B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	**ADVERSARY PROCEEDING NUMBER** (Court Use Only)
PLAINTIFFS	**DEFENDANTS**
ATTORNEYS (Firm Name, Address, and Telephone No.)	**ATTORNEYS** (If Known)
PARTY (Check One Box Only) □ Debtor □ U.S. Trustee/Bankruptcy Admin □ Creditor □ Other □ Trustee	**PARTY** (Check One Box Only) □ Debtor □ U.S. Trustee/Bankruptcy Admin □ Creditor □ Other □ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property
- ☐ 11-Recovery of money/property - §542 turnover of property
- ☐ 12-Recovery of money/property - §547 preference
- ☐ 13-Recovery of money/property - §548 fraudulent transfer
- ☐ 14-Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien
- ☐ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property
- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(4) – Objection/Revocation of Discharge
- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation
- ☐ 51-Revocation of confirmation

FRBP 7001(6) – Dischargeability
- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
- ☐ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)
- ☐ 61-Dischargeability - §523(a)(5), domestic support
- ☐ 68-Dischargeability - §523(a)(6), willful and malicious injury
- ☐ 63-Dischargeability - §523(a)(8), student loan
- ☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65-Dischargeability - other

FRBP 7001(7) – Injunctive Relief
- ☐ 71-Injunctive relief – imposition of stay
- ☐ 72-Injunctive relief – other

FRBP 7001(8) Subordination of Claim or Interest
- ☐ 81-Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment
- ☐ 91-Declaratory judgment

FRBP 7001(10) Determination of Removed Action
- ☐ 01-Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et.seq.*
- ☐ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

□ Check if this case involves a substantive issue of state law	□ Check if this is asserted to be a class action under FRCP 23
□ Check if a jury trial is demanded in complaint	Demand $

Other Relief Sought

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR	BANKRUPTCY CASE NO.	
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE

RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

B1310 (Form 1310) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor

EXEMPLIFICATION CERTIFICATE

I, _____, clerk of the bankruptcy court for this district and keeper of the records and seal of the court, certify that the documents attached are true copies of

now remaining among the records of the court. In testimony of this statement, I sign my name, and affix the seal of this court at _____, in the State of _____, this _____.

[Seal of Court]

_____
Clerk of the Bankruptcy Court

I, _____, bankruptcy judge for this district certify that _____ is and was at the date of the above certificate clerk of the bankruptcy court for this district, duly appointed and sworn, and keeper of the records and seal of the court, and that the above certificate of the clerk and the clerk's attestation are in due form of law.

_____
Date

_____
Bankruptcy Judge

I, _____, clerk of the bankruptcy court for this district and keeper of the seal of the court, certify that the Honorable _____ is and was on the date of the above certificate a judge of this court, duly appointed and sworn; and that I am well acquainted with this handwriting and official signature and know and certify the signature written above to be that of the judge.

In testimony of this statement, I sign my name, and affix the seal of the court at _____, in the State of _____, this _____.

[Seal of Court]

_____
Clerk of the Bankruptcy Court

EXEMPLIFICATION CERTIFICATE

This form is required by some states when a document is certified by a federal court for filing with a state or local authority. It is only necessary for the clerk to execute the form when a person requests that the form be completed. It is suggested, however, that the clerk keep a record of the situations in which a request is made, so that the clerk can anticipate the need for the form in the future.

At its September 1997 meeting, the Judicial Conference fixed the fee for preparation of an Exemplification Certificate at twice the fee for certifying a document. As of December 1, 2014, the current fee for certification is $21. Bankruptcy Court Miscellaneous Fee Schedule, Item 2.

Remember that the exemplification is for use with state courts. Pursuant to treaty, for certification of documents to be filed in a foreign country an apostille must be employed. Only a district court clerk can issue an apostille.

B1320 (Form 1320) (12/15)

UNITED STATES BANKRUPTCY COURT

_____ District Of _____

APPLICATION FOR SEARCH OF BANKRUPTCY RECORDS *

Name of individual or business that is the subject of the search:	Social-Security No. or Individual Taxpayer-Identification No. (ITIN) of Subject: Employer Tax-Identification No. (EIN) (if any) of Subject:

Please search your records for the following information regarding the individual or business named above:

- □ pending or closed bankruptcy cases in this district;
- □ pending or closed adversary proceedings;
- □ judgments/evidence of satisfaction of judgments; and
- □ other [describe briefly]

Please search for the period from _____to _____.

A fee of $30.00 is charged for each name or item searched. Payment by check or money order must be enclosed. Please do not send cash through the mail.

Name, address, and phone number of the person requesting the search:

CERTIFICATE OF SEARCH

The undersigned clerk hereby certifies the following results of a diligent search of the records of the court:
[Check only the items for which a search was requested and a fee paid.]

A. Bankruptcy Cases:

- □ None found.
- □ Case filed on _____ *(date).*
  - □ Voluntary □ Involuntary
  - □ Pending □ Closed on _____ *(date).*
  - □ Discharge granted on _____ *(date).*

B. Adversary Proceedings:

- □ None found.
- □ Subject is a party to the following proceeding:

_____ *(Plaintiff)* v. _____ *(Defendant)*
Adversary Proceeding No._____, filed on _____ *(date).*
□ Pending □ Closed on_____ *(date).*
Disposition: □ Dismissed on _____ *(date).*
□ Final Judgment entered on _____ *(date).*
Case Number of Related Bankruptcy Case _____

_____ Clerk of the Bankruptcy Court

Date: _____ By: _____ Deputy Clerk

*** This form may contain complete social-security numbers. It should not be filed electronically.**

B1330 (Form 1330) (12/15)

CLAIMS REGISTER

Page No. _____

NAME OF DEBTOR			CASE NUMBER
	NAME AND ADDRESS OF CLAIMANT (AND NAME AND ADDRESS OF ATTORNEY, IF ANY)	**AMOUNT OF CLAIMS FILED AND ALLOWED**	**REMARKS**
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	
CLAIM NO.		FILED $	
DATE FILED		ALLOWED $	

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

- **You are an individual filing for bankruptcy,** and
- **Your debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of the Bankruptcy Code:

- Chapter 7 — Liquidation
- Chapter 11— Reorganization
- Chapter 12— Voluntary repayment plan for family farmers or fishermen
- Chapter 13— Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

	$245	filing fee
	$75	administrative fee
+	$15	trustee surcharge
	$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A–1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A–2).

If your income is above the median for your state, you must file a second form —the *Chapter 7 Means Test Calculation* (Official Form 122A–2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	$1,167	filing fee
+	$550	administrative fee
	$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

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

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

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

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy 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.

Chapter 12: Repayment plan for family farmers or fishermen

	$200	filing fee
+	$75	administrative fee
	$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	$235	filing fee
+	$75	administrative fee
	$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to: http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days ***before*** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from: http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html.

In Alabama and North Carolina, go to: http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

B2020 (Form 2020) (12/15)

United States Bankruptcy Court
_____ District of _____

In re _____ Case Number _____
Chapter _____

STATEMENT OF MILITARY SERVICE

The Servicemembers' Civil Relief Act of 2003, Pub. L. No. 108-189, provides for the temporary suspension of certain judicial proceedings or transactions that may adversely affect military servicemembers, their dependents, and others. Each party to a bankruptcy case who might be eligible for relief under the act should complete this form and file it with the Bankruptcy Court.

IDENTIFICATION OF SERVICEMEMBER

❏ Self (Debtor, Codebtor, Creditor, Other)
❏ Non-Filing Spouse of Debtor (name)_____
❏ Other (Name of servicemember)_____
(Relationship of filer to servicemember)_____
(Type of liability) _____

TYPE OF MILITARY SERVICE

U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, or Coast Guard) or commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration (specify type of service) _____

❏ Active Service since _____(date)
❏ Inductee - ordered to report on _____(date)
❏ Retired / Discharged _____(date)

U.S. Military Reserves and National Guard

❏ Active Service since _____(date)
❏ Impending Active Service -orders postmarked _____(date)
Ordered to report on _____(date)
❏ Retired /Discharged _____(date)

U.S. Citizen Serving with U.S. ally in war or military action (specify ally and war or action)
_____

❏ Active Service since _____(date)
❏ Retired/Discharged _____(date)

DEPLOYMENT

❏ Servicemember deployed overseas on _____(date)
Anticipated completion of overseas tour-of-duty _____(date)

SIGNATURE

_____ _____
Date

_____
(print name)

This statement is for information use only. Filing this statement with the Bankruptcy Court does not constitute an application for or invoke the benefits and relief available under the Servicemembers' Civil Relief Act of 2003.

B2040 (Form 2040) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any): _____
Employer Tax-Identification (EIN) No(s).(if any): _____

NOTICE OF NEED TO FILE PROOF OF CLAIM DUE TO RECOVERY OF ASSETS

NOTICE IS GIVEN THAT:

The initial notice in this case instructed creditors that it was not necessary to file a proof of claim. Since that notice was sent, assets have been recovered by the trustee.

Creditors who wish to share in any distribution of funds must file a proof of claim with the clerk of the bankruptcy court at the address below on or before:

Date:

Creditors who do not file a proof of claim on or before this date might not share in any distribution from the debtor's estate.

A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. It may be filed by regular mail. To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) to view your filed proof of claim.

There is no fee for filing the proof of claim.

Any creditor who has filed a proof of claim already need not file another proof of claim.

Address of the Bankruptcy Court

Clerk of the Bankruptcy Court

By:_____
Deputy Clerk

Date:_____

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2050 (Form 2050) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-
Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notice is given that:

_____
Clerk of the Bankruptcy Court

By:
_____
Deputy Clerk

Date: _____

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2060 (Form 2060) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

CERTIFICATE OF COMMENCEMENT OF CASE

I certify that on _____ (date),

☐ the above named debtor filed a petition requesting relief under chapter _____ of the Bankruptcy Code (title 11 of the United States Code), or

☐ a petition was filed against the above named debtor under chapter _____ of the Bankruptcy Code (title 11 of the United States Code), and

☐ that as of the date below the case has not been dismissed.

_____
Clerk of the Bankruptcy Court

By:

_____
Deputy Clerk

Date: _____

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2070 (Form 2070) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

CERTIFICATE OF RETENTION OF DEBTOR IN POSSESSION

I hereby certify that the above-named debtor continues in possession of its estate as debtor in possession, no trustee having been appointed.

_____
Clerk of the Bankruptcy Court

Date: _____

By:
_____
Deputy Clerk

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2100A (Form 2100A) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

_____
Name of Transferee

Name and Address where notices to transferee should be sent:

Phone: _____
Last Four Digits of Acct #: _____

Name and Address where transferee payments should be sent (if different from above):

Phone: _____
Last Four Digits of Acct #: _____

_____
Name of Transferor

Court Claim # (if known):
Amount of Claim:
Date Claim Filed:

Phone: _____
Last Four Digits of Acct. #: _____

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By:_____ Date:_____
Transferee/Transferee's Agent

Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

B2100B (Form 2100B) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Claim No. _____ (if known) was filed or deemed filed under 11 U.S.C. § 1111(a) in this case by the alleged transferor. As evidence of the transfer of that claim, the transferee filed a Transfer of Claim Other than for Security in the clerk's office of this court on _____ (date).

Name of Alleged Transferor

Name of Transferee

Address of Alleged Transferor:

Address of Transferee:

~~DEADLINE TO OBJECT TO TRANSFER~~

The alleged transferor of the claim is hereby notified that objections must be filed with the court within twenty-one (21) days of the mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further order of the court.

Date:_____

_____

CLERK OF THE COURT

B2300A (Form 2300A) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____
Debtor*

Address: _____ Chapter 12

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

ORDER CONFIRMING CHAPTER 12 PLAN

The debtor's plan was filed on _____ (date), and was modified on _____ (date). The plan or a summary of the plan was transmitted to creditors pursuant to Bankruptcy Rule 3015. The court finds that the plan meets the requirements of 11 U.S.C. § 1225.

IT IS ORDERED THAT:

The debtor's chapter 12 plan is confirmed, with the following provisions:

1. Payments:
Amount of each payment: $_____

Due date of each payment: the ☐ _____day of each month, or
☐ _____

Period of payments: ☐ _____ months,
☐ until a _____% dividend is paid to creditors holding allowed unsecured claims, or
☐ _____

Payable to:
_____Standing Trustee
_____
_____

2. Attorney's Fees:
The debtor's attorney is awarded a fee in the amount of $_____, of which $_____ is due and payable from the estate.

3. [Other provisions as needed] _____

_____

Date *Bankruptcy Judge*

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2300B (Form 2300B) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____
Debtor*

Address: _____ Chapter 13

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

ORDER CONFIRMING CHAPTER 13 PLAN

The debtor's plan was filed on _____ (date), and was modified on _____ (date). The plan or a summary of the plan was transmitted to creditors pursuant to Bankruptcy Rule 3015. The court finds that the plan meets the requirements of 11 U.S.C. § 1325.

IT IS ORDERED THAT:

The debtor's chapter 13 plan is confirmed, with the following provisions:

1. Payments:
Amount of each payment: $_____

Due date of each payment: the ☐ _____day of each month, or
☐ _____

Period of payments: ☐ _____ months,
☐ until a _____% dividend is paid to creditors holding allowed unsecured claims, or
☐ _____

Payable to:
_____Standing Trustee
_____
_____

2. Attorney's Fees:
The debtor's attorney is awarded a fee in the amount of $_____, of which $_____ is due and payable from the estate.

3. [Other provisions as needed] _____

_____ _____
Date *Bankruptcy Judge*

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2310A (Form 2310A) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-
Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

ORDER FIXING TIME TO OBJECT TO PROPOSED MODIFICATION OF CONFIRMED CHAPTER 12 PLAN

To the debtor, trustee, and creditors:

_____filed a proposed modification of the confirmed plan on _____ (date). A copy of the proposed modification is attached.

IT IS ORDERED AND NOTICE IS GIVEN THAT:

1. The last day for filing a written objection to the proposed modification is:

Date:

2. The proponent of the proposed modification is directed to serve a copy or summary of the proposed modification of the plan, together with a copy of this order, on the debtor, the trustee, the United States trustee, and all creditors no later than 21 days before the date set forth above.

3. Any objection to the proposed modification shall be filed and served on the debtor, the trustee, the United States trustee, and all creditors.

4. If an objection is filed, a hearing to consider the proposed modification will be held at:

Address	Room
	Date and Time

If no objection is filed, the court may not hold a hearing.

Date: _____ BY THE COURT

_____
United States Bankruptcy Judge

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

B2310B (Form 2310B) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter _____

Last four digits of Social-Security or Individual Taxpayer-
Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

ORDER FIXING TIME TO OBJECT TO PROPOSED MODIFICATION OF CONFIRMED CHAPTER 13 PLAN

To the debtor, trustee, and creditors:

_____filed a proposed modification of the confirmed plan on _____ (date). A copy of the proposed modification is attached.

IT IS ORDERED AND NOTICE IS GIVEN THAT:

1. The last day for filing a written objection to the proposed modification is:

Date:

2. The proponent of the proposed modification is directed to serve a copy or summary of the proposed modification of the plan, together with a copy of this order, on the debtor, the trustee, the United States trustee, and all creditors no later than 21 days before the date set forth above.

3. Any objection to the proposed modification shall be filed and served on the debtor, the trustee, the United States trustee, and all creditors.

4. If an objection is filed, a hearing to consider the proposed modification will be held at:

Address	Room
	Date and Time

If no objection is filed, the court may not hold a hearing.

Date: _____ BY THE COURT

_____
United States Bankruptcy Judge

** Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.*

Check one.
❒ Presumption of Undue Hardship
❒ No Presumption of Undue Hardship
See Debtor's Statement in Support of Reaffirmation, Part II below, to determine which box to check.

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____, Case No. _____
Debtor

Chapter _____

REAFFIRMATION DOCUMENTS

Name of Creditor: _____

❒ Check this box if Creditor is a Credit Union

I. REAFFIRMATION AGREEMENT

Reaffirming a debt is a serious financial decision. Before entering into this Reaffirmation Agreement, you must review the important disclosures, instructions, and definitions found in Part V of this Reaffirmation Documents packet.

1. Brief description of the original agreement being reaffirmed: _____
For example, auto loan

2. ***AMOUNT REAFFIRMED***: $_____

The Amount Reaffirmed is the entire amount that you are agreeing to pay. This may include unpaid principal, interest, and fees and costs (if any) arising on or before the date you sign this Reaffirmation Agreement.

See the definition of "Amount Reaffirmed" in Part V.C below.

3. The ***ANNUAL PERCENTAGE RATE*** applicable to the Amount Reaffirmed is _____%.

See definition of "Annual Percentage Rate" in Part V.C below.

This is a *(check one)* ❒ Fixed rate ❒ Variable rate

If the loan has a variable rate, the future interest rate may increase or decrease from the Annual Percentage Rate disclosed here.

4. Reaffirmation Agreement Repayment Terms:

❒ If fixed term, $_____ per month for _____ months starting on_____.

❒ If not fixed term, describe repayment terms: _____.

5. Describe the collateral, if any, securing the debt:

Description: _____
Current Market Value $_____

6. Did the debt that is being reaffirming arise from the purchase of the collateral described above?

❒ Yes ❒ No

If yes, what was the purchase price for the collateral? $_____
If no, what was the amount of the original loan? $_____

7. Detail the changes made by this Reaffirmation Agreement to the most recent credit terms on the reaffirmed debt and any related agreement:

	Terms as of the Date of Bankruptcy	Terms After Reaffirmation
Balance due *(including fees and costs)*	$_____	$_____
Annual Percentage Rate	_____%	_____%
Monthly Payment	$_____	$_____

8. ❒ Check this box if the creditor is agreeing to provide you with additional future credit in connection with this Reaffirmation Agreement. Describe the credit limit, the Annual Percentage Rate that applies to future credit and any other terms on future purchases and advances using such credit: _____
_____

II. DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

1. Were you represented by an attorney during the course of negotiating this agreement?

Check one. ❒ Yes ❒ No

2. Is the creditor a credit union?

Check one. ❒ Yes ❒ No

3. If your answer to EITHER question 1. or 2. above is "No" complete a. and b. below.

a.. My present monthly income and expenses are:

i. Monthly income from all sources after payroll deductions (take-home pay plus any other income) $_____

ii. Monthly expenses (including all reaffirmed debts except this one) $_____

iii. Amount available to pay this reaffirmed debt (subtract ii. from i.) $_____

iv. Amount of monthly payment required for this reaffirmed debt $_____

If the monthly payment on this reaffirmed debt (line iv.) ***is greater than*** *the amount you have available to pay this reaffirmed debt (line iii.), you must check the box at the top of page one that says "Presumption of Undue Hardship." Otherwise, you must check the box at the top of page one that says "No Presumption of Undue Hardship."*

b. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or on me because:

Check one of the two statements below, if applicable:

❒ I can afford to make the payments on the reaffirmed debt because my monthly income is greater than my monthly expenses even after I include in my expenses the monthly payments on all debts I am reaffirming, including this one.

❒ I can afford to make the payments on the reaffirmed debt even though my monthly income is less than my monthly expenses after I include in my expenses the monthly payments on all debts I am reaffirming, including this one, because: _____
_____

Use an additional page if needed for a full explanation.

4. If your answers to BOTH questions 1. and 2. above were "Yes," check the following statement, if applicable:

❒ I believe this reaffirmation agreement is in my financial interest and I can afford to make the payments on the reaffirmed debt.

Also, check the box at the top of page one that says "No Presumption of Undue Hardship."

III. CERTIFICATION BY DEBTOR(S) AND SIGNATURES OF PARTIES

I (We) hereby certify that:

i. I (We) agree to reaffirm the debt described above.

ii. Before signing this reaffirmation agreement, I (we) read the terms disclosed in this Reaffirmation Agreement (Part I) and the Disclosure Statement, Instructions and Definitions included in Part V below;

iii. The Debtor's Statement in Support of Reaffirmation Agreement (Part II above) is true and complete;

iv. I am (We are) entering into this agreement voluntarily and fully informed of my (our) rights and responsibilities; and

v. I (We) have received a copy of this completed and signed Reaffirmation Documents packet.

SIGNATURE(S):

Date _____ Signature _____
Debtor

Date _____ Signature _____
Joint Debtor, if any

If a joint reaffirmation agreement, both debtors must sign.

Reaffirmation Agreement Terms Accepted by Creditor:

Creditor _____ _____
Print Name *Address*

_____ _____ _____
Print Name of Representative *Signature* *Date*

IV. CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)

To be filed only if the attorney represented the debtor during the course of negotiating this agreement.

I hereby certify that: (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

❒ A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment.

Check box, if the presumption of undue hardship box is checked on page 1 and the creditor is not a Credit Union.

Date _____ Signature of Debtor's Attorney_____

Print Name of Debtor's Attorney _____

V. DISCLOSURE STATEMENT AND INSTRUCTIONS TO DEBTOR(S)

Before agreeing to reaffirm a debt, review the terms disclosed in the Reaffirmation Agreement (Part I) and these additional important disclosures and instructions.

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps, detailed in Part B below, are not completed, the reaffirmation agreement is not effective, even though you have signed it.

A. DISCLOSURE STATEMENT

1. **What are your obligations if you reaffirm a debt?** A reaffirmed debt remains your personal legal obligation. Your reaffirmed debt is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Your obligations will be determined by the reaffirmation agreement, which may have changed the terms of the original agreement. If you are reaffirming an open end credit agreement, that agreement or applicable law may permit the creditor to change the terms of that agreement in the future under certain conditions.

2. **Are you required to enter into a reaffirmation agreement by any law?** No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments that you agree to make.

3. **What if your creditor has a security interest or lien?** Your bankruptcy discharge does not eliminate any lien on your property. A ‘‘lien’’ is often referred to as a security interest, deed of trust, mortgage, or security deed. The property subject to a lien is often referred to as collateral. Even if you do not reaffirm and your personal liability on the debt is discharged, your creditor may still have a right under the lien to take the collateral if you do not pay or default on the debt. If the collateral is personal property that is exempt or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the collateral, as the parties agree or the court determines.

4. **How soon do you need to enter into and file a reaffirmation agreement?** If you decide to enter into a reaffirmation agreement, you must do so before you receive your discharge. After you have entered into a reaffirmation agreement and all parts of this Reaffirmation Documents packet requiring signature have been signed, either you or the creditor should file it as soon as possible. The signed agreement must be filed with the court no later than 60 days after the first date set for the meeting of creditors, so that the court will have time to schedule a hearing to approve the agreement if approval is required.

5. **Can you cancel the agreement?** You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters your discharge, or during the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled). Remember that you can rescind the agreement, even if the court approves it, as long as you rescind within the time allowed.

6. **When will this reaffirmation agreement be effective?**

a. **If you *were represented* by an attorney during the negotiation of your reaffirmation agreement**

i. **if the creditor is not a Credit Union**, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship in which case the agreement becomes effective only after the court approves it;

ii. **if the creditor is a Credit Union**, your reaffirmation agreement becomes effective when it is filed with the court.

b. **If you *were not represented* by an attorney during the negotiation of your reaffirmation agreement**, the reaffirmation agreement will not be effective unless the court approves it. To have the court approve your agreement, you must file a motion. See Instruction 5, below. The court will notify you and the creditor of the hearing on your reaffirmation agreement. You must attend this hearing, at which time the judge will review your reaffirmation agreement. If the judge decides that the reaffirmation agreement is in your best interest, the agreement will be approved and will become effective. However, if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home, you do not need to file a motion or get court approval of your reaffirmation agreement.

7. **What if you have questions about what a creditor can do?** If you have questions about reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement. If you do not have an attorney helping you, you may ask the judge to explain the effect of this agreement to you at the hearing to approve the reaffirmation agreement. When this disclosure refers to what a creditor "may" do, it is not giving any creditor permission to do anything. The word "may" is used to tell you what might occur if the law permits the creditor to take the action.

B. INSTRUCTIONS

1. Review these Disclosures and carefully consider the decision to reaffirm. If you want to reaffirm, review and complete the information contained in the Reaffirmation Agreement (Part I above). If your case is a joint case, both spouses must sign the agreement if both are reaffirming the debt.

2. Complete the Debtor's Statement in Support of Reaffirmation Agreement (Part II above). Be sure that you can afford to make the payments that you are agreeing to make and that you have received a copy of the Disclosure Statement and a completed and signed Reaffirmation Agreement.

3. If you were represented by an attorney during the negotiation of your Reaffirmation Agreement, your attorney must sign and date the Certification By Debtor's Attorney section (Part IV above).

4. You or your creditor must file with the court the original of this Reaffirmation Documents packet and a completed Reaffirmation Agreement Cover Sheet (Official Bankruptcy Form 427).

5. *If you are not represented by an attorney, you must also complete and file with the court a separate document entitled "Motion for Court Approval of Reaffirmation Agreement unless your reaffirmation agreement is for a consumer debt secured by a lien on your real property, such as your home.* You can use Form B2400B to do this.

C. DEFINITIONS

1. **"Amount Reaffirmed"** means the total amount of debt that you are agreeing to pay (reaffirm) by entering into this agreement. The amount of debt includes any unpaid fees and costs arising on or before the date you sign this agreement that you are agreeing to pay. Your credit agreement may obligate you to pay additional amounts that arise after the date you sign this agreement. You should consult your credit agreement to determine whether you are obligated to pay additional amounts that may arise after the date of this agreement.

2. **"Annual Percentage Rate"** means the interest rate on a loan expressed under the rules required by federal law. The annual percentage Rate (as opposed to the "stated interest rate") tells you the full cost of your credit including many of the creditor's fees and charges. You will find the annual percentage rate for your original agreement on the disclosure statement that was given to you when the loan papers were signed or on the monthly statements sent to you for an open end credit account such as a credit card.

3. "**Credit Union"** means a financial institution as defined in 12 U.S.C. § 461(b)(1)(A)(iv). It is owned and controlled by and provides financial services to its members and typically uses words like "Credit Union" or initials like "C.U." or "F.C.U." in its name.

B2400A/B ALT (Form 2400A/B ALT) (12/15)

☐ **Presumption of Undue Hardship**
☐ **No Presumption of Undue Hardship**
(Check box as directed in Part D: Debtor's Statement in Support of Reaffirmation Agreement.)

UNITED STATES BANKRUPTCY COURT
_____District of_____

In re _____, Debtor

Case No._____
Chapter_____

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

☐ Part A: Disclosures, Instructions, and Notice to Debtor (pages 1 - 5)

☐ Part B: Reaffirmation Agreement

☐ Part C: Certification by Debtor's Attorney

☐ Part D: Debtor's Statement in Support of Reaffirmation Agreement

☐ Part E: Motion for Court Approval

*[**Note:** Complete Part E only if debtor was not represented by an attorney during the course of negotiating this agreement. **Note also:** If you complete Part E, you must prepare and file Form 2400C ALT - Order on Reaffirmation Agreement.]*

Name of Creditor:_____

☐ *[Check this box if]* Creditor is a Credit Union as defined in §19(b)(1)(a)(iv) of the Federal Reserve Act

PART A: DISCLOSURE STATEMENT, INSTRUCTIONS AND NOTICE TO DEBTOR

1. DISCLOSURE STATEMENT

***Before Agreeing to Reaffirm a Debt, Review These Important Disclosures*:**

SUMMARY OF REAFFIRMATION AGREEMENT

This Summary is made pursuant to the requirements of the Bankruptcy Code.

AMOUNT REAFFIRMED

The amount of debt you have agreed to reaffirm: $_____

The amount of debt you have agreed to reaffirm includes all fees and costs (if any) that have accrued as of the date of this disclosure. Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.

ANNUAL PERCENTAGE RATE

[The annual percentage rate can be disclosed in different ways, depending on the type of debt.]

a. If the debt is an extension of "credit" under an "open end credit plan," as those terms are defined in § 103 of the Truth in Lending Act, such as a credit card, the creditor may disclose the annual percentage rate shown in (i) below or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate disclosed, or that would have been disclosed, to the debtor in the most recent periodic statement prior to entering into the reaffirmation agreement described in Part B below or, if no such periodic statement was given to the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time of the disclosure statement: _____%.

--- *And/Or* ---

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

$ _____@ _____%;
$_____ @ _____%;
$_____ @ _____%.

b. If the debt is an extension of credit other than under than an open end credit plan, the creditor may disclose the annual percentage rate shown in (I) below, or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(i) The Annual Percentage Rate under §128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to entering into the reaffirmation agreement with respect to the debt or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed: _____%.

--- And/Or ---

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: _____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

$ _____@ _____%;
$_____ @ _____%;
$_____ @ _____%.

c. If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act:

The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

d. If the reaffirmed debt is secured by a security interest or lien, which has not been waived or determined to be void by a final order of the court, the following items or types of items of the debtor's goods or property remain subject to such security interest or lien in connection with the debt or debts being reaffirmed in the reaffirmation agreement described in Part B.

Item or Type of Item	Original Purchase Price or Original Amount of Loan

Optional---At the election of the creditor, a repayment schedule using one or a combination of the following may be provided:

Repayment Schedule:

Your first payment in the amount of $_____ is due on _____(date), but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.

— Or —

Your payment schedule will be: _____(number) payments in the amount of $_____ each, payable (monthly, annually, weekly, etc.) on the _____ (day) of each _____ (week, month, etc.), unless altered later by mutual agreement in writing.

— Or —

A reasonably specific description of the debtor's repayment obligations to the extent known by the creditor or creditor's representative.

2. INSTRUCTIONS AND NOTICE TO DEBTOR

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

6. <u>If the creditor is not a Credit Union</u> and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D. <u>If the creditor is a Credit Union</u> and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.

7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you and the creditor of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

Frequently Asked Questions:

What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ‘‘lien’’ is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the property securing the lien if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State’s law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you must make a single payment to the creditor equal to the amount of the allowed secured claim, as agreed by the parties or determined by the court.

NOTE: When this disclosure refers to what a creditor ‘‘may’’ do, it does not use the word “may’’ to give the creditor specific permission. The word ‘‘may’’ is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.

PART B: REAFFIRMATION AGREEMENT.

I (we) agree to reaffirm the debts arising under the credit agreement described below.

1. Brief description of credit agreement:

2. Description of any changes to the credit agreement made as part of this reaffirmation agreement:

SIGNATURE(S):

Borrower:

_____

(Print Name)

_____

(Signature)

Date: _____

Co-borrower, if also reaffirming these debts:

_____

(Print Name)

_____

(Signature)

Date: _____

Accepted by creditor:

_____

(Printed Name of Creditor)

_____

(Address of Creditor)

_____

(Signature)

_____

(Printed Name and Title of Individual Signing for Creditor)

Date of creditor acceptance:

_____

PART C: CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY).

[To be filed only if the attorney represented the debtor during the course of negotiating this agreement.]

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

☐ *[Check box, if applicable and the creditor is not a Credit Union.]* A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment.

Printed Name of Debtor's Attorney: _____

Signature of Debtor's Attorney: _____

Date: _____

PART D: DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

*[Read and complete sections 1 and 2, **OR**, if the creditor is a Credit Union and the debtor is represented by an attorney, read section 3. Sign the appropriate signature line(s) and date your signature. If you complete sections 1 and 2 **and** your income less monthly expenses does not leave enough to make the payments under this reaffirmation agreement, check the box at the top of page 1 indicating "Presumption of Undue Hardship." Otherwise, check the box at the top of page 1 indicating "No Presumption of Undue Hardship"]*

1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt.

I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____
_____
_____ .

(Use an additional page if needed for a full explanation.)

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)
_____
(Joint Debtor, if any)
Date: _____

— Or —

[If the creditor is a Credit Union and the debtor is represented by an attorney]

3. I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)
_____
(Joint Debtor, if any)
Date: _____

PART E: MOTION FOR COURT APPROVAL

[To be completed and filed only if the debtor is not represented by an attorney during the course of negotiating this agreement.]

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

Therefore, I ask the court for an order approving this reaffirmation agreement under the following provisions (*check all applicable boxes)*:

☐ 11 U.S.C. § 524(c)(6) (debtor is not represented by an attorney during the course of the negotiation of the reaffirmation agreement)

☐ 11 U.S.C. § 524(m) (presumption of undue hardship has arisen because monthly expenses exceed monthly income)

Signed:_____
(Debtor)

_____
(Joint Debtor, if any)

Date: _____

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____, Case No._____

Debtor

Chapter_____

MOTION FOR APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of Reaffirmation Agreement, and because *(provide any additional relevant reasons the court should consider)*:

Therefore, I ask the court for an order approving this reaffirmation agreement under the following provisions *(check all applicable boxes)*:

☐ 11 U.S.C. § 524(c)(6) (debtor is not represented by an attorney during the course of the negotiation of the reaffirmation agreement)

☐ 11 U.S.C. § 524(m) (presumption of undue hardship has arisen because monthly expenses exceed monthly income, as explained in Part II of Form B2400A, Reaffirmation Documents)

Signed:_____

(Debtor)

_____

(Joint Debtor, if any)

Date: _____

B2400C (Form B2400C) (12/15)

United States Bankruptcy Court
_____District of _____

In re _____, Case No._____
Debtor Chapter _____

ORDER ON REAFFIRMATION AGREEMENT

The debtor(s) _____ has (have) filed a motion for approval of the reaffirmation agreement dated _____ made between the debtor(s) and creditor _____. The court held the hearing required by 11 U.S.C. § 524(d) on notice to the debtor(s) and the creditor on _____ (date).

COURT ORDER:

☐ The court grants the debtor's motion under 11 U.S.C. § 524(c)(6)(A) and approves the reaffirmation agreement described above as not imposing an undue hardship on the debtor(s) or a dependent of the debtor(s) and as being in the best interest of the debtor(s).

☐ The court grants the debtor's motion under 11 U.S.C. § 524(k)(8) and approves the reaffirmation agreement described above.

☐ The court does not disapprove the reaffirmation agreement under 11 U.S.C. § 524(m).

☐ The court disapproves the reaffirmation agreement under 11 U.S.C. § 524(m).

☐ The court does not approve the reaffirmation agreement.

BY THE COURT

Date: _____

_____
United States Bankruptcy Judge

B2400C ALT (Form 2400C ALT) (12/15)

United States Bankruptcy Court
_____District of _____

In re _____, Case No._____
Debtor Chapter _____

ORDER ON REAFFIRMATION AGREEMENT

The debtor(s) _____ has (have) filed a motion for approval of
(Name(s) of debtor(s))
the reaffirmation agreement dated _____ made between the debtor(s) and
(Date of agreement)
_____. The court held the hearing required by 11 U.S.C. § 524(d)
(Name of creditor)
on notice to the debtor(s) and the creditor on _____.
(Date)

COURT ORDER:

☐ The court grants the debtor's motion under 11 U.S.C. § 524(c)(6)(A) and approves the reaffirmation agreement described above as not imposing an undue hardship on the debtor(s) or a dependent of the debtor(s) and as being in the best interest of the debtor(s).

☐ The court grants the debtor's motion under 11 U.S.C. § 524(k)(8) and approves the reaffirmation agreement described above.

☐ The court does not disapprove the reaffirmation agreement under 11 U.S.C. § 524(m).

☐ The court disapproves the reaffirmation agreement under 11 U.S.C. § 524(m).

☐ The court does not approve the reaffirmation agreement.

BY THE COURT

Date: _____ _____
United States Bankruptcy Judge

SUMMONS IN AN ADVERSARY PROCEEDING

Purpose of the Form

Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court.

The summons is the notice which accompanies the complaint, advising of the names of the parties, the court in which the adversary proceeding was filed, and the time limits for responding to the complaint.

The summons should be prepared by the plaintiff's attorney and signed and issued by the clerk. The plaintiff's attorney is responsible for serving the summons and a copy of the complaint. If the plaintiff does not have an attorney, the plaintiff is responsible for preparing the summons and serving the summons and complaint.

Applicable Law and Rules

1. In general, Fed. R. Bankr. P. 7001 requires that an adversary proceeding be commenced1) to recover money or property; 2) to determine the validity, priority, or extent of a lien or other interest in property; 3) to obtain court approval for the sale of both the interest of the estate and of a co-owner of property; 4) to object to or revoke a discharge; 5) to revoke an order of confirmation of a plan; 6) to determine the dischargeability of a debt;7) to obtain an injunction; 8) to subordinate an allowed claim or interest; 9) to obtain a declaratory judgment relating to any of the foregoing; or 10) to determine a claim or cause of action removed from a state court pursuant to section 1452 of title 28 (28 U.S.C.§ 1452).

2 Fed. R. Bankr. P. 7004 adopts portions of Rule 4 of the Federal Rules of Civil Procedure, and sets forth other provisions for the issuance and service of a summons. These rules are detailed and complex, and should be read in their entirety.

3. Rule 4(a) specifies the information that the plaintiff’s attorney (or the plaintiff) must provide on the summons form. Rule 4(b) provides that, upon or after the filing of the complaint, the clerk shall issue the summons to the plaintiff's attorney (or the plaintiff). It is then the responsibility of the plaintiff's attorney (or the plaintiff) to serve the summons on the defendant.

4. If the debtor is the plaintiff, section 342(c) of the Bankruptcy Code (11 U.S.C. §

342(c)) requires that the caption of the complaint include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number. An individual debtor's social security number is the debtor's taxpayer identification number. In order to satisfy this requirement, the portion of Official Form 416A which sets out the last four digits of the debtor's taxpayer identification number can be inserted in the caption of Form 2500A.

5. A copy of the complaint must be served with the summons. Rule 4(c).

6. It is a good idea to submit several copies of the summons to the clerk with the original complaint, so that each copy may be signed by the clerk. It is recommended that at least four copies be submitted: one for the court records, one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies should be submitted to the clerk for issuance.

7. The summons and complaint may be served in a variety of ways which are set forth in Rules 7004 and 4. When the defendant is an individual, other than an infant or incompetent person, the easiest method is for the summons and complaint to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Rule 7004(b)(1).

8. When the debtor is a defendant and the debtor is represented by an attorney, the summons and complaint must be served on both the debtor and the debtor's attorney. Rule 7004(g). Service on the debtor may be made by mailing the summons and complaint to the debtor at the address shown on the petition or to any other address designated by the debtor in a document filed with the court. Rule 7004(b)(9). Service on the debtor's attorney may be made by any means authorized by Federal Rule of Civil Procedure 5(b), including service by electronic means if the attorney has consented in writing to electronic service. Rule 7004(g).

9. Rule 7004(h) provides that service on a bank, savings and loan, or other insured depository institution in a contested matter or adversary proceeding must be made by certified mail addressed to an officer of the institution unless one of three exceptions applies. Those exceptions are 1) the attorney for the depository institution has filed a paper in the matter or has otherwise entered his or her appearance, 2) the court, following the procedure set out in the rule, orders otherwise, and 3) the depository institution has waived the requirement in writing by designating an officer to receive service. (Insured depository institutions are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. § 1813).)

10. Because of the exceptions and the placement of the certified mail requirement in Rule 7004 rather than Fed. R. Bankr. P. 2002, the requirement applies in an adversary

proceeding only to the service of the summons and complaint or the service of the third-party summons and third-party complaint and only if the depository institution is a defendant or third-party defendant.

11. If service was made by personal service, by residence service, or pursuant to state law, the service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).

12. The summons and complaint may be served anywhere in the United States. Rule 7004(d).

13. The summons and complaint must be served 7 days after the summons is issued. Service is complete upon mailing, not upon delivery by the Postal Service. If more than 7 days pass before service is completed, a new summons will be issued for service. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).

14. If the summons and complaint are not served within 120 days of the filing of the complaint, the court may dismiss the action. Rule 4(m).

15. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court.

16. Fed. R. Bankr. P. 7012(a) provides that once a complaint is served, the defendant has 30 days after the issuance of the summons to file an answer or make one of the motions specified in Fed. R. Civ. P. 12 (made applicable by Rule 7012(b)). If the United States or one of its agencies or officers is the defendant, the time to file an answer or make a motion is 35 days. The court can order these time limits shortened or extended. If such an order is entered, the new time limit must be stated in the summons.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: “Eastern District of California.”

2. “In re”: Insert the name of the debtor as it appears in the bankruptcy petition. Then insert the names of the plaintiff(s) and defendant(s) as they appear on the original complaint.

3. If the debtor is the plaintiff, include the debtor’s name and address, and the last four digits of the debtor’s taxpayer identification number in the caption. The portion of Official Form 416A which includes the last four digits of the debtor’s taxpayer identification number can be inserted in the caption of the summons for this purpose.

4. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

5. "Adv. Proc. No.": Insert the number assigned by the court to the adversary proceeding at the time of the filing of the complaint.

Address of Clerk:

Be sure to indicate the proper address for the clerk's office.

Name and Address of Plaintiff's Attorney:

The complete mailing address of the plaintiff's attorney must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the plaintiff is not represented by an attorney, the plaintiff's mailing and street address should be placed in the space.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and complaint.

2. Line 2 (date) is to be completed with the month, day and year service was perfected.

3. The appropriate box should be checked to show how service was made.

If mail service, state the mailing address, city, state and zip code of the place to which the summons and complaint were mailed.

If personal service, state both the name of the person to whom the summons and complaint were given, and the address at which this occurred.

If residence service, state both the name of the adult to whom the summons and complaint were given, and the address at which this occurred.

If certified mail service on an insured depository institution, state both the name of the officer to whom the summons and complaint were mailed and the mailing address, city, state, and zip code to which service was mailed.

If service by publication, describe the steps take to perfect service.

If service was made pursuant to state law, fill in the blank with the name of state under whose laws the summons and complaint were served, and describe briefly the method of service, including the name of the person served and the

address at which the person was served.

4. Date: Insert on this line the month, day, and year the certificate is signed.

5. Signature: - The person who completed service of the summons and complaint must sign. This must be an ORIGINAL signature.

6. In the space directly below the Date and Signature lines, print or type the name and business address of the person who signed the certificate.

General Information for the Clerk

There are three basic summons forms, this one and Forms B 2500B and B 2500C. This form does not set a time for either the pretrial conference or the trial, Form B 2500B fixes a time and place for a pretrial conference, and Form B 2500C fixes a trial date. Each court should decide which form or forms is to be used in that district, and make that form or forms available to the bar and parties.

Fed. R. Bankr. P. 7004 incorporates by reference Rule 4(b) of the Federal Rules of Civil Procedure, which provides that the clerk is to issue the summons to the plaintiff's attorney (or the plaintiff) upon or after the filing of the complaint. If requested, more than one copy can be issued. In the instructions to the public, it is recommended that the plaintiff seek the issuance of at least four copies of the summons: one for the court to file with the original complaint; one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies are recommended to be submitted to the court for issuance.

The plaintiff's attorney (or the plaintiff) is responsible for serving the summons and complaint, not the clerk.

There is no charge for the issuance of a summons, beyond the fee for commencing the adversary proceeding.

The plaintiff's attorney should have filled in his or her address in the appropriate space on the form. As the defendant may choose to serve an answer or motion on the plaintiff by mail or in person, the space should contain both the street and mailing address of the plaintiff's attorney, if the addresses are different. If the plaintiff is not represented by an attorney, the plaintiff's address(es) should be filled in.

The clerk may wish to fill in the space marked “Address of Clerk” before providing the form to the public.

As is set out in detail in the instructions to the public, there are a series of deadlines for actions to be taken in the adversary proceeding. The most important of these are:

1. If the summons is not served within 7 days, a new summons must be issued. Rule 7004(e).

2. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the adversary proceeding on its own motion, after notice to the plaintiff.

3. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P. 7012 within 30 days, or such time as court may fix, the plaintiff may seek the entry of a default. (See form B 2600). The United States, its agencies, and its officers have 35 days to answer or make a motion.

If the court enters an order changing the last day by which the defendant must answer the complaint or make a motion, that date MUST be stated on the summons, and the superseded information regarding the deadline must be deleted.

United States Bankruptcy Court

_____District Of _____

In re _____,	)	Case No. _____
Debtor	)	
	)	Chapter _____
	)	
_____	)	
Plaintiff	)	
	)	
v.	)	Adv. Proc. No. _____
	)	
_____	)	
Defendant	)	

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of the clerk:

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

_____ (Clerk of the Bankruptcy Court)

Date: _____ By: _____(Deputy Clerk)

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and a copy of the complaint was made _____(date) by:

- ❑ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ❑ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

- ❑ Residence Service: By leaving the process with the following adult at:

- ❑ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

- ❑ Publication: The defendant was served as follows: [Describe briefly]

- ❑ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

Purpose of the Form

Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court.

The summons is the notice which accompanies the complaint, advising of the names of the parties, the court in which the adversary proceeding was filed, and the time limits for responding to the complaint.

The summons also may set the time and place of a pretrial conference between the parties and the judge. At this conference, the court may determine whether there is any possibility of settlement of the case, and will issue a scheduling order for pretrial activities.

The summons should be prepared by the plaintiff's attorney and signed and issued by the clerk. The plaintiff's attorney is responsible for serving the summons and a copy of the complaint. If the plaintiff does not have an attorney, the plaintiff is responsible for preparing the summons and serving the summons and complaint.

Applicable Law and Rules

1. In general, Fed. R. Bankr. P. 7001 requires that an adversary proceeding be commenced: 1) to recover property; 2) to determine the validity, priority, or extent of a lien or other interest in property; 3) to obtain court approval for the sale of both the interest of the estate and of a co-owner of property; 4) to object to or revoke a discharge; 5) to revoke an order of confirmation of a plan; 6) to determine the dischargeability of a debt; 7) to obtain an injunction; 8) to subordinate an allowed claim or interest; 9) to obtain a declaratory judgment relating to any of the foregoing; or 10) to determine a claim or cause of action removed from a state or federal court pursuant to section 1452 of title 28 (28 U.S.C. § 1452).

2. Fed. R. Bankr. P. 7004 adopts portions of Rule 4 of the Federal Rules of Civil Procedure, and sets forth other provisions for the issuance and service of a summons. These rules are detailed and complex, and should be read in their entirety.

3. Rule 4(a) specifies the information that the plaintiff’s attorney (or the plaintiff) must provide on the summons form. Rule 4(b) provides that, upon or after the filing of the

complaint, the clerk shall issue the summons to the plaintiff's attorney (or the plaintiff). It is then the responsibility of the plaintiff's attorney (or the plaintiff) to serve the summons on the defendant.

4. If the debtor is the plaintiff, section 342(c) of the Bankruptcy Code (11 U.S.C. § 342(c)) requires that the caption of the complaint include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number. An individual debtor's social security number is the debtor's taxpayer identification number. In order to satisfy this requirement, the portion of Official Form 416A which sets out the last four digits of the debtor's taxpayer identification number can be inserted in the caption of Form 2500B.

5. A copy of the complaint must be served with the summons. Rule 4(c).

6. It is a good idea to submit several copies of the summons to the clerk with the original complaint, so that each copy may be signed by the clerk. It is recommended that at least four copies be submitted: one for the court records, one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies should be submitted to the clerk for issuance.

7. The summons and complaint may be served in a variety of ways which are set forth in Rules 7004 and 4. When the defendant is an individual, other than an infant or incompetent person, the easiest method is for the summons and complaint to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Rule 7004(b)(1).

8. When the debtor is a defendant and the debtor is represented by an attorney, the summons and complaint must be served on both the debtor and the debtor's attorney. Rule 7004(g). Service on the debtor may be made by mailing the summons and complaint to the debtor at the address shown on the petition or to any other address designated by the debtor in a document filed with the court. Rule 7004(b)(9). Service on the debtor's attorney may be made by any means authorized by Federal Rule of Civil Procedure 5(b), including service by electronic means if the attorney has consented in writing to electronic service. Rule 7004(g).

9. Rule 7004(h) provides that service on a bank, savings and loan, or other insured depository institution in a contested matter or adversary proceeding must be made by certified mail addressed to an officer of the institution unless one of three exceptions paper in the matter or has otherwise entered his or her appearance, 2) the court, following the procedure set out in the rule, orders otherwise, and 3) the depository institution has waived the requirement in writing by designating an officer to receive service. (Insured depository institutions are defined in section 3

of the Federal Deposit Insurance Act (12 U.S.C. § 1813).)

10. Because of the exceptions and the placement of the certified mail requirement in Rule 7004 rather than Fed. R. Bankr. P. 2002, the requirement applies in an adversary proceeding only to the service of the summons and complaint or the service of the third-party summons and third-party complaint and only if the depository institution is a defendant or third-party defendant.

11. If service was made by personal service, by residence service, or pursuant to state law, the service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).

12. The summons and complaint may be served anywhere in the United States. Rule 7004(d).

13. The summons and complaint must be served 7 days after the summons is issued. Service is complete upon mailing, not upon delivery by the Postal Service. If more than 7 days pass before service is completed, a new summons will be issued for service. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).

14. If the summons and complaint are not served within 120 days of the filing of the complaint, the court may dismiss the action. Rule 4(m).

15. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court.

16. Fed. R. Bankr. P. 7012(a) provides that once a complaint is served, the defendant has 30 days after the issuance of summons to file an answer or make one of the motions specified in Fed. R. Civ. P. 12 (made applicable by Rule 7012). If the United States or one of its agencies or officers is the defendant, the time to file an answer or make a motion is 35 days. The court can order these time limits shortened or extended. If such an order is entered, the new time limit must be stated in the summons.

17. Fed. R. Bankr. P. 7016 adopts Rule 16 of the Federal Rules of Civil Procedure for the purpose of establishing pretrial conferences. This rule provides that:

> In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:
>
> (1) expediting disposition of the action;
>
> (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
>
> (3) discouraging wasteful pretrial activities;

(4) improving the quality of the trial through more thorough preparation; and

(5) facilitating settlement.

18. Rule 16(b) provides that after the pretrial conference, the court may enter a scheduling order that limits the time to join other parties, amend the pleadings, complete discovery, and file motions.

19. The scheduling order also may set a trial date, fix dates for further pretrial conferences, modify the disclosures required by Fed. R. Civ. P. 26(a),(e)(1), as incorporated by Fed. R. Bankr. P. 7026, modify the extent of discovery, provide for disclosure or discovery of electronically stored information, include any agreements the parties reach for asserting claims of privilege or of protection of trial-preparation material after information is produced, and other appropriate matters.

20. Rule 16(c)(1) provides that a party represented by an attorney must authorize at least one of its attorneys to make stipulations and admissions about all matters than can be reasonably anticipated for discussion at the pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

21. Some of the matters which may be discussed at pretrial conferences are listed in Rule 16(c)(2).

22. Pursuant to Rule 16(f), if no appearance is made at the pretrial conference, if a party is not prepared, if a party fails to participate in good faith, or if a party fails to obey a pretrial scheduling order, the judge may impose sanctions, including reasonable expenses and attorney's fees.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."

2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition. Then insert the names of the plaintiff(s) and defendant(s) as they appear on the original complaint.

3. If the debtor is the plaintiff, include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number in the caption. The portion of Official Form 416A which includes the last four digits of the debtor's taxpayer identification number can be inserted in the caption of the summons for

this purpose.

4. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

5. "Adv. Proc. No.": Insert the number assigned by the court to the adversary proceeding at the time of the filing of the complaint.

Address of Clerk:

Be sure to indicate the proper address for the clerk's office.

Name and Address of Plaintiff's Attorney:

The complete mailing address of the plaintiff's attorney must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the plaintiff is not represented by an attorney, the plaintiff's mailing and street address should be placed in the space.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and complaint.

2. Line 2 (date) is to be completed with the month, day and year service was perfected.

3. The appropriate box should be checked to show how service was made.

If mail service, state the mailing address, city, state and zip code of the place to which the summons and complaint were mailed.

If personal service, state both the name of the person to whom the summons and complaint were given, and the address at which this occurred.

If residence service, state both the name of the adult to whom the summons and complaint were given, and the address at which this occurred.

If certified mail service on an insured depository institution, state both the name of the officer to whom the summons and complaint were mailed and the mailing address, city, state, and zip code to which service was mailed.

If service by publication, describe the steps take to perfect service.

If service was made pursuant to state law, fill in the blank with the name of state under whose laws the summons and complaint were served, and describe briefly

the method of service, including the name of the person served and the address at which the person was served.

4. Date: - Insert on this line the month, day, and year the certificate is signed.

5. Signature: - The person who completed service of the summons and complaint must sign. This must be an ORIGINAL signature.

6. In the space directly below the Date and Signature lines, print or type the name and business address of the person who signed the certificate.

General Information for the Clerk

There are three basic summons forms, this one and Forms B 2500A and B 2500C. Form B2500A does not set a time for either the pretrial conference or the trial, this form fixes a time and place for a pretrial conference, and Form B 2500C fixes a trial date. Each court should decide which form or forms is to be used in that district, and make that form or forms available to the bar and parties.

Fed. R. Bankr. P. 7004 incorporates by reference Rule 4(b) of the Federal Rules of Civil Procedure, which provides that the clerk is to issue the summons to the plaintiff's attorney (or the plaintiff) upon or after the filing of the complaint. If requested, more than one copy can be issued. In the instructions to the public, it is recommended that the plaintiff's attorney (or the plaintiff) seek the issuance of at least four copies of the summons: one for the court to file with the original complaint; one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies are recommended to be submitted to the court for issuance.

The plaintiff's attorney (or the plaintiff) is responsible for serving the summons and complaint, not the clerk.

There is no charge for the issuance of a summons, beyond the fee for commencing the adversary proceeding.

The plaintiff's attorney should have filled in his or her address in the appropriate space on the form. As the defendant may choose to serve an answer or motion on the plaintiff by mail or in person, the space should contain both the street and mailing address of the plaintiff's attorney, if the addresses are different. If the plaintiff is not represented by an attorney, the plaintiff's address(es) should be filled in.

The clerk may wish to fill in the space marked "Address of Clerk" before providing the form to the public.

As is set out in detail in the instructions to the public, there are a series of deadlines for actions to be taken in the adversary proceeding. The most important of these are:

1. If the summons is not served within 7 days, a new summons must be issued. Rule 7004(e).

2. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the adversary proceeding on its own motion, after notice to the plaintiff.

3. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P. 7012 within 30 days, or such time as the court may fix, the plaintiff may seek the entry of a default. (See Form B2600). The United States, its agencies, and its officers have 35 days to answer or make a motion.

If the court enters an order changing the last day by which the defendant must answer the complaint or make a motion, that date MUST be stated on the summons, and the superseded information regarding the deadline must be deleted.

Pretrial conferences are successful in easing a court's calendar only if they are scheduled early in the case. In recognition of this fact, Rule 16(b) imposes a tight schedule on pretrial conferences, restricting the issuance of a scheduling order to within 120 days after the filing of the complaint.

B 2500B (Form 2500B) (12/15)

United States Bankruptcy Court

_____District Of _____

In re _____,	)	Case No. _____
Debtor	)	
	)	Chapter _____
_____	)	
Plaintiff	)	
	)	
v.	)	Adv. Proc. No. _____
	)	
_____	)	
Defendant	)	

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of the clerk:

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

Address: Room:
Date and Time:

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

_____(Clerk of the Bankruptcy Court)

Date: _____ By: _____(Deputy Clerk)

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and a copy of the complaint was made _____(date) by:

- ❑ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ❑ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

- ❑ Residence Service: By leaving the process with the following adult at:

- ❑ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

- ❑ Publication: The defendant was served as follows: [Describe briefly]

- ❑ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

SUMMONS AND NOTICE OF TRIAL IN AN ADVERSARY PROCEEDING

Purpose of the Form

Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court.

The summons is the notice which accompanies the complaint, advising of the names of the parties, the court in which the adversary proceeding was filed, the time limits for responding to the complaint, and the date, time, and place for the trial.

The summons also may set the time and place of a pretrial conference between the parties and the judge. At this conference, the court may determine whether there is any possibility of settlement of the case, and will issue a scheduling order for pretrial activities.

The summons should be prepared by the plaintiff's attorney and signed and issued by the clerk. The plaintiff's attorney is responsible for serving the summons and a copy of the complaint. If the plaintiff does not have an attorney, the plaintiff is responsible for preparing the summons and serving the summons and complaint.

Applicable Law and Rules

1. In general, Fed. R. Bankr. P. 7001 requires that an adversary proceeding be commenced 1) to recover property; 2) to determine the validity, priority, or extent of a lien or other interest in property; 3) to obtain court approval for the sale of both the interest of the estate and of a co-owner of property; 4) to object to or revoke a discharge; 5) to revoke an order of confirmation of a plan; 6) to determine the dischargeability of a debt; 7) to obtain an injunction; 8) to subordinate an allowed claim or interest; 9) to obtain a declaratory judgment relating to any of the foregoing; or 10) to determine a claim or cause of action removed from a state or federal court pursuant to section 1452 of title 28 (28 U.S.C. § 1452).

2. Fed. R. Bankr. P. 7004 adopts portions of Rule 4 of the Federal Rules of Civil Procedure, and sets forth other provisions for the issuance and service of a summons. These rules are detailed and complex, and should be read in their entirety.

3. Rule 4(a) specifies the information that the plaintiff's attorney (or the plaintiff) must provide on the summons form. Rule 4(b) provides that, upon or after the filing of the complaint, the clerk shall issue the summons to the plaintiff's attorney (or the plaintiff). It is then the responsibility of the plaintiff's attorney (or the plaintiff) to serve the summons on the defendant.

4. If the debtor is the plaintiff, section 342(c) of the Bankruptcy Code (11 U.S.C. § 342(c)) requires that the caption of the complaint include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number. An individual debtor's social security number is the debtor's taxpayer identification number. In order to satisfy this requirement, the portion of Official Form 416A which sets out the last four digits of the debtor's taxpayer identification number can be inserted in the caption of Form 2500C.

5. A copy of the complaint must be served with the summons. Rule 4(c).

6. It is a good idea to submit several copies of the summons to the clerk with the original complaint, so that each copy may be signed by the clerk. It is recommended that at least four copies be submitted: one for the court records, one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies should be submitted to the clerk for issuance.

7. The summons and complaint may be served in a variety of ways which are set forth in Rules 7004 and 4. When the defendant is an individual, other than an infant or incompetent person, the easiest method is for the summons and complaint to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Rule 7004(b)(1).

8. When the debtor is a defendant and the debtor is represented by an attorney, the summons and complaint must be served on both the debtor and the debtor's attorney. Rule 7004(g). Service on the debtor may be made by mailing the summons and complaint to the debtor at the address shown on the petition or to any other address designated by the debtor in a document filed with the court. Rule 7004(b)(9). Service on the debtor's attorney may be made by any means authorized by Federal Rule of Civil Procedure 5(b), including service by electronic means if the attorney has consented in writing to electronic service. Rule 7004(g).

9. Rule 7004(h) provides that service on a bank, savings and loan, or other insured depository institution in a contested matter or adversary proceeding must be made by certified mail addressed to an officer of the institution unless one of three exceptions

3. Rule 4(a) specifies the information that the plaintiff's attorney (or the plaintiff) must paper in the matter or has otherwise entered his or her appearance, 2) the court, following the procedure set out in the rule, orders otherwise, and 3) the depository institution has waived the requirement in writing by designating an officer to receive service. (Insured depository institutions are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. § 1813).)

10. Because of the exceptions and the placement of the certified mail requirement in Rule 7004 rather than Fed. R. Bankr. P. 2002, the requirement applies in an adversary proceeding only to the service of the summons and complaint or the service of the third-party summons and third-party complaint and only if the depository institution is a defendant or third-party defendant.

11. If service was made by personal service, by residence service, or pursuant to state law, the service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).

12. The summons and complaint may be served anywhere in the United States. Rule 7004(d).

13. The summons and complaint must be served 7 days after the summons is issued. Service is complete upon mailing, not upon delivery by the Postal Service. If more than 7 days pass before service is completed, a new summons will be issued for service. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).

14. If the summons and complaint are not served within 120 days of the filing of the complaint, the court may dismiss the action. Rule 4(m).

15. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court.

16. Fed. R. Bankr. P. 7012(a) provides that once a complaint is served, the defendant has 30 days after the issuance of summons to file an answer or make one of the motions specified in Fed. R. Civ. P. 12 (made applicable by Rule 7012). If the United States or one of its agencies or officers is the defendant, the time to file an answer or make a motion is 35 days. The court can order these time limits shortened or extended. If such an order is entered, the new time limit must be stated in the summons.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."

2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition. Then insert the names of the plaintiff(s) and defendant(s) as they appear on the original complaint.

3. If the debtor is the plaintiff, include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number in the caption. The portion of Official Form 416A which includes the last four digits of the debtor's taxpayer identification number can be inserted in the caption of the summons for this purpose.

4. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

5. "Adv. Proc. No.": Insert the number assigned by the court to the adversary proceeding at the time of the filing of the complaint.

Address of Clerk:

Be sure to indicate the proper address for the clerk's office.

Name and Address of Plaintiff's Attorney:

The complete mailing address of the plaintiff's attorney must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the plaintiff is not represented by an attorney, the plaintiff's mailing and street address should be placed in the space.

Location, Date, and Time of Trial

This information should be set forth with the full street address of the court and room number where the trial will take place.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and complaint.

2. Line 2 (date) is to be completed with the month, day and year service was perfected.

3. The appropriate box should be checked to show how service was made.

   If mail service, state the mailing address, city, state and zip code of the place to which the summons and complaint were mailed.

   If personal service, state both the name of the person to whom the summons and complaint were given, and the address at which this occurred.

   If residence service, state both the name of the adult to whom the summons and complaint were given, and the address at which this occurred.

   If certified mail service on an insured depository institution, state both the name of the officer to whom the summons and complaint were mailed and the mailing address, city, state, and zip code to which service was mailed.

   If service by publication, describe the steps take to perfect service.

   If service was made pursuant to state law, fill in the blank with the name of state under whose laws the summons and complaint were served, and describe briefly the method of service, including the name of the person served and the address at which the person was served.

4. Date: - Insert on this line the month, day, and year the certificate is signed.

5. Signature: - The person who completed service of the summons and complaint must sign. This must be an ORIGINAL signature.

6. In the space directly below the Date and Signature lines, print or type the name and business address of the person who signed the certificate.

General Information for the Clerk

There are three basic summons forms, this one and Forms B 2500A and B 2500B. Form B 2500A does not set a time for either the pretrial conference or the trial, Form B 2500B sets a time and place for a pretrial conference, and this form fixes a trial date. Each court should decide which form or forms is to be used in that district, and make that form or forms available to the bar and parties.

Fed. R. Bankr. P. 7004 incorporates by reference Rule 4(b) of the Federal Rules of Civil Procedure, which provides that the clerk is to issue the summons to the plaintiff's attorney (or the plaintiff) upon or after the filing of the complaint. If requested, more than one copy can be

issued. In the instructions to the public, it is recommended that the plaintiff's attorney (or the plaintiff) seek the issuance of at least four copies of the summons: one for the court to file with the original complaint; one for service on the defendant, one for the plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one defendant, each must be served with a separate copy of the summons, so additional copies are recommended to be submitted to the court for issuance.

The plaintiff's attorney (or the plaintiff) is responsible for serving the summons and complaint, not the clerk.

There is no charge for the issuance of a summons, beyond the fee for commencing the adversary proceeding.

The plaintiff's attorney should have filled in his or her address in the appropriate space on the form. As the defendant may choose to serve an answer or motion on the plaintiff by mail or in person, the space should contain both the street and mailing address of the plaintiff's attorney, if the addresses are different. If the plaintiff is not represented by an attorney, the plaintiff's address(es) should be filled in.

The clerk may wish to fill in the space marked "Address of Clerk" before providing the form to the public.

As is set out in detail in the instructions to the public, there are a series of deadlines for actions to be taken in the adversary proceeding. The most important of these are:

1. If the summons is not served within 7 days, a new summons must be issued. Rule 7004(e).

2. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the adversary proceeding on its own motion, after notice to the plaintiff.

3. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P. 7012 within 30 days, or such time as the court may fix, the plaintiff may seek the entry of a default. (See Form B 2600). The United States, its agencies, and its officers have 35 days to answer or make a motion.

If the court enters an order changing the last day by which the defendant must answer the complaint or make a motion, that date MUST be stated on the summons, and the superseded information regarding the deadline must be deleted.

B 2500C (Form 2500C) (12/15)

United States Bankruptcy Court

_____District Of _____

In re _____,	)	Case No. _____
Debtor	)	
	)	Chapter _____
_____	)	
Plaintiff	)	
	)	
v.	)	Adv. Proc. No. _____
	)	
_____	)	
Defendant	)	

SUMMONS AND NOTICE OF TRIAL IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of the clerk:

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a trial of the proceeding commenced by the filing of the complaint will be held at the following time and place:

Address: Room:
Date and Time:

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

_____(Clerk of the Bankruptcy Court)

Date: _____ By: _____(Deputy Clerk)

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and a copy of the complaint was made _____(date) by:

- ❑ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ❑ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

- ❑ Residence Service: By leaving the process with the following adult at:

- ❑ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

- ❑ Publication: The defendant was served as follows: [Describe briefly]

- ❑ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

THIRD-PARTY SUMMONS

Purpose of the Form

Certain categories of relief may be granted in a bankruptcy court only through an adversary proceeding. The usual focus of the adversary proceeding is a trial of the allegations made by the plaintiff against the defendant.

The first step in commencing an adversary proceeding is the filing of a complaint, setting forth the facts and allegations which the plaintiff believes justify the granting of relief against the defendant, and stating the relief which the plaintiff seeks. As each complaint is unique, there is no specific form provided by the court.

The summons is the notice which accompanies the complaint, advising of the names of the parties, the court in which the adversary proceeding was filed, and the time limits for responding to the complaint.

The third-party summons is used when the defendant commences a third-party action. This occurs when the defendant seeks to include in the litigation an entity not already a party who may be liable to the defendant for all or part of the plaintiff's claims against the defendant. An easy example is the case of a car accident. The passenger in car A commences an adversary proceeding against the driver of car B. The driver of car B then files a third-party complaint against the driver of car A, to bring driver B's claims against driver A into the adversary proceeding.

In a third-party action, the defendant from the original lawsuit is known as the first-party defendant and the third-party plaintiff. The defendant in the third-party action is known as the third-party defendant.

As with a regular complaint, the filing of a third-party complaint triggers the issuance of a summons, using this form.

The third-party summons should be prepared by the third-party plaintiff’s attorney and signed and issued by the clerk. The third-party plaintiff’s attorney is responsible for serving the summons and a copy of the complaint. If the third-party plaintiff does not have an attorney, the third-party plaintiff is responsible for preparing the summons and serving the summons and complaint.

Applicable Law and Rules

1. Fed. R. Bankr. P. 7014 incorporates by reference Rule 14 of the Federal Rules of Civil Procedure, concerning the conduct of third-party litigation. This rule provides that if the

third-party complaint is filed more than 14 days after the defendant serves an answer to the primary complaint, the defendant must obtain court approval prior to service. This approval must be obtained through a motion on notice to all of the parties of the original adversary proceeding.

2. Fed. R. Bankr. P. 7004 adopts portions of Rule 4 of the Federal Rules of Civil Procedure, and sets forth other provisions for the issuance and service of a summons, including a third-party summons. These rules are detailed and complex, and should be read in their entirety.

3. Rule 4(a) specifies the information that the third-party plaintiff's attorney (or the third-party plaintiff) must provide on the summons form. Rule 4(b) provides that, upon or after the filing of the third-party complaint, the clerk shall issue the summons to the third-party plaintiff's attorney (or the third-party plaintiff). It is then the responsibility of the third-party plaintiff's attorney (or the third-party plaintiff) to serve the summons on the third-party defendant and on the first-party plaintiff.

4. If the debtor is the third-party plaintiff, section 342(c) of the Bankruptcy Code (11 U.S.C. § 342(c)) requires that the caption of the third-party complaint include the debtor's name and address, and the last four digits of the debtor's taxpayer identification number. An individual debtor's social security number is the debtor's taxpayer identification number. In order to satisfy this requirement, the portion of Official Form 416A which sets out the last four digits of the debtor's taxpayer identification number can be inserted in the caption of Form 2500D.

5. A copy of the third-party complaint must be served with the third-party summons. Rule 4(c).

6. It is a good idea to submit several copies of the summons with the original complaint, so that each copy may be signed by the court. It is recommended that at least five copies be submitted: one for the court records, one for service on the third-party defendant, one for service on the first-party plaintiff, one for the third-party plaintiff's attorney's records (or the plaintiff's records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one third-party defendant, each must be served with a separate copy of the summons, so additional copies should be submitted to the court for issuance.

7. The summons and third-party complaint may be served in a variety of ways which are set forth in Rules 7004 and 4. When the third-party defendant is an individual, other than an infant or incompetent person, the easiest method is for the summons and complaint to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or

profession. Rule 7004(b)(1).

8. Rule 7004(h) provides that service on a bank, savings and loan, or other insured depository institution in a contested matter or adversary proceeding must be made by certified mail addressed to an officer of the institution unless one of three exceptions applies. Those exceptions are 1) the attorney for the depository institution has filed a paper in the matter or has otherwise the procedure set out in the rule, 2) the court, following the procedure set out in the rule, orders otherwise, and 3) the depository institution has waived the requirement in writing by designating an officer to receive service. (Insured depository institutions are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. § 1813).)

9. Because of the exceptions and the placement of the certified mail requirement in Rule 7004 rather than Fed. R. Bankr. P. 2002, the requirement applies in an adversary proceeding only to the service of the summons and complaint or the service of the third-party summons and third-party complaint and only if the depository institution is a defendant or third-party defendant.

10. If service was made by personal service, by residence service, or pursuant to state law, the service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).

11. The summons and third-party complaint may be served anywhere in the United States. Rule 7004(d).

12. The summons and third-party complaint must be served 7 days after the summons is issued. Service is complete upon mailing, not upon delivery by the Postal Service. If more than 7 days pass before service is completed, a new summons will be issued for service. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).

13. If the summons and third-party complaint are not served within 120 days of the filing of the third-party complaint, the court may dismiss the third-party action. Rule 4(m).

14. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court.

15. Fed. R. Bankr. P. 7012(a) provides that once a complaint is served, the third-party defendant has 30 days after the issuance of summons to file an answer or make one of the motions specified in Fed. R. Civ. P. 12 (made applicable by Rule 7012). If the United States or one of its agencies or officers is the third-party defendant, the time to file an answer or make a motion is 35 days. The court can order these time limits shortened or extended. If such an order is entered, the new time limit must be stated in the summons.

16. Rule 14(a) provides that while the third-party defendant must file an answer or motion to the third-party complaint, the third-party defendant has the option of whether to file an answer or motion to the original complaint, unless the action is grounded in admiralty or maritime law. In that event, the third-party defendant must file an answer or motion to the first-party complaint.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."

2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition. Then insert the names of the plaintiff(s) and defendant(s) as they appear on the original complaint. The name of the third party defendant as it appears on the third party complaint should then be inserted.

3. If the debtor is the third-party plaintiff, include the debtor's name, address, and the last four digits of the debtor's taxpayer identification number in the caption. The portion of Official Form 416A which includes the last four digits of the debtor's taxpayer identification number can be inserted in the caption of the summons for this purpose.

4. "Case No." Insert the bankruptcy case number assigned by the court at the time of filing.

5. "Adv. Proc. No.": Insert the number assigned by the court to the adversary proceeding at the time of the filing of the complaint.

Address of Clerk:

Be sure to indicate the proper address for the clerk's office.

Name and Address of Defendant's Attorney:

The complete mailing address of the defendant's attorney must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the defendant (the third-party plaintiff) is not represented by an attorney, the defendant's mailing and street address should be placed in the space.

Name and Address of Plaintiff's Attorney:

The complete mailing address of the first-party plaintiff's attorney must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the plaintiff is not represented by an attorney, the plaintiff's mailing and street address should be placed in the space.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and complaint.

2. Line 2 (date) is to be completed with the month, day and year service was perfected.

3. The appropriate box should be checked to show how service was made.

   If mail service, state the mailing address, city, state and zip code of the place to which the summons and complaint were mailed.

   If personal service, state both the name of the person to whom the summons and complaint were given, and the address at which this occurred.

   If residence service, state both the name of the adult to whom the summons and complaint were given, and the address at which this occurred.

   If certified mail service on an insured depository institution, state both the name of the officer to whom the summons and complaint were mailed and the mailing address, city, state, and zip code to which service was mailed.

   If service by publication, describe the steps take to perfect service.

   If service was made pursuant to state law, fill in the blank with the name of state under whose laws the summons and complaint were served, and describe briefly the method of service, including the name of the person served and the address at which they were served.

4. Date: Insert on this line the month, day, and year the certificate is signed.

5. Signature: The person who completed service of the summons and complaint must sign. This must be an ORIGINAL signature.

6. In the space directly below the Date and Signature lines, print or type the name and

business address of the person who signed the certificate.

General Information for the Clerk

The third-party summons is used when the defendant commences a third-party action. This occurs when the defendant seeks to include in the litigation an entity not already a party who may be liable to the defendant for all or part of the plaintiff's claims against the defendant. An easy example is the case of a car accident. The passenger in car A commences an adversary proceeding against the driver of car B. The driver of car B then files a third-party complaint against the driver of car A, to bring driver B's claims against driver A into the adversary proceeding.

The third-party complaint does not commence a new action. No new file or docket should be created. Instead, when a third-party complaint is filed, the clerk should simply amend the caption of the pending adversary proceeding.

Fed. R. Bankr. P. 7014 incorporates by reference Rule 14 of the Federal Rules of Civil Procedure regarding the conduct of third-party actions. Although Rule 14 requires the defendant to obtain court approval prior to commencement of a third-party action, if that action is commenced more than 14 days after the defendant serves an answer on the plaintiff, this a jurisdictional issue for the parties to resolve. The clerk should neither refuse to accept a third-party complaint for filing due to the failure of the third-party plaintiff to obtain the necessary court order, nor should the clerk advise any of the parties of the specific requirements of Rule 14 for court authorization for commencing a third-party action.

Fed. R. Bankr. P. 7004 incorporates by reference Rule 4(b) of the Federal Rules of Civil Procedure, which provides that the clerk is to issue the third-party summons to the third-party plaintiff attorney (or the third-party plaintiff) upon or after the filing of the complaint. If requested, more than one copy can be issued. In the instructions to the public, it is recommended that the plaintiff seek the issuance of at least five summons: one for the court to file with the original complaint; one for service on the third-party defendant, one for service on the first-party plaintiff, one for the third-party plaintiff’s records (or the third-party plaintiff’s attorney’s records), and one to be returned to the court after the certificate of service has been completed. Of course, if there is more than one third-party defendant, each must be served with a separate copy of the summons, so additional copies are recommended to be submitted to the court for issuance.

The third-party plaintiff’s attorney (or the third-party plaintiff) is responsible for serving the summons and third-party complaint, not the clerk.

There is no fee for the filing of the third-party complaint, or for the issuance of any third-party summons.

The attorney for the third-party plaintiff (defendant) should have filled in his or her address and the address of the attorney for the first-party plaintiff (plaintiff) in the appropriate spaces on the form. As the third-party defendant may choose to serve an answer or motion on the parties by mail or in person, the spaces should contain both the street and mailing address of the attorneys if the addresses are different. If any of the parties are not represented by an attorney, that party's own name and address(es) should be entered in the appropriate space.

The clerk may wish to fill in the space marked “Address of Clerk” before providing the form to the public.

As is set out in detail in the instructions to the public, there are a series of deadlines for actions to be taken in the adversary proceeding. The most important of these are:

1. If the summons is not served within 7 days, a new summons must be issued. Rule 7004(e).

2. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the adversary proceeding on its own motion, after notice to the plaintiff.

3. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P. 7012 within 30 days, or such time as the court may fix, the plaintiff may seek the entry of a default. (See form B 2600). The United States, its agencies, and its officers have 35 days to answer or make a motion.

If the court enters an order changing the last day by which the defendant must answer the complaint or make a motion, that date MUST be stated on the summons, and the superseded information regarding the deadline must be deleted.

The third-party summons does not include any place for notice of a pretrial conference or trial date. Such notice, if required, should be given by the third-party plaintiff in a separate document.

B2500D (Form 2500D) (12/15)

United States Bankruptcy Court
_____District Of _____

In re _____,	)	Case No. _____
Debtor	)	
_____	)	Chapter _____
Plaintiff	)	
v.	)	Adv. Proc. No. _____
_____	)	
Defendant, Third-party plaintiff	)	
v.	)	
_____	)	
Third-party defendant	)	

THIRD-PARTY SUMMONS

YOU ARE SUMMONED and required to file a motion or answer to the third-party complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the third-party complaint within 35 days.

Address of the clerk:

At the same time, you must also serve a copy of the motion or answer upon the defendant's attorney.

Name and Address of Defendant's Attorney:

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012. If you are also being served with a copy of the complaint of the plaintiff, you have the option of not answering the plaintiff's complaint **unless** this is an admiralty or maritime action subject to the provisions of Fed. R. Civ. P. 9(h) and 14(c), in which case you are required to file a motion or an answer to both the plaintiff's complaint and the third-party complaint, and to serve a copy of your motion or answer upon the appropriate parties.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE THIRD-PARTY COMPLAINT.

_____ (Clerk of the Bankruptcy Court)

Date: _____ By: _____(Deputy Clerk)

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and a copy of the third-party complaint was made _____(date) by:

- ❑ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ❑ Personal Service: By leaving the process with the third-party defendant or with an officer or agent of third-party defendant at:

- ❑ Residence Service: By leaving the process with the following adult at:

- ❑ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the third-party defendant at:

- ❑ Publication: The third-party defendant was served as follows: [Describe briefly]

- ❑ State Law: The third-party defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

SUMMONS TO DEBTOR IN INVOLUNTARY

CASE Purpose of the Form

Bankruptcy cases can arise in two ways: An individual or business or municipality may file a voluntary petition, or creditors may file an involuntary petition against an individual or business.

The first step in commencing an involuntary bankruptcy proceeding is the filing of a petition by a creditor or creditors, using Official Form 5. The summons is the notice which accompanies the petition, advising of the names of the debtor and the attorney for the petitioning creditor(s), the court in which the proceeding was filed, and the time limits for responding to the petition.

Applicable Law and Rules

1. The primary statutory provisions for an involuntary bankruptcy proceeding are found in Section 303 of the Bankruptcy Code (11 U.S.C. § 303). These provisions are complex, and there are substantial penalties for filing an improper involuntary petition. Section 303 should therefore be read in its entirety prior to the filing of an involuntary petition.

2. Section 303(a) limits an involuntary petition to chapters 7 and 11. It further provides that the involuntary debtor may not be a farmer, family farmer, or a corporation which not is a moneyed, business, or commercial corporation.

3. Section 303(b) provides that each of the petitioning creditors must hold claims against the debtor which are not contingent as to liability and which are not the subject of a bona fide dispute. Although there are several complex criteria, the two basic ones are: 1) if the debtor has fewer than 12 creditors, only one creditor need file the involuntary petition, whereas if the debtor has 12 or more creditors, at least three of the creditors must join in the petition; and 2) the claims of the petitioning creditor or creditors must total at least $14,425.[1]

4. Fed. Bankr. P. 1010 states:

> On the filing of an involuntary petition . . . the clerk shall forthwith issue a summons for service. When an involuntary petition is filed, service shall be made on the debtor . . . . The summons shall be served with a copy of the petition in the manner provided for service of a summons and complaint by Rule 7004(a) or (b).

---

[1]The amount is subject to adjustment in 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

> If service cannot be so made, the court may order that the summons and petition to be served by mailing copies to the party's last known address, and by at least one publication in a manner and form directed by the court. The summons and petition may be served on the party anywhere. Rule 7004(e) and Rule 4(l) [of the Federal Rules of Civil Procedure] apply when service is made or attempted under this rule.

5. Fed. R. Bankr. P. 7004(a) adopts portions of Fed. R. Civ. P. 4 and sets forth other provisions for the issuance and service of a summons. These rules are detailed and complex, and should be read in their entirety.

6. Rule 4(a) specifies the information that the plaintiff's attorney (or the plaintiff) must provide on the summons form. Rule 4(b), provides that the clerk shall issue the summons to the petitioning creditor or its attorney. It is then the responsibility of the petitioning creditor (i.e., the "plaintiff") or the attorney to serve the summons on the debtor. On a summons to a debtor in an involuntary case, the petitioning creditor's attorney (or petitioning creditor) must fulfill the responsibilities of the plaintiff's attorney (or the plaintiff) described in Rule 4.

7. A copy of the petition must be served with the summons. Rule 4(b).

8. It is a good idea to submit several copies of the summons to the court with the petition, so that each copy may be signed by the court: one for the court records, one for service on the debtor, one for each of petitioning creditor's records (or the creditor's attorney's records), and one to be returned to the court after the certificate of service has been completed.

9. The summons and petition may be served in a variety of ways which are set forth in Rules 1010, 7004, and 4. When the debtor is an individual, other than an infant or incompetent person, the easiest method is for the summons and petition to be mailed by first class mail postage prepaid to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Rule 7004(b)(1).

10. If service is made by personal service, by residence service, or pursuant to state law, the service must be made by someone who is not a party, and who is at least 18 years of age. Rule 7004(a).

11. The summons and petition must be served 7 days after the summons is issued. Service is complete upon mailing, not upon delivery by the Postal Service. If more than 7 days pass before service is completed, a new summons will be issued for service. Rule 7004(e) and Fed. R. Bankr. P. 9006(e).

12. If the summons and petition are not served within 120 days of the filing of the complaint, the court may dismiss the action. Rule 4(m).

13. On the back of the summons is a certificate of service of the summons. After service has been made, this certificate should be completed, and filed with the court.

14. Rule 1011 grants the debtor 21 days from the service of the summons to reply to the petition. Under the provisions of Section 303(h), if the debtor fails to timely reply to the involuntary petition, the court will enter an order for relief under the appropriate chapter of the Bankruptcy Code. See Form B 2530. If the debtor timely files an answer, the court will conduct a trial and will only enter the order for relief if the debtor is not generally paying its undisputed debts as they become due, or if within 120 days before the date of the filing of the petition, a custodian, other than a trustee, receiver, or agent 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. Fed. R. Bankr. P. 1018 sets forth the procedures to be followed in the event of a contested involuntary petition.

15. Section 303(i) authorizes the court to order creditors that file improper involuntary petitions to pay the costs and attorney's fees of the debtor. If the court finds that the involuntary petition was brought in bad faith, it can also order the petitioning creditors to pay for all damages proximately caused by the filing, and may assess punitive damages.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: “Eastern District of California.”

2. “In re”: Insert the name of the debtor as it appears in the bankruptcy petition including all names, including trade names, used by the debtor within the last eight years.

3. “Case No.”: Insert the bankruptcy case number assigned by the court at the time of filing.

4. “Chapter No.”: Insert the chapter of the Bankruptcy Code under which the case was filed.

Address of Clerk:

Be sure to indicate the proper address for the clerk's office.

Name and Address of Petitioner's Attorney:

The complete mailing address of the attorney for the petitioning creditor must be set forth in the space provided, including zip code. If the street address is different, that must also be stated, including room number. If the petitioning creditor is not represented by an attorney, the petitioning creditor's mailing and street address should be placed in the space.

Certificate of Service

1. Line 1 (name) is to be completed with the full name of the person who served the summons and petition.

2. Line 1 (date) is to be completed with the month, day and year service was perfected.

3. Describe the mode of service and the address at which the debtor was served in the space provided.

   If personal service was made, also include the name of the person to whom the summons and petition were given. If residence service was made, also include the name of the adult to whom the summons and petition were given. If service was made by publication, also describe the steps take to perfect service. If service was made pursuant to state law, also include the name of state under whose laws the summons and petition were served and a brief description of the method of service, including the name of the person served.

4. Date: Insert on this line the month, day and year the certificate is signed.

5. Signature: The person who completed service of the summons and petition must sign. This must be an ORIGINAL signature.

6. In the space directly the Signature line, print or type the name and business address of the person who signed the certificate.

General Information for the Clerk

Fed. R. Bankr. P. 1010 requires a summons to be issued every time an involuntary petition is filed. The procedure is the same as in an adversary proceeding except that the petitioning creditor stands in for the "plaintiff" and debtor for the "defendant".

Fed. R. Bankr. P. 7004 incorporates by reference Rule 4(b) of the Federal Rules of Civil Procedure, which in combination with Rule 1010, provide that the clerk is to issue the summons to the petitioning creditor or the petitioning creditor's attorney upon or after the filing of the petition. If requested, more than one copy can be issued. In the instructions to the public, it is

recommended that the petitioning creditor seek the issuance of several copies of the summons: one for the court to file with the original petition; one for service on the debtor; one for each petitioning creditor's records (or the creditor's attorney's records), and one to be returned to the court after the certificate of service has been completed. The attorney representing the petitioning creditor or creditors is responsible for serving the summons and involuntary petition, not the clerk.

There is no charge for the issuance of a summons, beyond the fee for commencing the involuntary proceeding.

The petitioning creditor should have filled in the attorney's address in the appropriate space on the form. As the debtor may choose to serve an answer by mail or in person, the space should contain both the street and mailing address of the attorney, if the addresses are different. If the petitioning creditor is not represented by an attorney, the address of each petitioning creditor should be supplied.

The clerk may wish to fill in the space marked "Address of Clerk" before providing the form to the petitioning creditors.

As is set out in detail in the instructions to the public, there are a series of deadlines for actions to be taken in the involuntary proceeding. The most important of these are:

1. If the summons is not served within 7 days, a new summons must be issued. Rule 7004(e).

2. If no summons is served within 120 days, the court is authorized by Rule 4(m) to dismiss the proceeding on its own motion, after notice to the plaintiff.

3. If the defendant does not answer or make a motion pursuant to Fed. R. Bankr. P. 1011 within 21 days, or such time as court may fix, section 303(h) provides that the court shall enter an order for relief.

4. If the debtor timely files an answer or a motion pursuant to Rule 1011, section 303(h) requires that a trial be held to determine whether an order for relief is warranted. Bankruptcy Rule 1013 provides that "the court shall determine the issues of a contested petition at the earliest practicable time and forthwith enter an order for relief, dismiss the petition, or enter any other appropriate order."

United States Bankruptcy Court
_____District Of _____

In re _____,	)	Case No. _____
Debtor*	)	
	)	Chapter _____
	)	

SUMMONS TO DEBTOR IN INVOLUNTARY CASE

To the above named debtor:

A petition under title 11, United States Code was filed against you in this bankruptcy court on _____ (date), requesting an order for relief under chapter _____ of the Bankruptcy Code (title 11 of the United States Code).

YOU ARE SUMMONED and required to file with the clerk of the bankruptcy court a motion or answer to the petition within 21 days after the service of this summons. A copy of the petition is attached.

Address of the clerk:

At the same time, you must also serve a copy of your motion or answer on petitioner's attorney.

Name and Address of Petitioner's Attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 1011(c).

If you fail to respond to this summons, the order for relief will be entered.

_____ (Clerk of the Bankruptcy Court)

Date: _____ By: _____(Deputy Clerk)

* Set forth all names, including trade names, used by the debtor within the last 8 years. (Fed. R .Bankr. P. 1005).

CERTIFICATE OF SERVICE

I, _____(name), certify that on _____ (date), I served this summons and a copy of the involuntary petition on _____ (name), the debtor in this case, by *[describe the mode of service and the address at which the debtor was served]*:

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

B2500F (Form 2500F) (12/15)

United States Bankruptcy Court
_____District Of _____

In re _____, Case No. _____
Debtor Chapter 15

SUMMONS IN A CHAPTER 15 CASE SEEKING RECOGNITION OF A FOREIGN NONMAIN PROCEEDING

To _____:

A petition for recognition of a foreign nonmain proceeding under chapter 15 of the United States Bankruptcy Code was filed in this bankruptcy court on _____by a representative of the debtor named above. A copy of the petition is attached to this summons.

YOU ARE SUMMONED and required to file a motion or answer to the petition for recognition with the clerk of the bankruptcy court within __ days after the date of issuance of this summons.

Address of the clerk:

At the same time, you must also serve a copy of the motion or answer upon the foreign representative's attorney.

Name and address of foreign representative's attorney:

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF AN ORDER RECOGNIZING THE FOREIGN NONMAIN PROCEEDING.

_____ (Clerk)

Date: _____ By: _____ (Deputy Clerk)

Pursuant to Fed. R. Bankr. P. 1010, service shall be made on the debtor, any entity against whom provisional relief is sought under section 1519 of the Bankruptcy Code, and on any other parties as the court may direct.

Fed. R. Bankr. P. 1011(b) provides that a motion or answer to the petition shall be filed within 21 days after service of the summons unless the court prescribes a different time.

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and a copy of the petition for recognition was made on _____(date) by:

- ❑ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ❑ Personal Service: By leaving the summons and petition with the party in interest to the petition or with an officer or agent of the party in interest at:

- ❑ Residence Service: By leaving the summons and petition with the following adult at:

- ❑ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the depository institution at:

- ❑ State Law: The summons and petition were served pursuant to the laws of the State of _____, as follows: [Describe briefly]

- ❑ Service in a Foreign Country: The summons and petition were served in a foreign country on an individual as provided by Fed. R. Civ. Proc 4(f), as incorporated by Fed. R. Bankr. P. 7004(a), or on a corporation as provided by Fed. R. Civ. P. 4(h), also incorporated by Fed. R. Bankr. P. 7004(a), as follows: [Describe briefly]

If service was made by personal service, by residence service, pursuant to state law, or in a foreign country, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury under the laws of the United States, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

_____

If service is made in a foreign country pursuant to Fed. R. Civ. P. 4(f)(2),(3), attach a receipt signed by the addressee or other evidence that the summons and petition were delivered to the addressee. Fed. R. Civ. P. 4(l)(2), as incorporated by Fed. R. Bankr. P. 7004(a).

B2530 (Form 2530 12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____
Debtor*

Address: _____ Chapter _____

Last four digits of Social-Security or Individual Taxpayer-
Identification (ITIN) No(s).,(if any): _____
Employer Tax-Identification (EIN) No(s).(if any): _____

ORDER FOR RELIEF IN
AN INVOLUNTARY CASE

On consideration of the petition filed on _____ against
(date)
the above-named debtor, an order for relief under chapter ____ of the Bankruptcy Code (title 11 of the United States Code) is granted.

_____ _____
Date Bankruptcy Judge

*Set forth all names, including trade names, used by the debtor within the last 8 years. (Fed. R. Bankr. P. 1005).

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____ Case No. _____

Debtor

Chapter _____

SUBPOENA FOR RULE 2004 EXAMINATION

To: _____

(Name of person to whom the subpoena is directed)

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: _____

☐ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____

Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $_____ for services, for a total of $_____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

…

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____
Debtor

Case No. _____

(Complete if issued in an adversary proceeding)

Chapter _____

_____
Plaintiff
v.
_____
Defendant

Adv. Proc. No. _____

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: _____
(Name of person to whom the subpoena is directed)

☐ **YOU ARE COMMANDED** to appear in the United States Bankruptcy Court at the time, date, and place set forth below to testify at a hearing or trial in this bankruptcy case (or adversary proceeding). When you arrive, you must remain at the court until the judge or a court official allows you to leave.

PLACE	COURTROOM
	DATE AND TIME

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $_____ for services, for a total of $_____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

…

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____
Debtor

Case No. _____

(Complete if issued in an adversary proceeding)

Chapter _____

_____
Plaintiff
v.
_____
Defendant

Adv. Proc. No. _____

SUBPOENA TO TESTIFY AT A DEPOSITION IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: _____
(Name of person to whom the subpoena is directed)

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this bankruptcy case (or adversary proceeding). If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

PLACE	DATE AND TIME

The deposition will be recorded by this method:

☐ *Production*: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $_____ for services, for a total of $_____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:
(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.
(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.
(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.
(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
…
(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____
Debtor

Case No. _____

(Complete if issued in an adversary proceeding)

Chapter _____

_____
Plaintiff
v.

Adv. Proc. No. _____

_____
Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: _____
(Name of person to whom the subpoena is directed)

☐ *Production*: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

PLACE	DATE AND TIME

☐ *Inspection of Premises*: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____
_____ on (*date*) _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $_____ for services, for a total of $_____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

…

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

United States Bankruptcy Court

_____District Of _____

In re _____,	)	
Debtor	)	Case No. _____
	)	
	)	Chapter _____
_____,	)	
Plaintiff	)	
	)	
v.	)	
_____,	)	Adv. Proc. No. _____
Defendant	)	

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:

Therefore, default is entered against the defendant as authorized by Federal Rule of Bankruptcy Procedure 7055.

_____
Clerk of the Bankruptcy Court

_____
Date

By:_____
Deputy Clerk

United States Bankruptcy Court

_____ District Of _____

In re _____,	)	
Debtor	)	Case No. _____
	)	
	)	Chapter _____
_____,	)	
Plaintiff	)	
	)	
v.	)	
_____,	)	Adv. Proc. No. _____
Defendant	)	

JUDGMENT BY DEFAULT

Default was entered against defendant _____
(name)
on _____. The plaintiff has requested entry of judgment by default and has filed an
(date)
affidavit of the amount due and stating that this defendant is not in the military service.

Furthermore, it appears from the record that this defendant is not an infant or incompetent person.

Therefore, pursuant to Fed. R. Civ. P. 55(b)(1), as incorporated by Fed. R. Bankr. P. 7055, judgment is entered against this defendant in favor of the plaintiff as follows:

_____ _____
(Date) (Clerk of the Bankruptcy Court)

United States Bankruptcy Court

_____ District Of _____

In re _____,	)
Debtor	) Case No. _____
	)
	) Chapter _____
_____,	)
Plaintiff	)
	)
v.	)
_____,	) Adv. Proc. No. _____
Defendant	)

JUDGMENT BY DEFAULT

Default was entered against defendant _____
(name)
on _____. Therefore, on motion of the plaintiff, judgment is entered against that
(date)
defendant in favor of the plaintiff as follows.

IT IS ORDERED THAT:

_____ _____
Date Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

for the

_____District of _____

In re _____	)	Case No. _____
Debtor	)	
	)	Chapter _____
_____	)	
Plaintiff	)	Adv. Proc. No. _____
v.	)	
_____	)	
Defendant	)	

JUDGMENT IN AN ADVERSARY PROCEEDING

The court has ordered that *(check one):*

❑ The plaintiff *(name)* _____, recover from the defendant *(name)* _____, the amount of _____dollars ($ _____), which includes prejudgment interest at the rate of _____ %, and postjudgment interest at the rate of _____ %, along with costs.

❑ The plaintiff *(name)* _____, recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____, recover costs from the plaintiff.

Date: _____

CLERK OF COURT

_____

Signature of Clerk or Deputy Clerk

B2620 (Form 2620) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____,	)	
Debtor	)	Case No. _____
	)	
	)	Chapter _____
_____,	)	
Plaintiff	)	
	)	
v.	)	
_____,	)	Adv. Proc. No. _____
Defendant	)	

NOTICE OF ENTRY OF JUDGMENT

On _____, the following order (judgment) was entered on the docket:
(date)

I certify that on this date a copy of this notice was mailed to the following:

_____
Clerk of the Bankruptcy Court

_____
Date

By: _____
Deputy Clerk

Declaration: The declaration serves as both an affirmation that the costs sought were actually incurred, were necessary, and have been calculated in good faith, and as an affidavit of service of the bill of costs on the judgment debtor.

Service: A copy of the proposed bill of costs must be served on the judgment debtor within one business day of the submission of the bill to the clerk, unless otherwise provided by local rule.

Objections: Either party may move for court review of the bill, on seven days notice. Rule 7054(b).

General Information for the Clerk

Prior to issuing the bill of costs, the clerk should ensure that:

1. A judgment was entered in the adversary proceeding.

2. The judgment specifically states that costs are awarded to the party seeking the bill of costs. NOTE: This is different from federal civil practice where Fed. R. Civ. P. 54 automatically permits costs. Fed. R. Bankr. P. 7054 specifically declines to follow this part of Rule 54.

3. The attorney's declaration has been executed, and that the name and address of the judgment debtor have been filled in. This declaration is both an affirmation that the costs sought in the bill are correctly calculated, and that the judgment debtor has been served with a copy of the proposed bill.

Rule 7054(b) permits either party to move for review of the clerk's action in fixing the costs, or in refusing to fix costs. The clerk will almost certainly be called upon to testify at such a hearing. Thus, the clerk should keep specific notes of the basis for any decision to amend or deny the bill of costs.

Some courts have adopted a local rule fixing the length of time for notice of the submission of the bill of costs. Several courts have also adopted a local rule limiting the time in which costs may be sought after the judgment is entered. In addition, some courts have adopted a local rule establishing specific procedures for the filing of the bill of costs and of objections to such bill prior to the clerk taxing costs. Clerks may wish to consider whether such rules should be adopted in their districts.

BILL OF COSTS

Applicable Law and Rules

1. Fed. R. Bankr. P. 7054(b) authorizes the court to allow costs to the prevailing party in an adversary proceeding. The text of this rule and of other relevant provisions of the law and rules is printed on the second page of the form.

2. The prevailing party must submit the bill of costs to the clerk on notice to the other parties to the adversary proceeding.

3. The length of time required for notice is often fixed by local rule. Some local rules also limit the time in which costs may be sought. In addition, the local rules may include specific filing procedures. A copy of the local rules may be obtained from the clerk of court.

4. The clerk will not tax costs unless the judgment signed by the court specifically awards costs to the prevailing party. Rule 7054(b). The Bankruptcy Rule is different from Fed. R. Civ. P. 54(d), where costs are allowed unless the court orders otherwise.

5. It is not necessary to have the bill of costs issued simultaneously with the entry of the judgment. Fed. R. Civ. P. 58, which is incorporated by reference by Fed. R. Bankr. P. 7058.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."

2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition. Then insert the names of the plaintiff(s) and defendant(s) as they appear on the original complaint.

3. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

4. "Adv. Proc. No.": Insert the number assigned to the adversary case by the court at the time of the filing of the complaint.

Fees: The fees necessarily incurred during the proceeding should be itemized in the space provided. The list is intended as a guide. It is not expected that every cost will be on the list. Therefore, several lines have been provided at the bottom of the list for additional costs to be itemized.

Declaration: The declaration serves as both an affirmation that the costs sought were actually incurred, were necessary, and have been calculated in good faith, and as an affidavit of service of the bill of costs on the judgment debtor.

Service: A copy of the proposed bill of costs must be served on the judgment debtor within one business day of the submission of the bill to the clerk, unless otherwise provided by local rule.

Objections: Either party may move for court review of the bill, on seven days notice. Rule 7054(b).

General Information for the Clerk

Prior to issuing the bill of costs, the clerk should ensure that:

1. A judgment was entered in the adversary proceeding.

2. The judgment specifically states that costs are awarded to the party seeking the bill of costs. NOTE: This is different from federal civil practice where Fed. R. Civ. P. 54 automatically permits costs. Fed. R. Bankr. P. 7054 specifically declines to follow this part of Rule 54.

3. The attorney's declaration has been executed, and that the name and address of the judgment debtor have been filled in. This declaration is both an affirmation that the costs sought in the bill are correctly calculated, and that the judgment debtor has been served with a copy of the proposed bill.

Rule 7054(b) permits either party to move for review of the clerk's action in fixing the costs, or in refusing to fix costs. The clerk will almost certainly be called upon to testify at such a hearing. Thus, the clerk should keep specific notes of the basis for any decision to amend or deny the bill of costs.

Some courts have adopted a local rule fixing the length of time for notice of the submission of the bill of costs. Several courts have also adopted a local rule limiting the time in which costs may be sought after the judgment is entered. In addition, some courts have adopted a local rule establishing specific procedures for the filing of the bill of costs and of objections to such bill prior to the clerk taxing costs. Clerks may wish to consider whether such rules should be adopted in their districts.

United States Bankruptcy Court

_____ District Of _____

In re _____, Debtor

_____, Plaintiff

v. _____, Defendant

Case No. _____

Chapter ____

Adv. Proc. No. _____

BILL OF COSTS

Judgment was entered in the above entitled action on _____ (date) against _____ .

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk	$ _____
Fees for service of summons and complaint	$ _____
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case	$ _____
Fees and disbursements for printing	$ _____
Fees for witnesses (*Itemized on reverse*)	$ _____
Fees for exemplifications and copies of papers necessarily obtained for use in this case	$ _____
Docket fees under 28 U.S.C. § 1923	$ _____
Costs incident to taking of depositions	$ _____
Costs as shown on Mandate of appellate court	$ _____
Other costs [*Itemized on reverse*]	$ _____
TOTAL	$ _____

DECLARATION

I, attorney for _____ (name of party) declare under penalties of perjury that the foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name of Judgment Debtor _____

Address _____

_____

_____

_____

Date _____ Signature of Attorney _____

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: $ _____

Clerk of the Bankruptcy Court _____

Date _____ By Deputy Clerk: _____

Witness Fees (computation, cf. 28 U.S.C. § 1821 for statutory fees)

Name and Residence	Attendance		Subsistence				Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
_____	____	$ _____	____	$ _____	_____	$ _____	$ _____
						TOTAL	$ _____

NOTICE

Section 1924, Title 28, U.S. Code provides:

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

Section 1920 of Title 28 reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Bankruptcy Procedure contain the following provisions:

Rule 7054(b)(1)

"(1) Costs *Other Than Attorney's Fees*. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on 14 days' notice; on motion served within seven days thereafter, the action of the clerk may be reviewed by the court."

Rule 9006(f)

"ADDITIONAL TIME AFTER SERVICE BY MAIL OR UNDER RULE 5(b)(2)(D), (E), OR (F) F.R.Civ.P. When there is a right or requirement to act or undertake some proceedings within a prescribed period after service and that service is by mail or under Rule 5(b)(2)(D), (E), or (F) F.R.Civ.P., three days are added after the prescribed period would otherwise expire under Rule 9006(a)."

Rule 7058

This rule incorporates Rule 58 F.R.Civ.P. Rule 58(e) provides, in part, "Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees."

B2640 (Form 2640) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____ ,	)	
Debtor	)	Case No. _____
	)	
	)	Chapter _____
_____,	)	
Plaintiff	)	
	)	
v.	)	
_____,	)	Adv. Proc. No. _____
Defendant	)	

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor

Amount of Judgment:
$_____

Other Costs:
$_____

vs.

Name and Address of Judgment Debtor

Date of Entry of Judgment:

_____

TO THE UNITED STATES MARSHAL FOR THE _____DISTRICT OF _____:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

_____ _____

Date Clerk of the Bankruptcy Court

B2650 (Form 2650) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re _____,	)	
Debtor	)	Case No. _____
	)	
	)	Chapter _____
_____,	)	
Plaintiff	)	
	)	
v.	)	
_____,	)	Adv. Proc. No. _____
Defendant	)	

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

I, clerk of the United States Bankruptcy Court, do certify that the attached judgment is a true and correct copy of the original judgment entered in this proceeding on _____ as it appears in the records of this court, and that:
(date)

☐ No notice of appeal from this judgment has been filed, and no motion of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, has been filed.

☐ No notice of appeal from this judgment has been filed, and any motions of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, have been disposed of, the latest order disposing of such a motion having been entered on _____.
(date)

☐ An appeal was taken from this judgment, and the judgment was affirmed by mandate of the _____ issued on _____.
(name of court) (date)

☐ An appeal was taken from this judgment, and the appeal was dismissed by order entered on _____.
(date)

_____
Clerk of the Bankruptcy Court

_____ By: _____
Date Deputy Clerk

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____
Debtor*
Address: _____ Chapter _____

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any): _____
Employer Tax-Identification (EIN) No(s).(if any): _____

NOTICE OF FILING OF FINAL REPORT OF TRUSTEE, OF HEARING ON APPLICATIONS FOR COMPENSATION [AND OF HEARING ON ABANDONMENT OF PROPERTY BY THE TRUSTEE]

TO THE CREDITORS:

1. NOTICE IS GIVEN that the final report of the trustee in this case has been filed and a hearing will be held by the court at the following place and time.

Address	Room
	Date and Time

2. The hearing will be held for the purpose of examining the final report of the trustee, acting on applications for compensation, and transacting such other business as may properly come before the court. ATTENDANCE BY THE DEBTOR AND THE CREDITORS IS WELCOMED BUT IS NOT REQUIRED.

3. The following applications for compensation have been filed:

Applicants	Commissions or Fees	Expenses
_____ Trustee	$_____	$_____
_____ Attorney for Trustee	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____
_____	$_____	$_____

* Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.

4. The trustee's account shows total receipt of $_____
and total disbursements of $_____
for a balance on hand of $_____

5. In addition to the commissions and fees that may be allowed by the court, liens and priority claims which must be paid in advance of general creditors have been allowed in the total amounts of

$_____

General unsecured claims have been allowed in the amount of

$_____

6. ☐ The debtor has been discharged.
☐ The debtor has not been discharged.

7. ☐ The trustee's application to abandon the following property will be heard and acted upon.

_____
Clerk of the Bankruptcy Court

By:
_____
Deputy Clerk

Date: _____

B2170 (Form 2170) (12/15)

United States Bankruptcy Court

_____ District Of _____

In re
_____ Case No. _____

Debtor

Last four digits of Social-Security or Individual Taxpayer-Identification (ITIN) No(s).,(if any):
Employer Tax-Identification (EIN) No(s).(if any):

Chapter _____

FINAL DECREE

The estate of the above named debtor has been fully administered.

☐ The deposit required by the plan has been distributed.

IT IS ORDERED THAT:

☐ _____
(name of trustee)
is discharged as trustee of the estate of the above-named debtor and the bond is cancelled.

☐ the chapter _____case of the above named debtor is closed; and

☐ [other provisions as needed]

_____ _____
Date Bankruptcy Judge

*Set forth all names, including trade names, used by the debtor within the last 8 years. (Fed. R. Bankr. P. 1005). For joint debtors set forth both social security numbers.

United States Bankruptcy Court

_____ District Of _____

In re _____ Case No. _____

Debtor

Chapter _____

DISCLOSURE OF COMPENSATION OF BANKRUPTCY PETITION PREPARER

[Must be filed with the petition if a bankruptcy petition preparer prepares the petition. 11 U.S.C. § 110(h)(2).]

1. Under 11 U.S.C. § 110(h), I declare under penalty of perjury that I am not an attorney or employee of an attorney, that I prepared or caused to be prepared one or more documents for filing by the above-named debtor(s) in connection with this bankruptcy case, and that compensation paid to me within one year before the filing of the bankruptcy petition, or agreed to be paid to me, for services rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For document preparation services I have agreed to accept..... $_____

Prior to the filing of this statement I have received..... $_____

Balance Due..... $_____

2. I have prepared or caused to be prepared the following documents (itemize):

and provided the following services (itemize):

3. The source of the compensation paid to me was:
   Debtor Other (specify)

4. The source of compensation to be paid to me is:
   Debtor Other (specify)

5. The foregoing is a complete statement of any agreement or arrangement for payment to me for preparation of the petition filed by the debtor(s) in this bankruptcy case.

6. To my knowledge no other person has prepared for compensation a document for filing in connection with this bankruptcy case except as listed below:

NAME SOCIAL SECURITY NUMBER

_____ _ _____ _____

Signature Social Security number of bankruptcy petition preparer* Date

_____ _____

Printed name and title, if any, of Bankruptcy Petition Preparer Address

* If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer. (Required by 11 U.S.C. § 110).

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

United States Bankruptcy Court

_____District Of _____

In re _____, Case No. _____
Debtor(s)

APPEARANCE OF CHILD SUPPORT CREDITOR* OR REPRESENTATIVE

I certify under penalty of perjury that I am a child support creditor* of the above-named debtor, or the authorized representative of such child support creditor, with respect to the child support obligation which is set out below.

Name:
Organization:
Address:

Telephone Number:

_____ X_____
Date Child Support Creditor* or Authorized Representative

Summary of Child Support Obligation

Amount in arrears:

$ _____

Amount currently due per week or per month: on a continuing basis:

$ _____
(per week) (per month)

If Child Support has been assigned:

Amount of Support which is owed under assignments:

$ _____

Amount owed primary child support creditor (balance not assigned):

$ _____

Attach an itemized statement of account. Do not disclose the name of a minor child. See 11 U.S.C. § 112. If a social security number or a taxpayer identification number is included, set out only the last four digits of the number. Judicial Conference Privacy Policy (09/01).

* Child support creditor includes both creditor to whom the debtor has a primary obligation to pay child support as well as any entity to whom such support has been assigned, if pursuant to Section 402(a)(26) of the Social Security Act or if such debt has been assigned to the Federal Government or to any State or political subdivision of a State.

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Form B2830 may be used by debtors to certify that they have complied with two of the requirements set out in 11 U.S.C. § 1328(a), for a discharge in chapter 13. The certifications must be made after the debtor has completed the plan payments.

Before completing this optional form, the debtor should determine whether the court has adopted a local form for making these certifications. If the court has adopted a local form, the debtor should use that form instead of Form B2830. Information on the court's local rules and forms is available on the court's website. Links to local court websites are posted at http://www.uscourts.gov/courtlinks/.

Applicable Law and Rules

Section 1328(a) of the Bankruptcy Code requires that any debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, as defined by section 101(14A) of the Code, certify that all amounts payable under the order or statute that are due on or before the date of the certification have been paid. This certification requirement includes amounts due before the petition was filed, but only to the extent provided for by the plan. The debtor cannot receive a discharge until the certification has been filed.

Section 1302(d)(1)(C) requires the trustee to inform holders of domestic support obligation claims and State child support enforcement agencies of the granting of the debtor's discharge and, among other things, of the debtor's last recent known address and the last recent known name and address of the debtor's employer. Part II is included in Form B283 to provide these addresses to the trustee for the notification.

Section 1328(h) of the Code provides that the court may not grant a discharge in a chapter 13 case unless the court, after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, finds that there is no reasonable cause to believe that --

- section 522(q)(1) may be applicable to the debtor (or either of the joint debtors); and

- there is pending a proceeding in which the debtor (or either of the joint debtors) may be found guilty of a felony of the kind described in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

In order for § 522(q)(1) to be applicable, the debtor must have claimed an exemption in a homestead, residence, or burial plot pursuant to § 522(b)(3) and state or local law above a certain amount. The debtor's certification in Part III will enable the court to determine whether §1328(h) has any possible application to the case.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed. Example: "Eastern District of California."

2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition.

3. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

The instructions to the rest of the form are self-evident.

General Information for the Clerk

In a joint case, each debtor must file a § 1328(a) certification and a § 1328(h) certification, as described above. The certifications must be made after the plan payments have been completed.

UNITED STATES BANKRUPTCY COURT

_____District Of _____

In re _____ Case No. _____
Debtor

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

❑ I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.

❑ I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address:_____

_____

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

❑ I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds $155,675* in value in the aggregate.

❑ I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds $155,675* in value in the aggregate.

* Amounts are subject to adjustment on 4/01/16, and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on _____ _____

Date Debtor

Form 3130S (12/15)

[Caption as in Official Form 416A]

Order and Notice Conditionally Approving Disclosure Statement; Fixing Time for Filing Acceptances or Rejections of Plan; Fixing Time for Filing Objections to Disclosure Statement and Objections to Confirmation of Plan; and Fixing Time for Hearing on Final Approval of Disclosure Statement and Hearing on Confirmation of Plan

A disclosure statement under chapter 11 of the Bankruptcy Code having been filed by _____, on _____ with respect to a plan under chapter 11 of the Code filed by _____, on _____; and the debtor being, and having elected to be considered, a small business:

IT IS ORDERED, and notice is hereby given, that:

A. The disclosure statement filed by _____ is conditionally approved.

B. _____ is fixed as the last day for filing written acceptances or rejections of the plan referred to above.

C. Within _____ days after the entry of this order, the plan, the disclosure statement 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.

D. _____ is fixed for the hearing on final approval of the disclosure statement (if a written objection has been timely filed) and for the hearing on confirmation of the plan.

E. _____ is fixed as the last day for filing and serving written objections to the disclosure statement and confirmation of the plan.

By the court:

_____
MM / DD / YYYY

_____
United States Bankruptcy Judge

Form 3150S (12/15)

[Caption as in 416A]

Order Approving Disclosure Statement and Confirming Plan

The plan under chapter 11 of the Bankruptcy Code filed by _____, on _____ having been transmitted to creditors and equity security holders together with a copy of the disclosure statement conditionally approved by court on _____; and

It having been determined after notice and a hearing that the requirements for final approval of the disclosure statement have been satisfied, and it having been determined after a hearing on notice that the requirements for confirmation of the plan under 11 U.S.C. § 1129 have been satisfied;

IT IS ORDERED that:

The disclosure statement filed by _____ on _____ is finally approved, and The plan filed by _____, on _____, [If appropriate, include dates and any other pertinent details of modifications to the plan] is confirmed.

A copy of the confirmed plan is attached.

_____
MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

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

IT IS ORDERED: A discharge under 11 U.S.C. § 1228(a) 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 12 Case

This order does not close or dismiss the case.

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. 11 U.S.C. § 524(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 provided for by the chapter 12 plan.

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.

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;

For more information, see page 2 ►

- 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;
- debts provided for under 11 U.S.C. § 1222(b)(5) or (b)(9) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

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 a chapter 12 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.

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

IT IS ORDERED: A discharge under 11 U.S.C. § 1228(b) 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 Before Completion of a Chapter 12 Plan

The court has determined that the debtors are entitled to a discharge pursuant to 11 U.S.C. § 1228(b) without completing all of the requirements under the chapter 12 plan. A discharge pursuant to § 1228(b) is referred to as a "hardship discharge."

This order does not close or dismiss the case.

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. 11 U.S.C. § 524(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 provided for by the chapter 12 plan.

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.

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;

For more information, see page 2 ►

- 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;
- debts provided for under 11 U.S.C. § 1222(b)(5) or (b)(9) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

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 a chapter 12 hardship 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.

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

IT IS ORDERED: A discharge under 11 U.S.C. § 1141(d)(5) 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 an Individual Chapter 11 Case

This order does not close or dismiss the case.

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. 11 U.S.C. § 524(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 provided for by the chapter 11 plan.

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.

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;

For more information, see page 2 ►

- 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.

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 an individual chapter 11 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.

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

IT IS ORDERED: A discharge under 11 U.S.C. § 1328(a) 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 13 Case

This order does not close or dismiss the case.

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. 11 U.S.C. § 524(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 provided for by the chapter 13 plan.

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.

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 certain types of taxes specified in 11 U.S.C. §§ 507(a)(8)(C), 523(a)(1)(B), or 523(a)(1)(C) to the extent not paid in full under the plan;

For more information, see page 2 ►

- 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 provided for under 11 U.S.C. § 1322(b)(5) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due;
- debts for certain consumer purchases made after the bankruptcy case was filed if obtaining the trustee's prior approval of incurring the debt was practicable but was not obtained;
- debts for restitution, or damages, awarded in a civil action against the debtor as a result of malicious or willful injury by the debtor that caused personal injury to an individual or the death of an individual; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

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 a chapter 13 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.

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

IT IS ORDERED: A discharge under 11 U.S.C. § 1328(b) 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 Before Completion of a Chapter 13 Plan

The court has determined that the debtors are entitled to a discharge pursuant to 11 U.S.C. § 1328(b) without completing all of the requirements under the chapter 13 plan. A discharge pursuant to § 1328(b) is referred to as a "hardship discharge."

This order does not close or dismiss the case.

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. 11 U.S.C. § 524(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 provided for by the chapter 13 plan.

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.

Some debts are not discharged

Examples of debts that are not discharged are:

- debts that are domestic support obligations;
- debts for most student loans;

For more information, see page 2 ►

- 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;
- debts provided for under 11 U.S.C. § 1322(b)(5) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due;
- debts for certain consumer purchases made after the bankruptcy case was filed if obtaining the trustee's prior approval of incurring the debt was practicable but was not obtained; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

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 a chapter 13 hardship 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.