shortened version proposed by the Department of Justice in the Committee Notes to each set of rules.

## **Rule 6. Computing and Extending Time; Time for Motion Papers**

\* \* \* \* \*

(d) ADDITIONAL TIME AFTER CERTAIN KINDS OF SERVICE. When a party may or must act within a specified time after ~~service~~ being served<sup>2</sup> and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), ~~(E)~~, or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

### COMMITTEE NOTE

Rule 6(d) is amended to remove service by electronic means under Rule 5(b)(2)(E) from the modes of service that allow 3 added days to act after being served.

Rule 5(b)(2) was amended in 2001 to provide for service by electronic means. Although electronic transmission seemed virtually instantaneous even then, electronic service was included in the modes of service that allow 3 added days to act after being served. There were concerns that the transmission might be delayed for some time, and particular concerns that incompatible systems might make it difficult or impossible to open attachments. Those concerns have been substantially alleviated by advances in technology and in widespread skill in using electronic transmission.

A parallel reason for allowing the 3 added days was that electronic service was authorized only with the consent of the person to be served. Concerns about the reliability of electronic transmission might have led to refusals of consent; the 3 added days were calculated to alleviate these concerns.

Diminution of the concerns that prompted the decision to allow the 3 added days for electronic transmission is not the only reason for discarding this indulgence. Many rules have been changed to ease the task of computing time by adopting 7-, 14-, 21-, and 28-day periods that allow "day-of-the-week" counting. Adding 3 days at the end complicated the counting, and

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<sup>2</sup> This wording reflects the proposed amendment approved by the Standing Committee in May 2014, but held in abeyance.

increased the occasions for further complication by invoking the provisions that apply when the last day is a Saturday, Sunday, or legal holiday.

The ease of making electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.

Eliminating Rule 5(b) subparagraph (2)(E) from the modes of service that allow 3 added days means that the 3 added days cannot be retained by consenting to service by electronic means. Consent to electronic service in registering for electronic case filing, for example, does not count as consent to service “by any other means” of delivery under subparagraph (F).

#### Gap Report

No changes are made in the rule text as published. A new paragraph in the Committee Note is underlined.

### **I.C. RULE 82**

The Standing Committee approved the August, 2014 publication of a proposed amendment of Rule 82. It is recommended that the proposed amendment be recommended for adoption.

#### **Rule 82. Jurisdiction and Venue Unaffected**

These rules do not extend or limit the jurisdiction of the district courts or the venue of actions in those courts. An admiralty or maritime claim under Rule 9(h) is governed by 28 U.S.C. § 1390 not a civil action for purposes of 28 U.S.C. §§ 1391-1392.

#### COMMITTEE NOTE

Rule 82 is amended to reflect the enactment of 28 U.S.C. § 1390 and the repeal of § 1392.

#### Gap Report

No changes are made in the rule text or Committee Note as published.

\* \* \* \* \*

**PROPOSED AMENDMENTS TO THE  
FEDERAL RULES OF CIVIL PROCEDURE\***

1 **Rule 4. Summons**

2 \* \* \* \* \*

3 **(m) Time Limit for Service.** If a defendant is not served  
4 within 90<sup>1</sup> days after the complaint is filed, the  
5 court—on motion or on its own after notice to the  
6 plaintiff—must dismiss the action without prejudice  
7 against that defendant or order that service be made  
8 within a specified time. But if the plaintiff shows  
9 good cause for the failure, the court must extend the  
10 time for service for an appropriate period. This  
11 subdivision (m) does not apply to service in a foreign  
12 country under Rule 4(f), 4(h)(2), or 4(j)(1).

13 \* \* \* \* \*

---

\* New material is underlined; matter to be omitted is lined through.

<sup>1</sup> This anticipates adoption of the proposed amendment transmitted to Congress on April 29, 2015.

### Committee Note

Rule 4(m) is amended to correct a possible ambiguity that appears to have generated some confusion in practice. Service in a foreign country often is accomplished by means that require more than the 120 days originally set by Rule 4(m)[, or than the 90 days set by amended Rule 4(m)]. This problem is recognized by the two clear exceptions for service on an individual in a foreign country under Rule 4(f) and for service on a foreign state under Rule 4(j)(1). The potential ambiguity arises from the lack of any explicit reference to service on a corporation, partnership, or other unincorporated association. Rule 4(h)(2) provides for service on such defendants at a place outside any judicial district of the United States “in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).” Invoking service “in the manner prescribed by Rule 4(f)” could easily be read to mean that service under Rule 4(h)(2) is also service “under” Rule 4(f). That interpretation is in keeping with the purpose to recognize the delays that often occur in effecting service in a foreign country. But it also is possible to read the words for what they seem to say—service is under Rule 4(h)(2), albeit in a manner borrowed from almost all, but not quite all, of Rule 4(f).

The amendment resolves this possible ambiguity.

1 **Rule 6. Computing and Extending Time; Time for**  
2 **Motion Papers**

3 \* \* \* \* \*

4 **(d) Additional Time After Certain Kinds of Service.**

5 When a party may or must act within a specified time  
6 after ~~service being served~~ and service is made under  
7 Rule 5(b)(2)(C) (mail), (D) (leaving with the  
8 clerk), ~~(E)~~, or (F) (other means consented to), 3 days  
9 are added after the period would otherwise expire  
10 under Rule 6(a).

**Committee Note**

Rule 6(d) is amended to remove service by electronic means under Rule 5(b)(2)(E) from the modes of service that allow 3 added days to act after being served.

Rule 5(b)(2) was amended in 2001 to provide for service by electronic means. Although electronic transmission seemed virtually instantaneous even then, electronic service was included in the modes of service that allow 3 added days to act after being served. There were concerns that the transmission might be delayed for some time, and particular concerns that incompatible systems

might make it difficult or impossible to open attachments. Those concerns have been substantially alleviated by advances in technology and in widespread skill in using electronic transmission.

A parallel reason for allowing the 3 added days was that electronic service was authorized only with the consent of the person to be served. Concerns about the reliability of electronic transmission might have led to refusals of consent; the 3 added days were calculated to alleviate these concerns.

Diminution of the concerns that prompted the decision to allow the 3 added days for electronic transmission is not the only reason for discarding this indulgence. Many rules have been changed to ease the task of computing time by adopting 7-, 14-, 21-, and 28-day periods that allow “day-of-the-week” counting. Adding 3 days at the end complicated the counting, and increased the occasions for further complication by invoking the provisions that apply when the last day is a Saturday, Sunday, or legal holiday.

Electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.

Eliminating Rule 5(b) subparagraph (2)(E) from the modes of service that allow 3 added days means that the 3 added days cannot be retained by consenting to service by electronic means. Consent to electronic service in registering for electronic case filing, for example, does not

count as consent to service “by any other means” of delivery under subparagraph (F).

What is now Rule 6(d) was amended in 2005 “to remove any doubt as to the method for calculating the time to respond after service by mail, leaving with the clerk of court, electronic means, or by other means consented to by the party served.” A potential ambiguity was created by substituting “after service” for the earlier references to acting after service “upon the party” if a paper or notice “is served upon the party” by the specified means. “[A]fter service” could be read to refer not only to a party that has been served but also to a party that has made service. That reading would mean that a party who is allowed a specified time to act after making service can extend the time by choosing one of the means of service specified in the rule, something that was never intended by the original rule or the amendment. Rules setting a time to act after making service include Rules 14(a)(1), 15(a)(1)(A), and 38(b)(1). “[A]fter being served” is substituted for “after service” to dispel any possible misreading.

1 **Rule 82. Jurisdiction and Venue Unaffected**

2       These rules do not extend or limit the jurisdiction of the  
3 district courts or the venue of actions in those courts. An  
4 admiralty or maritime claim under Rule 9(h) is governed by  
5 28 U.S.C. § 1390 ~~not a civil action for purposes of 28 U.S.C.~~  
6 ~~§§ 1391-1392.~~

**Committee Note**

      Rule 82 is amended to reflect the enactment of  
28 U.S.C. § 1390 and the repeal of § 1392.

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

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REENA RAGGI  
CRIMINAL RULES

WILLIAM K. SESSIONS III  
EVIDENCE RULES

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

**FROM:** Honorable Reena Raggi, Chair  
Advisory Committee on Criminal Rules

**DATE:** May 6, 2015

**RE:** Report of the Advisory Committee on Criminal Rules

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## I. INTRODUCTION

The Advisory Committee on the Federal Rules of Criminal Procedure (“the Advisory Committee”) met on March 16-17, 2015, in Orlando, Florida, and took action on a number of proposals. The Draft Minutes are attached. (Tab B).

This report presents three action items for Standing Committee consideration. The Advisory Committee recommends that:

- (1) a proposed amendment to Rule 4 (service of summons on organizational defendants), previously published for public comment, be approved as published and transmitted to the Judicial Conference; and
- (2) a proposed amendment to Rule 41 (venue for approval of warrant for certain remote electronic searches), previously published for public comment, be approved as amended and transmitted to the Judicial Conference; and

(3) a proposed amendment to Rule 45 (additional time after certain kinds of service), previously published for public comment, be approved as amended and transmitted to the Judicial Conference.

\* \* \* \* \*

## II. ACTION ITEMS

### A. ACTION ITEM—Rule 4 (service of summons on organizational defendants)

After review of the public comments, the Advisory Committee voted unanimously to recommend that the Standing Committee approve the proposed amendment as published and transmit it to the Judicial Conference. The amendment is at Tab C.

#### 1. Reasons for the proposal

The proposed amendment originated in an October 2012 letter from Assistant Attorney General Lanny Breuer, who advised the Committee that Rule 4 now poses an obstacle to the prosecution of foreign corporations that have committed offenses that may be punished in the United States. In some cases, such corporations cannot be served because they have no last known address or principal place of business in the United States. General Breuer emphasized the “new reality”: a truly global economy reliant on electronic communications, in which organizations without an office or agent in the United States can readily conduct both real and virtual activities here. He argued that this new reality has created a “growing class of organizations, particularly foreign corporations” that have gained “‘an undue advantage’ over the government relating to the initiation of criminal proceedings.”

At present, the Federal Rules of Criminal Procedure provide for service of an arrest warrant or summons only within a judicial district of the United States. Fed. R. Crim. P. 4(c)(2), which governs the location of service, states that an arrest warrant or summons may be served “within the jurisdiction of the United States.”<sup>1</sup> In contrast, Fed. R. Civ. P. 4(f) authorizes service on individual defendants in a foreign country, and Fed. R. Civ. P. 4(h)(2) allows service on organizational defendants as provided by Rule 4(f).

#### 2. The proposed amendment

Given the increasing number of criminal prosecutions involving foreign entities, the Advisory Committee agreed that it would be appropriate for the Federal Rules of Criminal Procedure to provide a mechanism for foreign service on an organization. The Advisory Committee recognized that the government may not be able to prosecute foreign entities that fail to respond to service. Nevertheless, it is expected that entities subject to collateral consequences

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<sup>1</sup> Fed. R. Crim. P. 4(c)(2) does provide, however, that service may also be made “anywhere else a federal statute authorizes an arrest.”

(forfeiture, debarment, etc.) will appear. The proposed amendment makes the following changes in Rule 4:

- (1) It specifies that the court may take any action authorized by law if an organizational defendant fails to appear in response to a summons. This fills a gap in the current rule, without any expansion of judicial authority.
- (2) For service of a summons on an organization within the United States, it:
  - eliminates the requirement of a separate mailing to an organizational defendant when delivery has been made to an officer or to a managing or general agent, but
  - requires mailing when delivery has been made on an agent authorized by statute, if the statute itself requires mailing to the organization.
- (3) It also authorizes service on an organization at a place not within a judicial district of the United States, prescribing a non-exclusive list of methods for service.

In addition to the enumerated means of service, the proposal contains an open-ended provision in (c)(3)(D)(ii) that allows service “by any other means that gives notice.” This provision provides flexibility for cases in which the Department of Justice concludes that service cannot be made (or made without undue difficulty) by the enumerated means. One of the principal issues considered by the Advisory Committee was whether to require prior judicial approval of other means of service. Civil Rule 4(f)(3) provides for foreign service on an organization “by other means not prohibited by international agreement, as the court orders.”(emphasis added). The Committee concluded the Criminal Rules should not require prior judicial approval before service of a criminal summons could be made in a foreign country by other unspecified means. In its view, a requirement of prior judicial approval might raise difficult questions of international law and the institutional roles of the courts and the executive branch.<sup>2</sup>

The Committee considered the possibility that in rare cases the Department of Justice might seek to make service under (c)(3)(D)(ii) in a foreign nation without its cooperation or consent. Representatives of the Department stated that such service would be made only as a last resort, and only after the Criminal Division’s Office of International Affairs and representatives

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<sup>2</sup> These issues would be raised most starkly by a request for judicial approval of service of criminal process in a foreign country without its consent or cooperation, and in violation of its laws, or even in violation of international agreement. Fed. R. Civ. P. 4(f)(3) may permit such a request. Where there is no internationally agreed means of service prescribed, Fed. R. Civ. P. 4(f)(2) then authorizes service by various means, and Fed. R. Civ. P. 4(f)(3) provides for service by “any other means not prohibited by international agreement, as the court orders.” Although Fed. R. Civ. P. 4(f)(2)(C) precludes service “prohibited by the foreign country’s law,” that restriction is absent from Fed. R. Civ. P. 4(f)(3). The proposed amendment to Criminal Rule 4 authorizes service “permitted by an applicable international agreement,” but does not prohibit service that is not so permitted, as long as service “gives notice.”

of the Department of State had considered the foreign policy and reciprocity implications of such an action. The Department also stressed the Executive Branch's primacy in foreign relations and its obligation to ensure that the laws are faithfully executed. Finally, the Department noted that the federal courts are not deprived of jurisdiction to try a defendant whose presence before the court was procured by illegal means. This principle was reaffirmed in United States v. Alvarez-Machain, 504 U.S. 655 (1992) (holding that abduction of defendant in Mexico in violation of extradition treaty did not deprive court of jurisdiction). Similarly, if service were made on an organizational defendant in a foreign nation without its consent, or in violation of international agreement, the court would not be deprived of jurisdiction. Under the Committee's proposal—which does not require prior judicial approval of the means of service—a court would never be asked to give advance approval of service contrary to the law of another state or in violation of international law. Rather, a court would consider any legal challenges to such service only when raised in a proceeding before it.

### 3. Public Comments and Subcommittee Review

#### *a. Public comments*

Six written comments on the proposed amendment were received, and one speaker (from the Federal Bar Council for the Second Circuit) testified about the proposed amendment. The Federal Bar Council, the Federal Magistrate Judges Association (FMJA), Mr. Kyle Druding, and the National Association of Criminal Defense Lawyers (NACDL) all supported the proposed amendment, though the FMJA and NACDL suggested revisions. Robert Feldman, Esq. of Quinn Emanuel Urquart & Sullivan opposed the amendment and urged that it be withdrawn. Additionally, the Department of Justice provided written responses. Each comment is summarized at Tab C.

With the exception of Quinn Emanuel, the commenters generally agreed that the amendment (1) addresses a gap in the current rules that may hinder the prosecution of foreign corporations that commit crimes in the United States but have no physical presence here, (2) provides methods of service that are reasonably calculated to provide notice and comply with applicable laws, and (3) gives courts appropriate discretion to fashion remedies.

#### *b. The Subcommittee's review and recommendations*

The Rule 4 Subcommittee, chaired by Judge David Lawson, received both summaries and the full text of the comments, and it held a teleconference to review the comments. The Subcommittee unanimously recommended that the Advisory Committee approve the proposed amendment as published and transmit it to the Standing Committee.

### 4. Recommended action

After a full discussion, the Advisory Committee concurred in the recommendation that the proposed amendment as published should be approved for transmission to the Standing Committee.

*a. Opposition to the proposed amendment*

Only one comment opposed the amendment and recommended that it be withdrawn. The law firm of Quinn Emanuel Urquart & Sullivan represents the Pangang Group Company and affiliated entities, a state-owned Chinese corporation. The Department of Justice has been unable to serve process on Pangang under current Rule 4.<sup>3</sup> The proposal to amend the rule would provide a mechanism for effecting service on foreign corporations that commit serious crimes in the United States without having any physical presence here. The amendment is intended to allow reliable service with adequate notice on these organizations so that U.S. courts can adjudicate the merits of criminal allegations and ensure appropriate accountability.

The Committee carefully considered Quinn Emanuel's arguments, and found them unpersuasive. Quinn Emanuel argued that the proposed amendment would essentially foreclose judicial review of the adequacy of notice to foreign corporations, because "the very act of challenging service might be said to conclusively establish the notice that would make service complete." Corporate defendants who wish to contest service, they argued, would face "a Hobson's choice." The Committee agreed that if a lawyer for a corporation appears in a criminal case it may be difficult to convince the court that the corporation did not receive notice. But this is appropriate. A court should be able to take into account the appearance of counsel when evaluating a corporation's claim that it did not receive notice. Moreover, nothing in the proposed amendment addresses or limits any authority of the court to allow a special appearance to contest service on other grounds, nor does it address the ability of a corporate defendant to contest notice in a collateral proceeding. Quoting *Omni Capital Int'l v. Wolff & Co.*, 484 U.S. 97, 104 (1987), Quinn Emanuel also argued that in suggesting notice was the sole criterion for service, the Rule would "eliminate a historical function of service." The Committee concluded that the *Omni Capital* decision is fully consistent with the proposed amendment. In the sentence following the language quoted by Quinn Emanuel the Court made it clear that service in compliance with the Civil Rules provided the additional element of "amenability to service." The Court explained, "Absent consent, this means there must be authorization for service of

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<sup>3</sup> On July 10, 2014, after a two month jury trial, Walter Liew, the owner and president of a California-based engineering consulting company, was sentenced to 15 years in prison for conspiring to steal trade secrets from E.I. du Pont de Nemours & Company ("DuPont") related to the manufacture of titanium dioxide and for the benefit of Pangang. See, *Walter Liew Sentenced to Fifteen Years in Prison for Economic Espionage*, justice.gov (Jul. 11, 2014), [www.justice.gov/usao-ndca/pr/walter-liew-sentenced-fifteen-years-prison-economic-espiona2,e](http://www.justice.gov/usao-ndca/pr/walter-liew-sentenced-fifteen-years-prison-economic-espiona2,e). Liew was aware that DuPont had developed industry-leading titanium dioxide technology over many years of research and development and assembled a team of former DuPont employees to assist him in his efforts to convey DuPont's titanium dioxide technology to entities in the People's Republic of China, including Pangang. At Liew's sentencing; the Honorable Jeffrey S. White, U.S. District Court Judge, stated that the 15-year sentence was intended, in part, to send a message that the theft and sale of trade secrets for the benefit of a foreign government is a serious crime that threatens our national economic security. *Id.* Despite the fact that Pangang was indicted years ago along with Liew, and has actual notice of the indictment, to date, the United States has been unable to effectively serve Pangang pursuant to the current Rule 4. See, e.g., *United States v. Pangang Group Co., Ltd*, 879 F. Supp. 2d 1052 (N.D. Cal. 2012).

summons on the defendant.” Here, the purpose of the proposed amendment is to provide the necessary “authorization for service” (as well as notice to the defendant).

The lawyers from Quinn Emanuel raised another argument that the Committee had considered as it was formulating the proposal, namely, that “other governments may reciprocate by adopting a similar regime” to “ensnare U.S. corporations in criminal prosecutions around the globe.” In a related objection, Quinn Emanuel noted that a court might interpret the amendment to permit “a manner of service prohibited by international agreement . . . , so long as it appears to have provided notice to the accused,” an interpretation it found objectionable. Both of these concerns were anticipated by the Committee well before the proposal was approved for publication. In response to a specific request from a Committee member, the Department of Justice provided written assurance that it had consulted with appropriate authorities in the Executive Branch about the potential international relations ramifications of the proposed amendment. The Committee agreed that in light of this assurance, concerns about any impact on diplomatic relations were not a basis for rejecting the proposed amendment.

*b. Suggested revisions*

The FMJA, Quinn Emanuel, and NACDL suggested revisions that the Advisory Committee declined to adopt. The FMJA suggested that an addition to the Committee Note stating that the means of service must satisfy constitutional due process. Quinn Emanuel’s attorneys also argued if a corporate defendant did not receive notice and failed to appear, the court might impose sanctions, or appoint counsel and conduct trial in absentia. Similarly, NACDL requested that the amendment be revised to include in the rule’s text that actions by a judge upon a corporation’s failure to appear must be “consistent with Rule 43(a),” or, in the alternative that this requirement be stated in the Note. The Advisory Committee considered and rejected these suggestions. It is always assumed that a rule will be interpreted against the backdrop of existing rules, statutes, and constitutional doctrine. Absent some compelling reason to believe this point will be misunderstood, adding such a command to a rule’s text or Note is unnecessary. Indeed, doing so might have the undesirable effect of suggesting that in the absence of such a cross reference, other statutes and rules are not applicable.

The Advisory Committee also rejected proposed revisions that would add procedural hurdles and might invite extended litigation. NACDL suggested that the proposed amendment be modified to allow service by alternative means only if it was not possible to deliver a copy in a manner authorized by the foreign jurisdiction’s law, to a officer, manager or other general agent, or an agent appointed to receive process. The Advisory Committee chose neither to add such a condition nor to prioritize the means of service, as that would invite unnecessary litigation over whether the triggering condition had been met. Similarly, the Committee rejected the further suggestion of NACDL that the new provisions be limited to cases in which “the organization does not have a place of business or mailing address within the United States at or through which actual notice to a principal of the organization can likely be given.” As noted by the Department of Justice, litigation in a recent case on the question whether a subsidiary of a foreign corporation could be served took eight months. Finally, the Committee rejected Quinn Emanuel’s argument that “any other means that gives notice” renders superfluous the other sections of the proposed

amendment. Similarly, the Committee considered and rejected a suggestion that the government be required to show other options were not feasible or had been exhausted before resorting to certain options for service as unnecessarily burdensome and time consuming.

***Recommendation—The Advisory Committee recommends that the proposed amendment to Rule 4 be approved as published and transmitted to the Judicial Conference.***

**B. ACTION ITEM—Rule 41 (venue for approval of warrant for certain remote electronic searches)**

After review of the public comments, the Advisory Committee voted with one dissent to recommend that Standing Committee approve the proposed amendment as revised after publication and transmit it to the Judicial Conference.

The proposed amendment (Tab D) provides that in two specific circumstances a magistrate judge in a district where the activities related to a crime may have occurred has authority to issue a warrant to use remote access to search electronic storage media and seize or copy electronically stored information even when that media or information is or may be located outside of the district.

The proposal has two parts. The first change is an amendment to Rule 41(b), which generally limits warrant authority to searches within a district,<sup>4</sup> but permits out-of-district searches in specified circumstances.<sup>5</sup> The amendment would add specified remote access searches for electronic information to the list of other extraterritorial searches permitted under Rule 41(b). Language in a new subsection 41(b)(6) would authorize a court to issue a warrant to use remote access to search electronic storage media and seize electronically stored information inside *or outside* of the district in two specific circumstances.

The second part of the proposal is a change to Rule 41(f)(1)(C), regulating notice that a search has been conducted. New language would be added at the end of that provision indicating the process for providing notice of a remote access search.

1. Reasons for the proposed amendment

Rule 41’s territorial venue provisions—which generally limit searches to locations within a district—create special difficulties for the Government when it is investigating crimes involving

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<sup>4</sup> Rule 41(b)(1) (“a magistrate judge with authority in the district – or if none is reasonably available, a judge of a state court of record in the district – has authority to issue a warrant to search for and seize a person or property located within the district”).

<sup>5</sup> Currently, Rule 41(b) (2) – (5) authorize out-of-district or extra-territorial warrants for: (1) property in the district when the warrant is issued that might be moved outside the district before the warrant is executed; (2) tracking devices, which may be monitored outside the district if installed within the district; (3) investigations of domestic or international terrorism; and (4) property located in a United States territory or a United States diplomatic or consular mission.

electronic information. The proposal speaks to two increasingly common situations affected by the territorial restriction, each involving remote access searches, in which the government seeks to obtain access to electronic information or an electronic storage device by sending surveillance software over the Internet.

In the first situation, the warrant sufficiently describes the computer to be searched, but the district within which the computer is located is unknown. This situation is occurring with increasing frequency because persons who commit crimes using the Internet are using sophisticated anonymizing technologies. For example, persons sending fraudulent communications to victims and child abusers sharing child pornography may use proxy services designed to hide their true IP addresses. Proxy services function as intermediaries for Internet communications: when one communicates through an anonymizing proxy service, the communication passes through the proxy, and the recipient of the communication receives the proxy's IP address, not the originator's true IP address. Accordingly, agents are unable to identify the physical location and judicial district of the originating computer.

A warrant for a remote access search when a computer's location is not known would enable investigators to send an email, remotely install software on the device receiving the email, and determine the true IP address or identifying information for that device. The Department of Justice provided the Committee with several examples of affidavits seeking a warrant to conduct such a search. Although some judges have reportedly approved such searches, one judge recently concluded that the territorial requirement in Rule 41(b) precluded a warrant for a remote search when the location of the computer was not known, and he suggested that the Committee consider updating the territorial limitation to accommodate advancements in technology. *In re Warrant to Search a Target Computer at Premises Unknown*, 958 F. Supp. 2d 753 (S.D. Tex. 2013) (noting that "there may well be a good reason to update the territorial limits of that rule in light of advancing computer search technology").

The second situation involves the use of multiple computers in many districts simultaneously as part of complex criminal schemes. An increasingly common form of online crime involves the surreptitious infection of multiple computers with malicious software that makes them part of a "botnet," which is a collection of compromised computers that operate under the remote command and control of an individual or group. Botnets may range in size from hundreds to millions of compromised computers, including computers in homes, businesses, and government systems. Botnets are used to steal personal and financial data, conduct large-scale denial of service attacks, and distribute malware designed to invade the privacy of users of the host computers.

Effective investigation of these crimes often requires law enforcement to act in many judicial districts simultaneously. Under the current Rule 41, however, except in cases of domestic or international terrorism, investigators may need to coordinate with agents, prosecutors, and magistrate judges in every judicial district in which the computers are known to be located to obtain warrants authorizing the remote access of those computers. Coordinating simultaneous warrant applications in many districts—or perhaps all 94 districts—requires a tremendous commitment of resources by investigators, and it also imposes substantial demands

on many magistrate judges. Moreover, because these cases concern a common scheme to infect the victim computers with malware, the warrant applications in each district will be virtually identical.

## 2. The proposed amendment

The Committee's proposed amendment is narrowly tailored to address these two increasingly common situations in which the territorial or venue requirements now imposed by Rule 41(b) may hamper the investigation of serious federal crimes. The Committee considered, but declined to adopt, broader language relaxing these territorial restrictions. It is important to note that the proposed amendment changes only the territorial limitation that is presently imposed by Rule 41(b). Using language drawn from Rule 41(b)(3) and (5), the proposed amendment states that a magistrate judge "with authority in any district where activities related to a crime may have occurred" (normally the district most concerned with the investigation) may issue a warrant that meets the criteria in new paragraph (b)(6). The proposed amendment does not address constitutional questions that may be raised by warrants for remote electronic searches, such as the specificity of description that the Fourth Amendment may require in a warrant for remotely searching electronic storage media or seizing or copying electronically stored information. The amendment leaves the application of this and other constitutional standards to ongoing case law development.

In a very limited class of investigations the Committee's proposed amendment would also eliminate the burden of attempting to secure multiple warrants in numerous districts. The proposed amendment is limited to investigations of violations of 18 U.S.C. § 1030(a)(5),<sup>6</sup> where the media to be searched are "protected computers" that have been "damaged without authorization." The definition of a protected computer includes any computer "which is used in or affecting interstate or foreign commerce or communication." 18 U.S.C. § 1030(e)(2). The statute defines "damage" as "any impairment to the integrity or availability of data, a program, a system, or information." 18 U.S.C. § 1030(e)(8). In cases involving an investigation of this nature, the amendment allows a single magistrate judge with authority in any district where activities related to a violation of 18 U.S.C. § 1030(a)(5) may have occurred to oversee the investigation and issue a warrant for a remote electronic search if the media to be searched are protected computers located in five or more districts. The proposed amendment would enable investigators to conduct a search and seize electronically stored information by remotely installing software on a large number of affected victim computers pursuant to one warrant issued by a single judge. The current rule, in contrast, requires obtaining multiple warrants to do so, in each of the many districts in which an affected computer may be located.

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<sup>6</sup> 18 U.S.C. § 1030(5) provides that criminal penalties shall be imposed on whoever:

- (A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer;
- (B) intentionally accesses a protected computer without authorization, and as a result of such conduct, recklessly causes damage; or
- (C) intentionally accesses a protected computer without authorization, and as a result of such conduct, causes damage and loss.

Finally, the proposed amendment includes a change to Rule 41(f)(1)(C), which requires notice that a search has been conducted. New language would be added at the end of that provision indicating the process for providing notice of a remote access search. The rule now requires that notice of a physical search be provided “to the person from whom, or from whose premises, the property was taken” or left “at the place where the officer took the property.” The Committee recognized that when an electronic search is conducted remotely, it is not feasible to provide notice in precisely the same manner as when tangible property has been removed from physical premises. The proposal requires that when the search is by remote access, reasonable efforts be made to provide notice to the person whose information was seized or whose property was searched.

### 3. Public Comments and Subcommittee Review

#### *a. The public comments*

During the public comment period the Committee received 44 written comments from individuals and organizations, and eight witnesses testified at the Committee’s hearing in November:

The Federal Bar Council, the Federal Magistrate Judges’ Association, the National Association of Assistant United States Attorneys, and former advocate for missing and exploited children Carolyn Atwell-Davis all supported the amendment without change.

The amendment was opposed by the American Civil Liberties Union (ACLU), the National Association of Criminal Defense Attorneys (NACDL), the Pennsylvania Bar Association, the Reporters Committee on the Freedom of the Press, the Clandestine Reporters Working Group, and several foundations and centers that focus on privacy and/or technology. Twenty-eight unaffiliated individuals wrote to oppose the amendment.

The Department of Justice submitted several written responses to issues raised in the public comments.

A summary of the comments is provided at Tab D. The main themes in the comments opposing the amendment are summarized below.

#### *(i) Fourth Amendment concerns*

The most common theme in the comments opposing the amendment was a concern that it relaxed or undercut the protections for personal privacy guaranteed by the Fourth Amendment. These comments focused principally on proposed (b)(6)(A), which allows the court in a district in which activities related to a crime may have occurred to grant a warrant for remote access when anonymizing technology has been employed to conceal the location of the target device or information.

Multiple comments argued that remote searches could not meet the Fourth Amendment's particularity requirement, and others emphasized that they would constitute surreptitious entries and invasive or destructive searches requiring a heightened showing of reasonableness. Many of these comments also challenged the constitutional adequacy of the notice provisions. Finally, several comments urged that the serious constitutional issues raised by remote searches would be insulated from judicial review.

A particular concern raised in many comments was that the use of anonymizing technology, such as Virtual Private Networks (VPNs), would subject law abiding citizens to remote electronic searches.

*(ii) Title III*

Multiple comments urged that warrant applications for remote electronic searches should be subject to requirements like those under the Wiretap Act, 18 U.S.C. § 2518 (Title III), or a surveillance warrant containing equivalent protections.

*(iii) Extraterritoriality and international law concerns*

Some comments focused on the possibility that the devices to be searched—whose location was by definition unknown—might be located outside the United States. They urged that the courts should not authorize searches outside the United States that would violate international law and the sovereignty of other nations, as well as any applicable mutual legal assistance treaties.

*(iv) The role of Congress*

An additional theme running through many of these comments was that the proposed amendment raised policy issues that should be resolved by Congress, not through procedural rulemaking. Some comments argued that only Congress could balance the competing policies and adopt appropriate safeguards. Others urged that the proposed amendment exceeded the authority granted by the Rules Enabling Act.

*(v) Notice concerns*

Finally, multiple comments expressed concern that the notice provisions were insufficiently protective, because they required only that reasonable efforts be made to provide notice. This, commenters argued, might lead to no notice being given to parties who were subject to remote electronic searches, or to long delays in giving notice. Some commenters also argued that all parties whose rights were affected by a search must be given notice, not either the person whose property was searched or whose information was seized or copied.

*b. The Subcommittee's review and recommendation*

The Rule 41 Subcommittee, chaired by Judge Raymond Kethledge, received both summaries and the full text of all comments, and it held multiple teleconferences to review the comments. The Subcommittee unanimously recommended that, with several minor revisions, the Advisory Committee should approve the proposed amendment and transmit it to the Judicial Conference.

4. Recommended action

After extended discussion, the Advisory Committee concurred in the recommendation that the proposed amendment, with minor revisions proposed by the Subcommittee, should be approved for transmission to the Standing Committee.

*a. Opposition to the proposed amendment*

In general the Committee concluded that the concerns of those opposing the amendment were about the substantive limits on government searches, which are not affected by the proposed amendment. Opposition comments did not address the procedure for designating the district in which a court will initially decide whether substantive requirements have been satisfied in the two circumstances prompting the amendment. Thus they furnished no basis for withdrawing the proposed amendment. The Committee is confident that judges will address Fourth Amendment requirements on a case-by-case basis both in issuing warrants under these amendments and in reviewing them when challenges are made thereafter.

Much of the opposition to the amendment reflected a misunderstanding of current law, the scope of the amendment, and the serious problems that it addresses. First, many commenters who opposed the rule did not recognize that the government must demonstrate probable cause to obtain a warrant. As noted below, the Committee recommends a revision to the caption of the relevant section referring to "venue" in order to draw attention to the limited scope of the amendment. Second, many commenters incorrectly assumed that the amendment created the authority for remote electronic searches. To the contrary, remote electronic searches are currently taking place when the government can identify the district in which an application should be made and satisfy the probable cause requirements for a warrant. Third, the opposing comments do not take account of the real need for amendment to allow the government to respond effectively to the threats posed by technology. Technology now provides the means for identity theft, corporate espionage, terrorism, child pornography, and other serious offenses to jeopardize the economy, national security, and individual privacy. The government can itself use technology to identify the perpetrators of such crimes but needs a rule clarifying the venue where it should make the Fourth Amendment showing necessary for a warrant. At the hearings, those who opposed the amendment were candid in admitting that they could offer no alternative to the proposed amendment (other than the hope that Congress might study the general issues and respond).

The Committee concluded that it was important to provide venue, thus allowing the case law on potential constitutional issues to develop in an orderly process as courts review warrant applications. This is far preferable than after-the-fact rulings on the legality of warrantless searches for which the government claims exigent circumstances. If the New York Stock Exchange were to be hacked tomorrow using anonymizing software, under current Rule 41 there is no district in which the government could seek a warrant. It would be preferable, the Committee concluded, to allow the government to seek a warrant from the court where the investigation is taking place, rather than conducting a warrantless search. Judicial review of warrant applications better ensures Fourth Amendment rights and enhances privacy. Any concern that judges may be uninformed about the technology to be used in the searches could be addressed by judicial education. The Federal Judicial Center has recently prepared some information materials about topics such as cloud computing, and additional materials could be developed to help judges review applications for remote electronic searches.

In botnet investigations, the amendment provides venue in one district for the warrant applications, eliminating the burden of attempting to secure multiple warrants in numerous districts and allowing a single judge to oversee the investigation. In prior botnet investigations, the burden of seeking warrants in multiple districts played a role in the government's strategy, providing a strong incentive to rely on civil processes. Again, the amendment addresses only a procedural issue, not the underlying substantive law regulating these searches. Allowing venue in a single district in no way alters the constitutional requirements that must be met before search warrants can be issued.

The Committee declined to make any major changes in the provisions governing notice. However, as noted below, it adopted several small changes recommended by the Subcommittee and also revised the Committee Note to address concerns made in the public comments.

Finally, the Committee concluded that arguments urging that the matter be left to Congress are not persuasive. Venue is not substance. Venue is process, and Rules Enabling Act tells the judiciary to promulgate rules of practice and procedure, not to wait for Congress to act. Instead, Congress responds to proposed rules. The Department came to the Committee with two procedural problems, created by the language of the existing Rule, not by the Constitution or other statute, that are impairing its ability to investigate ongoing, serious computer crimes. The Advisory Committee's role under the Rules Enabling Act is to propose amendments that address these problems and provide a forum for the government to determine the lawfulness of these searches.

One member dissented from the Committee's conclusions on these points and voted against forwarding the amendment to the Standing Committee. The dissenting member thought that the amendment is substantive, not procedural, because it has such important substantive effects, allowing judges to make ex parte determinations about core privacy concerns. The amendment, this member argued, would not permit adversarial testing of the underlying substantive law because defense counsel would not participate until too late in the process, in back-end litigation. For many people, computers are their lives, and the member concluded that these privacy concerns should be considered in the first instance by Congress. The remainder of

the Committee was not persuaded; computers are no more sacrosanct than homes, and search warrants for homes have long been issued *ex parte* and reviewed in back-end litigation.

*b. Proposed revisions*

The Committee unanimously accepted the Subcommittee's recommendations for several revisions in the rule as published, none of which require republication.

*(i) The caption*

The Committee accepted the Subcommittee's recommendation for a change in the caption of the affected subdivision of Rule 41, substituting "Venue for a Warrant Application" for the current caption "Authority to Issue a Warrant." This change responds to the many comments that assumed the amendment would allow a remote search in any case falling within the proposed amendment (for example, any case in which an individual had used anonymizing technology such as a VPN). The current caption seems to state an unqualified "authority" to issue warrants meeting the criteria of any of the subsections. Many commenters mistakenly interpreted the rule in this fashion, and strongly opposed it on this ground. The Committee considered and declined to adopt alternative language suggested by our style consultant, Professor Kimble, because it would less clearly indicate the limited purpose and effect of the amendment.

The Committee also adopted the Subcommittee's proposed addition to the Committee Note explaining the change in the caption. The new Note explicitly addresses the common misunderstanding in the public comments, stating what the amendment does (and does not) do: "the word 'venue' makes clear that Rule 41(b) identifies the courts that may consider an application for a warrant, not the constitutional requirements for the issuance of a warrant, which must still be met."

*(ii) Notice*

The Committee adopted the Subcommittee's two proposed revisions to the notice provisions for remote electronic searches and the accompanying Committee Note. The purpose of both revisions to the text is to parallel, as closely as possible, the requirements for physical searches. The addition to the Committee Note explains the changes to the text, and also responds to a common misunderstanding that underpinned multiple comments criticizing the proposed notice provisions.

The Committee added a requirement that the government provide a "receipt" for any property taken or copied (as well as a copy of the warrant authorizing the search). This parallels the current requirement that a receipt be provided for any property taken in a physical search. The Committee agreed that the omission of this requirement in the published rule was an oversight that should be remedied.

The Committee also rephrased the obligation to provide notice to “the person whose property was searched or who possessed the information that was seized or copied.” Again, the purpose was to parallel the requirement for physical searches.

On the other hand, the Committee rejected the suggestion in some public comments that the government should be required to provide notice to both “the person whose property was searched” and whoever “possessed the information that was seized or copied, since that is not required in the case of physical searches. For example, if the Chicago Board of Trade is served with a warrant and files containing information regarding many customers are seized, the government may give notice of the search only to the Board of Trade, and not to each of the customers whose information may be included in one or more files. The same should be true in the case of remote electronic searches.

Finally, the Committee endorsed the Subcommittee’s proposed addition to the Committee Note explaining the changes made in the notice provisions after publication, and also responding to the many comments that criticized the proposed notice provisions as insufficiently protective. The addition to the Note draws attention to the other provisions of Rule 41 that preclude delayed notice except when authorized by statute and provides a citation to the relevant statute. Professor Coquillette commented that because of the widespread confusion on this point in the public comments, the proposed addition was an appropriate exception to the general rule that committee notes should not be used to help practitioner.

***Recommendation—The Advisory Committee recommends that the proposed amendment to Rule 41 be approved as amended and transmitted to the Judicial Conference.***

**C. ACTION ITEM—Rule 45 (additional time after certain kinds of service)**

After review of the public comments, the Advisory Committee voted unanimously to recommend that the Standing Committee approve the proposed amendment to Rule 45(c), with three revisions from the published version and transmit it to the Judicial Conference. The proposed amendment is at Tab E.

1. Reasons for the proposal

The proposed amendment to Rule 45(c) is a product of the Standing Committee’s CM/ECF Subcommittee; parallel amendments to the civil, criminal, bankruptcy and appellate rules were published for comment. The proposed amendment would abrogate the rule providing for an additional three days whenever service is made by electronic means. It reflects the CM/ECF Subcommittee’s conclusion that the reasons for allowing extra time to respond in this situation no longer exist. Concerns about delayed transmission, inaccessible attachments, and consent to service have been alleviated by advances in technology and extensive experience with electronic transmission. In addition, eliminating the extra three days would also simplify time computation. The proposed amendment, as well as the parallel amendments to the other Rules, includes new parenthetical descriptions of the forms of service for which three days will still be added.

## 2. Public Comments

The public comments are summarized at Tab E.

The Pennsylvania Bar Association and the National Association of Criminal Defense Lawyers (NACDL) opposed the amendment. Each noted that the three added days are particularly valuable when a filing is electronically served at inconvenient times. NACDL emphasized that many criminal defense counsel are solo practitioners or in very small firms, where they have little clerical help, and often do not see their ECF notices the day they are received. The Department of Justice expressed a similar concern about situations in which service after business hours, from a location in a different time zone, or during a weekend or holiday may significantly reduce the time available to prepare a response. The Department did not oppose the amendment, however, and instead suggested language be added to the Committee Note to address this issue.

NACDL also questioned the addition of the phrase “Time for Motion Papers” to the caption to Rule 45(c), suggesting that it may lead to confusion.

Ms. Cheryl Siler suggested that as part of the revision the existing language of Rule 45(c) should be amended to parallel Fed. R. Civ. P. 6(d), FRAP 26(c) and Fed. R. Bank. P. 9006(f). In contrast to Rule 45(c), which requires action “within a specified time *after service*,” the parallel Civil and Bankruptcy Rules require action “within a specified [or prescribed] time *after being served*.” Siler expressed concern that practitioners may interpret the current rule to mean the party serving a document (as well as the party being served) is entitled to 3 extra days.

The Federal Magistrate Judges Association (FMJA) expressed concern that readers of the amended rule might think that three days are still added after electronic service because of the cross reference to Civil Rule 5(b)(2)(F) “(other means consented to).” It suggested either eliminating all of the parentheticals in the proposed rule or revising the rule to refer to “(F) (other means consented to except electronic service).”

The Advisory Committee’s CM/ECF Subcommittee, chaired by Judge David Lawson, held a telephone conference to consider the comments. After discussing the FMJA’s concerns it decided not to recommend a change in the published rule. The likelihood of confusion did not seem significant, and any confusion that might arise would be short lived because of the efforts underway to eliminate the requirement for consent to electronic service. The parentheticals will be helpful to practitioners, and any revision to the parenthetical reference would require further amendment in the near future. Language in the proposed Committee Note directly addresses this issue. The Subcommittee recommended to the Criminal Advisory Committee that no change be made in the published rule on this issue, and the Advisory Committee agreed with that recommendation at its March meeting.

The Advisory Committee did approve three other revisions to the proposal, each recommended by its Subcommittee.

### 3. Suggested Revisions

#### *a. Addition to Committee Note.*

The first change is a proposed addition to the Committee Note that addresses the potential need to grant an extension to the time allowed for responding after electronic service. At the Advisory Committee's March meeting, two members initially opposed forwarding the published amendment to the Standing Committee, finding that the concerns voiced by the Pennsylvania Bar Association, NACDL, and the Department of Justice counseled against an amendment that would eliminate the three added days after electronic service. These members noted that the three added days are important for criminal practitioners because it is often necessary to speak directly with clients before filing responses, but speaking with incarcerated clients takes more time, particularly when clients are incarcerated in distant locations. However, the Committee eventually achieved unanimity on a compromise approach: adding language to the Committee Note. The Committee approved an addition to the Note drafted by the Department of Justice and recommended by the Advisory Committee's CM/ECF Subcommittee. The Committee decided that adding language to the Committee Note that mentioned the potential need for extensions was important not only for the reasons voiced by defense attorneys and the Department of Justice, but also because district court discretion to adjust deadlines in criminal cases is essential in order to address matters on the merits when appropriate. Such flexibility is particularly important when a person's liberty is at stake. Granting extensions in some circumstances may also be more efficient because of collateral challenges that frequently follow missed deadlines. This principal was among those that guided the Committee's recent work on Rule 12. The amendments to Rule 12 emphasized the district court's discretion to extend or modify motion deadlines so that issues can be most efficiently resolved on their merits before trial, avoiding litigation under Section 2255.

To facilitate uniformity in the Committee Note that would accompany the parallel rules making their way through the various Advisory Committees, the Criminal Advisory Committee approved the revised Note language with the understanding that modifications may be required. Indeed, subsequent to the March meeting, a much shorter version of the addition was approved by the Criminal Advisory Committee's Subcommittee on CM-ECF, and then by the Chairs of each Advisory Committee. That new language has been added to the published Committee Note in each Committees' parallel proposal. It reads: "Electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice."

#### *b. Change to the Caption*

The Advisory Committee also agreed to amend the caption of the Rule published for comment to eliminate the additional words "Time for Motion Papers." These words do not appear in the caption of the existing Rule 45, and were included in the proposed amendment in order to parallel the current caption of Civil Rule 6, on which Rule 45 was patterned, as well as

the caption to Bankruptcy Rule 9006. However, the added words do not describe the text of Rule 45. Instead, Rule 12 deals extensively with the time for motions.

*c. Substituting “being served” for “service”*

Finally, the Advisory Committee agreed to amend the proposed text of the amendment to Rule 45 as published so that it is parallel to the language of the other rules, referring to action “within a specified time after *being served*” instead of “time after *service*.” The Committee is unaware of any substantive reason for the slightly different wording of Rule 45 as compared to the Civil and Bankruptcy Rules. The Committee believes it is prudent to revise the language of Rule 45(c) to eliminate the discrepancy while other changes are being made in Rule 45(c).

***Recommendation—The Advisory Committee recommends that the proposed amendment to Rule 45 be approved as amended and transmitted to the Judicial Conference.***

\* \* \* \* \*

**PROPOSED AMENDMENTS TO THE  
FEDERAL RULES OF CRIMINAL PROCEDURE\***

1 **Rule 4. Arrest Warrant or Summons on a Complaint**

2 (a) **Issuance.** If the complaint or one or more affidavits  
3 filed with the complaint establish probable cause to  
4 believe that an offense has been committed and that  
5 the defendant committed it, the judge must issue an  
6 arrest warrant to an officer authorized to execute it.  
7 At the request of an attorney for the government, the  
8 judge must issue a summons, instead of a warrant, to a  
9 person authorized to serve it. A judge may issue more  
10 than one warrant or summons on the same complaint.  
11 If an individual defendant fails to appear in response  
12 to a summons, a judge may, and upon request of an  
13 attorney for the government must, issue a warrant. If  
14 an organizational defendant fails to appear in response

---

\* New material is underlined; matter to be omitted is lined through.

15 to a summons, a judge may take any action authorized  
16 by United States law.

17 \* \* \* \* \*

18 **(c) Execution or Service, and Return.**

19 **(1) *By Whom.*** Only a marshal or other authorized  
20 officer may execute a warrant. Any person  
21 authorized to serve a summons in a federal civil  
22 action may serve a summons.

23 **(2) *Location.*** A warrant may be executed, or a  
24 summons served, within the jurisdiction of the  
25 United States or anywhere else a federal statute  
26 authorizes an arrest. A summons to an  
27 organization under Rule 4(c)(3)(D) may also be  
28 served at a place not within a judicial district of  
29 the United States.

30 **(3) *Manner.***

31 **(A)** A warrant is executed by arresting the

32                   defendant.     Upon arrest, an officer  
33                   possessing the original or a duplicate  
34                   original warrant must show it to the  
35                   defendant. If the officer does not possess  
36                   the warrant, the officer must inform the  
37                   defendant of the warrant's existence and of  
38                   the offense charged and, at the defendant's  
39                   request, must show the original or a  
40                   duplicate original warrant to the defendant  
41                   as soon as possible.

42                   (B) A summons is served on an individual  
43                   defendant:

44                   (i) by delivering a copy to the defendant  
45                   personally; or

46                   (ii) by leaving a copy at the defendant's  
47                   residence or usual place of abode with  
48                   a person of suitable age and discretion

49                               residing at that location and by  
50                               mailing a copy to the defendant's last  
51                               known address.

52                               (C) A summons is served on an organization in  
53                               a judicial district of the United States by  
54                               delivering a copy to an officer, to a  
55                               managing or general agent, or to another  
56                               agent appointed or legally authorized to  
57                               receive service of process. ~~A copy~~If the  
58                               agent is one authorized by statute and the  
59                               statute so requires, a copy must also be  
60                               mailed to the organization~~organization's~~  
61                               ~~last known address within the district or to~~  
62                               ~~its principal place of business elsewhere in~~  
63                               ~~the United States.~~

- 64                   (D) A summons is served on an organization  
65                   not within a judicial district of the United  
66                   States:
- 67                   (i) by delivering a copy, in a manner  
68                   authorized by the foreign  
69                   jurisdiction's law, to an officer, to a  
70                   managing or general agent, or to an  
71                   agent appointed or legally authorized  
72                   to receive service of process; or
- 73                   (ii) by any other means that gives notice,  
74                   including one that is:
- 75                   (a) stipulated by the parties;  
76                   (b) undertaken by a foreign authority  
77                   in response to a letter rogatory, a  
78                   letter of request, or a request  
79                   submitted under an applicable  
80                   international agreement; or

81 (c) permitted by an applicable

82 international agreement.

83 \* \* \* \* \*

### Committee Note

**Subdivision (a).** The amendment addresses a gap in the current rule, which makes no provision for organizational defendants who fail to appear in response to a criminal summons. The amendment explicitly limits the issuance of a warrant to individual defendants who fail to appear, and provides that the judge may take whatever action is authorized by law when an organizational defendant fails to appear. The rule does not attempt to specify the remedial actions a court may take when an organizational defendant fails to appear.

**Subdivision (c)(2).** The amendment authorizes service of a criminal summons on an organization outside a judicial district of the United States.

**Subdivision (c)(3)(C).** The amendment makes two changes to subdivision (c)(3)(C) governing service of a summons on an organization. First, like Civil Rule 4(h), the amended provision does not require a separate mailing to the organization when delivery has been made in the United States to an officer or to a managing or general agent. Service of process on an officer or a managing or general agent is in effect service on the principal. Mailing is required when delivery has been made on an agent authorized by statute, if the statute itself requires mailing to the entity.

Second, also like Civil Rule 4(h), the amendment recognizes that service outside the United States requires separate consideration, and it restricts Rule 4(c)(3)(C) and its modified mailing requirement to service on organizations within the United States. Service upon organizations outside the United States is governed by new subdivision (c)(3)(D).

These two modifications of the mailing requirement remove an unnecessary impediment to the initiation of criminal proceedings against organizations that commit domestic offenses but have no place of business or mailing address within the United States. Given the realities of today's global economy, electronic communication, and federal criminal practice, the mailing requirement should not shield a defendant organization when the Rule's core objective—notice of pending criminal proceedings—is accomplished.

**Subdivision (c)(3)(D).** This new subdivision states that a criminal summons may be served on an organizational defendant outside the United States and enumerates a non-exhaustive list of permissible means of service that provide notice to that defendant.

Although it is presumed that the enumerated means will provide notice, whether actual notice has been provided may be challenged in an individual case.

**Subdivision (c)(3)(D)(i).** Subdivision (i) notes that a foreign jurisdiction's law may authorize delivery of a copy of the criminal summons to an officer, or to a

managing or general agent. This is a permissible means for serving an organization outside of the United States, just as it is for organizations within the United States. The subdivision also recognizes that a foreign jurisdiction's law may provide for service of a criminal summons by delivery to an appointed or legally authorized agent in a manner that provides notice to the entity, and states that this is an acceptable means of service.

**Subdivision (c)(3)(D)(ii).** Subdivision (ii) provides a non-exhaustive list illustrating other permissible means of giving service on organizations outside the United States, all of which must be carried out in a manner that “gives notice.”

Paragraph (a) recognizes that service may be made by a means stipulated by the parties.

Paragraph (b) recognizes that service may be made by the diplomatic methods of letters rogatory and letters of request, and the last clause of the paragraph provides for service under international agreements that obligate the parties to provide broad measures of assistance, including the service of judicial documents. These include crime-specific multilateral agreements (e.g., the United Nations Convention Against Corruption (UNCAC), S. Treaty Doc. No. 109-6 (2003)), regional agreements (e.g., the Inter-American Convention on Mutual Assistance in Criminal Matters (OAS MLAT), S. Treaty Doc. No. 105-25 (1995)), and bilateral agreements.

Paragraph (c) recognizes that other means of service that provide notice and are permitted by an applicable

international agreement are also acceptable when serving organizations outside the United States.

As used in this rule, the phrase “applicable international agreement” refers to an agreement that has been ratified by the United States and the foreign jurisdiction and is in force.



18                   (B) in an investigation of a violation of  
19                   18 U.S.C. § 1030(a)(5), the media are  
20                   protected computers that have been  
21                   damaged without authorization and are  
22                   located in five or more districts.

23                   \* \* \* \* \*

24       **(f) Executing and Returning the Warrant.**

25               **(1) *Warrant to Search for and Seize a Person or***  
26               ***Property.***

27                   \* \* \* \* \*

28               (C) *Receipt.* The officer executing the warrant  
29               must give a copy of the warrant and a  
30               receipt for the property taken to the person  
31               from whom, or from whose premises, the  
32               property was taken or leave a copy of the  
33               warrant and receipt at the place where the  
34               officer took the property. For a warrant to

35                   use remote access to search electronic  
36                   storage media and seize or copy  
37                   electronically stored information, the  
38                   officer must make reasonable efforts to  
39                   serve a copy of the warrant and receipt on  
40                   the person whose property was searched or  
41                   who possessed the information that was  
42                   seized or copied. Service may be  
43                   accomplished by any means, including  
44                   electronic means, reasonably calculated to  
45                   reach that person.

46                   \* \* \* \* \*

#### **Committee Note**

**Subdivision (b).** The revision to the caption is not substantive. Adding the word “venue” makes clear that Rule 41(b) identifies the courts that may consider an application for a warrant, not the constitutional requirements for the issuance of a warrant, which must still be met.

**Subdivision (b)(6).** The amendment provides that in two specific circumstances a magistrate judge in a district where activities related to a crime may have occurred has authority to issue a warrant to use remote access to search electronic storage media and seize or copy electronically stored information even when that media or information is or may be located outside of the district.

First, subparagraph (b)(6)(A) provides authority to issue a warrant to use remote access within or outside that district when the district in which the media or information is located is not known because of the use of technology such as anonymizing software.

Second, (b)(6)(B) allows a warrant to use remote access within or outside the district in an investigation of a violation of 18 U.S.C. § 1030(a)(5) if the media to be searched are protected computers that have been damaged without authorization, and they are located in many districts. Criminal activity under 18 U.S.C. § 1030(a)(5) (such as the creation and control of “botnets”) may target multiple computers in several districts. In investigations of this nature, the amendment would eliminate the burden of attempting to secure multiple warrants in numerous districts, and allow a single judge to oversee the investigation.

As used in this rule, the terms “protected computer” and “damage” have the meaning provided in 18 U.S.C. §1030(e)(2) & (8).

The amendment does not address constitutional questions, such as the specificity of description that the

Fourth Amendment may require in a warrant for remotely searching electronic storage media or seizing or copying electronically stored information, leaving the application of this and other constitutional standards to ongoing case law development.

**Subdivision (f)(1)(C).** The amendment is intended to ensure that reasonable efforts are made to provide notice of the search, seizure, or copying, as well as a receipt for any information that was seized or copied, to the person whose property was searched or who possessed the information that was seized or copied. Rule 41(f)(3) allows delayed notice only “if the delay is authorized by statute.” See 18 U.S.C. § 3103a (authorizing delayed notice in limited circumstances).

1 **Rule 45. Computing and Extending Time**

2 \* \* \* \* \*

3 **(c) Additional Time After Certain Kinds of Service.**

4 Whenever a party must or may act within a  
5 specified ~~period~~time after ~~service being served~~ and  
6 service is made ~~in the manner provided~~ under Federal  
7 Rule of Civil Procedure 5(b)(2)(C) (mailing), (D)  
8 (leaving with the clerk), ~~(E)~~, or (F) (other means  
9 consented to), 3 days are added after the period would  
10 otherwise expire under subdivision (a).

**Committee Note**

**Subdivision (c).** Rule 45(c) and Rule 6(d) of the Federal Rules of Civil Procedure contain parallel provisions providing additional time for actions after certain modes of service, identifying those modes by reference to Civil Rule 5(b)(2). Rule 45(c)—like Civil Rule 6(d)—is amended to remove service by electronic means under Rule 5(b)(2)(E) from the forms of service that allow 3 added days to act after being served. The amendment also adds clarifying parentheticals identifying the forms of service for which 3 days will still be added.

Civil Rule 5 was amended in 2001 to allow service by electronic means with the consent of the person served, and a parallel amendment to Rule 45(c) was adopted in 2002. Although electronic transmission seemed virtually instantaneous even then, electronic service was included in the modes of service that allow 3 added days to act after being served. There were concerns that the transmission might be delayed for some time, and particular concerns that incompatible systems might make it difficult or impossible to open attachments. Those concerns have been substantially alleviated by advances in technology and widespread skill in using electronic transmission.

A parallel reason for allowing the 3 added days was that electronic service was authorized only with the consent of the person to be served. Concerns about the reliability of electronic transmission might have led to refusals of consent; the 3 added days were calculated to alleviate these concerns.

Diminution of the concerns that prompted the decision to allow the 3 added days for electronic transmission is not the only reason for discarding this indulgence. Many rules have been changed to ease the task of computing time by adopting 7-, 14-, 21-, and 28-day periods that allow “day-of-the-week” counting. Adding 3 days at the end complicated the counting, and increased the occasions for further complication by invoking the provisions that apply when the last day is a Saturday, Sunday, or legal holiday.

Eliminating Rule 5(b) subparagraph (2)(E) from the modes of service that allow 3 added days means that the 3

added days cannot be retained by consenting to service by electronic means. Consent to electronic service in registering for electronic case filing, for example, does not count as consent to service “by any other means of delivery” under subparagraph (F).

Electronic service after business hours, or just before or during a weekend or holiday, may result in a practical reduction in the time available to respond. Extensions of time may be warranted to prevent prejudice.