

APPENDICES

APPENDIX A

Comments on the Plan Form.....	2
General Comments.....	2
Part 1: Notice to Interested Parties.....	19
Part 2: Plan Payments and Length of Plan.....	22
Section 2.1 (payments to the trustee).....	22
Section 2.2 (manner of payments to the trustee from future earnings).....	24
Section 2.3 (federal income tax refunds).....	25
Section 2.4 (additional payments).....	27
Section 2.5 (total amount of estimated payments).....	28
Part 3: Treatment of Secured Claims.....	29
Part 3 (general).....	29
Section 3.1 (maintenance and cure).....	29
Section 3.2 (request for valuation of security and claim modification).....	32
Section 3.3 (secured claims excluded from 11 U.S.C. § 506).....	35
Section 3.4 (lien avoidance).....	37
Section 3.5 (surrender of collateral).....	39
Part 4: Treatment of Trustee’s Fees and Administrative and Other Priority Claims.....	40
Part 4 (general).....	40
Section 4.1 (general).....	41
Section 4.2 (trustee’s fees).....	42
Section 4.3 (attorney’s fees).....	43
Section 4.4 (other priority claims).....	44
Section 4.5 (domestic support obligations assigned to a governmental unit).....	45
Part 5: Treatment of Nonpriority Unsecured Claims.....	46
Section 5.1 (general).....	46
Section 5.2 (nonpriority unsecured claims not separately classified).....	46
Section 5.3 (interest).....	47
Section 5.4 (maintenance and cure).....	48
Section 5.5 (other separately classified nonpriority unsecured claims).....	49
Part 6: Executory Contracts and Unexpired Leases.....	49

Part 7: Order of Distribution of Trustee Payments	50
Part 8: Vesting of Property of the Estate	53
Part 9: Nonstandard Plan Provisions.....	54
Part 10: Signatures	55
Plan Exhibit (Estimated Amount of Trustee Payments).....	56
Comments on the Amended Rules.....	57
General.....	57
Rule 2002.....	59
Rule 3002.....	59
Rule 3007.....	62
Rule 3012.....	64
Rules 3015 and 4003.....	65
Rule 5009.....	68
Rule 7001.....	69
Rule 9009.....	69

Comments on the Plan Form

General Comments

Comment BK-2014-0001-0008—Judge Robert Grant (Bankr. N.D. Ind.): As indicated in my comments last year, the bankruptcy judges of the N.D. Indiana do not believe the Code allows us to mandate a form (whether national or local) for chapter 13 cases. One chapter 13 trustee has encouraged some debtors’ attorneys in the district to use a revised version of the proposed national plan form, but we do not require it.

Comment BK-2014-0001-0009—Judge Keith Lundin (Bankr. MD. Tenn.): I support the Official Form for chapter 13 plans and the accompanying rules. We currently have many different local forms that do approximately the same thing. The substance of chapter 13 does not require these differences.

“Local culture” is a poor model for chapter 13 practice. It leads to “hide the ball” tactics by debtor’s counsel. Clarity in the treatment of creditors in the plan is prerequisite to creditor cooperation.

There will be a transition period if a national form is adopted. But that period will be short. After an initial transition period, there will be less litigation in chapter 13 cases. The litigation that does result will not be tied to any particular local form and will be “scalable” across the country. We have needed this for decades.

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): I oppose the national plan form. It will delay payments to all secured creditors and will delay confirmation of chapter 13 cases. It will cause more unnecessary objections to confirmation.

The check box for an amended plan does not allow designation as a first amended plan, second amended plan, etc.

The plan form does not designate whether debtor is above median income or below median income. This leaves creditors and parties in interest without sufficient information as to how projected disposable income will be determined.

The plan form has no provisions for pre-confirmation adequate protection payments, no provisions for paying the Bankruptcy Court filing fee through plan administration, and no provisions for pre-confirmation ongoing mortgage payments.

Comment BK-2014-0001-0012—Judge Jeff Bohm (Bankr. S.D. Tex.), on behalf of the judges of the United States Bankruptcy Court for the Southern District of Texas: We oppose adoption of a mandatory national plan form for three reasons: (1) the form is untested and will lead to unnecessary litigation and unwanted results; (2) when tested against real-world case files, the form is unwieldy and expensive to use; and when combined with the proposed changes to Rule 9009, the form will force interpretations of the Code that differ from the law of this court and our circuit.

The inclusion of a non-standard provisions section in Part 9 does not solve these problems. There is simply no way to incorporate our case law into the plan form without the imposition of a mandatory change in Part 9.

Comment BK-2014-0001-0015—K. Michael Fitzgerald (Chapter 13 Trustee, W.D. Wash.): I oppose the adoption of a mandatory national plan form. Uniformity is not necessary, because differences in local chapter 13 forms are not a problem.

The plan form asks for the debtor's estimates, which are not helpful to the trustee.

The form does not make clear that the debtor must serve a plan with lien strip or cram down provisions in compliance with Bankruptcy Rule 7004. Who will be responsible for determining that the plan has been correctly served?

The form does not indicate whether the debtor is below or above median, nor does it make clear the Bankruptcy Code's requirement that the debtor must pay allowed nonpriority unsecured claims the projected disposable income that results from a correctly completed means test form.

How will a solo practitioner or small firm be able to compete with larger national firms that will certainly use a mandatory national form as a method to expand their client base?

Comment BK-2014-0001-0016—Judge Marvin Isgur (Bankr. S.D. Tex.) et al., on behalf of the Committee of Concerned Bankruptcy Judges: (This comment was submitted as a letter signed by 144 bankruptcy judges.)

There will be no significant benefits and very significant harms from the use of a national mandatory plan form.

The proposed plan form does not have adequate means to implement conduit mortgage or car payments. It does not deal with the administration of monthly payment changes, the imposition of late charges, the timing of distributions when there are payment shortages, automatic adjustments of payments to the chapter 13 trustee, or myriad other factors.

The inclusion of Part 9 does not resolve the problem. The imposition of mandatory nonstandard provisions by local rule or general order would arguably violate proposed Rules 3015 and 9009. And if nonstandard provisions can be mandated locally, the use of those nonstandard provisions will quickly eviscerate the only real benefit of the proposed national plan form.

The form lacks a standard order of distribution. The form allows (i) the trustee to implement an undisclosed distribution scheme, or (ii) the debtor to set the distribution priority. Either option weakens the claim that a national form will better enable creditors to evaluate a plan.

The form will lead to national consumer bankruptcy practices. It will encourage regional and national debtor firms to solicit clients in distant jurisdictions, with client meetings conducted electronically. This will result in court appearances that are sub-contracted to local counsel with limited client contact or time for preparation.

A national form will not be adaptable. Changes to national forms can take upwards of two years to implement. As case law develops, or statutory changes occur, local forms can meet the exigencies of the law.

Comment BK-2014-0001-0017—George Stevenson (Chapter 13 Trustee, W.D. Tenn.), on behalf of the three trustees in the W.D. Tenn.: I oppose the national plan form. It will add costs to the chapter 13 process. We have a simple one page plan that has served us well for many years. Debtors do not need to pay the additional administrative costs for complicated plans. Debtors would struggle to understand the language and meaning of the unnecessary provisions. This would hamper self-representation.

Comment BK-2014-0001-0019—Marilyn O. Marshall (Chapter 13 Trustee, N.D. Ill., Eastern Division): I support the national plan form. Official Form 113 does not change substantive law. It is no different than using the official forms for the petition, schedules, and other related documents.

To respond to concerns about Part 9, I note that in our district, we have a local plan form with a nonstandard provision section. Generally, provisions in that section deal with late claims, attorney's fee priority, tax refund requirements, and surrender of property language. At first, some debtor's attorneys attempted to use the nonstandard provision section to re-write the substance of the plan form. We stopped that by educating the debtor bar through workshops with the aid and input of our bankruptcy judges. I anticipate that the same thing will happen nationally.

Comment BK-2014-0001-0020—Edward Maney (Chapter 13 Trustee, D. Ariz.), on behalf of two trustees in the D. Ariz.: We oppose the national plan form. We have adopted a local plan form that works well. A national plan form will not deliver the same benefits. The national plan form has many good provisions. It is better to allow individual courts to adopt the national form if they so chose or just some of its provisions that are best suited to the jurisdiction.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Add a provision to address pre-confirmation adequate protection payments.

Comment BK-2014-0001-0022—Judge Robert Grant (Bankr. N.D. Ind.), on behalf of the bankruptcy judges of the N.D. Ind.: We oppose adoption of the plan form and associated rule amendments.

The proposal exceeds the Advisory Committee's authority and intrudes upon matters of substance reserved to Congress.

The form is too long and complicated.

If the form has sufficient merit, practitioners will use it voluntarily, without being compelled to do so.

Comment BK-2014-0001-0023—John Hooge (Attorney, Kansas): I oppose the national plan form. Here in Kansas we have a model plan that has worked well. Kansas has unique exemption laws that will not work with a national form.

Comment BK-2014-0001-0027—Judge Keith Lundin (Bankr. MD. Tenn.), on behalf of Bankruptcy Judges in Support of Official Form for Chapter 13 Plan: (This letter is signed by 34 bankruptcy judges.) We support the adoption of an Official Form for chapter 13 plans. We offer the following responses to common objections to the form:

The form will not require changes to local rules, unless they conflict with the new amendments to the Bankruptcy Rules.

The form will not cause difficulties for debtors and their lawyers. The form has been designed to accommodate nearly all of the options that are available in chapter 13, with the options clearly set out.

The use of a national form is likely to decrease costs significantly after a short-term transition.

The form (§ 3.1) provides for the maintenance of mortgage payments in conduit districts. Other parts of the Bankruptcy Rules (e.g., Rule 3002.1) would implement that choice. No further provisions in the form are required.

Regarding Part 7, if the debtor proposes a distribution order, a creditor will (1) know where to find it, and (2) be able to object. If the debtor does not propose a distribution order, the creditor will know to inquire about the order of distribution that the trustee would implement and again file an objection if appropriate.

Part 9 simply implements the Code provision (§ 1321) that only the debtor can file a plan. If a provision added by debtor's counsel in Part 9 violates any provision of the Code or a valid local rule, the plan should be denied confirmation.

There is no empirical basis for the belief that a national chapter 13 plan form will reduce participation by local attorneys in chapter 13 debtors' representation.

There is no reason to believe that the Advisory Committee would not be able to deal effectively with any changes in the law affecting chapter 13 plans. It has been able to deal with other forms when these situations have arisen. Indeed the Committee generated a large number of new forms to deal with the enactment of BAPCPA, and put them into effect as of the effective date of the legislation.

Comment BK-2014-0001-0028—Michael Meyer (Chapter 13 Trustee, E.D. Cal.), on behalf of chapter 13 trustees opposed to a national plan form: (This comment was signed by 83 chapter 13 trustees.) We oppose the adoption of a national plan form.

Comment BK-2014-0001-0029—Robert Drummond (Chapter 13 Trustee, D. Mont.): I oppose the adoption of Official Form 113. One size does not fit all. There is local variation in chapter 13 practice. The form attempts to fix what is not broken. Despite the Advisory Committee’s statement that an option does not mean that debtors need to select that option, the form will raise objections and increase the cost of the bankruptcy process for those who can least afford it. Make the plan form optional instead.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: We oppose the adoption of a mandatory national plan form.

Our primary concern is that the proposed form could impair our conduit mortgage payment program. The form allows debtors to choose to be their own disbursing agent instead of the trustee.

There is no demonstrated need for uniformity in chapter 13 practice. The plan form will undermine judicial discretion and stifle innovation. In any event, national uniformity is an illusory goal.

Any cost savings that national creditors experience will be the result of costs imposed on local courts, clerks, trustees, and attorneys.

Comment BK-2014-0001-0033—David Lander (Attorney, St. Louis, Mo.): I urge the Advisory Committee to adopt the proposed changes to the Bankruptcy Rules but to adopt the national plan form as a Director’s Form instead of an Official Form. The level of need for a national plan form does not justify forcing it on so many courts whose judges object to it.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: NACBA takes no position on whether the proposed national plan form should be an Official Form or Director’s Form.

Comment BK-2014-0001-0035—Judge Elizabeth Magner (Bankr. E.D. La.): There is merit to uniformity. This form provides a usable base for most debtors while allowing for modification due to local custom or specialized circumstance. The new provisions regarding lien stripping and the controlling effect of the plan over proofs of claim will save time and money in connection with the administration of a case.

Comment BK-2014-0001-0036—Suzanne Bauknight: I agree with the comment submitted by the Committee of Concerned Bankruptcy Judges.

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): The national plan form should be a Director’s Form. This will enable the Rules Committee to see how it works in live situations across the country.

Comment BK-2014-0001-0038—Warren Cuntz (Chapter 13 Trustee, S.D. Miss.): I oppose adoption of the mandatory national plan form and refer the Advisory Committee to the letter of the Committee of Concerned Bankruptcy Judges, the comments of the Kansas judges, and of Laurie Williams.

Comment BK-2014-0001-0039—Jan M. Sensenich (Chapter 13 Trustee, D. Vt.): My district is a conduit mortgage district, and I am in favor of the national plan form and the accompanying rules. Much of the controversy about the project could be resolved by making clear that none of the provisions or selections suggested by the form are intended to restrict, modify, or in any substantive way interfere with current local rules regulating chapter 13 practice in various districts.

Comment BK-2014-0001-0040—Joel D. Burns (Attorney, Georgia): I oppose adoption of the national plan form. The new form would disrupt the methods of filing lien avoidances, payment of secured claims on dwellings, and other items easily accomplished under current procedures and rules in the M.D. Ga.

Comment BK-2014-0001-0041—Raymond Bell (Pennsylvania): I am a non-attorney manager of consumer bankruptcy cases. I support the national plan form. It is not perfect, but it affords easier completion by the consumer and easier access to plan information by creditors. Uniformity helps all parties involved in the bankruptcy process.

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): The M.D. Tenn. adopted the national plan form without revisions. Since then, I have filed 73 cases using the form. I am not opposed to it, but it needs some additional clarifications. We have had to place information in Part 9 in every plan. Also, more space is needed for names of creditors, collateral values, etc. throughout the form.

Comment BK-2014-0001-0043—Nicholas Hahn (Law Clerk, Bankr. D. Haw.): I oppose the national plan form. It will hamper experimentation, lead to increased litigation, cause unintended consequences, and it is too long. It should be a model plan instead of a mandatory form.

I support adoption of the amended rules.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): I support a national plan form. It increases due process for all parties by putting necessary information in a specific order. It will not lead to the displacement of local attorneys by national firms.

Local courts should be permitted to remove parts of the form that are not applicable in their districts.

Comment BK-2014-0001-0046—Judge Terrence L Michael (Bankr. N.D. Okla.): I am a signatory of the letter submitted by the Committee of Concerned Bankruptcy Judges. I oppose the national plan form and the rule amendments that make the form mandatory. The form is a solution in search of a problem. There is no benefit to uniformity. If the plan form is the greatest thing since sliced bread, courts will use it voluntarily. I do not want to see the development of national consumer bankruptcy practices that displace the local bar. The *Espinosa* case is a non-issue.

Comment BK-2014-0001-0047—Jeffrey M. Kellner (Chapter 13 Trustee, S.D. Ohio): I oppose the national plan form. If a national form is to be adopted, it should be mandatory as to

format only, allowing the local bankruptcy courts the right to use local decisions, customs, and procedures.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): I oppose the national plan form. The changes made upon republication are cosmetic only.

There is no provision showing that the debtor satisfies the best interest of creditors test under Code § 1325(a)(4).

The plan does not provide for varying options for paying of filing fees.

There is no section addressing non-assigned domestic support obligations.

I attach a link to the Kansas plan form for reference.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): I oppose adoption of a mandatory national plan form.

Throughout the form, debtors must make estimates and calculate amounts that will be meaningless.

Comment BK-2014-0001-0050—Dan Melchi (Attorney, Georgia), on behalf of Lueder, Larkin & Hunter, LLC: We oppose the national plan form.

The mandatory plan form and rules violate creditors' Fifth Amendment rights to due process and against takings of property. When a creditor files a secured proof of claim, that creditor is presumed to be a secured creditor until proven otherwise by the debtor or another party in interest. *See* Bankruptcy Rule 3001(f). A creditor has the right to know before a confirmation hearing whether it is secured or unsecured—the arguments the creditor may wish to make in the case depend on knowing that status. The Advisory Committee's proposed changes mean that a secured creditor will not know whether it is secured or unsecured before confirmation. If a debtor wishes to strip a lien, then notice and a separate valuation hearing should be required so that a creditor receives a ruling from the court prior to confirmation.

Comment BK-2014-0001-0052—Keith A. Rodriguez (Chapter 13 Trustee, W.D. La.): I oppose adoption of a national plan form. In the W.D. La., we have no local plan. Most debtor's attorneys use a form provided by a software vendor. The proposed national plan form has too many places where debtors are given the option of making payments directly to creditors.

I have, in the past, objected to specific parts of prior iterations of the plan form. Now I think a general objection is more in order. This national plan form could very well leave trustees in limbo as to how to efficiently administer several of their cases.

Comment BK-2014-0001-0053—Chief Judge David S. Kennedy (Bankr. W.D. Tenn.): (This letter is signed by three other bankruptcy judges of the W.D. Tenn.) We oppose the national plan form. It is not right for our district. A one-size-fits-all plan should not be forced upon every district.

Comment BK-2014-0001-0054—Michael Joseph (Chapter 13 Trustee, D. Del.): I oppose a mandatory national plan form. The form as currently drafted presents potential legal challenges, contains unnecessary and confusing language (checking boxes), and may be misleading.

The Advisory Committee should consider allowing districts with local plan forms in place that provide the notice sought under the national form (with any non-standard provisions clearly highlighted) to continue use of their local plan forms.

Comment BK-2014-0001-0056—Marvin Wolf (Attorney, New Jersey): I am the New Jersey State co-chair of the National Association of Consumer Bankruptcy Attorneys. I agree with Henry Sommer’s comment but oppose adoption of the national plan form.

Bankruptcy courts have set up filing packages seeking to eliminate lawyers from the process and turn bankruptcy into a “fill out the form” type of practice. This has hurt many debtors and encourages a lack of respect from debtors towards bankruptcy attorneys—a belief that our skills are fungible and easily replaced by some paralegal form preparer who is nothing more than a glorified typist, but who charges less than we do. A national plan form will cause more talented lawyers to leave consumer practice. It would encourage judges to “stick to the form” and interfere with our creativity in finding ways to fund plans and keep debtors in their houses.

Comment BK-2014-0001-0057—Gwendolyn M. Kerney (Chapter 13 Trustee, E.D. Tenn.): I oppose a national chapter 13 plan form. I agree with the comments of Chief Judge Grant, Judge Brian Lynch, and the many judges and trustees who have submitted comments opposing the plan form.

Comment BK-2014-0001-0059—Mitchell Marczewski (Attorney, Zanesville, Ohio): I oppose the national chapter 13 plan form. Although many things are standardized in bankruptcy, chapter 13 practice, by its nature, is not conducive to standardization.

Comment BK-2014-0001-0061—Judge Marvin Isgur (Bankr. S.D. Tex.): A diverse group of bankruptcy professionals propose a compromise alternative to the national plan form. The compromise consists of the following key features:

Each district must permit use of Official Form 113 unless the district has adopted a local plan form that conforms to the requirements set forth in new language to be added to Rule 3015(c).

A conforming local form must be adopted, after public notice and comment, by a local rule or order that (i) requires use of the local form for all chapter 13 plans; (ii) prohibits alteration; (iii) mandates that all non-standard provisions be contained only in the final paragraph of the plan labeled “Non Standard Provisions”; (iv) requires that the plan contain a certification by the debtors and their lawyer that no changes have been made to the form (other than nonstandard provisions in the final paragraph) and that the debtor does not seek confirmation of any provision that has been deemed not to be effective under the Bankruptcy Rules; and (v) is posted on the court’s website under Local Rule 3015.

Our proposed amendment to Rule 3015(c) would require additional features of a conforming local plan form, including conspicuous labeling of provisions.

We propose that every chapter 13 plan—whether submitted on Official Form 113 or a local conforming plan form—must include at the beginning an informational statement. That informational statement gives notice whether the plan (i) contains nonstandard provisions; (ii) proposes to limit the amount of secured claims; (iii) avoids a security interest or lien; (iv) cures or maintains a loan secured by the debtor’s principal residence; (v) provides for the treatment of

domestic support obligations; or (vi) includes a 910-day car claim or one-year purchase money security interest claim.

We also propose that the amendment to Rule 3002(c) be altered to allow for the filing of claims no later than 70 days after the order for relief.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ takes no position on the advisability of a national plan form.

Comment BK-2014-0001-0063—Camille Hope (Chapter 13 Trustee, M.D. Ga.): I oppose the national plan form. It has major defects and is too long.

Comment BK-2014-0001-0068—Harold J. Barkley, Jr. (Chapter 13 Trustee, S.D. Miss.): I oppose a mandatory national plan form. We have had a local plan form in our district for 30 years, and it has worked well. There are features of the national form that we may incorporate in our local form, but the national form should not be mandatory. Bankruptcy law strives for uniformity, but there will always be local nuances and subtleties in local bankruptcy courts.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): We oppose the national plan form.

The range of choices left to debtors invites chaos and does not promote uniformity. The plan form leaves debtors with an inappropriately wide range of choices, which will affect the likely success of their cases. Some of the choices left to debtor discretion would cut against uniformity and expand the differences currently found among jurisdictions to differences found on a case by case basis within a jurisdiction.

The proposed plan form does not require the identification of the debtor as above or below median income or make it clear that the debtor is required to devote all disposable income to the plan.

The form does not include any information as to disposable income from B22-c or Schedules I and J. Creditors do not receive a copy of the bankruptcy schedules, so with the omission of income and expense information on the plan, they are without the necessary facts to assist them in evaluating the plan without resort to cumbersome and expensive research through PACER.

No provision is made in the proposed form for § 1305 claims [postpetition claims].

Comment BK-2014-0001-0071—Judge Marci McIvor (Bankr. E.D. Mich.): I oppose the adoption of the mandatory national plan form for the reasons stated by the Committee of Concerned Bankruptcy Judges. But I support the compromise proposal offered by a group of bankruptcy judges and other professionals.

Comment BK-2014-0001-0072—Judge Lamar W. Davis, Jr. (Bankr. S.D. Ga.): I opposed the national plan form in a comment submitted when the form was first published. I have reviewed the changes made on republication and remain opposed to adoption of the plan form. There is no consensus in favor of it.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: There is a valid concern that the benefit of diverse local practices will be lost with a proposed national plan form, notwithstanding its justifiable goals.

We endorse the compromise proposal.

Comment BK-2014-0001-0074—Judge Daniel Opperman (Bankr. E.D. Mich.): I signed the letter of the Committee of Concerned Bankruptcy Judges in opposition to the national plan form. I support the compromise proposal, so long as each district retains the right to decide for itself whether to use its own model chapter 13 plan form or adopt the national chapter 13 plan form.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): I oppose a mandatory national plan form. A local form allows a more nimble response to shifting legal landscapes.

Comment BK-2014-0001-0077—Mary B. Grossman (Chapter 13 Trustee, E.D. Wisc.): I understand that the national plan form cannot require debtors to make all of their plan payments through the trustee, but I encourage the Advisory Committee to remove the check box options for disbursement of funds by debtors. The determination of who will disburse to creditors, and therefore who will pay the trustee's fees, should be made by case law and local practice.

The checkboxes for this choice are also confusing. They are in odd locations and are missing from at least one part of the form (§ 3.2).

Comment BK-2014-0001-0078—John Bodle (Attorney, Kansas): I oppose the national plan form and agree with the objections of the Kansas bankruptcy judges. Please permit us to continue to use our local chapter 13 plan, which well serves the needs of Kansas debtors, creditors, and bankruptcy practitioners.

Comment BK-2014-0001-0079—Joseph Wittman (Attorney, Topeka, Kansas): I oppose the national plan form. Our local plan form is ten pages long and works well in our conduit district. The national form will not work because it does not deal with conduit mortgage payments and because of the limitations imposed by proposed Rule 3015.

A national form is unnecessary. Very few attorneys attempt to hide provisions in plans.

Changes to a national form will take too long

I agree with the views of the Committee of Concerned Bankruptcy Judges.

Comment BK-2014-0001-0080—Gail Robinson: The national plan form is too long and complicated.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): I strongly support the adoption of a uniform national chapter 13 plan form. My observations are based upon our adoption of the proposed form as a mandatory form in our district. We have had actual experience with the form. It has shown the bar the degree of freedom debtors have in proposing chapter 13 plans. That freedom does not mean that any and

all choices by debtors will avoid creditor or trustee opposition. We are a conduit mortgage district, and a debtor's choice to make payments directly would draw an objection from the trustee and, in all likelihood, would not be approved by the court.

There are some changes that the Advisory Committee should consider:

Add a provision for dealing with postpetition claims allowable under § 1305. Every debtor has added this provision in Part 9.

Add a provision for a plan to make applicable § 524(i) (dealing with willful failure of a creditor to credit payments received under a confirmed plan). Every debtor with a mortgage cure adds this language to Part 9.

Add a provision for pre-confirmation adequate protection payments.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): I oppose the national plan form. I agree with the views expressed by the Committee of Concerned Bankruptcy Judges.

Section 1325 sets forth the requirements for confirmation of a chapter 13 plan. Use of a form cannot be mandated so long as a plan satisfies the Code.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): I oppose proposed Rule 3015(c) and Official Form 113 on the basis that the Rule and Form unduly create litigation issues, have no known enforcement mechanism, and are directly contrary to the Bankruptcy Code.

Official Form 113 does not provide the information required by Forms B22C-1 and B22C-2 regarding a debtor's disposable income. Similarly, there is no space provided to identify disposable income as listed on Schedules I and J. Creditors need this information to determine whether to file a disposable income objection.

Comment BK-2014-0001-0085—Judge Dennis Montali (Bankr. N.D. Cal.): I oppose the mandatory national plan form for the same reasons I gave in my comments upon the initial publication of the plan form in August 2013.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): I oppose the plan form in its current form. I appreciate the concerns of the Advisory Committee and the open forum in which this process is being conducted. But the plan form should not be mandatory. It does not reflect local practices and would disrupt them.

Comment BK-2014-0001-0090—William Mark Bonney (Chapter 13 Trustee, E.D. Okla.): I support the compromise proposal. Any burden experienced by local stakeholders is outweighed by the benefit to national stakeholders. Even local stakeholders will find benefit from a more uniform plan confirmation process.

National stakeholders all too often fail to file timely claims, fail to comply with Rule 3002.1, and violate the provisions of § 524(i). They should be required to dedicate the resources necessary to fulfill their obligations to local stakeholders if they are to receive this benefit of a national plan form or compromise.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: The plan form and rule amendments (with the exception of Rule 3002) should be treated as an integrated package.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter 13 Trustees:

- The plan form does not provide options for paying of filing fees.
- There is no section addressing non-assigned domestic support obligations. Perhaps this could be added to § 4.4.
- The plan form will result in higher costs and reduce the distribution to unsecured creditors. It will cause the conduit payment processes in many districts to be turned on their head. It will certainly not provide the needed relief for debtors in specific jurisdictions.
- The plan form should be a model and not mandatory. This will enable the Rules Committee to see how it works in live situations across the country.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): I endorse the national plan form. The adoption of a local plan form in my district had a positive impact on the efficient administration of chapter 13 cases. The same will be true for a national plan form. National creditors, who now must review over 200 different local forms, will benefit. Software providers will no longer have to keep up with 200 different local forms. Debtor's and creditor's attorneys who practice in multiple districts will benefit. Chapter 13 education will become more efficient. All of these changes will lead to reduced costs for all parties.

Comment BK-2014-0001-0095—Orlando Segura, on behalf of AT&T Corp.: AT&T strongly supports the Advisory Committee's proposal for a national chapter 13 plan form. A national form would enable creditors like AT&T to implement more efficient procedures for reviewing chapter 13 plans and administering chapter 13 debtor accounts, thereby decreasing administrative costs and errors for the benefit of all parties.

There are as many as 200 local chapter 13 plan forms currently in use with a wide variety of differences in the forms. This inhibits the ability of national creditors like AT&T to develop procedures for managing claims, tracking debtors' payment obligations, and appropriately treating executory contracts in chapter 13 cases across all jurisdictions. In many cases, AT&T's administrative costs are greater than the nominal amounts owed to AT&T by chapter 13 debtors.

For example, AT&T could focus its review on Part 6 of the national plan form and determine if a contract is rejected. In the last year alone, AT&T wrote off over \$55 million in uncollectible amounts due to bankruptcy filings. A portion of this loss is attributable to continued billing to debtors who failed to specify treatment of executory contracts in their chapter 13 plans.

A data-enabled form would increase the aggregation of data. AT&T actively pursues creation of electronic review methods and procedures to introduce efficiencies into the bankruptcy process where possible. The ability to do so using a national form would result in cost savings and a streamlined experience for customers in the chapter 13 process.

Comments opposed to the plan form focus on the stifling of local innovation. The argument ignores the practical difficulties associated with complying with hundreds of local plan variations in a market where the vast majority of debt is held by national rather than local creditors. The mistakes, omissions, delays, and lawsuits (by debtors and creditors alike) fostered

by the lack of a national form increase costs for all parties and delay the goal of providing consumers with a fresh start.

Comment BK-2014-0001-0096—David Baker: Unlike the Schedules and Statement of Financial Affairs, a chapter 13 plan needs flexibility to be useful, because plans are jurisdiction specific. Plans should not be designed to make things easy for creditors; they have the financial resources and motivations to peruse plans carefully. Debtors and their counsel have more limited resources and need a plan that is straightforward and flexible so that variations from the “norm” can be accommodated easily. That does not seem possible (or at least not easy) in the proposed plan form.

Comment BK-2014-0001-0097—John J. Talton (Chapter 13 Trustee, E.D. Tex.): I oppose a mandatory national plan form. It should be optional.

The national plan form will not create uniformity. It will lead to litigation to interpret its provisions, driving up costs.

There is no provision for adequate protection payments.

There is no provision for plan funding from the turnover of recoveries from lawsuits, sales of property, or other sources.

Comment BK-2014-0001-0098—Judge John Gustafson (Bankr. N.D. Ohio): I support the national plan form. Uniformity is a worthy goal, and chapter 13 is the most non-uniform area of bankruptcy practice. We have national forms, such as the schedules and proof of claim form, even though the law differs across jurisdictions. Chapter 13 plans are not fundamentally different.

There are several advantages to the use of official forms. One is simply knowing where information is going to be, and that it will be presented in a standard way. Another is that chapter 13 plans will not be able to be “data-enabled” (allowing data to be collected and processed by computers) unless there is an Official Form, instead of many local forms. Not having a form for filing chapter 13 plans prevents creditors, the trustees, and the courts from automatically extracting important data from chapter 13 plans.

The new rules would go into effect with the adoption of the official form. I find it disheartening to read arguments about the difficulties the courts and trustees would have in dealing with a form for filing chapter 13 plans given the additional costs and work that have been imposed on creditors in recent rules amendments, such as Rule 3002.1. Bankruptcy courts have enforced those difficult provisions against creditors, with few excuses accepted. Dealing with a form for presenting chapter 13 plans would not be too onerous for the courts.

Finally, a form for presenting chapter 13 plans will promote increased uniformity in the case law, as every chapter 13 plan appeal will not start with idiosyncratic language from a mandatory local form that bears little relationship to the language of other parochial forms found around the country.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): A mandatory national form for chapter 13 plans will be a seismic shift in chapter 13 practice. The Committee must weigh the benefits of its adoption against the serious possibility that a change will do more harm than good. Adopting the current draft national plan form as a result of hubris or impatience will only create difficulties in the future.

There is no preconfirmation adequate protection provision.
Add a form confirmation order.

Comment BK-2014-0001-0100—Michael Bruckman: I am adamantly opposed to the chapter 13 plan form. The form restricts the ability of debtor’s counsel to be flexible in an unpredictable environment of default and debt.

Comment BK-2014-0001-0101—Roger Cotner: Add a place to specify an effective date for the plan.

Add language that invokes § 524(i).

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): A national plan form is a national mistake. One size does not fit all. With the exception of a few mortgage companies and a hand-full of software providers, this does not benefit anyone. The current system is more flexible, allows districts to experiment with mandatory or proposed forms, and has worked well.

Comment BK-2014-0001-0103—R. Greg Wright: I oppose the national plan form. In Kansas, the judges, chapter 13 trustees, and members of the bar worked very hard to come up with a local plan form. Our plan is wonderful. It is also comprehensive and tracks our local rules. While a national plan form may sound like a good idea, all courts not only have their respective local rules, but also have their specific ways of conducting business.

Comment BK-2014-0001-0104—Paul Post (Attorney, Kansas): I oppose the national plan form. Our Kansas form plan meets the needs of our debtors, creditors, the bankruptcy bar, and our Kansas judges. The proposed national plan form will throw all of those efforts out the window.

The driving force behind the proposed national plan form is to allow “data enabling,” which apparently benefits large national creditors. Has any study been done to determine what the additional cost will be to debtors in the form of additional attorney’s fees which will undoubtedly be required to properly prepare plans?

Comment BK-2014-0001-0107—Steven R. Wiechman: A national plan form would have made more sense 8 years ago when bankruptcy filings were on the increase.

If the ultimate goal is a national form, then incremental steps requiring each jurisdiction to develop a plan form and each to include a uniform cover sheet would be of great benefit.

Comment BK-2014-0001-0108—Martin J. Peck (Attorney, Wellington, Kan.): I agree with the concerns of Kansas bankruptcy judges, particularly that the national plan form as drafted fails to address several useful and mandatory plan provisions in Kansas bankruptcies. On the other hand, I understand the concerns of national creditors that want to be able to determine their treatment in chapter 13 without having to keep abreast of practice in 94 separate judicial districts.

I suggest that rather than a national plan form, it would be better to have a national form cover sheet or national plan summary form that calls to creditors' attention, in a standardized format, whether their rights are being impaired and where in the plan that occurs.

Comment BK-2014-0001-0109—Marie Elaina Massey (Chapter 13 Trustee, S.D. Ga.): Our district uses a two-page plan. It covers the usual cases, while including an “other provisions” section for the occasional case, and is short enough to be reviewed quickly.

If the purpose of the proposed national form is to bring consistency, having a Bankruptcy Code does not guarantee consistency. A longer, more detailed plan form will mean higher attorney's fees, less money for unsecured creditors, and a higher cost of administration for trustees.

The plan form has an obsession with math. But the numbers in chapter 13 are always estimates. There is no perfection in a chapter 13 case!

Comment BK-2014-0001-0110—W. H. Griffin (Chapter 13 Trustee, D. Kan.): I oppose the national plan form. I agree with the comments of my fellow trustees, Laurie Williams and Jan Hamilton, and with the comment submitted by Judge Karlin on behalf of the Kansas bankruptcy judges.

Comment BK-2014-0001-0111—Kelley L. Skehen (Chapter 13 Trustee, D.N.M.): I oppose the national plan form. It will bring no benefits but cause significant harms, including increased costs for parties, courts, and trustees. Nor can a national plan form address the variations in state laws that are applicable in bankruptcy.

I understand that there is a proposed draft compromise rule. I would support such a compromise (with an appropriate comment period) and encourage the Advisory Committee to consider it.

Comment BK-2014-0001-0112—Judge Terrence L. Michael (Bankr. N.D. Okla.) with Chief Judge Tom R. Cornish (Bankr. E.D. Okla.): We signed the letter submitted by the Committee of Concerned Bankruptcy Judges.

We understand that a compromise proposal has been submitted. It may be worthy of consideration, but it is not ripe for adoption. It should not be adopted without publication and the opportunity for public comment.

The compromise does not address our concerns about Rule 9009, which are independent of any chapter 13 plan form.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: We understand a suggestion has been made to allow retention of “conforming” district plans (with only a single plan per district). Although we strongly continue to believe that the goal should be to arrive at a single national plan form with adequate provision for some local options, we do agree that the new proposal is a step in the right direction.

We suggest that many of the concerns about a national plan form and local practices (such as in conduit districts) could be addressed by identifying the major points in question and providing for each district to adopt by local rule its position on those points. The plan could state in Part 1 the particular approach that the district takes.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: The form has no provisions for pre-confirmation adequate protection payments.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): I support the national chapter 13 plan form. The uniformity of a national plan form will benefit all involved in the chapter 13 process—creditors, debtors, attorneys, and trustees. The proposed Official Form 113 meticulously takes into consideration the many possible options available to chapter 13 debtor.

Comment BK-2014-0001-0118—Teresa Kidd (Attorney, Kansas): We have had a model plan in our state for years. We finally have every conceivable question or problem worked out. I fear there will be triple the number of motions, objections, etc., with a new plan. I do not understand the concept of “fixing something that isn’t broken.”

Comment BK-2014-0001-0119—Gary Hinck (Attorney, Kansas): I oppose the national plan form. I agree with the comments of the Kansas judges and trustees. Our district has a workable plan form with a conduit mortgage provision. A national plan form without a conduit mortgage provision is simply not a reasonable option.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): We do not have a local plan form in Arkansas. I oppose a mandatory national plan form. It will be burdensome to practitioners, debtors, trustees, creditors, and courts, and would likely result in more, not less, administrative expense.

The compromise proposal submitted as a comment may satisfy some opponents of a mandatory national plan form. But there is no provision to allow a district to opt out of accepting the national form without adopting a conforming local plan form. A prescribed plan form is not needed for all districts.

Include provision on Official Form 113 for adequate protection payments and for amended plans.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): I oppose the national plan form, which will lead to increased litigation.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: The Department supports the concept of a national form for chapter 13 plans, because uniformity and consistency will enhance ease of case administration and increase transparency, to the benefit of debtors and creditors.

We continue to have concerns about § 3.4 and Part 8 of Official Form 113.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): I oppose the mandatory plan form as presently proposed.

Comment BK-2014-0001-0128—Prof. Katherine Porter (University of California, Irvine, School of Law): I support of a uniform national form for chapter 13 plans. Uniformity

is a critical element of a fair and efficient bankruptcy system. It benefits parties in all roles: debtors, creditors, trustees, judges, and others. While particular members of one of these groups may prefer the existing alternative in their jurisdictions, the collective whole is indubitably better served with a national chapter 13 plan form. At stake in this debate is the integrity of justice in bankruptcy.

I am a law professor who has spent ten years conducting empirical studies of the consumer bankruptcy system. I have particular expertise in chapter 13 processes and outcomes. I conducted the first national study of mortgage servicers' conduct in chapter 13, which is governed in part by confirmed plans. I also serve as the monitor for the State of California of the \$25 billion national mortgage settlement. I oversaw the implementation of new mortgage servicing rules, including several dozen pertaining to chapter 13.

A national plan form would increase creditor compliance with bankruptcy law. As California Monitor, I saw hundreds of bankruptcy cases in which mortgage payments were applied incorrectly according to the terms of the confirmed plans. While Rules 3001 and 3002 improve this issue, they are not sufficient. Creditors need to build and implement software for payment applications and for tracking chapter 13 cases. Software and improved practices are needed from car lenders and other secured, non-mortgage lenders, who are outside the scope of the existing Bankruptcy Rules. Hand-accounting for chapter 13 plans must end.

A uniform national plan form would improve creditor behavior, because it would allow them to more easily train, supervise, and audit their actions in bankruptcy cases. It also would drive down the costs of compliance checks by regulators of financial institutions. The variability in chapter 13 plans under the existing system inhibits national regulators from assessing compliance in any effective manner. Crucially, better creditor behavior and stronger compliance checks redound to the benefit of debtors and unsecured creditors, as well as to the integrity of the system.

I concede that chapter 13 plans in some jurisdictions may be superior in some respects to the proposed national plan form. In many other jurisdictions, however, the local forms are quite poor.

If the Advisory Committee does not favor the adoption of the proposed national plan form, I support the compromise proposal, which is better than the status quo.

Comment BK-2014-0001-0129—Shannon Garrett (Attorney, Kansas): I oppose the national plan form. It limits the ability of a lawyer to craft a plan that will address a client's needs. It is too rigid. It is hostile to our conduit mortgage program here in Kansas. It lacks provisions for domestic support orders. The Kansas plan form is better. I trust my judges and comrades of the bar to understand the community in which we serve.

Comment BK-2014-0001-0130—Rick A. Yarnall (Chapter 13 Trustee, D. Nev.): I oppose the national chapter 13 plan form. In February 2014, I submitted 51 items related to the initial publication of the form. Although the republished form addresses issues raised in my prior comment, the majority were not substantively considered.

In my 37 years of practicing bankruptcy law, I have never seen an issue more divisive than this proposed plan form.

I have joined in the compromise proposal submitted as a comment.

Comment BK-2014-0001-0132—Daniel H. Brunner (Chapter 13 Trustee, E.D. Wash.): We oppose a mandatory national chapter 13 plan form. It will increase litigation. It will encourage debtors to circumvent local rules, such as conduit mortgage requirements.

One size does not fit all.

Comment BK-2014-0001-0133—Joelyn Pirkle (Attorney, Georgia): I oppose a mandatory national plan form. My primary concern is the effect it will have on the quality of representation for debtors and creditors. A boom of “petition preparer” advertisements will inevitably follow. While I do not oppose all the rule changes, such as moving the claim deadline closer to confirmation, I strongly oppose a mandatory national plan form. Perhaps it will serve as a model.

Comment BK-2014-0001-0135—Joyce Bradley Babin, on behalf of the National Association of Chapter 13 Trustees: The board of the NACTT has voted to recommend support of the compromise proposal. The vote was not unanimous, with some members supporting only the mandatory national plan form and others supporting neither the national plan form nor the compromise proposal.

Comment BK-2014-0001-0136—William Heitkamp (Chapter 13 Trustee, S.D. Tex.): I oppose a mandatory national plan form. I support a national form that serves as a model for local districts.

Comment BK-2014-0001-0138—Judge Margaret M. Mann (Bankr. S.D. Cal.), on behalf of the bankruptcy judges of the district: The bankruptcy judges of the S.D. Cal. unanimously support the compromise proposal.

Part I: Notice to Interested Parties

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): Debtors will conclude that if the form has an option then it must be available to be selected, regardless of contrary warnings.

Comment BK-2014-0001-0015—K. Michael Fitzgerald (Chapter 13 Trustee, W.D. Wash.): Debtors will conclude that if the form has an option then it must be available to be selected, regardless of contrary warnings.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Clarify that local rulings on procedures and statutory provisions remain in place.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: The notice about the presence of options does not address our concern about the plan form’s effect on conduit mortgage districts. Without including specific language from our local conduit mortgage payment rule, the debtor’s plan would be unconfirmable in our district. Pro se debtors and debtors represented by lawyers who are not frequent practitioners in our court would be adversely affected.

A checkbox indicating whether debtor is eligible for a discharge should be included in Part 1. It was removed from Part 3, where it did not belong, but should not be removed entirely from the form.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: NACBA questions use of the phrase “permissible in your judicial district” in Part 1. It suggests that local courts may interfere with a debtor’s right to propose a plan that satisfies § 1325. Revise that language to read: “. . . the presence of an option on the form does not indicate that the option is appropriate in your circumstances, and such an option may be prohibited in your case by controlling case law applicable in your judicial district.”

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): Eligibility for a discharge should be indicated.

Comment BK-2014-0001-0038—Warren Cuntz (Chapter 13 Trustee, S.D. Miss.): Proposed Rule 3015(c), which mandates use of the national plan form, and proposed Rule 9009 are at odds with the “warning” in Part 1. If the plan form is adopted, this warning must be bolder and repeated throughout the form.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): One of the notices to creditors indicates that the creditor must file an objection to confirmation of a plan at least 7 days prior to the confirmation hearing date. Not all courts require confirmation hearings, and plans may be confirmed if no objections are filed.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): This language is not prominent enough. Debtors will conclude that if the form has the option then it must be available to be selected regardless of contrary judicial authority. We suggest using revised language in bold at various locations throughout the form.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Include a checkbox to indicate if notice is required for a plan modification.

Include a checkbox for whether debtor seeks a discharge.

Include a checkbox for whether the debtor is above or below median income.

Combine the checkboxes for valuation and lien avoidance. Add a checkbox regarding service of the plan.

Include space to explain the reason for a plan modification.

Comment BK-2014-0001-0081—Matthew T. Loughney (Clerk, Bankr. M.D.Tenn.), on behalf of the Bankruptcy Noticing Working Group: The Committee Note states that inapplicable sections of the plan form “do not need to be reproduced.” This should be changed to say that unused sections “should not be reproduced.” A warning to that effect should be included in Part 1.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): Please eliminate the three check boxes for claim valuation, lien avoidance, and non-standard provisions. If those provisions are in a plan, that fact will be self-evident. Having a check-box in Part 1 only serves as an opportunity to create inconsistencies between Part 1 and Parts 3 and 9.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Add language certifying that a plan does not deviate from the Official Form.
- The form has no provision for paying pre-confirmation adequate protection payments, or ongoing mortgage payments through the plan.
- Part 1 includes a notice which says that this form sets out options that may be appropriate in some cases but the presence of an option on the form does not indicate that the option is appropriate in your circumstance or that it is permissible in your judicial district. However, at least half of the sitting bankruptcy judges nationwide say that the comment in itself does not give them authority to address changes in their plan.
- Add space to indicate whether an amended plan is the first amended plan, second amended plan, etc.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): The warning language about the need to comply with local rules should be made stronger.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Include a date of the plan. There are instructions to debtors buried in the notice to creditors. There should be a checkbox on each part of the plan form modified by a nonstandard provision.

Comment BK-2014-0001-0104—Paul Post (Attorney, Kansas): Paragraph 1 suggests that local rules may make some or all of the possible nonstandard language unavailable. If this is so, how is this a “national” plan form?

Where does the plan form tell creditors that the debtor is above or below median income? Where does the plan form specify that above median income debtors must pay for 60 months? Will the language allow above median income debtors to pay less than 60 months?

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: If greater local options are built into the plan form, it would be appropriate to have the most important default structures set out here under the notice to creditors.

The checkbox for the use of nonstandard provisions should also include space to note the affected parts.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: The notice of whether the plan is amended should indicate whether it is a first amended plan, a second amended plan, etc.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): The language should not state a specific time period for objections to confirmation. It should state that an objection should be filed in the time period prescribed by the court.

Comment BK-2014-0001-0121—Tracy Updike, on behalf of the M.D. Pa. Bankruptcy Bar Association:

Add space to list the plan version number.

The “important notice” language should be made more conspicuous.

We are split as to whether an objection to confirmation should be filed prior to confirmation.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): There is no consequence for failure to fill in the checkbox.

The requirement of an objection within 7 days of the date set for the confirmation hearing will cause problems, because in some cases the § 341 meeting of creditors is not concluded within 7 days of the scheduled confirmation hearing. This will lead to unnecessary objections.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: We represent secured creditors.

Include space for a brief description of changes if the plan is an amended plan.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): For pro se debtors, newer practitioners, and perhaps even some seasoned practitioners, the mere existence of an option on the form may entice the plan proponent to try the option.

The warning should not say that a creditor “may need to file” a timely claim. Filing a proof of claim is absolutely necessary for a claimant to be the holder of an allowed claim.

The preferred manner of making payments is through the trustee.

Part 2: Plan Payments and Length of Plan

Section 2.1 (payments to the trustee)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): The provision stating that additional monthly payments will be made to the extent necessary if fewer than 60 months of payments are specified will lead to less transparency and certainty as to the length of the plan.

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: This provision appears to permit plan modifications (extensions) without notice and hearing, or any of the other requirements of 11 U.S.C. § 1329.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: There is inadequate detail in this section for trustees to administer plans.

Comment BK-2014-0001-0035—Judge Elizabeth Magner (Bankr. E.D. La.): The default should be that all payments received after confirmation are due to the trustee, unless the court orders otherwise.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): This is an excellent provision.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): The form compels regular monthly payments, which are not required so long as the debtor has regular income that is steady and predictable. Farmers, for example, may receive income annually and still qualify for chapter 13.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Below median debtors have an applicable commitment period of only 36 months, yet the language in this section refers to 60 months.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Debtors should be able to specify how payments are made, in keeping with debtors' pay patterns.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Include a provision for adequate protection payments in Part 2.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): This section appears to allow for payments less than 60 months regardless of the applicable commitment period in the case. See Code § 1325 (b) (1) (B).

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): The vast majority of Chapter 13 trustees have cases that last longer than 65 months—over 3,000 cases nationally in FY 2013—perhaps due to plans that run from the date of confirmation. The form does not provide a checkbox for the debtor to specify whether the plan is to run 60 months from first plan payment or 60 months from the effective date of confirmation. The form appears to take the position that plan length is determined by the date of the first payment.

Although the Committee Note contemplates weekly or biweekly payments, the form as written unnecessarily guides debtors into monthly payments.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- If the debtor's applicable commitment period is only 36 months and the plan initially calls for a longer period to complete payments, it is unfair to require debtors to pay out for the longer period if it turns out that the longer period is unnecessary to meet debtor's obligations.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Specify the applicable commitment period and list the plan length. Add beginning and end dates and space to specify when a payment will change.

Section 2.2 (manner of payments to the trustee from future earnings)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): The lack of a place to designate the address of an employer for the payroll order will cause delay.

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): Clarify from which debtor the payroll deduction will be taken.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): I do not understand why there is an “other” check box. What other option is available besides a payroll order or no payroll order?

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): More detail is needed for the payroll deduction order.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): More detail is needed for the payroll deduction order.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): The form should not appear to give debtors the option of deciding whether to make payments by payroll deduction. This is a judicial determination.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Delete this section. The amount of the payment should be in the plan, but the manner of payment (wage order, etc.) does not need to be in the plan.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): Provide space for the debtor to insert the name and address of the employer, or, in joint cases, an indication of whose wages will be deducted.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Add space to designate the address of an employer for a payroll order, which will avoid delay.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): Add language that if the debtor agrees to pay by payroll deduction order, the debtor agrees to the immediate entry of the order.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Include employer information for the payroll deduction order.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Include employer information and information on joint debtors for the payroll deduction order.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): This section should refer to future income, not “earnings.”

Section 2.3 (federal income tax refunds)

BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: Section 2.3 does not include an option for the debtor to pay all tax refunds during the term of the plan. If this provision is to be included at all, it should either (1) include all possible options (e.g., “all tax refunds received during the term of the plan shall be turned over to the trustee”) or (2) be a blank space for the debtor to complete.

Comment BK-2014-0001-0015—K. Michael Fitzgerald (Chapter 13 Trustee, W.D. Wash.): This section is internally inconsistent. At one point it requires a debtor to provide the trustee with copies of tax returns, and in another instance requires the submission of the tax return itself.

This section fails to require submission of redacted copies and in doing so will impose more work on the trustee.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: The original published version, which reminded debtors of the requirement to submit copies of their tax returns to the trustee, is preferable. This section should not omit state tax returns.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: This is an improvement on the previous version. But the language about providing tax returns should be removed. It conflicts with the Code § 521(f) and procedures established by the Administrative Office.

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): Trustees in our district do not want debtors to submit copies of tax returns.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): Debtors should not have the option to retain tax refunds.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): I would have to object to every chapter 13 plan if this provision were adopted. Tax refunds are property of the estate that should be administered by the chapter 13 trustee.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): This provision should include state income tax returns.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Include state income tax refunds and more detail about other tax refund scenarios.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): All debtors are required to provide copies of all tax returns to chapter 13 trustees. Check box one should be modified to clarify that the copies are not excused if refunds are retained. Check box three should be modified to clarify that the trustee should receive a copy of the return and not the original return and add a time limit of 14 days from filing. The language following all three boxes should be modified to include state tax returns, if applicable. Add language referring to the requirement that tax returns should be redacted.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): The first option should require that the entire tax refund be turned over to the trustee as well as the federal tax return during the term of the plan. Probably because of rulings in some members of the committee’s jurisdictions, the form takes the position that debtors a) can keep their whole refund, b) can keep the earned income credit, or c) can pick whatever portion they want to turn over. A refund that results from over withholding during the plan term is disposable income. The earned income credit is additional income not already accounted for on Schedules I and J and should be paid to creditors absent a court’s ruling otherwise.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): Include state and local tax returns and refunds.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): This section is unnecessary. There is nothing in our local plan form about tax refunds. The debtor should be required to submit to the trustee a copy of the tax return in all cases.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): Rather than having check boxes, the plan form should allow each district to modify the language according to the trustee’s preferences. It is unclear whether the form instructs a debtor to turn over a “copy of each federal tax return” as specified in the second check-box, or the actual return, as specified in the third check-box.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Delete this section or designate tax refunds as disposable income.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- We do not want every debtor to submit a tax return.
- Any time debtors are allowed to keep all the funds they receive from a tax refund, they are going to elect to do so.
- Add an option for dedicating the full tax refund (including earned income tax credits).
- These options do not cover all alternatives.
- This provision would require the trustee to object to each and every plan.

- Add separate options for the tax return and the tax refund, so that submission of a copy of the tax return and dedication of the tax refund do not always accompany each other.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): Clarify that payment of tax refunds is in addition to payment of the amounts listed in § 2.1.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): This section should include all tax refunds—not only federal refunds. Simplify the third checkbox.

Comment BK-2014-0001-0111—Kelley L. Skehen (Chapter 13 Trustee, D.N.M.): This provision attempts to make legal determinations. In the 10th Circuit, earned income credit constitutes disposable income and is not excluded from any tax refunds being turned over to the trustee.

Include state income tax returns and refunds.

All debtors should be required to turn tax returns to the trustee annually, not just those who are retaining their refunds.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: If there is a reference to providing the tax return within 14 days in the second option, that same time limit should apply to the third option.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Include all income tax refunds, not only federal refunds.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): This section contains unnecessary detail.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Include state tax refunds.

Section 2.4 (additional payments)

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): This section should be combined with previous sections in Part 2, with the debtor proposing additional payments “as follows” or the like.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): The form should provide that the debtor has the obligation to disclose increases in income, inheritances, and other funds that may be property of the estate.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Include checkboxes if the debtor will fund the plan from the sale or refinancing of property.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Delete this provision. Trustees should not be bound by debtors' choice about additional funds. If additional sources of funds become available, the trustee should be able to pursue them.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): If variable plan payments are proposed a schedule of plan payments could be attached.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Combine these sections so that the debtor proposes to make additional payments into the plan “as follows,” with blank lines to list the funding source.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: Whenever real property is referenced, require that the debtor include the property tax ID number used by the local taxing authority.

Section 2.5 (total amount of estimated payments)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): Whose determination of the actual amount of the total payment will control? The Trustee may estimate the amount of the total payments differently than the debtors, the creditors, or both.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Clarify here or in another provision that, in conduit districts, ongoing mortgage payments are to be disbursed by the trustee.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): If this number is just the sum of monthly payments and additional payments, is this line necessary?

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): The plan form does not state, with finality, the amount the debtor will pay the trustee over the course of the plan. This is important because it determines the point at which a plan may no longer be modified. See § 1329(a).

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Creditors should be able to rely on this number. It should not be an estimated amount.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): This total should not include §§ 2.3 and 2.4, which may turn out not to be available (*e.g.*, if the debtor does not get a tax refund).

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Delete the “estimated” language. The trustee needs certainty in base plan funding.

Part 3: Treatment of Secured Claims

Part 3 (general)

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: Part 3 fails to give the debtor the opportunity to disclose the number of months that each creditor is expected to receive payments.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): Add stronger language so that only lienholders served with the relief from stay are removed from payment under the plan.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: We have a number of questions about the meaning of the “claimed arrearage,” the “amount of unsecured portion of claim,” and the “government claim” controls.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Include a provision on adequate protection payments.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: Include a provision for pre-confirmation adequate protection payments.

Section 3.1 (maintenance and cure)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): There is no option for the debtor to make conduit mortgage payments through plan administration.

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: The plan is unclear as to what happens to a late-filed, secured claim for arrears. The implication is that if an arrearage claim is late-filed, it will be treated differently in the plan. There is no authority in the Code or Bankruptcy Rules for the trustee to do anything other than pay all claims as filed, whether timely or not, absent a court order disallowing or modifying the claim.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: We are concerned about this provision’s effect on our conduit mortgage payment program.

There should be language providing that after stay relief is granted, any deficiency will be treated as an unsecured claim to be discharged upon completion of the plan.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: Debtors should not be required to set forth monthly arrearage amounts, which they often will not know at confirmation. The language should be revised to require “Estimated amount of arrearage” and “Estimated monthly plan payment on arrearage,” which would conform to the next column, “Estimated total payments to trustee.”

We suggest alternative language regarding relief from the stay.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): Delete the option for debtors to make direct payments to creditors. Debtors do not know the interest rate on arrearages.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): This section does not deal with the effect of stay relief or abandonment.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The third sentence of § 3.1 refers to proofs of claim filed before the Rule 3002(c) deadline as controlling over the plan. This is inconsistent with Code § 502(a), which provides for the allowance of proofs of claim absent an objection. Substitute the phrase “proofs of claim that have not been disallowed.”

Comment BK-2014-0001-0063—Camille Hope (Chapter 13 Trustee, M.D. Ga.): The plan form lacks a standard way to specify plan payments in conduit districts.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): I suggest changes to clarify the treatment of arrearages, ongoing payments, and late-filed proofs of claim.

Comment BK-2014-0001-0065—Rebecca Holschuh (Office of the County Attorney, Hennepin County, Minn.): Section 3.1 refers to “contractual installment payments” but this is not the only basis for payment of secured claims. In Minnesota, real property taxes are secured by perpetual liens that arise each year by operation of law. Accordingly, property tax claims are secured claims paid with interest at the rate set by Minnesota law, as is required by Bankruptcy Code § 511. Part 3 should include an explicit place for secured tax claims.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): The language in this section should be amended to state that payments as to collateral “will cease as soon as practicable.” It is possible that the court will enter an order granting relief from stay during the trustee’s monthly distribution, overlapping disbursement to the affected creditor.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Break this section into arrearages and regular monthly payments. The arrearage payments, which should always be made by the trustee, should not have “disbursed by” check boxes.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: The arrearage amount should be “grossed up” to include the agreed or modified interest rate.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): The next to last sentence includes the phrase “will no longer be treated by the plan.” Does this mean the unsecured deficiency claim is excluded all together? Clarification is needed.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): The language of this provision is troubling. The trustee will not necessarily know when the stay is lifted, and therefore will not know that payments should cease.

Clarify that the trustee will pay the arrearage.

I am not in a conduit district, but giving debtors a choice to pay directly or through the trustee will cause problems.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): Presenting debtors with multiple options when local practice limits the available choices will increase the number of plan objections and increase the time and expense required of the debtor, the trustee, chambers, and the clerk’s office.

It is not clear what happens regarding the amount of the arrearage claim when the creditor files an untimely claim with a different arrearage amount from the plan. The claim is still an allowed claim, even if tardily filed.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): The trustee should be the disbursing agent on payments to creditors unless otherwise specified.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This section includes no options for the debtor to make conduit mortgage payments through plan administration.
- This section is the biggest problem by far. Conduit payments are a main source of funding for many of the chapter 13 trustee’s operations.
- Eliminate the checkboxes that appear to allow direct payment by the debtor to creditors. The provision lacks clarity and is inconsistent with precedent in many districts.
- Presenting a direct payment option would be extremely disruptive in my district, where it contradicts our local bankruptcy rule requiring trustee conduit payments.
- The provisions directing that the debtor specify the interest rate on the arrearage will create a problem, because debtors usually do not know the interest rate. A better approach would be to provide only that the arrearage bear interest as per the contract, as a default position.
- Clarify this section.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Rephrase language in this section. The columns are unwieldy.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): Section 3.1 is overly elaborate and depends on information the debtors often do not have at the beginning of their cases. It also seems to indicate that a specific portion of every plan payment must go to the secured creditors, in violation of the existing order of payments procedures in many districts. Finally, it does not appear to provide for adequate protection payments.

Having the proof of claim control over the plan requires additional objections and hearings.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: This section assumes that all secured claims are in the nature of contractual agreements with installment payments. Tax claims are secured but are usually fully due and owing with no installment provisions applicable, and no arrearages versus current payments.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: Section 3.1 identifies the name of creditor and the collateral, but it should also include a section for reference to the last four digits of the account number.

The stay relief language in is section will prevent a creditor from receiving payment on a claim secured by collateral upon which another creditor obtained relief from stay.

The plan form is unclear as to what happens to a late-filed, secured claim for arrears.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Clarify that the trustee will disburse payments on arrearages.

When the claim controls over the plan, what will happen if a creditor amends the claim after the bar date?

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Clarify that the trustee makes the arrearage payment.

Clarify the wording and options in this section.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: We represent secured creditors. Clarify this section.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Clarify this section.

Section 3.2 (request for valuation of security and claim modification)

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: The valuation provision will result in *de facto* claims objections without the necessary requisites of claims objections.

The form does not require debtors to provide evidence for the proposed valuation of collateral.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: See comments under § 3.1. There should be a provision for preconfirmation adequate protection payments.

Comment BK-2014-0001-0035—Judge Elizabeth Magner (Bankr. E.D. La.): The creditor’s proof of claim should only control if filed timely.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): This is an excellent provision, but the form should include space for the debtor to give the basis for valuation.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): This provision creates more work for the court and counsel. Simply state that the value in the plan controls unless objected to.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): This provision will not be effective. If, for example, a junior mortgage is valued at \$0.00, that valuation does not void the lien. A debtor would then have to launch an adversary proceeding under Rule 7001.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): This section does not permit the debtor to reduce the amount of the claim and propose a stream of payments beyond the date of discharge.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): I suggest clarifying language in this section.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): The valuation or avoidance process should include a separate motion filed by the debtor and served in accordance with applicable rules. Who checks to make sure that service of a plan proposing valuation was correct? It would be unduly burdensome to delegate yet another responsibility to clerks or trustees.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): It would be simpler to provide for the secured portion of a creditor’s claim and not try to deal with the ranking of a lien. The purpose should only be to let creditors know how much their collateral is going to be valued at and at what interest rate.

The columns for “estimated amount of creditors claim” and “amount of claims senior to creditor claims” will be erroneous the majority of time.

Comment BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Eliminate the column “monthly payment to creditor” and change the last column to “total payment by trustee.”

Comment BK-2014-0001-0076—Frederick Schindler (Office of the Chief Counsel, IRS): Section 3.2, as proposed, would require a creditor to release its lien after discharge, which

would not occur until after satisfaction of the secured claim. Certain types of tax debts, however, are nondischargeable in chapter 13 cases. Further, certain property may be excluded from the bankruptcy estate and could not be used to calculate the value of a creditor's secured claims. *IRS v. Snyder*, 343 F.3d 1171 (9th Cir. 2003). For instance, the debtor may have an interest in a pension plan that is excluded from the estate under § 541(c), but nevertheless be subject to the federal tax lien. The lien would survive the bankruptcy case on the excluded property. The debtor would have no right in a chapter 13 plan to force the Service to release the lien upon the excluded property, the value of which could not be paid as a secured claim under the chapter 13 plan.

We recommend that the following underlined language be added to § 3.2, “The holder of any claim listed below as having value in the column headed Amount of secured claim will retain the lien until the earlier of . . . discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor unless the underlying debt is excepted from discharge or the underlying collateral was excluded from the bankruptcy estate under 11 U.S.C. § 541.”

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Governmental creditors should not be excluded from the general chapter 13 cramdown provisions.

Some of our bankruptcy courts have held that a lien does not have to be released when there is a non-filing co-debtor. Does the plan form overrule those decisions by stating that the lien is released when the debtor is discharged?

There is no reason to list the amount of claims senior to the creditor's claim.

Include language in this section, similar to the provision in § 3.1, for situations when the stay terminates as to collateral being treated.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): This section will require scrutiny of a large number of addresses on the BNC certificate of service regarding the notice of the confirmation hearing. The entire mail list must be compared against § 3.2 to ascertain whether service was proper under Rule 7004, and whether the debtor must independently serve the plan on a specific address in the form required by Rule 7004.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Governmental creditors should not be excluded from cramdown. Add language stating that the debtor is scheduling the value at X amount and that the creditor has Y days to object or else the value as stated by the debtor will control.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This version of the plan form no longer addresses debtors' eligibility in this section. It should be addressed at the beginning of the plan.
- The provision for valuing a secured claim through the plan conflicts with the Code, which provides that a claim is deemed allowed unless a party in interest objects.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): The request for valuation should be labeled a motion seeking an order, in keeping with Rule 9013.

Delete the reference to nongovernmental creditors.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): Section 3.2 makes the use of the plan form to avoid or strip a lien mandatory, and effectively ends the practice in many districts of doing this by motion or adversarial proceeding. This should be left up to the individual districts.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: The term “value of the secured claims” is ambiguous.

Comment BK-2014-0001-0114—Bradley C. Johnson (District Attorney's Office, Salt Lake County, Utah): Section 3.2 does not make clear whether interest will accrue on the secured claim from the date of confirmation or the date of the petition. State and local taxing authorities will have to object to every plan that does not provide in Part 9 for interest from the petition date. The plan form in our local district includes a separate provision for secured tax claims.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Clarify that the trustee will disburse payments on arrearages.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Governmental units should not be give special consideration in the valuation of secured claims. We also have language and format suggestions.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Governmental units should not be excluded from the general valuation provision.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: Clarify this section.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Clarify this section.

Section 3.3 (secured claims excluded from 11 U.S.C. § 506)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): This section is confusing.

Comment BK-2014-0001-0034—Henry Sommer (Attorney, Philadelphia), on behalf of the National Association of Consumer Bankruptcy Attorneys: See comments under § 3.1. There should be a provision for preconfirmation adequate protection payments.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): I do not understand how the debtor will be able to cram down a car interest rate and make payments directly. Debtors rely on the trustee’s records to track the payment of principal and interest.

Add a column with the contract interest rate.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: Plan § 3.3 contains the same error regarding late-filed claims as in § 3.1.

The NCBJ urges the Advisory Committee to re-draft § 3.3 into a more general provision in which a debtor provides for any modification of a secured claim, which includes, but is not limited to, valuation and modification of the claim.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Current language interferes with the effect of *United Student Aid Funds, Inc. v. Espinosa* and *In re Franklin*, 448 B.R. 744 (Bankr. M.D. La. 2011). The plan’s controlling the secured amount (rather than the proof of claim or amended proof of claim) would be a more efficient practice and provide certainty for disbursements.

Include a column for the term of the monthly payment (*e.g.*, months 1-24 or 5-56).

Do not include a provision for direct payments by the debtor.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: This section should be used only for claims excluded from § 506(a) for which the debtor seeks modification of the interest rate, as a majority of jurisdictions permit. For secured claims that are current and unaffected, another section (either § 3.1 or a new, separate section) should be used.

Eliminate references to payment by the trustee or the debtor.

Repeat here the statement in § 3.2 about the holder of the claim’s retaining the lien.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): If the debtor is behind on payments on a 910-day car claim or has altered the interest rate, then the payments should be made through the trustee.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): I offer suggestions for changing the wording and formatting.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): While the principal amount of a 910-day car claim cannot be crammed down, that is not true of the interest rate. The plan form does not make this clear. Also, the form states that the proof of claim controls, thus requiring an objection. Therefore, this provision accomplishes little.

Comment BK-2014-0001-0111—Kelley L. Skehen (Chapter 13 Trustee, D.N.M.): Do not allow direct payment by the debtor. To provide otherwise affects the funding of the offices of the chapter 13 trustee.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: The caption might be clearer if the words “by Section 1325” were added at the end.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Clarify this section.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): This section does not address over-secured claims.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: This section permits the debtor to modify the interest rate. If the debtor is making these payments directly, they should be pursuant to the contract terms.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Clarify this section.

Section 3.4 (lien avoidance)

Comment BK-2014-0001-0035—Judge Elizabeth Magner (Bankr. E.D. La.): The lien avoided by this section should only be removed once the plan is completed and the debtor is discharged.

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): This section will streamline the lien avoidance process.

Comment BK-2014-0001-0046—Judge Terrence L Michael (Bankr. N.D. Okla.): The lien avoidance provision is contrary to case law.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The “Lien Identification” requirement is unnecessary in a chapter 13 plan and therefore an undue burden on the debtor and the debtor’s counsel. The NCBJ recommends that it be deleted.

Second, delete the sentence that reads: “The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5.” Avoidance of a judicial lien is an entirely distinct process from claims allowance. A debtor may avoid a judicial lien regardless whether the creditor has filed a claim. There is no reason to provide for a distribution of a claim without the filing of a proof of claim. Therefore, the sentence should be eliminated, or at least, qualified with the phrase, “if the holder’s claim is allowed.”

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): See comments under § 3.1.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): The form makes the avoidance of the lien effective upon the entry of the confirmation order. This may be premature. Section 349(b)(1)(B) of the Bankruptcy Code provides that an order dismissing a bankruptcy case reinstates “any transfer avoided under §

522.” As a result, if the case is later dismissed, the lien avoidance is automatically nullified. But once a lien upon real estate has been avoided, and the order of avoidance made part of the appropriate real estate records, reversal is akin to unringing a bell. One can only imagine the problems for title examiners.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: The form states that the lien will be avoided upon confirmation. There is a split of authority as to whether lien avoidance occurs at confirmation or upon discharge. Add “unless otherwise provided by order of the court” at the end of the second sentence of that paragraph. Include the lien retention language from § 3.2.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): The form calls for judicial lien avoidance on plan confirmation and not on discharge. While case law allows lien avoidance upon entry of the § 522(f) order, that is conditional on the debtor’s completion of plan payments and entry of discharge. Under § 349, such liens are not avoided when the case is subsequently dismissed (which occurs in approximately 50% of all national chapter 13 cases). Consequently, the legal advice given in § 3.4 is a half-truth that is accurate half the time.

For purposes of recording the lien avoidance, the debtor who pursues lien avoidance by plan may have to record the proposed plan, the confirmation order, and the order of discharge. When lien avoidance is by motion, a one-page order may be recorded along with the 1-page discharge order. Section 522(f) lien avoidance is a process that is better administered separately from the plan and confirmation process.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This section is extremely confusing.
- This section will draw objections.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): This section creates timing problems by attempting to fix a binding number at an early stage of the case.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): This is a provision where due process will be raised by creditors, producing additional delay and rendering the provision useless.

Comment BK-2014-0001-0104—Paul Post (Attorney, Kansas): Why is lien avoidance included in the form when that issue will affect only one creditor? The result is that all creditors must be notified of the proposed lien avoidance.

Comment BK-2014-0001-0106—Stephanie Edmondson (Clerk of Court, Bankr. E.D.N.C.): This section should specify what type of description is requested (*i.e.*, address of property, specific description of collateral, etc.).

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: in the second sentence, it might be clearer if it read “Such a judicial lien or security interest securing a claim . . .”

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): This provision circumvents due process requirements outlined in *Espinosa*.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: This section does not require any evidence in support of the lien avoidance request.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This section is extremely confusing.

Section 3.5 (surrender of collateral)

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Add an option for surrender of collateral in full satisfaction.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: A debtor cannot waive the co-debtor stay under § 1301. The language in this section may deceive debtors into thinking that the co-debtor stay is terminated upon surrender.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): Surrender is not abandonment. Many courts hold that surrender can be accomplished only with the creditor’s consent.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: As in its prior comment, the NCBJ believes that the last sentence (regarding deficiencies’ being allowed and then treated as Class 5 general unsecured claims) takes a substantive position on a disputed issue of law and should be deleted. *See generally In re Sneijder*, 407 B.R. 46 (Bankr. S.D.N.Y. 2009) (describing the many “practical problems” attending this question).

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): The form does not provide for a surrender value. Does this mean the plan assumes that the surrender is in full satisfaction of the claim?

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Include a column to clarify the amount deemed unsecured.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): The language in this section about surrender of collateral and the termination of the co-debtor stay is misleading.

Comment BK-2014-0001-0109—Marie Elaina Massey (Chapter 13 Trustee, S.D. Ga.): The debtor should not be able to surrender collateral to a “secured” creditor without having to file a claim or prove a perfected security interest in the collateral. Unsecured creditors would lose out on money.

Comment BK-2014-0001-0111—Kelley L. Skehen (Chapter 13 Trustee, D.N.M.): Debtors may not, by themselves, consent to the termination of the co-debtor stay under Code § 1301.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: We recommend revising this provision to read as follows: “Termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to a creditor’s exercise of its rights against the collateral shall be effective upon entry of an order confirming the plan without the necessity of a separate order granting relief from the automatic stay and/or co-debtor stay.”

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Although the provision relates to the debtor, it should be clear that the trustee is not consenting to relief from stay or abandonment. An additional provision should be included noting that surrender does not constitute abandonment of any interest of the estate in the collateral or grant relief from stay regarding the trustee.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: We represent secured creditors. This provision does not set a deadline for the debtor to surrender the collateral. Rather than providing for the debtor’s “consent,” the form should provide for termination of the stay upon surrender or upon confirmation.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): Clarify treatment of deficiency claims.

Part 4: Treatment of Trustee’s Fees and Administrative and Other Priority Claims

Part 4 (general)

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: Part 4 fails to give the debtor the opportunity to disclose the number of months that each creditor is expected to receive payments.

The form does not require the debtor to identify priority creditors or the amounts of their debts to be paid through the plan.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): The plan form should permit debtors to identify priority claims and how priority claims might be paid.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): This part should be renamed “Fees and Priority Claims.”
Include more detail to identify priority claims.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): This provision accomplishes nothing. It does not allow for payment of trustee’s or attorney’s fees before other claims, even though the statute requires it. The recommended plan for the E.D. Pa. accomplishes this in a better fashion with a simple provision for order of payments.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: In light of the special provisions applicable to domestic support orders, we believe it would be appropriate to set out a special section of the plan form for them.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: The form fails to identify priority creditors.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Add a provision in Part 4 for ongoing domestic support orders.

Section 4.1 (general)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): This provision does not allow for existing domestic support orders to continue.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: The plan form does not discuss how filing fees are to be paid.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): This provision does not allow for existing domestic support orders to continue. This will disrupt ongoing support payments unnecessarily.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Reword this section.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: Priority claims should not receive post-petition interest. But pre-petition interest is part of an allowed priority claim. See § 502(b)(2). Clarify that “without interest” means “without post-petition interest.”

Section 4.2 (trustee's fees)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): An estimated trustee's fee may not allow for fluctuation in the fee in violation of 11 U.S.C. § 586(e).

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: Trustee's fees are set by § 586(e).

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): Trustee's fees fluctuate.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): Debtors will not know the trustee's fees.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Trustee's fees are set by the Executive Office of United States Trustee and not subject to change by Plan provisions. If an estimate is needed, it should be at the maximum statutory fee of 10% to prevent the underfunding of cases.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Due to periodic variance in the actual percent applied, it is best to disclose the maximum fee of 10% on funds disbursed by the trustee.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): This is unnecessary. Trustee's fees are set by statute and are hard to estimate.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): The only safe way to estimate trustee fees in advance is to use the maximum rate of 10%. Only the Executive Office of the U.S. Trustee may set the chapter 13 trustee's fee and any amount asserted by the debtor will likely be ineffectual.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): The trustee's fee varies over the fiscal year. Delete this section.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- The trustee's fee fluctuates. If the debtor's estimate is too low, it may cause feasibility problems.
- An estimate of trustee's fees of anything less than 10% can cause problems.
- The provision should state: "The Trustee will be paid a variable percentage fee up to 10% of plan payments pursuant to 11 U.S.C. § 586(e)."
- Take out any mention of the percentage amount. Instead, include language to the effect that the percentage fee is fixed periodically by the United States Trustee.

Comment BK-2014-0001-0097—John J. Talton (Chapter 13 Trustee, E.D. Tex.): The actual trustee's fee may change over time. We presume 10% to calculate feasibility.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Remove the “estimated” language. A plan should state its assumptions with precision.

Section 4.3 (attorney’s fees)

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): This provision only sets forth the balance of fees owed to the attorney. It does not state the amount of attorney’s fees paid pre-petition.

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: The form does not give direction to the trustee as to how outstanding attorney’s fees are to be paid. There is diversity among jurisdictions on this issue.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): More detail should be required about attorney’s fees.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: More detail should be required about attorney’s fees.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): More detail should be required about attorney’s fees.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): More detail should be required about attorney’s fees.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): The attorney’s fee should not be estimated. An option for monthly payments should be included.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Statistical reporting requires the trustee to furnish the pre-petition as well as the postpetition attorney’s fees as part of the final report.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Include the total fee charged as well as the amount to be paid in the plan.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): The plan form does not provide sufficient flexibility to designate monthly payments or periodic payments to the debtor’s attorney.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): There should be a sum certain for the amount of attorney’s fees. Trustees cannot pay out on an estimate.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): This section does not inform creditors about the manner or timing of the attorney’s fee payment.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): My local form simply states that the attorney has received X amount for attorney’s fees and that Y remains to be paid through the plan.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Total attorney’s fees are required to be reported by the chapter 13 trustee in the Final Report and Account.

Comment BK-2014-0001-0097—John J. Talton (Chapter 13 Trustee, E.D. Tex.): Attorney’s fees should be an exact amount. Remove the word “estimated.” The provision relating to attorney’s fees gives no flexibility to account for any automatic step up as additional work is performed by the debtor’s attorney as may be provided for in local practice.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Reword this section to cover all attorney’s fees. The use of estimates is imprecise.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Greater detail on attorney’s fees is needed.

Section 4.4 (other priority claims)

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): Include space for the names of priority unsecured creditors and how they will be paid.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Provide more detail for domestic support orders.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. W. Va. and S.D. W. Va.): A lump sum figure is not sufficient, particularly where there is a domestic support obligation with a higher priority than other priority claims. Supplying a lump sum figure in the plan that is less than the amount shown on Schedule E gives the trustee no guidance as to which if any claims are not entitled to priority or are over stated.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): The form assumes that there can be only one priority creditor per case but fails to identify who it is. The form should allow debtors to identify the priority creditor or amount owed, or include parenthetical information.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Include space to list all priority claims (except for attorney’s fees).

Comment BK-2014-0001-0077—Mary B. Grossman (Chapter 13 Trustee, E.D. Wisc.): Leaving room for more detail at this location will allow creditors and trustees to determine if a debtor has provided for specific priority claims.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): There is no space to list other priority claims, such as IRS claims.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): All priority claim treatment should be set out in the same section.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Permit the option of making fixed monthly payments to priority creditors.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: Add space to list and itemize the priority claims so those parties can be sure that they are properly listed.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Clarify this section.

Section 4.5 (domestic support obligations assigned to a governmental unit)

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Provide more detail for domestic support orders.

Comment BK-2014-0001-0077—Mary B. Grossman (Chapter 13 Trustee, E.D. Wisc.): I recommend adding a statement in § 4.5 indicating in bold that, if the debtor elects to pay less than the full amount of a domestic support obligation assigned or owed to a governmental unit, the debtor must pay all disposable income into the chapter 13 plan for sixty months.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- Specify which disbursements on domestic support orders are by the trustee and which are direct.
- Include space for the debtor to provide information needed by the trustee in order to comply with the requirements for mailing the domestic support order notice.
- Delete this section.
- Permit the option of making fixed monthly payments to priority creditors.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): The claim should control over the plan for this section.

Address the trustee’s payment of court filing fees by installment.

Comment BK-2014-0001-0104—Paul Post (Attorney, Kansas): Section 4.5 on assigned domestic support obligations appears to be at odds with the Code, which requires that the debtor must pay all projected disposable income for 5 years for the debt to be discharged.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: Add reference to the requirement in § 1322(b)(4) that the plan must commit all of the debtor’s disposable income for the necessary five-year period, with a certification that the plan in fact does so. That requirement is more critical than the chapter 7 liquidation test that is referenced.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Clarify that the amount stated will be paid by the trustee, regardless of any contrary proof of claim.

Part 5: Treatment of Nonpriority Unsecured Claims

Section 5.1 (general)

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Clarify if the trustee is to pay all allowed claims, whether or not they are scheduled.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Delete this section. It is superfluous.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: This section provides for paying unsecured claims to the extent “allowed,” but there is no discussion here or in the rules about how and when objections by the debtor would be resolved and how that resolution would relate to the claims filed.

Section 5.2 (nonpriority unsecured claims not separately classified)

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: The “best interest of creditors” number is helpful. But it fails to include payment to priority creditors in the liquidation value analysis. Debtors should explain how the best interest number was calculated.

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): Delete the liquidation analysis. It is not part of a plan.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): This provision is unworkable.

Comment BK-2014-0001-0050—Dan Melchi (Attorney, Georgia), on behalf of Lueder, Larkin & Hunter, LLC: The third checkbox should be removed. An unsecured creditor should be told in unambiguous terms what that creditor's claim will receive under the plan.

Comment BK-2014-0001-0063—Camille Hope (Chapter 13 Trustee, M.D. Ga.): Unsecured creditors will not be able to tell whether they will receive a distribution if the plan is limited to 36 or 60 months. Fewer unsecured creditors will bother to file claims as a result, which will further reduce distributions to creditors.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Provide more options for payment of nonpriority unsecured claims.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Debtors are required to devote all disposable income for the applicable commitment period to the plan. Check boxes one and two appear to give debtors the option to pay a set sum or percentage to unsecured creditors without reference to what amount may be required to comply with the Code.

Check box three creates a conflict between the requirement of the Code that secured creditors be paid in equal monthly installments and with the payment in this section to unsecured creditors being paid after secured creditors. Trustees do not want to hold funds intended to be distributed to unsecured creditors to the end of the case. Change the language in this section to the following: "Funds not dedicated to payment for secured and priority claims or administration of the estate shall be distributed to the unsecured creditors."

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): Box #3 gives no useful information regarding proposed payments to general non-priority unsecured creditors.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): The liquidation test should include general and priority unsecured claims.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): The liquidation test should include general and priority unsecured claims.

Section 5.3 (interest)

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): This section is useful but should clarify that payment of interest may be elected by solvent estates.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): Code § 1325(a)(4) does not make reference to interest.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Rename this section “present value calculation” and change the word interest to annual discount rate.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): APR should be explained. Use “projected” instead of “estimated.”

Section 5.4 (maintenance and cure)

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): Indicate whether the trustee of the debtor will make disbursements on domestic support obligations.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): Delete this section. It will lead to mischief and improper discrimination in the treatment of unsecured claims.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Check box two is unclear as to who will act as the disbursing agent on the arrearage amount, as either the trustee or the debtor may be a disbursing agent under a plan.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): This section should be combined with § 5.5.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: It is unclear why this provision is necessary. If it is included, it should provide space to describe the type of debt.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Make clear that the trustee will pay the arrearage.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Section 5.4 will create problems in the manner and timing of plan payments to these creditors.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This section is troublesome and can lead to discrimination.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Combine §§ 5.4 and 5.5.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): This section does not explain why these obligations should be treated separately.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: This says arrearages will be paid under the plan but does not indicate how the claim for the arrearage is to be determined—whether plan or claim controls and, if claim, how it is implemented if the debtor objects to the amount as filed.

This appears to assume that all arrearages will be spread out over the entire duration of the plan? Section 1322(a)(5) says arrearages must be paid within a “reasonable time,” which does not automatically equate to a 3-5 year pay-off period.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Clarify that the trustee will disburse payments on arrearages.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Clarify the language on whether debtor or trustee will make payments.

Section 5.5 (other separately classified nonpriority unsecured claims)

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): This provision runs afoul of the antidiscrimination provisions of Code § 1322(a)(3) and (b)(1).

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Combine §§ 5.4 and 5.5.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: Why is there even a suggestion that some claims might get interest, and that unsecured claims might be paid interest while priority claims do not receive interest? Section 1322(b)(10) only allows payment of interest on nondischargeable claims—and then only if all allowed claims are paid in full.

This is again a place where the drafter appears to choose a side in a dispute over separate classification of unsecured claims. It is probably a minority position to allow separate classification.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Clarify this section.

Part 6: Executory Contracts and Unexpired Leases

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: Consider reversing the presumption, so that a contract is assumed unless specifically rejected.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Clarify whether an executory contract or unexpired lease is assumed or rejected and how a cure or a default will be treated.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): This provision does not state how any default is to be cured, as required by § 365(b)(10)(B) and (b)(1)(B) and (C).

Comment BK-2014-0001-0063—Camille Hope (Chapter 13 Trustee, M.D. Ga.): By requiring the debtor to assume a lease, this section will force debtors to disclose that fact that they are in bankruptcy to their landlords, who will terminate leases of debtors as soon as permissible. The average consumer debtor is better off if the landlord does not know of the bankruptcy.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Clarify that the trustee will pay arrearages, if any.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): The default of rejection instead of assumption is risky and may be contrary to case law. All executory contracts should be listed and treated to avoid inadvertent omission.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Make clear that the trustee will make payments on any arrearage.
The “treatment” column is not sufficiently descriptive.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Section 6.1 will create problems in the manner and timing of plan payments to these creditors.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This provision does not specify how any default is to be cured as required by Code § 365(b)(10)(B) and (b)(1) (B) and (C).

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Today, every debtor has executory contracts, which may be unrecognized by debtors and their lawyers. Include a reference to Schedule G, so that only those executory contracts and leases are rejected. Any others should remain in limbo until the debtor or counterparty take action.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Clarify whether the debtor or trustee will be disbursing agent on arrearages.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: Clarify this section.

Part 7: Order of Distribution of Trustee Payments

Comment—BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): Debtors could select improper priorities in distribution causing objections and delays in confirmation. Leaving the distribution sequence to the trustee is not transparent to creditors or debtors.

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: Delete Part 7.

Comment BK-2014-0001-0015—K. Michael Fitzgerald (Chapter 13 Trustee, W.D. Wash.): Part 7 will invite chaos instead of uniformity.

Comment BK-2014-0001-0019—Marilyn O. Marshall (Chapter 13 Trustee, N.D. Ill., Eastern Division): Part 7 should include a standard order of distribution.

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Sometimes secured and priority and administrative claims are paid at the same time. How would that be shown in Part 7?

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: Delete Part 7.

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): Eliminate the reference to statutory trustee's fees. Debtors should not be permitted to select the order of payments. Priority is determined under Code § 507.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): Delete Part 7.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): Part 7 will draw objections. Debtors should not be permitted to select the order of payments.

Comment BK-2014-0001-0063—Camille Hope (Chapter 13 Trustee, M.D. Ga.): This section should not allow the debtor to determine the order of distribution to creditors. Debtors counsel will immediately put their fees first, resulting in litigation of issues already settled by standing orders in most districts.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Delete Part 7.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Delete Part 7.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): Delete Part 7.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): The language is confusing. This section will not be completed with meaningful information for creditors or direction for trustees.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Debtors should not set the order of distribution.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): The local form I operate under specifies the disbursements under the plan unless otherwise set out. Section 1326 requirements should be the minimum in this section.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- This provision would negatively affect the trustee's administration of cases and increase the overall time needed to review each plan.
- It might be better to designate minimum payments to be disbursed to each creditor. The reference to statutory trustee's fees can be eliminated. Debtors should not be permitted to select the order of payments. Priority is determined under § 507.

Comment BK-2014-0001-0097—John J. Talton (Chapter 13 Trustee, E.D. Tex.): It will cause an administrative nightmare if debtors can propose the order of distributions.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Delete Part 7.

Comment BK-2014-0001-0111—Kelley L. Skehen (Chapter 13 Trustee, D.N.M.): The Bankruptcy Code, not the debtors, should determine the order of distributions. There should be a set order of distributions.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: We continue to believe that Part 7 should have a default order of payments that controls absent a nonstandard provision.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Include a mandatory order of distributions.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Do not allow debtors to propose the order of distributions.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Delete Part 7.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): Delete Part 7.

Part 8: Vesting of Property of the Estate

Comment BK-2014-0001-0021—Debbie Langehennig (Chapter 13 Trustee, W.D. Tex.): Does this imply that the plan is binding with respect to non-governmental claims that are timely filed after confirmation where the plan treatment is inconsistent?

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: By placing “at confirmation” as the first option, the form will lead debtors to think this is their best option. For most debtors, it is not.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): There is no space to describe when revesting will occur if “other” is selected.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ suggests adding a third specific option that is a common choice for revesting: “at discharge.”

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): In many jurisdictions the revesting of property has been determined by the court on a jurisdiction wide basis. Debtors should be warned that the choices on the form may not be available in their district.

BK-2014-0001-0073—Albert Russo (Chapter 13 Trustee, D.N.J.), on behalf of the standing chapter 13 trustees of the D.N.J.: Vesting should be upon entry of discharge and not closing of the case.

Comment BK-2014-0001-0076—Frederick Schindler (Office of the Chief Counsel, IRS): Part 8 appears to take the position that a debtor may retain all of the debtor’s property in the estate until the case is closed. The default is for revesting at confirmation. We acknowledge that Code § 1327(b) allows for revesting at different points in time. But there is no indication in the Code that retaining all the debtor’s property in the estate until the close of the case is permissible. We see no other reason for a debtor to elect to do so other than to insulate the debtor from the collection efforts of postpetition creditors.

That election will force the IRS either to incur the time and expense of referring the case to the Department of Justice to object to the plan or seek relief from the stay, or simply halt any collection efforts until the stay ends. If the latter, the debtor will incur substantial interest and penalties that accrue during the bankruptcy case, increasing the difficulty for the debtor to pay and the IRS to collect.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): Delete this section. The Code sets the default for revesting. If debtors want to propose revesting at some other point, that should be a nonstandard provision in Part 9.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): For districts that specify in the confirmation order that property of the estate remains property of the estate following confirmation, Part 8 presents a false choice to the debtor and should be an optional provision for a district.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Revesting should occur upon discharge and not the closing of the case.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: Either the form or rules should include a default provision for what is meant by stating that property “shall revest” in the debtor.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): The current practice in Arkansas is for the property to remain property of the estate and revest in the debtor upon discharge or dismissal. Substitute “discharge” for “closing of the case,” which is an administrative step that has nothing to do with vesting. To allow a debtor to choose a time for vesting would cause confusion and hamper trustee administration.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): The vesting provision may conflict with Georgia state law.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: See comment by the Office of the Chief Counsel, IRS.

Part 9: Nonstandard Plan Provisions

Comment BK-2014-0001-0019—Marilyn O. Marshall (Chapter 13 Trustee, N.D. Ill., Eastern Division): To respond to concerns about Part 9, I note that in our district, we have a local plan form with a nonstandard provision section. Generally, provisions in that section deal with late claims, attorney’s fee priority, tax refund requirements, and surrender of property language. At first, some debtor’s attorneys attempted to use the nonstandard provision section to re-write the substance of the plan form. We stopped that by educating the debtor bar through workshops with the aid and input of our bankruptcy judges. I anticipate that the same thing will happen nationally.

Comment BK-2014-0001-0030—Judge Janice Miller Karlin (Bankr. D. Kan.), on behalf of the bankruptcy judges of the D. Kan.: Part 9 should require debtors to indicate exactly which paragraph of the form they are modifying. We also recommend inclusion of a debtor/lawyer certification that the debtor/lawyer has made no changes other than in the nonstandard section.

Comment BK-2014-0001-0037—Margaret Burks (Chapter 13 Trustee, S.D. Ohio): The Cincinnati plan has provisions not included in the national plan form that the Advisory Committee should consider adopting.

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): We have adopted the national plan form in our district. Every case has required additional provisions in Part 9, the most common being mortgage-specific language, payroll-deduction information, and treatment of post-petition claims.

Comment BK-2014-0001-0048—Jan Hamilton (Chapter 13 Trustee, D. Kan.): There should be a nonstandard provisions box after each section. One place for a hodgepodge of nonstandard provisions seems counter to the apparent goals of a national form.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): The statement “These plan provisions will be effective only if the applicable box in Part 1 is checked” creates confusion if the plan is confirmed and the applicable box in Part 1 is not checked.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- The inclusion of only one place for nonstandard provisions is inadequate. If all nonstandard provisions are lumped into one section, the possibility of the tail wagging the dog will surely occur.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Add cross references to provisions that are being modified in Part 9.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): There is a very high risk that a plan will have unchecked boxes, and then, in essence, an entire local plan added in via Part 9. This renders the entire proposed national plan form a waste of paper.

Comment BK-2014-0001-0104—Paul Post (Attorney, Kansas): The “nonstandard” provisions will prove to be cumbersome. In our Kansas plan form, nonstandard provisions are allowed after each paragraph.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Reword the title—the word “plan” is not needed. Many nonstandard provisions will be needed to clarify ambiguities in the rest of the plan form.

Comment BK-2014-0001-0134—Linh Tran, Quantum3 Group, LLC: Clarify that an objection to a non-priority general unsecured proof of claim is not permitted under Part 9.

Part 10: Signatures

Comment BK-2014-0001-0011—Rod Danielson (Chapter 13 Trustee, C.D. Cal.), on behalf of the five chapter 13 trustees of the C.D. Cal.: If the plan is to have evidentiary value, the debtor’s signature is necessary.

Comment BK-2014-0001-0015—K. Michael Fitzgerald (Chapter 13 Trustee, W.D. Wash.): The debtor’s signature should be required.

Comment BK-2014-0001-0064—Richard Fink (Chapter 13 Trustee, W.D. Mo.): Include space for the attorney’s contact information.

Comment BK-2014-0001-0069—Helen M. Morris (Chapter 13 Trustee, N.D. and S.D. W. Va.): Debtors’ signatures should not be optional. The signature indicates that the debtors have read the plan, and if the plan provides for judicial lien avoidance or valuation of collateral, the signature would have an evidentiary value.

Comment BK-2014-0001-0070—Annette Crawford (Chapter 13 Trustee, M.D. La.): All debtors should have to sign chapter 13 plans. Otherwise, they can plead ignorance about the terms of plans. Requiring debtors’ signatures also protects attorneys.

Comment BK-2014-0001-0084—Ryan W. Johnson (Clerk of Court, Bankr. N.D. W.Va.): The debtor’s signature is required to give the plan evidentiary effect. Bankruptcy clerk’s offices may be required to compare the signature page with Parts 3.2 and 3.4, and delay proceedings if the debtor’s signature is required for evidentiary purposes.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): All debtors should sign the plan.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: In order to strengthen the evidentiary weight of the plan, debtors should be required to sign the plan, even when they are represented by counsel.

Comment BK-2014-0001-0117—Lydia S. Meyer (Chapter 13 Trustee, N.D. Ill.): Require all debtors to sign the plan.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): Require debtors to sign the plan. Otherwise, the plan lacks evidentiary value, and the attorney is exposed to unnecessary liability.

Comment BK-2014-0001-0125—Sheryl Ith, on behalf of Cooksey, Toolen, Gage, Duffy & Woog: If the debtor can value collateral and avoid liens through the plan, the debtor should be required to sign the plan under penalty of perjury. The debtor (or the debtor’s attorney) should also certify that the provisions of the plan do not conflict with the Bankruptcy Code.

Plan Exhibit (Estimated Amount of Trustee Payments)

Comment—BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): The trustee will have to object to confirmation to correct debtors’ math. This will delay confirmation.

Comment BK-2014-0001-0042—Mary Beth Ausbrooks (Attorney, Nashville, Tenn.): Delete the exhibit. It is not necessary.

Comment BK-2014-0001-0075—Barbara Foley (Chapter 13 Trustee, W.D. Wash.): I like this very much.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees: The exhibit will cause confusion and discrepancies. The trustee will object to it. Based on experience, the exhibit will be wrong or inconsistent with the body of the plan in a large number of cases.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): Add a line to display the total estimated payments from § 2.5 and a warning that this number must equal or exceed the total of lines a through j.

Comment BK-2014-0001-0099—Peter C. Fessenden (Chapter 13 Trustee, D. Me.): Reword and rework this exhibit.

Comment BK-2014-0001-0109—Marie Elaina Massey (Chapter 13 Trustee, S.D. Ga.): This is a huge waste of time. Numbers in chapter 13 plans are always estimates.

Comments on the Amended Rules

General

Comment—BK-2014-0001-0009—Judge Keith Lundin (Bankr. MD. Tenn.): I support the proposed rule amendments. One word of caution: The bankruptcy community has learned from the recent changes to Bankruptcy Rule 3002.1 that even good changes can generate unforeseen opportunities for creditors to increase the cost of bankruptcy by charging debtors for compliance with new rules and forms. The Advisory Committee should address that issue with respect to this next round of rules and forms changes by signaling when rules and forms are designed to facilitate compliance without the services of an attorney.

Comment BK-2014-0001-0009—Judge Keith Lundin (Bankr. MD. Tenn.): I support the Official Form for chapter 13 plans and the accompanying rules.

Comment BK-2014-0001-0033—David Lander (Attorney, St. Louis, Mo.): I urge the Advisory Committee to adopt the proposed changes to the Bankruptcy Rules but to adopt the national plan form as a Director's Form instead of an Official Form.

Comment BK-2014-0001-0043—Nicholas Hahn (Law Clerk, Bankr. D. Haw.): I support adoption of the amended rules.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ submitted extensive comments on the rule amendments published in August 2013. To the extent that the republished rule amendments did not adopt the changes suggested by the NCBJ, we renew and restate those comments.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): I strongly support the proposed rule amendments that will facilitate the prompt and efficient administration of chapter 13 cases.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: With the exception of the amendment to Rule 3002, we endorse adoption of the rule amendments if the plan form is adopted. The plan form and rule amendments (with the exception of Rule 3002) should be considered as a package.

Comment BK-2014-0001-0094—Ellie Bertwell, on behalf of Aderant CompuLaw: We urge the Advisory Committee to add an introductory note explaining how the rule amendments affect pending cases and proceedings.

Comment BK-2014-0001-0105—Hilary Bonial (Attorney, Dallas, Tex.), on behalf of Buckley Madole, P.C.: We are in favor of amendments to Rules 3002, 2002, 3015, 3007, 3012, 4003, 7001, and 9009, even if a national plan form is not approved. We suggest further clarification for some of the rule amendments.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: The proposed amendments to the Bankruptcy Rules would benefit the system but can be improved.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN: The rule amendments should be considered only in conjunction with adoption of the national chapter 13 plan form. Many creditors and their counsel have understood that the proposed amended rules, which weaken certain existing protections and due process, are in exchange for one consistent national plan form.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: If a national chapter 13 plan form is not adopted, we oppose adoption of the associated rule amendments.

We continue to have concerns about proposed amendments to Rules 3002(a), 4003(d), 5009(d), and 7001(2).

Comment BK-2014-0001-0133—Joelyn Pirkle (Attorney, Georgia): I oppose a mandatory national plan form. I do not oppose the rule changes.

Comment BK-2014-0001-0134—Linh Tran, Quantum3 Group, LLC: If the purpose of the proposed rules is to facilitate the implementation of the national chapter 13 plan form, it does not sense for the form to be adopted unless the proposed rules are also enacted.

Rule 2002

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Rule 3002

Comment BK-2014-0001-0003—Traci Cotton: The time to file a proof of claim should not be shortened to sixty days, which is insufficient time for corporate and institutional creditors. If the bar date is shortened, 90 days would be more appropriate.

Comment BK-2014-0001-0004—Raymond Bell: The bar date should be 90 days instead of 60 days. If the debtor waits fourteen days to file schedules, a 60-day rule would leave only 45 days for creditors to file proofs of claim. Creditors would have to file extension requests.

Comment BK-2014-0001-0005 and BK-2014-0001-0006—Jeanette Gillman: Same as Raymond Bell.

Comment—BK-2014-0001-0009—Judge Keith Lundin (Bankr. MD. Tenn.): Some creditors will complain that the new timetables are too strict for the filing of claims. But this will lead to increased speed and accuracy of distributions in chapter 13 cases.

Comment BK-2014-0001-0010—Laurie Williams (Chapter 13 Trustee, D. Kan.): In some cases this gives the mortgage creditors even longer than the current requirement to meaningfully comply. Plan feasibility and distribution cannot be determined until all required documents are filed. The rule change will cause confirmation delay and will delay commencement of distributions to all creditors.

Comment BK-2014-0001-0013—Judge Joe Lee (Bankr. E.D. Ky.): Proposed subdivision (c)(6) is ambiguous. Practitioners and even some courts could reasonably misinterpret the amendment to settle the long-running dispute over whether bankruptcy courts may allow late-filed, tardily scheduled claims. The Committee Note is not clear on this point. I question the value of the amendment. The Advisory Committee could clarify the scope of (c)(6) by altering the Committee Note as follows:

Subdivision (c)(6) is amended to ~~expand~~extend to all creditors, in the following limited circumstance, the exception to the bar date for cases in which a foreign creditor received insufficient notice of the time to file a proof of claim. The amendment provides that the court may extend the time to file a proof of claim if the debtor fails to file a timely list of names and addresses of creditors as required by Rule 1007(a). This amendment is not intended to address cases in which an incomplete list is timely filed. . . . [Alternatively: This amendment is not intended to address cases in which individual creditors are omitted from a timely filed list or schedule.]

Comment BK-2014-0001-0044—Peter Greco: I oppose the proposal to shorten the time to file a proof of claim. In the alternative, the two-stage filing deadline in 3002(c)(7) for mortgage creditors should be made available to student loan creditors.

Comment BK-2014-0001-0061—Judge Marvin Isgur (Bankr. S.D. Tex.): See general comment on plan form.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: Regarding proposed Rule 3002(c)(6), the NCBJ believes that the standard in the current rule that applies to foreign creditors only is an appropriate standard for extension of the bar date and perceives no reason why creditors with foreign addresses should receive preferential treatment.

Comment BK-2014-0001-0076—Frederick Schindler (Office of the Chief Counsel, IRS): We continue to be concerned about the amendment to Rule 3002(a). The revised Committee Note does not address the concern that the new requirement in the first sentence of Rule 3002(a), mandating that secured creditors must file proofs of claim for the claim to be allowed, could have the effect of avoiding setoff rights when the secured creditor does not file a proof of claim. The problem is not that the final sentence of rule 3002(a) will affect setoff rights notwithstanding section 553, but rather that the first sentence will.

We recommend that the following sentence be added to the end of section 3002(a): “The failure of an entity to file a proof of claim does not waive a right of setoff if the debtor asserts a claim against that entity.”

Comment BK-2014-0001-0077—Mary B. Grossman (Chapter 13 Trustee, E.D. Wisc.): While I am generally in favor of shortening the time for filing claims in Rule 3002(c), 60 days from the date of entry of the order for relief is too short, especially for small business or individual creditors. I recommend changing the deadline to the later of 60 days after the order for relief or 14 days after the § 341 meeting.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): Requiring secured creditors to participate in a process that, of necessity, operates only if all affected parties participate is a positive step. The deadline for the filing of claims in Rule 3002(c) will assist trustees in determining the feasibility of plans before they are presented to the court for confirmation. This is perhaps the most important rule you are considering and I urge its adoption, even if you elect to defer or reject the proposed plan form.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: We oppose the amendment to Rule 3002. The shorter claims bar date will deprive creditors of a meaningful opportunity to protect their interests by filing a timely proof of claim. We do not think this amendment is integral to the national plan form.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees:

- In some cases, the amendment to Rule 3002(c) would give mortgage creditors more time than they have now to file a proof of claim with all supporting documents.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): I strongly favor the amendment to Rule 3002(a).

Comment BK-2014-0001-0094—Ellie Bertwell, on behalf of Aderant CompuLaw: The rule amendment does not address the deadline for proofs of claim when an involuntary chapter 11 case has been converted to a chapter 7 case. We recommend the following language: “In an involuntary chapter 11 case converted to chapter 7, a proof of claim is timely filed if it is filed no later than [60 or 90] days after the order for conversion is entered.”

Rule 3002(c)(7)(A) should also be clarified. It could be revised to state, “[a] proof of claim filed by the holder of a claim that is secured by a security interest in the debtor’s principal residence is timely filed if . . . the proof of claim . . . is filed not later than 60 days after the order for relief is entered in a voluntary case, and 90 days after the order for relief is entered in an involuntary chapter 7 case.”

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): Because the proposed amendment to Rule 3002(a) states that failure to file a claim does not modify rights under any lien, the proposed amendment accomplishes nothing.

The proposed amendment to Rule 3002(c), changing the deadline to file a proof of claim to 60 days, may be beneficial. However, the proposal to give additional time to file attachments makes this improvement worthless, and in fact, is worse than the current practice.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: Rule 3002(a) should also say that a “lien is not void due only to the failure of any entity to file a proof of claim or to file such proof of claim in the time prescribed under these Rules.” Whether a claim is not filed at all or is disallowed because it is late has no relationship to the merits of the lien.

We remain concerned about the reduction under proposed Rule 3002(c) in the time for filing claims in chapter 7 cases. While this provision does not apply to governmental claims, we are concerned about the time periods applicable to our citizens when they seek to file claims.

The provision in proposed Rule 3002(c)(6) for extending the date to file claims by 60 days does not adequately cover the potential scenarios. It should provide that in situations where the debtor (i) fails to file the list, (ii) omits a creditor(s) from the list, or (iii) lists the creditor(s) with an incorrect address (as well as where the mailing goes to a foreign address), the court should be allowed to extend the time to file.

Comment BK-2014-0001-0116—Alberta Hultman, on behalf of Michael L. Zevitz, Esq., President, USFN:

The change to Rule 3002(a) will impose increased costs for little benefit in chapter 7 cases. Creditors will be forced to file proofs of claim in all chapter 7 cases to preserve their

ability to assert an allowed claim in the case, in order to share in any potential dividends from the bankruptcy estate, or credit bid at a § 363 sale of property secured by their lien.

In Rule 3002(c), the 60 day bar date is too short. We oppose the bifurcated bar date, because a creditor should not file a proof of claim without having the supporting documents.

Comment BK-2014-0001-0123—Raymond Obuchowski, on behalf of the National Association of Bankruptcy Trustees:

As we commented upon initial publication, we support the proposed change to Rule 3002(a) to require secured creditors to file proofs of claim.

We also continue to support a shorter time for filing proofs of claim. We are concerned, however, that proposed Rule 3002(c) will conflict with the claims filing process in chapter 7, where most cases are not noticed for filing of claims until the trustee files a notice of assets, as provided in Rule 2002(e). We suggest changing the proposed amendment to reference Rule 2002(e)

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Proposed Rule 3002(c)(6) should be more limited. Allowing a late claim is very disruptive.

Comment BK-2014-0001-0133—Joelyn Pirkle (Attorney, Georgia): I oppose a mandatory national plan form but do not oppose moving the claims deadline closer to confirmation.

Comment BK-2014-0001-0134—Linh Tran, Quantum3 Group, LLC: The time to file proofs of claim under proposed Rule 3002(c) is too short. There is still an average delay of more than 4 days from the bankruptcy petition date before the respective bankruptcy court electronically notifies the creditor of the bankruptcy filing. When paper notices are mailed by the bankruptcy court, the delay is even longer, at an average of over 19 days. Even though Proposed Rule 3002 permits a creditor to request extension of the claims bar date, the expense of filing a request for extension usually exceeds the potential chapter 13 plan payout for a general unsecured claim.

If the goal of the amendment is to reduce the amount of time from petition date to the deadline to file a claim, then a 90-day period for filing would better account for the time creditors to receive and process the petition notices.

Comment BK-2014-0001-0136—William Heitkamp (Chapter 13 Trustee, S.D. Tex.): The 60-day claims filing period in proposed Rule 3002(c) is too short.

Rule 3007

Comment BK-2014-0001-0014—Judge Austin Carter (Bankr. M.D. Ga.): I applaud the effort to clarify the rules for service of claim objections. However, the new proposed rule does not address the scenario in chapter 11 cases where a party in interest objects to a claim which is deemed allowed under Rule 3003(b)(1). In that instance, there would be no proof of claim on file, so subsection (a)(1) of the proposed Rule 3007 (requiring service on the “notice address” reflected on the proof of claim) could not be followed.

Include in the new Rule 3007 direction on how to serve an objection to a claim which is deemed allowed under Rule 3003, perhaps by serving the creditor at the address listed in the latest version of the debtor's schedules, and then also have proposed subdivisions (a)(1)(A) and (B) apply with respect to the federal government and insured depositories.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): I would encourage the Committee to consider the impact of proposed Rule 3007. Certified mailing to an insured depository institution imposes an unnecessary and significant cost on trustees, debtors, and their counsel when the creditor itself has identified the address to which notices can be sent on the face of the proof of claim form. Further, the rules should be modified to reflect use of electronic notice and service through the CM/ECF system.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Comment BK-2014-0001-0094—Ellie Bertwell, on behalf of Aderant CompuLaw: Proposed Rule 3007(a) requires notice of the deadline to request a hearing. However, when a local bankruptcy rule provides for notice and opportunity for hearing, the time to request a hearing generally is computed from the service or filing of the objection. Thus, it would not be useful or practical to compute the notice deadline from the “deadline for claimant to request a hearing,” as proposed. We suggest the following changes: “An objection to the allowance of a claim and a notice of objection . . . shall be filed and served at least 30 days before any scheduled hearing or any deadline for the claimant to request a hearing, unless a local rule authorizes an objecting party to provide notice and opportunity for hearing on the objection.”

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): The proposed amendment to Rule 3007 is not only unnecessary, but damaging. Each court has significant experience with claims objections and what is best for their district.

Comment BK-2014-0001-0106—Stephanie Edmondson (Clerk of Court, Bankr. E.D.N.C.): Requiring Rule 7004 service for some but not all entities may be difficult for court staff to recall when reviewing proper service of objections.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: Proposed Rule 3007(a) provides for service upon the United States in accordance with the requirements of Rule 7004(b)(4) and (5), but ignores the similar provisions for giving notice to states and municipalities set out in Rule 7004(b)(6). The same considerations that warrant more specific notice for the United States also apply to other governmental entities and are not overly difficult to comply with.

Comment BK-2014-0001-0136—William Heitkamp (Chapter 13 Trustee, S.D. Tex.): Rule 3007(a)(1) should incorporate by reference Rule 2002(g), which specifies persons deemed to be designated to receive notice.

Rule 3012

Comment BK-2014-0001-0050—Dan Melchi (Attorney, Georgia), on behalf of Lueder, Larkin & Hunter, LLC: The proposed amendments to Rules 3012 and 3015 are unconstitutional. In combination with § 3.2 of the plan form, they violate the Fifth Amendment by depriving creditors of due process and by taking their property without compensation. See general comments on plan form.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ gives qualified support to the changes in Rule 3012. The NCBJ continues to support the change in the rule that would permit valuation of secured claims to be combined with objections to the claims themselves and continues to take no position on the proposal to permit secured claims to be valued as part of the plan confirmation process. This is a very significant rule in bankruptcy practice and the proposed changes are substantial. Consequently, the NCBJ renews all of its other prior comments that were not adopted: (1) the need for the rule to address the treatment of claims in chapter 11 cases; and (2) the ambiguity in the rule regarding priority claims and the potential overexpansion of procedural vehicles for objecting to priority claims.

The NCBJ believes that the requirement that a motion or objection seeking a determination of the amount of a secured claim of a governmental unit be made after the expiration of the governmental unit's deadline for filing a claim is misguided.

The NCBJ suggests that Rule 3012 be revised to require service of a plan that provides for a determination of the amount of an allowed secured claim on either the person entitled to receive notice of a claims objection under Rule 3007 or any person who, on behalf of the affected creditor, has requested notices under Rule 2002, and on both if both are known. If neither person exists, Rule 7004 service should be required.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): The proposed amendments to Rule 3012 are a mistake. Even though I represent debtors, I can see that this has a potential for due process problems.

Comment BK-2014-0001-0106—Stephanie Edmondson (Clerk of Court, Bankr. E.D.N.C.): Allowing determination of the amount of a secured claim through a plan instead of by motion will mean that courts will lose statistical credit for the motions that would have been filed.

Resolution of an objection would require the filing of an amended plan, increasing costs for debtors.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys:

We have several questions about the proposed language in Rule 3012(b).

In proposed Rule 3012(c), determinations of the "amount" of a secured claim may only be made after the government has filed its proof of claim or the time to do so has expired. What

is the “amount” that is being determined? Is it the amount of the overall claim or the amount that can be deemed to be “secured” under § 506(a)?

Is the government still forced to object to the plan if the debtor uses different claim amounts or asset valuations than those the government believes are accurate and that it intends to eventually include in a proof of claim?

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): Proposed Rule 3012(b) is an improvement over the version published previously. I adhere to the concerns stated in my comments of February 2014.

Comment BK-2014-0001-0136—William Heitkamp (Chapter 13 Trustee, S.D. Tex.): Governmental units should not be excluded in Rule 3012(c).

Rules 3015 and 4003

Comment BK-2014-0001-0022—Judge Robert Grant (Bankr. N.D. Ind.), on behalf of the bankruptcy judges of the N.D. Ind.: Rule 3015(c), which requires use of the national plan form and states that some provisions will not be effective without an appropriate check box, conflicts with two provisions of the Bankruptcy Code. Section 1325 states the requirements for plan confirmation, and use of a particular form is not one of them. Section 1327 sets forth the effects of confirmation, without qualification.

Comment BK-2014-0001-0029—Robert Drummond (Chapter 13 Trustee, D. Mont.): Alter the proposed revision to Rule 3015 so that the use of the plan form is optional.

Comment BK-2014-0001-0049—Grant Shipley (Attorney, Fort Wayne, Ind.): The language regarding nonstandard provisions conflicts with Code § 1322.

Comment BK-2014-0001-0050—Dan Melchi (Attorney, Georgia), on behalf of Lueder, Larkin & Hunter, LLC: The proposed amendments to Rules 3012 and 3015 are unconstitutional. In combination with § 3.2 of the plan form, they violate the Fifth Amendment by depriving creditors of due process and by taking their property without compensation. See general comment on plan form.

Comment BK-2014-0001-0054—Michael Joseph (Chapter 13 Trustee, D. Del.): I oppose the amendment to Rule 3015(c) requiring a mandatory chapter 13 form be used.

Comment BK-2014-0001-0061—Judge Marvin Isgur (Bankr. S.D. Tex.): See general comment on plan form.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ takes no position on the advisability of a mandatory national plan form. If proposed Rule 3015 is pursued, however, NCBJ recommends three changes suggested in its prior comments.

The second sentence of proposed Rule 3015(c) should be deleted. A declaration as to which plan provisions are “effective” is a declaration of substantive law, not procedure. This amendment is inconsistent with Code § 1327(a) and *Espinosa*.

Rule 3015(d) should be altered to discuss explicitly service of an amended plan prior to confirmation.

The NCBJ recommends either that Rule 3015(h) be left unchanged or, alternatively, replaced with a simple requirement that service of a motion to modify a plan and the proposed amended plan be served on the trustee, creditors who have requested notice under Rule 2002, and any creditor adversely affected by the amendments to the confirmed plan.

Regarding Rule 4003, the NCBJ expresses the same concern regarding Rule 7004 service as in its comment to Rule 3012.

Comment BK-2014-0001-0081—Matthew T. Loughney (Clerk, Bankr. M.D.Tenn.), on behalf of the Bankruptcy Noticing Working Group: We support the Committee’s proposed elimination in Rule 3015(d) of the requirement that the plan “shall be included with each notice of the hearing on confirmation mailed pursuant to Rule 2002.”

The rule should be further changed to make the debtor bear the responsibility and expense of noticing chapter 13 plans.

The option of noticing a plan summary should remain in the rule.

We recommend that the amendment to Rule 3015(h) be rephrased to clearly state that, when the proponent files the modification, he or she gives notice of the modification, or summary thereof.

Comment BK-2014-0001-0082—Henry Hildebrand (Chapter 13 Trustee, M.D. Tenn.): By requiring a minimum of 7 days to object to confirmation in your modification to Rule 3015(f), the ability of some courts to more quickly process and confirm uncontested plans is restricted. See § 1324(b). Instead, let the trustee and creditors indicate objection to a plan on the record of a meeting of creditors if the court has set a confirmation hearing earlier than 7 days after the meeting of creditors. This would encourage creditor participation at the meeting where a contested plan can be transformed into a consensual plan.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): I opposed Rule 3015(c).

Comment BK-2014-0001-0088—Scott Ford (Clerk of Court, N.D. Ala.), on behalf of the Bankruptcy Clerks Advisory Group: We concur with the comments of Matthew T. Loughney on behalf of the Bankruptcy Noticing Working Group.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Change the proposed amendment to Rule 3015(c) so that the plan form is not mandatory.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rules.

Comment BK-2014-0001-0093—Glenn Stearns (Chapter 13 Trustee, N.D. Ill.): Given the shorter bar date in proposed Rule 3002(c), the 14-day period for the debtor to file a plan in Rule 3015(b) should be reduced to 7 days or eliminated altogether.

Comment BK-2014-0001-0094—Ellie Bertwell, on behalf of Aderant CompuLaw: The proposed amendment to Rule 3015(f) sets a new deadline to object to a chapter 12 or 13 plan as 7 days prior to the confirmation hearing. Currently, numerous local bankruptcy rules include a rule setting a deadline to object to confirmation of a chapter 13 plan that differs from the proposed rule. In the past, some courts have not amended or rescinded conflicting rules before FRBP amendments go into effect. Because so many local rules set a different deadline, it is important for practitioners to know if the FRBP deadline applies in their cases. A Committee Note could explain how this new deadline applies to pending cases.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): A national plan form is a national mistake. One size does not fit all. With the exception of a few mortgage companies and a hand-full of software providers, this does not benefit anyone. The current system is more flexible, allows districts to experiment with mandatory or proposed forms, and has worked well.

Comment BK-2014-0001-0105—Hilary Bonial (Attorney, Dallas, Tex.), on behalf of Buckley Madole, P.C.: Rule 3015 should be clarified with regard to setting the time for objection to plan confirmation. The current proposed rule would allow local jurisdictions to set the objection date greater than seven days prior to the confirmation hearing. This would defeat the purpose of a national plan form, which is to create uniformity.

Clarify if an objection to plan confirmation should be made seven days prior to the first date set for the confirmation hearing. In other words, if the confirmation hearing date changes from the original date set, the amended rule could be interpreted to mean that an objection to plan confirmation is not due until seven days prior to the actual confirmation hearing date instead of the first date set for the confirmation hearing. We suggest the following changes:

“An objection to confirmation of a plan shall be filed and served on the debtor, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee ~~at least~~ seven days before the first date set for the hearing on confirmation.”

Comment BK-2014-0001-0106—Stephanie Edmondson (Clerk of Court, Bankr. E.D.N.C.): Allowing avoidance of liens impairing exemptions through a plan under Rule 4003(d) instead of by motion will mean that courts will lose statistical credit for the motions that would have been filed.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys:

We have suggested language changes to Rule 3015.

A form for chapter 13 confirmation orders should also be included with the plan form.

Comment BK-2014-0001-0120—Joyce Bradley Babin (Chapter 13 Trustee, E.D. Ark. and W.D. Ark.): I oppose making the national plan form mandatory. I also oppose the

compromise proposal that would require the adoption of a local plan form or acceptance of the national form. We do not have a local plan form in Arkansas.

I have additional comments about the language of the compromise proposal.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Because I oppose the mandatory plan form, I oppose the amendment to Rule 3015.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: The Department’s concerns about the proposed amendment to Rule 4003(d) are similar to our concerns about amended Rule 5009(d). The proposed amendment does not provide adequate notice.

Clarify that lien avoidance is limited to judicial liens and non-purchase money security interests in limited kinds of property, as set forth in Code § 522(f).

We recommend eliminating the language allowing a plan to extinguish a lien encumbering exempt property. In the alternative, include a government exception.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): I oppose the proposed national plan form and changes to Rule 3015(c).

Comment BK-2014-0001-0129—Shannon Garrett (Attorney, Kansas): I urge the Advisory Committee to reject the published version of Rule 3015(c) in favor of the compromise proposal.

Comment BK-2014-0001-0131—David S. Yen (Attorney, Chicago): The scope and manner of service should be more limited.

Comment BK-2014-0001-0136—William Heitkamp (Chapter 13 Trustee, S.D. Tex.): Clarify the wording in Rule 3015(g).

Rule 5009

Comment BK-2014-0001-0076—Frederick Schindler (Office of the Chief Counsel, IRS): As explained above, § 3.2 of proposed Official Form 113 provides: “The holder of any claim listed below as having value in the column headed Amount of secured claim will retain the lien until the earlier of . . . discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.” Proposed Rule 5009(d), in combination with proposed § 3.2, therefore requires that the lien be released by the creditor, and that the court can enter an order to that effect. Assuming that debtors and courts follow the rule and the plan form, there may be no problem with the rule. But we note that debtors and courts may not understand the interaction between the plan and the rule, resulting in orders determining that tax liens were released when in fact they were not released by the IRS, as when the underlying tax was nondischargeable. Even assuming the rule works as intended, we question the usefulness of a court order that merely finds that a creditor had already released its lien.

We recommend that the amendment be dropped altogether, or that the Committee Notes be clarified to make clear the relation to the provision of the plan form.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): The idea of allowing a lien to be avoided or “stripped” in a plan is fine, but this would effectively require an additional motion with very bad timing. The motion to confirm that a lien is “satisfied” could become effectively mandatory. However, it runs up against the practice in some districts (including the Eastern District of Pennsylvania) of issuing most chapter 13 discharges simultaneously with the case closing orders. Because a wholly unsecured second mortgage is not deemed to be “stripped” until the discharge issues, this would effectively mandate yet another motion, at least one month prior to closing, to hold open the case to allow the motion to confirm satisfaction.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States’ Association of Bankruptcy Attorneys: We do not oppose the concept of this provision, but we believe it would be more appropriately brought as an adversary proceeding to ensure better notice.

Comment BK-2014-0001-0126—Diana L. Erbsen, on behalf of the U.S. Department of Justice: A “release” of a lien extinguishes a statutory lien from all property, including property that is not part of the estate. It does not simply discharge the lien from certain property. Before a declaration that a secured claim has been satisfied and a lien released, we believe that debtors should not be entitled to make such a request by motion. An adversary proceeding is essential to protect creditor rights.

This proposal potentially conflicts with non-bankruptcy law, and it may be invalid for federal tax liens and other liens of the United States. In addition, the tax exception to the Declaratory Judgement Act prohibits declaratory judgments regarding federal taxes.

Rule 7001

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Rule 9009

Comment BK-2014-0001-0022—Judge Robert Grant (Bankr. N.D. Ind.), on behalf of the bankruptcy judges of the N.D. Ind.: See comments under Rule 3015.

Comment BK-2014-0001-0045—Keith Rucinski (Chapter 13 Trustee, N.D. Ohio): Proposed Rule 9009 should be altered to allow local courts to remove parts of the plan form that do not apply in their districts.

Comment BK-2014-0001-0046—Judge Terrence L Michael (Bankr. N.D. Okla.): I oppose amended Rule 9009.

Comment BK-2014-0001-0062—Judge Robert E. Nugent (Bankr. D. Kan.), on behalf of the National Conference of Bankruptcy Judges: The NCBJ continues to oppose the amendment to Rule 9009. If the requirement of a rigid adherence to the Official Forms is driven by the expectation that the national chapter 13 plan form will be adopted, the restrictions should be stated in Rule 3015 and limited to modifications of the national chapter 13 plan form.

Comment BK-2014-0001-0083—Pam Bassel (Chapter 13 Trustee, N.D. Tex.): I oppose the amendment to Rule 9009. Leave current Rule 9009 as it is.

Comment BK-2014-0001-0088—Scott Ford (Clerk of Court, N.D. Ala.), on behalf of the Bankruptcy Clerks Advisory Group: This rule amendment would have an impact on districts where forms are modified to add language at the request of the U.S. Trustee, or language referring to local rules or to deadlines that affect parties' rights.

There is a concern that clerks' offices will be tasked with quality control to check for compliance with this rule.

Comment BK-2014-0001-0089—Ray Hendren (Chapter 13 Trustee, W.D. Tex.): Do not revise Rule 9009.

Comment BK-2014-0001-0091—Pennsylvania Bar Association: If the plan form is adopted, we endorse the amendment to this rule.

Comment BK-2014-0001-0092—Jon Waage, on behalf of the National Association of Chapter Thirteen Trustees: Amend Rule 9009 to allow local bankruptcy courts and districts to maintain the order of presenting information but to allow deletion from a form of options that are not available in a jurisdiction.

Comment BK-2014-0001-0102—Michael W. Gallagher (Attorney, East Norriton, Pa.): The current forms system, which mandates substantial compliance, has been effective and should be retained.

Comment BK-2014-0001-0113—James C. Jacobsen, on behalf of the States' Association of Bankruptcy Attorneys: We understand a suggestion has been made to allow retention of "conforming" district plans (with only a single plan per district). Although we continue to believe strongly that the goal should be to arrive at a single national plan form with adequate provision for some local options, we do agree that the new compromise proposal is a step in the right direction.

Comment BK-2014-0001-0123—Raymond Obuchowski, on behalf of the National Association of Bankruptcy Trustees: NABT supports the concept of consistency in Official Forms and their use without modification. We support the NCBJ's comments regarding the proposed changes to Rule 9009, except to the extent directed to the issue of a national form for chapter 13 plans, on which NABT takes no position.

Comment BK-2014-0001-0124—O. Byron Meredith III (Chapter 13 Trustee, S.D. Ga.): Because I oppose the mandatory plan form, I oppose the amendment to Rule 9009.

Comment BK-2014-0001-0127—Lonnie D. Eck (Chapter 13 Trustee, N.D. Ga.): I oppose the proposed national plan form and changes to Rule 9009.

APPENDIX B

List of comments about nonindividual forms after public comment period as of 3/25/2015

For ease of reference, documents are listed in the order in which they appear in the *Preliminary draft of Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure*, August 2014.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
Comments about previously published individual forms						
106A/B: Property		1.	<p>There is a logical inconsistency and ambiguity in the proposed 106A/B form, as follows:</p> <p>The instructions for each part ask for legal and equitable interests, which would include the value of leasehold interests but not the value of the leased property.</p> <p>The instructions for Part 2 (vehicles) ask the debtor to list leased vehicles.</p> <p>Yet, the check boxes in parts 1 and 2 do not include "owned by someone else only" as an option. Furthermore, I believe that most pro-se debtors and many attorneys will not understand the relationship between Schedule A/B, Schedule G, and line 23 of the SOFA (proposed form 107).</p>	0055	Walter Oney, NA	Accept comment. Change the question about who the owner of the property is to "Who has an interest in the property?"
106E/F: Schedule E/F: Creditors Who Have Unsecured Claims		2.	<p>There is an item on individual Schedule E/F that I wanted to point out and suggest for revision. I understand that it was out for comment last year, but I think that it really needs to be addressed. We came across it after reviewing the non-individual E/F and noticing one of the differences.</p> <p>The individual E/F has an instruction below the caption that reads "If you have no information to report in a Part, do not file that Part." This is a problem.</p> <p>First of all, Part 1 is on the same page as the caption, so it would be hard not to file it and simply file Part 2.</p> <p>Second, both Part 1 and Part 2 have check boxes to indicate whether the debtor has any claims in that category. If they have no claims and are not filing that Part, why have the check box?</p> <p>Third, Part 2 instructs the debtor who checks "No" to submit the form to the court. This contradicts the instruction not to file it.</p> <p>Finally, going by the instruction just below the caption to not file a Part if the debtor has no information to report in that part, the debtor would apparently not file Schedule E/F if the debtor has no information to report in Part 1 and Part 2 (if this is</p>	0066	Gary Streeting, NA	Accept comment. Change by eliminating the instruction.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
			not the intent, then this is very misleading).			
			If there is a continued 341 meeting that is not concluded until after 45 days, and it is determined that the debtor should have reported something in Part 1 or 2, the debtor would be subject to the automatic dismissal provision of Sec. 521(i). The debtor would not be filing an amended schedule since the debtor did not file the schedule in the first place.			
			This can all be avoided by simply removing the one sentence instructing the debtor not to file a Part if there is no information to report in that Part. The best thing to do would be to have the debtor simply check the "No" box in that part indicating that there is no information to report in that part and filing the form. This instruction is not on the non-individual E/F.			

Comments about published non-individual forms

General				ID #	Commenter	Action taken
	3.	The title of each Form in the "200" series should be revised to reflect that the form is used in cases involving non-individual debtors.		0062	NCBJ	Reject suggestion. Do not make change. Software packages and location/grouping on AO website will make clear.
	4.	The restyled forms for which the Advisory Committee is now seeking publication constitute the last major group of Official Forms that will be revised by the Forms Modernization Project ("FMP"). This group of forms consists primarily of case opening forms for nonindividual cases, chapter 11-related forms, the proof of claim form and supplements, and orders and court notices for use in all types of cases. Two revised individual debtor forms and the announcement of the proposed abrogation of two Official Forms are also included. These forms are the result of extensive research and input from groups of chapter 11 attorneys, the National Association of Bankruptcy Trustees, representatives of the U.S. Trustee Program, a Western District of Michigan group assembled by Bankruptcy Judge Jeffrey Hughes, an Eastern District of California group assembled by Bankruptcy Judge Christopher Klein, and form software vendors. The Advisory Committee reviewed the forms and made suggestions at its fall 2013 meeting. After additional revisions were made, the forms were presented to the Advisory Committee at the spring 2014 meeting. The Committee unanimously approved them for publication. Other than the comments set forth [below, in this document], the Forms Modernization Project is generally supported by the bench, bar, and related associations. No other comments demonstrating strong opposition were received.		0091	PA Bar Association	No action required.

113: Chapter 13 Plan	135	To be handled by a different group
----------------------	-----	------------------------------------

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
201 Voluntary Petition for Non-Individuals Filing for Bankruptcy	169	8	5. 1 of the 2 boxes to be checked is redundant. It should not be necessary to check the 1 st box (<i>the aggregate noncontingent liquidated debts are less than \$2,490,925</i>) if the Debtor checks the box that says <i>that it is a small business as defined in §101(51D)</i> . The latter subsumes the former.	0062	NCBJ	Eliminate the first category. Make change..
	168	5	6. No known requirement exists for a business debtor to provide a website, and such disclosure could lead to improper information being imparted to the presiding judge.	0084	Ryan Johnson, Clerk	Reject comment. No change needed. May be useful to clerk and others; no info. Imparted to judge that judge couldn't otherwise find.
	169	7c	7. No reason exists to include a NAICS Code on the petition. The classification codes are confusing and can lead to incomplete or misleading information.	0084	Ryan Johnson, Clerk	Accept comment. Take out question.
	169	8	8. Under the chapter 11 options, the first checkbox and second checkbox concerning those who are small business debtors and those who might be small business debtors causes confusion.	0084	Ryan Johnson, Clerk	Already discussed and decided.
	170	11	9. Venue in bankruptcy cases is permissive under 28 U.S.C. § 1408 ("may be commenced"). The choice of venue is self-evident. Line 11 is an improper question as venue is proper as filed, contingent on being transferred upon a valid objection. Moreover, even if the permissive "may" language in § 1408 is rewritten as "shall," venue is subject to waiver. In the Northern District of West Virginia, 6.4% of all Chapter 7 cases filed in CY 2014 were for debtors who listed their residence in a county outside of West Virginia. Such debtors cannot complete Line 11 of Official Form B201 as it presents them with a false choice.	0084	Ryan Johnson, Clerk	Make change as follows: "Why is the case filed in this district?"
	170	12	10. The term "immediate attention" is ambiguous. For example, a vehicle parked on or near the street is in danger of theft and damage from the weather. Reasonable minds may differ on whether such property is in need of "immediate attention." Requiring a separate page for every vehicle used by a business debtor could be unduly burdensome. Such information should be exchanged in meetings with the trustee or in first day motions – not in the petition.	0084	Ryan Johnson, Clerk	Suggestion rejected. No change.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	170	13	<p>11. the inclusion of Line 13 in Official Form 201 (like page 1 of existing Form B1 04/13)) requires the debtor to estimate an answer to a complex question of whether: (1) funds will be available for the distribution to creditors, or (2) after payment of administrative expenses, no funds will be available for distribution to unsecured creditors.</p> <p>Such a determination is better left to the business judgment of a Chapter 7 trustee or should be actually determined through the disclosure statement and plan process. A response by the debtor on the voluntary petition requires an intimate knowledge of the Bankruptcy Code and Rules, other federal and state law, valuation methodologies, and a strategic analysis of the actions of third parties. Moreover, no requirement exists in the Bankruptcy Code or Rules that the information be provided, and no consequence is known for a debtor’s failure to submit such information. Chapter 7 debtors also have an incentive to declare their cases “no asset” to encourage abandonment; thus, any response given by the debtor is suspect</p> <p>As the instructions to page 1 of existing Form B1 (04/12)) state, the purpose of this estimate is to impart information to the bankruptcy clerk to assist the clerk in determining whether it is necessary to solicit claims at the outset of the case under Rule 2002(e). In the Northern District of West Virginia (and likely in many other districts), the obligation to designate an “asset” or “no asset” case is effectively delegated to the case trustee – a professional who is in a far better position than the debtor or the clerk’s office to gage whether it is necessary to solicit proofs of claim.</p> <p>More specifically, in CY 2013, the Bankruptcy Court for the Northern District of West Virginia had an asset designations by a Chapter 7 trustee in 2.9% of all its Chapter 7 cases (individual and businesses). Because 97.1% of all Chapter 7 cases in the district are “no-asset” cases, the Clerk’s Office treats all Chapter 7 cases as having insufficient assets to pay a dividend under Rule 2002(e); consequently, in all Chapter 7 cases the Clerk’s Office instructs creditors not to file proofs of claim unless specifically instructed to do so. This system is entirely automated and enables the Clerk’s Office to utilize a cost-effective, known, consistent and efficient procedure over a large number of cases. In addition, utilizing Rule 2002(e) in this manner saves creditors the time and expense of filing claims unless a dividend is actually possible as determined by the case trustee, saves the Clerk’s Office the time and expense of needlessly administering paper proofs of claim mailed to the court, and prevents needless litigation over filed claims when no dividend is possible. In short, Line 13 calls for a biased response to a complex question and is not useful information.</p>	0084	Ryan Johnson, Clerk	Reject suggestion. No change.
			<p>12. Modify proposed Form 401 to ensure that investors and the Commission continue to receive relevant information when a Chapter 15 debtor is a reporting company.</p>		SEC	Referred this issue to the Business Subcommittee as it is also considered Form 201A (formerly Exhibit A to the petition).

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
202: Declaration Under Penalty of Perjury for Non-Individual Debtors	175		<p>13. There is no check box for the List of 20 Largest Unsecured Creditors on Form 202.</p> <p>If this is the intent, it would be a good idea to add a check box specifically for this item to Form 202 rather than have the debtor check "Other document that requires a declaration."</p> <p>If the intent is to no longer require any signature or declaration for the List of 20 Largest Unsecured Creditors, this should be made clear in the last sentence of the Committee Note</p>	0067	Gary Streeting, NA	Accept comment. Add a checkbox for form 204 to Form 202.
	177		14. The title of each Form in the "200" series should be revised to reflect that the form is used in cases involving non-individual debtors.	0062	NCBJ	Already discussed.
	177		<p>15. The format is materially different than the Official Form 104 published in August 2013, which is the form that is to be used in individual chapter 11 cases to list the 20 largest unsecured creditors.</p> <p>Forms 104 and 204 should be identical.</p>	0062	NCBJ	Reject comment. No change needed. Different formats are intended in order to be more user friendly for individual debtors.
204: Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders	178		<p>16. there is no longer a space for the debtor's declaration. I presume that the debtor is now to use Form 202 for this declaration, but it is not clear.</p> <p>If the intent is to no longer require any signature or declaration for the List of 20 Largest Unsecured Creditors, this should be made clear in the last sentence of the Committee Note</p>	0067	Gary Streeting, NA	Already discussed.
	182	11, 2 nd line	17. Place a check box alongside of the allegation: "The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a)." The consequences of an involuntary petition are serious enough (for both petitioner(s) and putative debtor) that an extra step in the filing process (i.e., checking another box) may have some benefit.	0062	NCBJ	Reject suggestion. No change.
206A/B: Assets—Real and Personal Property	189		18. The title of each Form in the "200" series should be revised to reflect that the form is used in cases involving non-individual debtors.	0062	NCBJ	Already discussed.
	189-196		19. Recognizing that this would be a change from the current form, NCBJ believes the term "fair market value" is preferable to the term "current value" that is used throughout the form, especially because current value is defined as fair market value in the proposed Instructions to the form.	0062	NCBJ	Reject comment. No change.
	191	24	20. the term "PACA" should be defined (by citation to the PACA statute).	0062	NCBJ	Agree with comment. Take out: "Is any of the property listed in Part 5 subject to or part of a possible PACA claim?" from the second part of question 24.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	191-192	31	<p>21. 31 includes a reference to “fishing supplies,” while the general heading of Part 6 is “Agricultural assets (other than titled motor vehicles and land).”</p> <p>Also, ¶ 31 is a follow-up question to A/B.27, which asks: “Does the debtor own any agricultural assets (other than titled motor vehicles and land)? (emphasis added).</p> <p>The farming/fishing discrepancy should be addressed, perhaps by adding “and fishing supplies” to the title of Part 6.</p> <p>[cbb: If we take this suggestion, we should also add “and fishing supplies” to line 85 on p. 196]</p>	0062	NCBJ	Agree with comment. Change title of section to “Farming and Fishing-Related Assets”. Also change question 27 to “farming and fishing-related assets” and line 32 to “Other farming and fishing-related assets”.
	195	70	<p>22. The NCBJ suggests adding another category for disclosure for executory contracts and unexpired leases that have value to the estate. This would be consistent with the suggested revisions to Schedule G and the rationale for also amending Schedule A/B is discussed in the NCBJ’s comments to Form 206G below.</p>	0062	NCBJ	Reject comment in part. Do not add new category, but add an instruction on line 70 to “Include all interests in executory contracts and unexpired leases not previously included on this form.”
	189, 207, 298, 303		<p>23. The Instruction to 206G states that each executory contract or unexpired lease disclosed on Schedule G should also be listed on Schedule A/B. See p. 298 (“In Schedule A/B, list any executory contracts or unexpired lease contracts that have a net value”).</p> <p>The NCBJ believes that the requirement to identify valuable executory contracts and unexpired leases is reasonable, but because it is a distinct change from past practice, the instruction needs to be more prominent – probably placed on Schedule G itself, rather than in the Instructions to Schedule G.</p> <p>Also, it is not obvious where the disclosure on Schedule A/B should be made. If there is to be this double disclosure, Schedule A/B should include a specific line item for executory contracts or unexpired leases that have value to the estate.</p>	0062	NCBJ	Reject comment because issue addressed through prior action.
206D: Schedule D: Creditors Who Have Claims Secured by Property	197		<p>24. The title of each Form in the “200” series should be revised to reflect that the form is used in cases involving non-individual debtors.</p>	0062	NCBJ	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	197, 198		<p>25. The heading for Column A should be revised. Column A requests a disclosure of the amount of the claim that is secured. It reads:</p> <p>Amount of claim Do not deduct the value of lien</p> <p>The phrase “value of the lien” is unclear. Column A seeks disclosure of the total amount of the claim without consideration whether the claim may be undersecured (and therefore, whether the allowed secured may be less under §506(a)). The NCBJ suggests that a better topic heading for the column would be “Total amount of claim” without any reference to the “value” of the lien</p>	0062	NCBJ	Accept comment and match the language in 206D to match the language used on 106D for these two columns (Amount of claim – Do not deduct the value of collateral); Value of collateral that supports this claim).
	197- 198		<p>26. As part of the information to be disclosed regarding creditors and their claims, 206D adds another category to the traditional “contingent, unliquidated, disputed” inquiry. There is a 4th box for “Liquidated and neither contingent nor disputed.”</p> <p>The NCBJ does not see the purpose of the 4th box. The instruction already says check all boxes that apply. Presumably, a debtor checking only the “liquidated” box is representing that it is neither contingent nor disputed.</p>	0062	NCBJ	Accept suggestion and remove fourth box. Make change.
	199	Instr.	<p>27. There is a discrepancy between Schedule D and F with respect to the instruction regarding notification of persons other than the holder of a particular claim (e.g., listing not only the creditor, but the creditor’s attorney). In Schedule D, the form states, “If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.”</p> <p>In Schedule F, the form asks, “Does the debtor want to notify additional parties about the claims listed in Parts 1 and 2 or for some other reason?” The two forms should be consistent. The NCBJ suggests using the Schedule F language.</p> <p>[cbb: If you do adopt the suggestion, then you always require a response in Part 2 (yes/no), always adding another page. With the current instruction, people don’t fill out that page if it is not required.]</p>	0062	NCBJ	Accept comment and use Schedule D language in both forms (i.e., change the language on Schedule F.)
206E/F: Creditors Who Have Unsecured Claims	200		<p>28. The title of each Form in the “200” series should be revised to reflect that the form is used in cases involving non-individual debtors.</p>	0062	NCBJ	Already discussed.
	200- 203		<p>29. Schedule E/F asks, with respect to each debt, “Is the claim subject to offset?” It has “yes/no” check boxes for a response.</p> <p>The NCBJ suggests that this question be deleted. No explanation is given for the need to single out for disclosure what is one ground, among many, for disputing a listed a debt.</p>	0062	NCBJ	Reject comment. Do not make change.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	204	Instr.	<p>30. There is a discrepancy between Schedule D and F with respect to the instruction regarding notification of persons other than the holder of a particular claim (e.g., listing not only the creditor, but the creditor’s attorney). In Schedule D, the form states, “If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.”</p> <p>In Schedule F, the form asks, “Does the debtor want to notify additional parties about the claims listed in Parts 1 and 2 or for some other reason?” The two forms should be consistent. The NCBJ suggests using the Schedule F language</p>	0062	NCBJ	Accept change. Edit discussed above.
	204	2	<p>31. 2 states: “List in alphabetical order all creditors who have unsecured claims that are at least partially entitled to priority.”</p> <p>The NCBJ believes that the instruction would be much clearer if it stated simply: “List in alphabetical order all creditors who have unsecured claims that are entitled to priority, in whole or in part.”</p>	0062	NCBJ	Agree with comment. Make change.
206G: Schedule G: Executory Contracts and Unexpired Leases	207		32. The title of each Form in the “200” series should be revised to reflect that the form is used in cases involving non-individual debtors.	0062	NCBJ	Already discussed.
	207, 298, 303		<p>33. The Instruction to 206G states that each executory contract or unexpired lease disclosed on Schedule G should also be listed on Schedule A/B. See p. 298 (“In Schedule A/B, list any executory contracts or unexpired lease contracts that have a net value”).</p> <p>The NCBJ believes that the requirement to identify valuable executory contracts and unexpired leases is reasonable, but because it is a distinct change from past practice, the instruction needs to be more prominent – probably placed on Schedule G itself, rather than in the Instructions to Schedule G.</p> <p>Also, it is not obvious where the disclosure on Schedule A/B should be made. If there is to be this double disclosure, Schedule A/B should include a specific line item for executory contracts or unexpired leases that have value to the estate.</p>	0062	NCBJ	Already discussed as part of item 21.
206H: Schedule H: Codebtors	209		34. The title of each Form in the “200” series should be revised to reflect that the form is used in cases involving non-individual debtors.	0062	NCBJ	Already discussed.
309A (For Individuals or Joint Debtors): Notice of Chapter 7	237	title	35. The NCBJ sees no need to state in the title of the form whether or not a proof of claim deadline has been set. This seems to be more of a convenience to the Clerk.	0062	NCBJ	Reject suggestion. Do not make change.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
Bankruptcy Case—No Proof of Claim Deadline	237	title	<p>36. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms.</p> <p>These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.</p>	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Accept suggestion, in part. See below.
	238	9	<p>37. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page.</p> <p>[cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding.]</p>	0062	NCBJ	Accept comment, in part. Add language to the second bolded line in the notice section after "about the case for creditors, debtors, and trustees" – ", including information regarding the Meeting of Creditors and deadlines." Change the next sentence to: "Read both pages carefully." Make change on all 309 forms.
	237		38. No need exists to change existing Form B9A	0084	Ryan Johnson, Clerk	Reject comment.
	237	Caption and line 1	39. Information to Identify the Case and Line 1: The Debtor's full name is on the form twice – once is sufficient.	0084	Ryan Johnson, Clerk	Reject comment.
	238	6	40. Hours of the Bankruptcy Clerk's Office. Hours of the bankruptcy clerk's office may vary with divisional offices and the information cannot be imparted in the space provided	0084	Ryan Johnson, Clerk	Reject suggestion.
	238	9	41. The instructions state that the fee for an adversary proceeding must be received before the stated deadlines. This statement is incorrect as the majority of bankruptcy clerk's offices – if not all – accept adversary complaints without the contemporaneous payment of the adversary filing fee. The Official Form should not attempt to inform a creditor on whether the filing of a proof of claim waives the right to a jury trial.	0084	Ryan Johnson, Clerk	Reject comment regarding filing fees. Reject comment about proof of claim language because on current form.
	238	9	42. Deadlines and Proposed Rule 9009. It is unclear whether a Clerk's Office may include additional deadlines in the Notice of Bankruptcy Case. For example, the Northern District of West Virginia includes a deadline to object to venue.	0084	Ryan Johnson, Clerk	Forms Subcommittee agreed to wait until a decision is made with regard to amended Rule 9009.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
309B (For Individuals or Joint Debtors): Notice of Chapter 7 Bankruptcy Case—Proof of Claim Deadline Set	239	title	43. The NCBJ sees no need to state in the title of the form whether or not a proof of claim deadline has been set. This seems to be more of a convenience to the Clerk.	0062	NCBJ	Already discussed.
	239	title	44. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.
	240	9	45. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page. <i>[cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding. This request might be most problematic on this notice. Five deadlines probably won't fit on the first page.]</i>	0062	NCBJ	Already discussed.
	240	9	46. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office." The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Accept suggestion with regard to language regarding obtaining a proof of claim and delete "If a proof of claim form is not included with this notice" and add "A proof of claim form may be found..." Reject remainder of comment.
309C (For Corporations or Partnerships): Notice of Chapter 7 Bankruptcy Case—No Proof of Claim Deadline	241	title	47. The NCBJ sees no need to state in the title of the form whether or not a proof of claim deadline has been set. This seems to be more of a convenience to the Clerk.	0062	NCBJ	Already discussed.
	241	title	48. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
309D (For Corporations or Partnerships): Notice of Chapter 7 Bankruptcy Case—Proof of Claim Deadline Set	242	title	49. The NCBJ sees no need to state in the title of the form whether or not a proof of claim deadline has been set. This seems to be more of a convenience to the Clerk.	0062	NCBJ	Already discussed.
	242	title	50. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.
	243		51. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page. [cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding. This request might be most problematic on this notice. Five deadlines probably won't fit on the first page.]	0062	NCBJ	Already discussed.
	243	8	52. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office." The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.
309E (For Individuals or Joint Debtors): Notice of Chapter 11 Bankruptcy Case	244	title	53. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	245		54. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page. [cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding.]	0062	NCBJ	Already discussed.
	245	7	55. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office." The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.
309F (For Corporations or Partnerships): Notice of Chapter 11 Bankruptcy Case	246	title	56. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.
			57. Revise Form 309F to state that a party seeking an exception under Section 1141(d)(6) from the discharge of a debt "may be required to" start a judicial proceeding.		SEC	This issue is being considered by the Rules Committee based on Judge Bernstein's comment. No need to take action on this suggestion as it is being dealt with through the other suggestion.
	247		58. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page. [cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding. This request might be most problematic on this notice. The deadline information probably won't fit on the first page.]	0062	NCBJ	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	247	7	<p>59. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office."</p> <p>The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.</p>	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.
309G (For Individuals or Joint Debtors): Notice of Chapter 12 Bankruptcy Case	248	title	<p>60. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms.</p> <p>These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.</p>	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.
	249		<p>61. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page.</p> <p>[cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding.</p> <p>This request might be most problematic on this notice. The deadline information probably won't fit on the first page.]</p>	0062	NCBJ	Already discussed.
	249	8	<p>62. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office."</p> <p>The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.</p>	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
309H (For Corporations or Partnerships): Notice of Chapter 12 Bankruptcy Case	250	title	63. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.
	251		64. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page. [cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding.]	0062	NCBJ	Already discussed.
	251	10	65. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office." The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.
309I: Notice of Chapter 13 Bankruptcy Case	252	title	66. BCAG suggests that the words "Meeting of Creditors and Deadlines" be reinserted into the title of these forms. These forms are used to notify parties, many of whom have no knowledge of the bankruptcy proceeding, of the date of the meeting of creditors and of pertinent deadlines. Removing this language from the title may cause confusion and may result in parties overlooking deadlines. BCAG believes that this Official Form should continue to prominently advise that this notice addresses the meeting of creditors and deadlines by including this language in the title.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	253		<p>67. The critical filing deadlines in the case (objections to exemptions, discharge, dischargeability complaints, confirmation) are perhaps the most important information on the forms. These deadlines are all found on the second page of the notice. This information should be stated prominently on the first page.</p> <p>[cbb: the original thought was that people are expected to read the entire notice. The information was placed in order from most familiar to least familiar to give readers a context for understanding.</p> <p>This request might be most problematic on this notice. Five deadlines probably won't fit on the first page.]</p>	0062	NCBJ	Already discussed.
	253	8	<p>68. The instructions on proposed Forms 309B, D, E, F, G, H and I state: "If a proof of claim form is not included with this notice, obtain one at www.uscourts.gov or any bankruptcy clerk's office."</p> <p>The conditional phrase should be removed and the instruction edited appropriately, as 4 the BNC has not sent the proof of claim form with the notice of meeting of creditors and notice of assets for a number of years. We further endorse use of a more accurate "pinpoint" internet address for the forms, rather than a generic reference to the judiciary's public home page.</p>	0081	Matthew T. Loughney, Bankruptcy Noticing Working Group	Already discussed.
312: Order and Notice for Hearing on Disclosure Statement	255		<p>69. The forms are fine insofar as they provide a form of order that may be used in many cases. However, in light of the proposed new Rule 9009, which NCBJ believes mandates a far too inflexible adherence to the official forms, NCBJ suggests that these be Director's Forms rather than Official Forms.</p> <p>There is no compelling reason why these types of orders be uniform in appearance and content. On the contrary, considering the large variety of factual circumstances that are presented to bankruptcy courts, a court should not be restricted in its right to fashion its own orders. On all 3 of these common subjects, courts and individual judges have fashioned their own form of orders, many of which differ materially from the existing official forms. This is especially true with respect to chapter 11 confirmation orders. The NCBJ perceive no reason to restrict individual courts from fashioning orders to suit the needs of particular cases.</p>	0062	NCBJ	The Forms Subcommittee determined that the issue had been discussed previously, and that these official forms are required based on the rules as currently drafted.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
313: Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof	257		70. The forms are fine insofar as they provide a form of order that may be used in many cases. However, in light of the proposed new Rule 9009, which NCBJ believes mandates a far too inflexible adherence to the official forms, NCBJ suggests that these be Director's Forms rather than Official Forms. There is no compelling reason why these types of orders be uniform in appearance and content. On the contrary, considering the large variety of factual circumstances that are presented to bankruptcy courts, a court should not be restricted in its right to fashion its own orders. On all 3 of these common subjects, courts and individual judges have fashioned their own form of orders, many of which differ materially from the existing official forms. This is especially true with respect to chapter 11 confirmation orders. The NCBJ perceive no reason to restrict individual courts from fashioning orders to suit the needs of particular cases.	0062	NCBJ	The Forms Subcommittee determined that the issue had been discussed previously, and that these official forms are required based on the rules as currently drafted.
315: Order Confirming Plan	262	E	71. The forms are fine insofar as they provide a form of order that may be used in many cases. However, in light of the proposed new Rule 9009, which NCBJ believes mandates a far too inflexible adherence to the official forms, NCBJ suggests that these be Director's Forms rather than Official Forms. There is no compelling reason why these types of orders be uniform in appearance and content. On the contrary, considering the large variety of factual circumstances that are presented to bankruptcy courts, a court should not be restricted in its right to fashion its own orders. On all 3 of these common subjects, courts and individual judges have fashioned their own form of orders, many of which differ materially from the existing official forms. This is especially true with respect to chapter 11 confirmation orders. The NCBJ perceive no reason to restrict individual courts from fashioning orders to suit the needs of particular cases.	0062	NCBJ	The Forms Subcommittee determined that the issue had been discussed previously, and that these official forms are required based on the rules as currently drafted.
410: Instructions for Proof of Claim	264		72. The NCBJ suggests that at the beginning of the Instructions to the Form, the claimant be advised to fill out the caption before submitting the proof of claim.	0062	NCBJ	Accept suggestion. Make change. Add bullet point after "How to fill out this form." Add "Fill in the caption."
	264	1 st para	73. Add the following bullet point to the instructions (after "Fill out all the information" ... and the new "Fill in the caption") about acquiring a claim from someone else: "If the claim has been acquired from someone else, then state the identity of the last party who owned and/or was the holder of the claim and who transferred the claim to you prior to the filing of the debtor's bankruptcy petition."	Comment 4	USFN	Accept suggested change, but remove the "or" from the language and change the end to "before the initial claim was filed."

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
264, 266	2 nd bullet	74.	<p>The information regarding attachment of documents in the Instructions to the Form differs from the instructions on the same subject on the Form itself. The NCBJ suggests making them consistent and using the language that is on the Form.</p> <p>[instructions say:</p> <p>Attach redacted copies of documents that show that the debt exists, a lien secures the debt, or both.</p> <p>Also attach copies of documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added.</p> <p>Form says:</p> <p>Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.</p>	0062	NCBJ	Reject suggestion. Do not make change.
264	2 nd col	75.	<p>the definition of “administrative expense” is problematic. It does not account for the existence of a category of pre-petition claims entitled to administrative expense status (i.e., 11 U.S.C. §503(b)(9)). The qualifier in the definition (“generally”) is inadequate.</p>	0062	NCBJ	Reject comment. No change needed.
264	2 nd col	76.	<p>Revise the definition of “evidence of perfection”</p> <p>Original:</p> <p>Evidence of perfection of a security interest may include a mortgage; lien, certificate of title; financing statement, in some instances, the original security agreement, or other document showing that a security interest has been filed or recorded.</p> <p>Change to: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage; lien, certificate of title, or financing statement.</p>	0062	NCBJ	Accept comment. Make change as indicated.
265	1 st col	77.	<p>in the definition of “Information that is entitled to privacy,” NCBJ suggests deleting the phrase “embarrassment or” in the second to last sentence. The NCBJ believes the term is ambiguous and overbroad. If deleted, the instruction would simply read as follows:</p> <p>If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information.</p>	0062	NCBJ	Reject change. This language is on current form.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	265	1 st col	<p>78. The NCBJ suggests correcting the circular reasoning in the definition of “priority claim”:</p> <p>A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, certain taxes, and certain unpaid wages.</p>	0062	NCBJ	Reject suggestion.
	265	1 st col	<p>79. In the definition of “Proof of claim,” NCBJ suggests revising the instruction to file the proof of claim in the court where there case “was filed” to filing the document in the district where the case “is pending.” This will provide for cases which are transferred from one jurisdiction to another.</p> <p>The form must be filed with the clerk of the same bankruptcy court in which the bankruptcy case was filed. In the district where the case is pending.</p>	0062	NCBJ	Accept comment. Make change as stated.
	265	2 nd col	<p>80. the definition of “uniform claim identifier is too restrictive. The term is not limited to “large” creditors. Nor need it be limited to chapter 13 cases. The NCBJ suggests the following revisions to the definition:</p> <p>An optional 24-character identifier that certain large some creditors use to facilitate electronic payment. in chapter 13 cases</p>	0062	NCBJ	Accept suggestion. Make change as indicated.
	265	2 nd col	<p>81. the definition of “Unsecured claim” would be improved if re-worded slightly:</p> <p>A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part if to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.</p>	0062	NCBJ	Accept suggestion. Make change as indicated.
410: Proof of Claim			<p>82. In general, the NABT commented that the fact that it is unlikely that XML files (with forms data) will be available to trustees is a problem.</p> <p>The NABT would have made additional objections to the individuals forms if it had known that Next Gen development would fall behind the forms.</p> <p>The NABT also joined in various other comments filed that were already considered by the Committee.</p>		NABT	No change needed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	266		<p>83. Adoption of new Form 410A is not recommended contemporaneously with amended Rule 3002 as currently proposed. The increased burden imposed upon secured creditors by the passage of amended Rule 3002, along with the increased documentation required by Form 410A in connection with the restrictions imposed by amended rule 9009, have the potential to create significant issues for creditors holding claims secured by residential property owned by the debtor. This could lead to problems with the efficient and appropriate administration of the case.</p> <p>84. Adoption of new 410A could be recommended if amended Rule 3002 is not adopted contemporaneously therewith. This would allow creditors to implement the changes necessary to comply with the increased documentation requirements imposed by new 410A. These changes could require substantial procedural, software and potentially hardware adjustments. Once the changes have been implemented and the process normalized for all parties, amended Rule 3002 could then be adopted. Proceeding in this manner will minimize the disruptions that are likely to occur if Form 410A and amended Rule 3002 are simultaneously adopted.</p>	0091	PA Bar Association	No action on this suggestion. Form 410A and Rule 3002 amendments will not go into effect at same time.
	266		<p>85. The Committee recommends adoption of proposed Form 410. First, by renumbering the claim forms, it gathers together the various types of claims filed in bankruptcy cases in the 400 series of forms.</p> <p>Second, it adds a much-needed provision regarding whether the claim is based upon a lease, including instructions regarding the calculation of the cure amount as of the Petition Date.</p> <p>Finally, the changes arise from the Forms Modernization Project which is supported.</p>	0091	PA Bar Association	No response needed.
	266	Instr. 2 nd para	86. Suggested change: "The law requires that filers Filers must leave out or redact information...	0062	NCBJ	Accept suggestion. Make change as indicated.
	266		87. Many bankruptcy courts allow the filing of proofs of claim through their website. Official Form 410 should provide instructions that proofs of claim may be filed through the individual court's website in lieu of mailing a paper copy to the Clerk's Office. This is a time and expense savings for both the creditor and the clerk's office.	0084	Ryan Johnson, Clerk	Accept in part. Change "Use this form to make a claim for payment in a bankruptcy case." To "This form is for making a claim for payment in a bankruptcy case."
	266		88. Because proposed Rule 3007(a) requires service on individuals at addresses that may be different than the designated recipient for notice on the proof of claim form, space should also be provided for the creditor to designate the correct address for service of an objection to claim, and for of notice on the objection to claim.	0084	Ryan Johnson, Clerk	Reject change. As proposed for amendment, Rule 3007(a) will allow service of objections to most creditors' claims on the person/address listed on the proof of claim.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	266	3	89. I oppose the proposed changes to Rule 3007(a) that require a notice on an objection to claim to be “served” by first class mail, or under Rule 7004 if the claimant is the United States or an insured depository institution. The recipient of an objection to the proof of claim should be the person designated by the creditor on the proof of claim for the receipt of notice. If the mailing of a notice of an objection to claim under the current rule is an issue, then Form 410, Line 3, should be amended to allow the creditor to specify the mailing name and address for service of an objection to claim.	0084	Ryan Johnson, Clerk	This is an objection to the amendments to 3007(a) and should be considered along with other comments on those amendments.
	266	?	90. An exception to the loan history should be made when a debtor files a claim on behalf of the mortgage company. Increasingly, mortgage companies are choosing not to file proofs of claims in cases. The debtor may want to file a claim on behalf of the mortgage company to ensure the debt is paid; however, the debtor will not have access to the loan history required by the new form. This new requirement essentially prohibits the debtor from filing a claim for the creditor.	0007	Laura Faulkner, NA	This is a suggestion for a change to Rule 3001[c](2)(A) and should be treated as a suggestion and not a form comment.
	267	7	91. delete the statement: “For leases state only the amount of the default.” There is no reason why a lessor should be limited to stating the amount of the default in its proof of claim, rather than the accelerated amount that may be due under the lease (subject, of course, to the claims objection process and 11 U.S. C. §502(b)(6)). Also, the statement results in a duplication of the information requested in ¶10.	0062	NCBJ	Agree with comment. Make change as indicated. Richardo Kilpatrick followed up for the Forms Subcommittee and advised that the change should be made to the form.
		9	92. add specific reference to a mortgage to differentiate non-consensual liens.		DOJ	Reject this change.
	267	11	93. NCBJ finds the inquiry, “Does the claim involve a setoff?” unclear. Presumably, the question is designed to elicit the same information as is found on the present Proof of Claim form (Form B10) at ¶4, which allows the creditor to assert a secured claim and requests a description of the “nature” of the secured property “or setoff.” NCBJ believes that a better way to solicit the information on the new Proof of Claim form would be to ask whether the claim “includes” a right of setoff against property and, “If so, identify the property.”	0062	NCBJ	Accept suggestion. Change to: “Is this claim subject to a right of setoff?”
	266-268	Where?	94. consider including the date the debt was incurred on the proof of claim. This information is important for the court and, if not included, will result in clerk's offices expending substantial time in reviewing attachments to determine said date. Including the date the debt was incurred on Form 410 will allow this information to be easily available to the court, trustees and other parties in interest that rely on it.	0088	Scott Ford, Bankruptcy Clerks Advisory Group	Reject change.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
410A: Instructions for Mortgage Proof of Claim Attachment	269	95.	the last 4 digits used to identify the mortgage loan number (i.e., the last 4 digits of the loan account number or any other information <u>number used</u> to identify the account)	0062	NCBJ	Agree with change. Make change as indicated.
		96.	Want to retain itemized list of fees that's on the current form for transparency purposes.	Comment 126	DOJ	Reject this change.
	270	1 st column	97. Revise the 3 rd bullet: to state the following: "Any fees, expenses or other charges incurred before the petition was filed."	Comment 116	USFN	Accept the recommendation.
	270		98. Add a footnote to part 2 of the instructions explaining that: To the extent that creditors believe the valuation within the <i>Proof of Claim</i> may be binding on them, that the creditor reserves its right to contest the value of the collateral in the event that it becomes a contested issue in the bankruptcy case.	Comment 6	USFN	Reject the change.
410A: Mortgage Proof of Claim Attachment	272	99.	The Official Form 410A (currently Form 10A) is the <i>Mortgage Proof of Claim Attachment</i> . The form currently requires a statement of the principal and interest due as of the petition date; a statement of prepetition fees, expenses, and charges that remain unpaid; and a statement of the amount necessary to cure any default as of the petition date. The Advisory Committee seeks publication for public comment of a revised form that would replace the existing form with one that requires a mortgage claimant to provide a loan payment history and other information about the mortgage claim, including calculations of the claim and the arrearage amounts.	0091	PA Bar Association	No response required.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	272	100.	<p>The New form 410A requires a home mortgage claimant to provide a history of the loan account starting with the first date of default.</p> <p>The loan history will show when payments were due; when the debtor made payments and how those payments were applied; when fees and charges were incurred; and what the balances were for. In addition to requiring a loan history, the proposed Form 410A would provide spaces for calculating the total amount of the debt and any prepetition arrearage. It also calls for the claimant to state the amount of the monthly mortgage payment as of the petition date.</p> <p>Debtors generally endorse the amendments to this form because they believe that disclosure of the loan history will enable them to see the basis for a mortgage claim and the arrearage amount, thereby facilitating resolution of disputes about mortgage amounts in some cases and providing a basis for objecting to claim amounts in others.</p> <p>Creditors holding residential mortgage claims are less enthusiastic about the additional filing requirements imposed by this Form. These additional requirements are particularly problematic when considered in connection with the amendments to Rule 3002 which, if adopted, will require secured creditors to file a claim within 60 days of the petition.</p>	0091	PA Bar Association	No response required.
		101.	<p>A201doption of new Form 410A is not recommended contemporaneously with amended Rule 3002.22 The increased burden imposed upon secured creditors by the passage of amended Rule 3002, along with the increased documentation required by Form 410A as well as the restrictions imposed by amended rule 9009, have the potential to create significant issues for creditors holding claims secured by residential property owned by the debtor. This could lead to problems with the efficient and appropriate administration of the case.</p> <p>Adoption of new Form 410A could be recommended if amended Rule 3002 is not adopted. This would allow creditors to implement the changes necessary to comply with the increased documentation requirements. These changes could require substantial procedural, software and potentially hardware adjustments. Once the changes have been implemented and the process normalized for all parties, amended Rule 3002 could then be adopted.</p>			Previously discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	271		<p>102. Form 410A provides 2 sections in Part 3 for escrow included in the arrearage. This division of escrow into advanced amounts and projected escrow shortage will not align with the escrow shortage amount on many bankruptcy escrow statements created by creditors to comply with Rule 3001(c)(2)C). Escrow statements generated inside and outside of bankruptcy generally contemplate outstanding delinquent escrow payments in the escrow calculation and these are not included in any escrow shortage amount on the statement (as those escrow amounts will be collected when the delinquent payments are received).</p> <p>By listing delinquent payments as principal and interest on the form, and creating 2 breakdowns related to escrow, debtors, debtors' attorneys, trustees, and courts may find it challenging to reconcile these amounts back to the escrow shortage amount displayed on the escrow statement. Even though the total arrearage amount is unchanged, this may create more confusion and lead to more objections and litigation, which this form seeks to avoid.</p>	0105	Hilary Bonial, Buckley Madole, P.C.	Professor Gibson will contact John Rao.
410S1: Notice of Mortgage Payment Change	275	1 st line of instruction	<p>103. Its opening instruction: "If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to 11 U.S.C. § 1322(b)(5), you must use this form.</p> <p>To be consistent with the proposed amendment to Rule 3002.1(a), the NCBJ believes that the phrase "If you file a claim," should be changed to "If the debtor's plan provides for payment of post-petition contractual installments on your claim secured by a security interest in the debtor's principal residence."</p>	0062	NCBJ	Accept change. Make change as suggestion.
	276	2 nd check box	<p>104. Proposed Official Forms 410S1 and 410S2 include language to attach a power of attorney — if any — if the form is being filed by a creditor's authorized agent. The power of attorney language should be removed from the form as it was removed from Official Form 10 in 2013. These forms should be more consistent with Official Forms 10 and/or 410 with regards to not attaching a power of attorney if filed by a creditor's authorized agent.</p>	0105	Hilary Bonial, Buckley Madole, P.C.	Removed from proof of claim form in 2013. Forms Subcommittee agreed to accept the suggestion and remove the language.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
410S2: Notice of Postpetition Mortgage Fees, Expenses, and Charges	277		<p>105. initial instruction reads:</p> <p>If you hold a claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any post-petition fees, expenses, and charges that you assert are recoverable against the debtor or against the debtor's principal residence.</p> <p>Change to:</p> <p>If the debtor's plan provides for payment of post-petition contractual installments on your claim secured by a security interest in the debtor's principal residence, you hold a claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any post-petition fees, expenses, and charges incurred after the bankruptcy filing that you assert are recoverable against the debtor or against the debtor's principal residence.</p>	0062	NCBJ	Accept change. Make edits as indicated.
	278	2 nd check box	<p>106. Proposed Official Forms 410S1 and 410S2 include language to attach a power of attorney — if any — if the form is being filed by a creditor's authorized agent. The power of attorney language should be removed from the form as it was removed from Official Form 10 in 2013. These forms should be more consistent with Official Forms 10 and/or 410 with regards to not attaching a power of attorney if filed by a creditor's authorized agent.</p>	0105	Hilary Bonial, Buckley Madole, P.C.	Removed from proof of claim form in December 2013. Forms Subcommittee agreed to accept the suggestion and remove the language.
416A: Caption	281		<p>107. NCBJ believes that the new form of caption in Forms 416A- 416D should not be adopted. NCBJ does not perceive a need for altering a format that has been used by litigants and the courts for decades and fails to see how the proposed new format would improve the delivery of the information that is conveyed by the caption. If such a dramatic change in the format of the caption is to be made, the Committee should explain why it is necessary and should do more than characterize the change as "stylistic."</p> <p>Also, the proposed new caption differs from the form of caption used in conventional civil practice in the district court and the court of appeals. Judicial Conference policy is that bankruptcy practice should be consistent with civil practice unless there are particularized needs in the bankruptcy system that override the policy of procedural uniformity. No rationale has been expressed for treating documents filed in the bankruptcy court differently than those filed in the district court and court of appeals.</p> <p>[cbb: The change was made to ensure that the court standardized the type of information collected and the format in which it is collected. For a data-enabled system, this was deemed necessary for consistency.]</p>	0062	NCBJ	Accept suggestion.
	281		<p>108. Adoption of Official Forms 416A is not recommended.</p>	0091	PA Bar Association	Accept suggestion.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
416B: Caption	283		<p>109. NCBJ believes that the new form of caption in Forms 416A- 416D should not be adopted. NCBJ does not perceive a need for altering a format that has been used by litigants and the courts for decades and fails to see how the proposed new format would improve the delivery of the information that is conveyed by the caption. If such a dramatic change in the format of the caption is to be made, the Committee should explain why it is necessary and should do more than characterize the change as “stylistic.”</p> <p>Also, the proposed new caption differs from the form of caption used in conventional civil practice in the district court and the court of appeals. Judicial Conference policy is that bankruptcy practice should be consistent with civil practice unless there are particularized needs in the bankruptcy system that override the policy of procedural uniformity. No rationale has been expressed for treating documents filed in the bankruptcy court differently than those filed in the district court and court of appeals.</p> <p>[cbb: The change was made to ensure that the court standardized the type of information collected and the format in which it is collected. For a data-enabled system, this was deemed necessary for consistency.]</p>	0062	NCBJ	Accept suggestion.
			283	110. Adoption of Official Forms 416B is not recommended.	0091	PA Bar Association
416D: Caption	285		<p>111. NCBJ believes that the new form of caption in Forms 416A- 416D should not be adopted. NCBJ does not perceive a need for altering a format that has been used by litigants and the courts for decades and fails to see how the proposed new format would improve the delivery of the information that is conveyed by the caption. If such a dramatic change in the format of the caption is to be made, the Committee should explain why it is necessary and should do more than characterize the change as “stylistic.”</p> <p>Also, the proposed new caption differs from the form of caption used in conventional civil practice in the district court and the court of appeals. Judicial Conference policy is that bankruptcy practice should be consistent with civil practice unless there are particularized needs in the bankruptcy system that override the policy of procedural uniformity. No rationale has been expressed for treating documents filed in the bankruptcy court differently than those filed in the district court and court of appeals.</p> <p>[cbb: The change was made to ensure that the court standardized the type of information collected and the format in which it is collected. For a data-enabled system, this was deemed necessary for consistency.]</p>	0062	NCBJ	Already discussed.
			285	112. Adoption of Official Forms 416D is not recommended.	0091	PA Bar Association

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
Instructions: For Bankruptcy Forms for Non- Individuals	290	113.	In the Prior Comments, the NCBJ criticized the draft, general Instructions for Bankruptcy Forms for Individuals. The NCBJ repeats its criticism:	0062	NCBJ	Reject suggestion.
	290	114.	<p>[T]he Instructions purport to give legal advice. Apparently, the Instructions are intended to serve as a kind of a lay person’s guide to bankruptcy law and practice. The NCBJ believes strongly that this effort is misguided, even when the guidance is accompanied by warnings that debtors should always consult an attorney rather than go it alone.</p> <p>[cbb: p.292: “These instructions are not a substitute for legal advice about bankruptcy and the required forms. Completing the forms is only a part of the bankruptcy process. And later on that page in bold box, “Only an attorney can give legal advice... And “Non-individual debtors must be represented by an attorney.”]</p> <p>The Instructions should be limited as much as possible to guidance on how to fill out the forms. They should not attempt to distill bankruptcy law into something a lay person can understand, nor should they characterize bankruptcy practice or offer predictions on what is likely or unlikely to happen in a debtor’s case.</p> <p>[cbb: p.292: “The instructions are designed to accompany the forms and are intended to help in understanding what information is required to properly file.”]</p> <p>This objection applies with particular force to the section entitled, “About the Process for Filing a Bankruptcy Case for Non-Individuals.” [p. 294] That form should be limited to the check list on the last page [p.295].</p> <p>Interestingly, the above criticism is both exacerbated and ameliorated to some extent by the context in which these Instructions are offered. All non-individual debtors require representation by counsel. Thus, there may be less concern that Instructions may oversimplify legal concepts or confuse the lay reader. At the same time, however, there is no need for Instructions that attempt to summarize the legal constructs used in a bankruptcy case. Counsel are expected to be familiar with these concepts – all the more reason why the Instructions should be limited to guidance on how to fill out the forms.</p>	0062	NCBJ	Already discussed. Reject change.
	297	115.	<p>Either the title or the initial instruction should make reference to the fact that Form 206A/B is used only in cases involving debtors who are not individuals.</p> <p>[cbb: Title of publication: <i>Instructions: For Bankruptcy Forms for Non-Individuals</i> and p.293: “Use the forms in the 200 series if the debtor is a non-individual, such as a corporation, partnership, or limited liability company. Question: How much repetition is necessary?</p> <p>Also, if you choose to change the title of the form (mentioned earlier in this summary), the label here would necessarily change as well.]</p>	0062	NCBJ	Already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	292	2 nd col, 1 st para	116. The general instructions state “The debtor must provide all the information required.” This statement is not accurate. The instruction may be better stated “Debtors should complete all the information required to the best of their ability.”	0084	Ryan Johnson, Clerk	Accept suggestion. Make change as indicated.
	294	2 nd para	117. The statement that a debtor must pay the entire filing fee when the case is filed is not accurate. Petitions may be accepted without contemporaneous payment. The vast majority of all bankruptcy clerk’s office accept petitions without contemporaneous payment.	0084	Ryan Johnson, Clerk	Comment 40 suggested removing fee references as well and the group determined to retain the references. Forms Subcommittee discussed and determined to retain the references.
	297	1 st col, last para	118. The statement that if the debtor makes a false statement or conceals property, the debtor “may lose the property” is not necessarily accurate. Forfeiture does not appear to be a penalty included in any of the criminal statutes that are cited. Either a citation supporting the statement should be added or the reference to “losing the property” should be deleted.	0062	NCBJ	Forms Subcommittee determined to remove the reference to the loss of property.
	297	2 nd col	119. The NCBJ repeats its preference for the use of the term “fair market value” instead of current value.	0062	NCBJ	Reject suggestion. Already discussed.
	298	1 st col, 2 nd bullet	120. Within the section describing different “Valuation method[s],” the term “Expert” should be deleted. An expert is not a valuation method “Expert (for example, an accountant or an advisor who has special expertise with regard to the property)”	0062	NCBJ	Reject suggestion. Keep as is.
	299		121. Either the title or the initial instruction should make reference to the fact that Form 206D is used only in cases involving debtors who not individuals. [cbb: Title of publication: <i>Instructions: For Bankruptcy Forms for Non-Individuals and p.293: “Use the forms in the 200 series if the debtor is a non-individual, such as a corporation, partnership, or limited liability company. Q: How much repetition is necessary? Also, if you change the title of the form (mentioned earlier in this summary), the label here would necessarily change as well.]</i>	0062	NCBJ	Already discussed.
	299, 301	1 st col, para after bullets	122. The description of unsecured creditors as creditors who “do not have rights against specific property” is not the same description in the Instructions for 206E/F, where such creditors are described as creditors who “typically do not have liens on or other security interests in the debtor’s property.” NCBJ suggests that the description of unsecured creditors be the same in the Instructions to 20D and 206E/F. [cbb: On D: “Creditors with unsecured claims do not have rights against specific property.” On E/F: “Creditors with unsecured claims typically do not have liens on or other security interests in the debtor’s property.” In Instructions for 106E/F: both sentences appear; for 106D the 1 st appears; for 104, “Generally, creditors with unsecured claims do not have rights against specific property, or the specific property in which the creditor has rights is not worth enough to pay the creditor in full.”]	0062	NCBJ	Accept change. Change to: “Creditors with secured claims ... Creditors with unsecured claims do not have rights against specific property, or the specific property in which the creditor has rights is not worth enough to pay the creditor in full.” Make 206D and 206E/F consistent.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
	299		<p>123. Unliquidated claims are described as existing</p> <p>if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the amount of the claim has not been determined.</p> <p>The NCBJ suggests deleting the second sentence of this description as redundant. [cbb: this paragraph is also in Individual instructions for 106D, 106E/F, 104, and glossary.]</p>	0062	NCBJ	Reject suggestion. Do not make change.
	299		<p>124. Her comments relate to small business debtors. The one exception is the comment regarding Form 206(d).</p> <p>There is a reference in the instruction to a column C on Form 206D that would calculate the unsecured portion of an over-secured creditor's claim. This instruction is derived from the instructions for the individual debtor version of Schedule D (B106D). The Advisory Committee removed column C from Form 206D itself however to simplify the form. The column is needed on the individual debtor version of the form for a congressionally mandated report about individual debtors.</p>	Comment 122	Ann Lawton	<p>The comments are really suggestions for changes to the modernized forms, and should be considered in due course, but not in connection with the comments on the published forms.</p> <p>Because the same information is not needed for non-individual debtors, the group agreed that the reference in the instructions to column C on B206D should be removed, and the instructions redrafted.</p> <p>The group agreed to make this change.</p>
	301		125. Either the title or the initial instruction should make reference to the fact that Form 206E/F is used only in cases involving debtors who not individuals.	0062	NCBJ	Reject suggestion. .
	301	1 st col, 1 st para after bullet	126. As stated in the comment to Form 206D, the description of unsecured creditors in the Instructions to Forms 206D and 206E/F should be the same in both forms.	0062	NCBJ	Reject suggestion.
	301	2 nd col	127. The description of unliquidated claim in Form 206E/F should be revised in the manner stated in the NCBJ's comments to Form 206D.	0062	NCBJ	Reject suggestion.
	303		128. Either the title or the initial instruction should make reference to the fact that Form 206G is used only in cases involving debtors who not individuals.	0062	NCBJ	Reject suggestion.
	303	1 st col 2 nd para	129. definition of "Executory contract" is problematic. It is over inclusive in that it fails to acknowledge that a contract is not executory if payment is the only contractual obligation left unfulfilled. Also, the definition chosen appears to be based on the "Countryman" definition, which is widely, but not universally accepted.	0062	NCBJ	<p>Accept suggestion. Make change to: "Executory contracts are often described as contracts between the debtor and another party..." in second paragraph.</p> <p>Review definition in Glossary.</p>
	305		130. In its Prior Comments, NCBJ questioned the utility of promulgating a glossary of terms used in the forms for individual debtors. NCBJ repeats that reservation with	0062	NCBJ	Reject change as already discussed.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
			respect to the glossary of terms used in the forms for non-individual debtors. [cbb: Team’s comment for individual forms: “Rejected elimination because glossary will help filers understand the technical terms in the documents. Revisions made in many of the definitions. Legal advice comment not specifically addressed.”]			
	305	131.	There should be a disclaimer that the Glossary is not intended to be and should not be relied upon as legal advice.	0062	NCBJ	Reject change. Disclaimer at beginning effective.
	305	132.	The definition of “causes of action” is inaccurate. The words “entitled to” should be replaced by the word “asserts.”	0062	NCBJ	Agree with suggestion. Make change.
	306, 299	133.	The definition of “disputed” in the glossary differs from that in the Instructions to Schedule D. The definitions should be consistent. The definition in the Instructions to Schedule D is better. [cbb: In 206D: “A claim is disputed if the debtor disagrees that it owes all or a portion of the debt.”] In glossary: “Disputed claim: A claim about which there is a disagreement. A claim is disputed if the debtor disagrees about either the validity or amount of the claim.” In individual glossary, 106D, and 106E/F: “Disputed claim: If you disagree about whether you owe a debt. For instance, your claim is disputed if a bill collector demands a payment for a bill you believe you already fully paid.”	0062	NCBJ	Accept suggestion. Change to: “A claim is disputed if a debtor disagrees that he or she owes all or a portion of the debt.” Use Schedule 206D definition.
	307, 297	134.	The definition of “legal or equitable interest” should use the phrase “tangible or intangible property,” rather than “both tangible and intangible property.” [cbb: also for 206A/B, 106A/B, and in individual glossary]	0062	NCBJ	Accept suggestion. Change to: “Any interest of the debtor in property, whether tangible or intangible, and whether or not”
	307	135.	The definition of “non-negotiable instrument” needlessly limits the term to negotiable instruments “of the debtor.” The words “of the debtor” should be deleted. [cbb: In individual glossary: “Non-negotiable instrument: Financial instrument that you cannot transfer to someone by signing or delivering it.”]	0062	NCBJ	Agree with suggestion. Make change.
	307, 302	136.	The definition of “nonpriority unsecured claim” differs from that in the Instructions to Schedule E/F. The definitions should be consistent. [cbb: In 206E/F: “Nonpriority unsecured claims are those debts that generally will be paid after priority unsecured claims are paid. The most common examples of nonpriority unsecured claims are trade debts, bank loans, contract obligations, and fees for professional services.”] In glossary: “Nonpriority unsecured claim: Debt that generally will be paid after priority unsecured claims are paid. Examples include amounts due for products purchased, professional services, and utilities.” In individual glossary, 106E/F: “Nonpriority unsecured claim—Debt that generally	0062	NCBJ	Reject suggestion. No changes.

Document	Page	Line	Suggested action	ID #	Commenter	Action taken
			will be paid after priority unsecured claims are paid. The most common examples are credit card bills, medical bills, and educational loans.”			
	308	137.	The second sentence of the definition of “setoff” should be deleted. The second sentence is not a definition. “Setoff—Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor. The Bankruptcy Code gives the trustee power to avoid some but not all setoffs that are made pre petition. ”	0062	NCBJ	Accept change. Make change as indicated.
	308	138.	The second sentence of the definition of “Sole proprietorship” should be deleted. It is not a definition. “Sole proprietorship—A business that a debtor owes as an individual, rather than a separate legal entity such as a corporation, partnership, or LLC. Sole proprietors must use the bankruptcy forms in the 100 series.” [cbb: in individual glossary: “Sole proprietorship – A business you own as an individual, rather than a separate legal entity such as a corporation, partnership, or LLC. Sole proprietors must use the bankruptcy forms that are numbered in the 100 series.”	0062	NCBJ	Reject comment. No change.
	308	139.	The second sentence of the definition of “Unliquidated claim” should be deleted. It is not a definition. Also, it differs from the definition in the Instructions to Schedule D. The definitions should be consistent. In glossary: “Unliquidated claim – A debt for which the amount cannot be readily determined, such as by referring to an agreement or by a simple computation. For instance, an unliquidated claim would arise from the debtor’s sale of a defective product if the amount of damage it caused has not been determined. ” In 206D: “if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the amount of the claim has not been determined.” [cbb: this paragraph is also in Individual instructions for 106D, 106E/F, 104, and glossary.]	0062	NCBJ	Accept change. Delete examples and use definition in Form 206D.

APPENDIX C

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

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____

Check if this is an amended filing

Official Form 106A/B
Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

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

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

- No. Go to Part 2.
- Yes. Where is the property?

1.1. _____
Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

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

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

Current value of the entire property? \$ _____
Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

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

Check if this is community property
(see instructions)

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

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

1.2. _____
Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

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

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

Current value of the entire property? \$ _____
Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

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

Check if this is community property
(see instructions)

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

1.3. _____
 Street address, if available, or other description

 City State ZIP Code

 County

What is the property? Check all that apply.

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

Who has an interest in the property? Check one.

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

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

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

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

\$ _____ \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Check if this is community property
 (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.>

\$ _____

Part 2: Describe Your Vehicles

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

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

- No
- Yes

3.1. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

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

3.2. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

3.3. Make: _____
Model: _____
Year: _____
Approximate mileage: _____
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

3.4. Make: _____
Model: _____
Year: _____
Approximate mileage: _____
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

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

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- No
 Yes

4.1. Make: _____
Model: _____
Year: _____
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

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

4.2. Make: _____
Model: _____
Year: _____
Other information:

[Empty box for other information]

Who has an interest in the property? Check one.

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

Check if this is community property (see instructions)

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

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

\$ _____ \$ _____

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

\$ [Empty box for total value]

Part 3: Describe Your Personal and Household Items

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

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

6. Household goods and furnishings

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

No Yes. Describe..... \$

7. Electronics

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

No Yes. Describe..... \$

8. Collectibles of value

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

No Yes. Describe..... \$

9. Equipment for sports and hobbies

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

No Yes. Describe..... \$

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

No Yes. Describe..... \$

11. Clothes

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

No Yes. Describe..... \$

12. Jewelry

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

No Yes. Describe..... \$

13. Non-farm animals

Examples: Dogs, cats, birds, horses

No Yes. Describe..... \$

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

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

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here \$

Part 4: Describe Your Financial Assets

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

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

16. Cash

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

No Yes Cash: \$

17. Deposits of money

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

No Yes Institution name: 17.1. Checking account: \$ 17.2. Checking account: \$ 17.3. Savings account: \$ 17.4. Savings account: \$ 17.5. Certificates of deposit: \$ 17.6. Other financial account: \$ 17.7. Other financial account: \$ 17.8. Other financial account: \$ 17.9. Other financial account: \$

18. Bonds, mutual funds, or publicly traded stocks

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

No Yes Institution or issuer name: \$ \$ \$

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

No Yes. Give specific information about them Name of entity: % of ownership: \$ \$ \$

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

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

Form for section 20 with checkboxes for 'No' and 'Yes. Give specific information about them...' and lines for issuer name and dollar amounts.

21. Retirement or pension accounts

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

Form for section 21 with checkboxes for 'No' and 'Yes. List each account separately.' and lines for account types and dollar amounts.

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company. Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

Form for section 22 with checkboxes for 'No' and 'Yes...' and lines for institution name and various utility/deposit categories with dollar amounts.

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

Form for section 23 with checkboxes for 'No' and 'Yes...' and lines for issuer name and description with dollar amounts.

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

No

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

\$ _____

\$ _____

\$ _____

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

No

Yes. Give specific information about them....

_____ \$ _____

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

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

No

Yes. Give specific information about them....

_____ \$ _____

27. **Licenses, franchises, and other general intangibles**

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

No

Yes. Give specific information about them....

_____ \$ _____

Money or property owed to you?

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

28. **Tax refunds owed to you**

No

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

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

29. **Family support**

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

No

Yes. Give specific information.....

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

30. **Other amounts someone owes you**

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

No

Yes. Give specific information.....

_____ \$ _____

31. Interests in insurance policies

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

No

Yes. Name the insurance company of each policy and list its value. ... Company name: Beneficiary: Surrender or refund value: \$

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

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

No

Yes. Give specific information..... \$

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

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

No

Yes. Describe each claim. \$

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

No

Yes. Describe each claim. \$

35. Any financial assets you did not already list

No

Yes. Give specific information..... \$

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



\$

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

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

No. Go to Part 6. Yes. Go to line 38.

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

38. Accounts receivable or commissions you already earned

No

Yes. Describe..... \$

39. Office equipment, furnishings, and supplies

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

No

Yes. Describe..... \$

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

No
 Yes. Describe..... \$ _____

41. Inventory

No
 Yes. Describe..... \$ _____

42. Interests in partnerships or joint ventures

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

43. Customer lists, mailing lists, or other compilations

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

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

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

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

\$

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

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

No. Go to Part 7.
 Yes. Go to line 47.

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

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

No
 Yes..... \$ _____

48. Crops—either growing or harvested

No Yes. Give specific information. \$

49. Farm and fishing equipment, implements, machinery, fixtures, and tools of trade

No Yes \$

50. Farm and fishing supplies, chemicals, and feed

No Yes \$

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

No Yes. Give specific information. \$

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here \$

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

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

Examples: Season tickets, country club membership

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

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

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

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

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

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

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

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

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

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

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

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

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

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

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

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

Part 1: List All Secured Claims

	<i>Column A</i> Amount of claim <small>Do not deduct the value of collateral.</small>	<i>Column B</i> Value of collateral that supports this claim	<i>Column C</i> Unsecured portion <small>If any</small>
<p>2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.</p>			
<p>2.1</p> <p>Describe the property that secures the claim: \$ _____ \$ _____ \$ _____</p> <p>Creditor's Name _____ Number _____ Street _____ _____ City _____ State _____ ZIP Code _____</p> <p>Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p> <p>Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____</p> <p>Last 4 digits of account number _____</p>			
<p>2.2</p> <p>Describe the property that secures the claim: \$ _____ \$ _____ \$ _____</p> <p>Creditor's Name _____ Number _____ Street _____ _____ City _____ State _____ ZIP Code _____</p> <p>Who owes the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt</p> <p>Date debt was incurred _____</p> <p>Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____</p> <p>Last 4 digits of account number _____</p>			
<p>Add the dollar value of your entries in Column A on this page. Write that number here:</p>	\$ _____		

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

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _
<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _
<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _
<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _
<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _
<input type="checkbox"/> _____ Name _____ Number Street _____ _____ City State ZIP Code	On which line in Part 1 did you enter the creditor? ____ Last 4 digits of account number ____ _ ____ _

Fill in this information to identify your case:

Draft March 9, 2015

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Property* (Official Form 106A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G). Do not include any creditors with partially secured claims that are listed in *Schedule D: Creditors Who Hold Claims Secured by Property*. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

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

- No. Go to Part 2.
- Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

	Total claim	Priority amount	Nonpriority amount
<div style="border: 1px solid black; padding: 2px; width: 30px; float: left; margin-right: 5px;">2.1</div> <p>Priority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt <p>Is the claim subject to offset?</p> <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes 	<p>Last 4 digits of account number _____ \$ _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <p>Type of PRIORITY unsecured claim:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____ 	<p>\$ _____</p>	<p>\$ _____</p>

<div style="border: 1px solid black; padding: 2px; width: 30px; float: left; margin-right: 5px;">2.2</div> <p>Priority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt <p>Is the claim subject to offset?</p> <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes 	<p>Last 4 digits of account number _____ \$ _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <p>Type of PRIORITY unsecured claim:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____ 	<p>\$ _____</p>	<p>\$ _____</p>
---	--	-----------------	-----------------

Part 1: Your PRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.

Total claim	Priority amount	Nonpriority amount
-------------	-----------------	--------------------

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt		When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes		Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt		When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes		Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____

<input type="checkbox"/>	Priority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ \$ _____ \$ _____ \$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt		When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes		Type of PRIORITY unsecured claim: <input type="checkbox"/> Domestic support obligations <input type="checkbox"/> Taxes and certain other debts you owe the government <input type="checkbox"/> Claims for death or personal injury while you were intoxicated <input type="checkbox"/> Other. Specify _____

Part 2: List All of Your NONPRIORITY Unsecured Claims

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

- No. You have nothing to report in this part. Submit this form to the court with your other schedules.
- Yes

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than four priority unsecured claims fill out the Continuation Page of Part 2.

			Total claim
4.1	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another			
<input type="checkbox"/> Check if this claim is for a community debt			
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____			

4.2	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another			
<input type="checkbox"/> Check if this claim is for a community debt			
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____			

4.3	Nonpriority Creditor's Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	Last 4 digits of account number _____ When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$ _____
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another			
<input type="checkbox"/> Check if this claim is for a community debt			
Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____			

Part 2: Your NONPRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 4.5, followed by 4.6, and so forth.

Total claim

Nonpriority Creditor's Name _____
Number Street _____
City State ZIP Code _____

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

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

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

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

Nonpriority Creditor's Name _____
Number Street _____
City State ZIP Code _____

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

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

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

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

Nonpriority Creditor's Name _____
Number Street _____
City State ZIP Code _____

Last 4 digits of account number _____ \$ _____

When was the debt incurred? _____

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

- Contingent
- Unliquidated
- Disputed

Who incurred the debt? Check one.

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

Check if this claim is for a community debt

Is the claim subject to offset?

- No
- Yes

Type of NONPRIORITY unsecured claim:

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

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

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

Name

Number Street

City State ZIP Code

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

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

Last 4 digits of account number ____ _ _ _

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

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

		Total claim
Total claims from Part 1	6a. Domestic support obligations	6a. \$ _____
	6b. Taxes and certain other debts you owe the government	6b. \$ _____
	6c. Claims for death or personal injury while you were intoxicated	6c. \$ _____
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. + \$ _____
	6e. Total. Add lines 6a through 6d.	6e. <div style="border: 1px solid black; padding: 2px;">\$ _____</div>

		Total claim
Total claims from Part 2	6f. Student loans	6f. \$ _____
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. \$ _____
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. \$ _____
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i. + \$ _____
	6j. Total. Add lines 6f through 6i.	6j. <div style="border: 1px solid black; padding: 2px;">\$ _____</div>

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is:

- An amended filing
- A supplement showing post-petition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

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

Part 1: Describe Your Household

1. Is this a joint case?

- No. Go to line 2.
- Yes. **Does Debtor 2 live in a separate household?**
 - No
 - Yes. Debtor 2 must file Official Forms 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.

Do not state the dependents' names.

- No
- Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself and your dependents?

- No
- Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form B 106I.)

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

Your expenses

4. \$ _____

If not included in line 4:

- 4a. Real estate taxes 4a. \$ _____
- 4b. Property, homeowner's, or renter's insurance 4b. \$ _____
- 4c. Home maintenance, repair, and upkeep expenses 4c. \$ _____
- 4d. Homeowner's association or condominium dues 4d. \$ _____

Your expenses

5. **Additional mortgage payments for your residence**, such as home equity loans 5. \$ _____
6. **Utilities:**
- 6a. Electricity, heat, natural gas 6a. \$ _____
- 6b. Water, sewer, garbage collection 6b. \$ _____
- 6c. Telephone, cell phone, Internet, satellite, and cable services 6c. \$ _____
- 6d. Other. Specify: _____ 6d. \$ _____
7. **Food and housekeeping supplies** 7. \$ _____
8. **Childcare and children's education costs** 8. \$ _____
9. **Clothing, laundry, and dry cleaning** 9. \$ _____
10. **Personal care products and services** 10. \$ _____
11. **Medical and dental expenses** 11. \$ _____
12. **Transportation.** Include gas, maintenance, bus or train fare.
Do not include car payments. 12. \$ _____
13. **Entertainment, clubs, recreation, newspapers, magazines, and books** 13. \$ _____
14. **Charitable contributions and religious donations** 14. \$ _____
15. **Insurance.**
Do not include insurance deducted from your pay or included in lines 4 or 20.
- 15a. Life insurance 15a. \$ _____
- 15b. Health insurance 15b. \$ _____
- 15c. Vehicle insurance 15c. \$ _____
- 15d. Other insurance. Specify: _____ 15d. \$ _____
16. **Taxes.** Do not include taxes deducted from your pay or included in lines 4 or 20.
Specify: _____ 16. \$ _____
17. **Installment or lease payments:**
- 17a. Car payments for Vehicle 1 17a. \$ _____
- 17b. Car payments for Vehicle 2 17b. \$ _____
- 17c. Other. Specify: _____ 17c. \$ _____
- 17d. Other. Specify: _____ 17d. \$ _____
18. **Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 1061).** 18. \$ _____
19. **Other payments you make to support others who do not live with you.**
Specify: _____ 19. \$ _____
20. **Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.**
- 20a. Mortgages on other property 20a. \$ _____
- 20b. Real estate taxes 20b. \$ _____
- 20c. Property, homeowner's, or renter's insurance 20c. \$ _____
- 20d. Maintenance, repair, and upkeep expenses 20d. \$ _____
- 20e. Homeowner's association or condominium dues 20e. \$ _____

21. **Other.** Specify: _____

21. **+\$** _____

22. **Calculate your monthly expenses.**

22a. Add lines 4 through 21.

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22c. Add line 22a and 22b. The result is your monthly expenses.

22.

\$	
\$	
\$	

23. **Calculate your monthly net income.**

23a. Copy line 12 (*your combined monthly income*) from *Schedule I*.

23a. \$ _____

23b. Copy your monthly expenses from line 22 above.

23b. - \$ _____

23c. Subtract your monthly expenses from your monthly income.

The result is your *monthly net income*.

23c.

\$	
----	--

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

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

No.

Yes.

Explain here:

Fill in this information to identify your case:

Debtor 1 _____
 First Name Middle Name Last Name

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

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

Case number _____
 (If known)

Check if this is:

- An amended filing
- A supplement showing post-petition chapter 13 expenses as of the following date:

 MM / DD / YYYY

Official Form 106J-2

Schedule J-2: Expenses for Separate Household of Debtor 2

12/15

Use this form for Debtor 2's separate household expenses ONLY IF Debtor 1 and Debtor 2 maintain separate households. *If Debtor 1 and Debtor 2 have one or more dependents in common, list the dependents on both Schedule J and this form. Answer the questions on this form only with respect to expenses for Debtor 2 that are not reported on Schedule J.* Be as complete and accurate as possible. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Do you and Debtor 1 maintain separate households?

- No. Do not complete this form.
- Yes

2. Do you have dependents?

No

Yes. Fill out this information for each dependent.....

Do not list Debtor 1 but list all other dependents of Debtor 2 regardless of whether listed as a dependent of Debtor 1 on Schedule J.

Only list dependents

Do not state the dependents' names.

Dependent's relationship to Debtor 2:

Dependent's age

Does dependent live with you?

Dependent's relationship to Debtor 2:	Dependent's age	Does dependent live with you?
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes
_____	_____	<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself, your dependents, and Debtor 1?

- No
- Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I).

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ _____

If not included in line 4:

- 4a. Real estate taxes 4a. \$ _____
- 4b. Property, homeowner's, or renter's insurance 4b. \$ _____
- 4c. Home maintenance, repair, and upkeep expenses 4c. \$ _____
- 4d. Homeowner's association or condominium dues 4d. \$ _____

Your expenses

5. Additional mortgage payments for your residence, such as home equity loans

5. \$

6. Utilities:

6a. Electricity, heat, natural gas

6a. \$

6b. Water, sewer, garbage collection

6b. \$

6c. Telephone, cell phone, Internet, satellite, and cable services

6c. \$

6d. Other. Specify:

6d. \$

7. Food and housekeeping supplies

7. \$

8. Childcare and children's education costs

8. \$

9. Clothing, laundry, and dry cleaning

9. \$

10. Personal care products and services

10. \$

11. Medical and dental expenses

11. \$

12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.

12. \$

13. Entertainment, clubs, recreation, newspapers, magazines, and books

13. \$

14. Charitable contributions and religious donations

14. \$

15. Insurance.

Do not include insurance deducted from your pay or included in lines 4 or 20.

15a. Life insurance

15a. \$

15b. Health insurance

15b. \$

15c. Vehicle insurance

15c. \$

15d. Other insurance. Specify:

15d. \$

16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify:

16. \$

17. Installment or lease payments:

17a. Car payments for Vehicle 1

17a. \$

17b. Car payments for Vehicle 2

17b. \$

17c. Other. Specify:

17c. \$

17d. Other. Specify:

17d. \$

18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).

18. \$

19. Other payments you make to support others who do not live with you.

Specify:

19. \$

20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.

20a. Mortgages on other property

20a. \$

20b. Real estate taxes

20b. \$

20c. Property, homeowner's, or renter's insurance

20c. \$

20d. Maintenance, repair, and upkeep expenses

20d. \$

20e. Homeowner's association or condominium dues

20e. \$

21. **Other.** Specify: _____

21. **+\$** _____

22. **Your monthly expenses.** Add lines 5 through 21.
The result is the monthly expenses of Debtor 2. Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

22.

\$ _____

23. Line not used on this form.

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

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

No.

Yes.

Explain here:

COMMITTEE NOTE

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

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

The form is reformatted and updated with cross-references indicating the line numbers of specific schedules from which the summary information is to be gathered. In addition, because most filings are now done electronically, the form no longer requires the debtor to indicate which schedules are attached or to state the number of sheets of paper used for the schedules.

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

The layout and categories of property on Official Form 106A/B have changed. Instead of dividing property interests into two categories (real or personal property), the new form uses seven categories likely to be more familiar to non-lawyers: real estate, vehicles, personal household items, financial assets, business-related property, farm- and commercial fishing-related property, and a catch-all category for property that was not listed elsewhere in the form. The new form categories and the examples provided

in many of the categories are designed to prompt debtors to be thorough and list all of their interests in property. The debtor may describe generally items of minimal value (such as children's clothes) by adding the value of the items and reporting the total.

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

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

In Part 1, *Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In*, the debtor is asked to state the “current value of the portion you own,” and to also state ~~whether ownership is shared with someone else who has an interest in the property.~~ In addition, the debtor is asked for the nature of the ownership interest, if known by the debtor. Furthermore, instead of asking for an open-ended description of the property, the form guides the debtor in answering the description question by providing eight options from which to choose: single-family home, duplex or multi-unit building, condominium or cooperative, manufactured or mobile home, land, investment property, timeshare, and other.

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

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

Part 4, *Describe Your Financial Assets*, prompts a listing of the debtor's financial assets through several questions providing

separate space, after each listed type of account or deposit, for the institution or issuer name and the value of the debtor's interest in the asset. Two new categories of financial assets are added: "Bonds, mutual funds, or publicly traded stocks" and "Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment."

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

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

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

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

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

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

The form has also been changed in light of the Supreme Court's ruling in *Schwab v. Reilly*, 560 U.S. 770 (2010). Entries in the "amount of the exemption you claim" column may now be listed as either a dollar limited amount or as 100% of fair market value, up to any applicable statutory limit. For example, a debtor might claim 100% of fair market value for a home covered by an exemption capped at \$15,000, and that limit would be applicable. This choice would impose no dollar limit where the exemption is unlimited in dollar amount, such as some exemptions for health aids, certain governmental benefits, and tax-exempt retirement funds.

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

Part 1, *List Your Secured Claims*, now directs the debtor to list only the last four digits of the account number. Part 1 also adds four checkboxes with which to describe the nature of the lien: an agreement the debtor made (such as mortgage or secured car loan); statutory lien (such as tax lien, mechanic's lien); judgment lien from a lawsuit; and other.

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

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

Although both priority and nonpriority unsecured claims are reported in Official Form 106E/F, the two types of claims are separately grouped so that the total for each type can be reported for case administration and statistical purposes. The form eliminates the question "consideration for claim" and instructs debtors to list claims in the alphabetical order of creditors as much as possible.

Part 1, *List All of Your PRIORITY Unsecured Claims*, includes four checkboxes for identifying the type of priority that

applies to the claim: domestic support obligations; taxes and certain other debts owed to the government; claims for death or personal injury while intoxicated; and “other.” The first three categories are required to be separately reported for statistical purposes. If the debtor selects “other,” the debtor must specify the basis of the priority, *e.g.*, wages or employee benefit plan contribution.

Part 2, *List All of Your NONPRIORITY Unsecured Claims*, contains four checkboxes, including three for types of claims that must be separately reported for statistical purposes: student loans; obligations arising out of a separation agreement or divorce not listed as priority claims; and debts to pension or profit-sharing plans and other similar debts. The remaining “other” checkbox treats claims not subject to separate reporting. If the debtor selects “other,” the debtor must specify the basis of the claim.

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

Finally, Part 4, *Add the Amounts for Each Type of Unsecured Claim*, requires the debtor to provide the total amounts of particular types of unsecured claims for statistical reporting purposes and the overall totals of the priority and nonpriority unsecured claims reported in this form.

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

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

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

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

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

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

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

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

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

The form has been revised to include references to new Schedule J-2: Expenses for Separate Household of Debtor 2 (Official Form 106J-2) at line 1 and new line 22b. The revisions clarify how to calculate monthly net income in joint cases where Debtor 1 and Debtor 2 maintain separate households. Line 22b is added so Schedule J and Schedule J-2 are easily coordinated. Schedule J is also renumbered to conform to the three digit numbering system that was developed for official bankruptcy forms as part of the Forms Modernization Project.

Official Form 106J-2, is new. It is used to report the monthly expenses of Debtor 2 in a joint debtor case only if Debtor 1 and Debtor 2 maintain separate households.

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

The form, which is to be signed by the debtor and filed with the debtor's schedules, deletes the Declaration and Signature of Bankruptcy Petition Preparer (BPP). Instead, the debtor is directed to complete and file Official Form 119, *Bankruptcy Petition Preparer's Notice, Declaration, and Signature*, if a BPP helped fill out the bankruptcy forms.

Because the form applies only to individual debtors, it no longer contains the Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership. It also deletes from the declaration the phrase "to the best of my knowledge, information, and belief" in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 107

Statement of Financial Affairs for Individuals Filing for Bankruptcy

12/15

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

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- Married
- Not married

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

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

Debtor 1:	Dates Debtor 1 lived there	Debtor 2:	Dates Debtor 2 lived there
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number Street _____ _____	From _____ To _____	Number Street _____ _____	From _____ To _____
City State ZIP Code _____		City State ZIP Code _____	
		<input type="checkbox"/> Same as Debtor 1	<input type="checkbox"/> Same as Debtor 1
Number Street _____ _____	From _____ To _____	Number Street _____ _____	From _____ To _____
City State ZIP Code _____		City State ZIP Code _____	

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

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

Part 2: Explain the Sources of Your Income

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

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No
- Yes. Fill in the details.

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

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

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

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- No
- Yes. Fill in the details.

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

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

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

No. **Neither Debtor 1 nor Debtor 2 has primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,225* or more?

No. Go to line 7.

Yes. List below each creditor to whom you paid a total of \$6,225* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/16 and every 3 years after that for cases filed on or after the date of adjustment.

Yes. **Debtor 1 or Debtor 2 or both have primarily consumer debts.**

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

No. Go to line 7.

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

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

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

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- No
 Yes. List all payments to an insider.

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

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

Include payments on debts guaranteed or cosigned by an insider.

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

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

Part 4: Identify Legal Actions, Repossessions, and Foreclosures

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

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

- No
- Yes. Fill in the details.

	Nature of the case	Court or agency	Status of the case
Case title _____ _____		Court Name _____	<input type="checkbox"/> Pending
Case number _____		Number Street _____	<input type="checkbox"/> On appeal
		City State ZIP Code _____	<input type="checkbox"/> Concluded
Case title _____ _____		Court Name _____	<input type="checkbox"/> Pending
Case number _____		Number Street _____	<input type="checkbox"/> On appeal
		City State ZIP Code _____	<input type="checkbox"/> Concluded

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

Check all that apply and fill in the details below.

- No. Go to line 11.
- Yes. Fill in the information below.

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

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- No
- Yes. Fill in the details.

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

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

- No
- Yes

Part 5: List Certain Gifts and Contributions

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

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

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

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

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

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

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

Part 6: List Certain Losses

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

- No
 Yes. Fill in the details.

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

Part 7: List Certain Payments or Transfers

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

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

- No
 Yes. Fill in the details.

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

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

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?
Do not include any payment or transfer that you listed on line 16.

- No
 Yes. Fill in the details.

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

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property).
Do not include gifts and transfers that you have already listed on this statement.

- No
 Yes. Fill in the details.

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

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

- No
- Yes. Fill in the details.

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

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

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

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

- No
- Yes. Fill in the details.

	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	XXXX-____ _ _ _	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	XXXX-____ _ _ _	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

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

- No
- Yes. Fill in the details.

Who else had access to it?	Describe the contents	Do you still have it?
Name of Financial Institution _____ Number Street _____ City State ZIP Code _____	Name _____ Number Street _____ City State ZIP Code _____	<input type="checkbox"/> No <input type="checkbox"/> Yes

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- No
 Yes. Fill in the details.

Who else has or had access to it?		Describe the contents	Do you still have it?
Name of Storage Facility _____ Number Street _____ _____ City State ZIP Code _____	Name _____ Number Street _____ _____ CityState ZIP Code _____		<input type="checkbox"/> No <input type="checkbox"/> Yes

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

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

- No
 Yes. Fill in the details.

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

Part 10: Give Details About Environmental Information

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

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

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

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

- No
 Yes. Fill in the details.

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

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

- No
 Yes. Fill in the details.

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

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

- No
 Yes. Fill in the details.

Court or agency	Nature of the case	Status of the case
Case title _____ Court Name _____ Number Street _____ Case number _____ City State ZIP Code _____		<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

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

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

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
 - A member of a limited liability company (LLC) or limited liability partnership (LLP)
 - A partner in a partnership
 - An officer, director, or managing executive of a corporation
 - An owner of at least 5% of the voting or equity securities of a corporation
- No. None of the above applies. Go to Part 12.
 Yes. Check all that apply above and fill in the details below for each business.

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

Business Name _____

Number Street _____

City State ZIP Code _____

Describe the nature of the business

Name of accountant or bookkeeper

Employer Identification number

Do not include Social Security number or ITIN.

EIN: _____ - _____

Dates business existed

From _____ To _____

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

- No
- Yes. Fill in the details below.

Date issued

Name _____

MM / DD / YYYY _____

Number Street _____

City State ZIP Code _____

Part 12: Sign Below

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



Signature of Debtor 1



Signature of Debtor 2

Date _____

Date _____

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

- No
- Yes

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

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

COMMITTEE NOTE

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

The form is derived from former Official Form 7, *Statement of Financial Affairs*. The new form uses eleven sections likely to be more understandable to non-lawyers, groups questions of a similar nature together, and eliminates questions unrelated to individual debtors. The new form deletes the instruction, previously found in many questions, that married debtors filing under chapter 12 or chapter 13 must include information applicable to their spouse, even if their spouse is not filing with them, unless the spouses are separated. This change was made because a non-filing spouse's general financial affairs are not relevant to the debtor's bankruptcy case.

Part 1, *Give Details About Where You Lived Before*, moves the questions regarding the debtor's prior addresses, as well as residences in a community property state, to the beginning of the form. The form eliminates the "name used" question in reference to prior addresses. Also, the debtor is no longer required to list the name of a spouse or former spouse who lived with the debtor in a community property state since that information will be provided in Official Form ~~106F~~106H.

Part 2, *Explain the Sources of Your Income*, consolidates the questions regarding income, adding "wages, commissions, bonuses, tips" as a category for sources of income, and it

eliminates the option to report income on a fiscal year basis. In addition, the form provides examples of types of “other income.” The time period is clarified to indicate that the prior two years means two calendar years, plus the portion of the calendar year in which the bankruptcy is filed.

Part 3, *List Certain Payments You Made Before You Filed for Bankruptcy*, includes questions related to payments made in the 90 days prior to bankruptcy, with a separate question for payments made to insiders within one year before filing for bankruptcy. The statutory definition of consumer debt is provided. The question regarding the nature of the debtor’s debts requires the debtor to use checkboxes to indicate whether or not they are primarily consumer debts. The form instructs debtors not to include payments for domestic support obligations in the section regarding insider payments. The form provides a separate question regarding payments or transfers on account of a debt that benefited an insider. For both questions regarding payments to insiders, the debtor is required to provide a reason for the payment. Partnerships of which the debtor is a general partner have been added to the examples of “insiders.”

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

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

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

Part 7, *List Certain Payments or Transfers*, includes questions regarding payments or transfers of property by the debtor. The question regarding payments or transfers to anyone who was consulted about seeking bankruptcy or preparing a bankruptcy petition requires the email or website address of the person who was paid, as well as the name of the person who made the payment if it was not the debtor. There is a separate question asked about payments or transfers to anyone who promised to help the debtor deal with creditors or make payments to creditors, reminding the debtor not to include any payments or transfers already listed. Also, the debtor must list any transfers of property, outright or for security purposes, made within two years of filing for bankruptcy, unless the transfer was made in the ordinary course of the debtor's business. There is a reminder not to list gifts or other transfers already included elsewhere on the form. The question regarding self-settled trusts adds an explanation that such trusts are often referred to as asset-protection devices.

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

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

Part 10, *Give Details About Environmental Information*, requires the debtor to list the case title and nature of the case for any judicial or administrative proceeding under any environmental law and to indicate the status of the case.

Part 11, *Give Details About Your Business or Connections to Any Business*, eliminates instructions that apply only to corporations and partnerships. The debtor must indicate if, within four years (previously six years) before filing for bankruptcy, the debtor owned a business or had certain connections to a business, with five categories of businesses provided as checkboxes. If the debtor has a connection to a business, the debtor must list the name, address, nature, and Employer Identification number of the business, the dates the business existed, and the name of an accountant or bookkeeper for the business. Accounting information requested is truncated; the debtor is simply required to provide the name of the business bookkeeper or accountant.

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

Formatted: Font: Bold

United States Bankruptcy Court

_____ District Of _____

In re _____ ,
Debtor

Case No. _____
Chapter _____

GENERAL POWER OF ATTORNEY

[Abrogated]

Committee Note

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

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

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

United States Bankruptcy Court

_____ District Of _____

In re _____ ,
Debtor

Case No. _____
Chapter _____

SPECIAL POWER OF ATTORNEY

[Abrogated]

Committee Note

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

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

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

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check one box only as directed in this form and in Form 122A-1Supp:

- 1. There is no presumption of abuse.
- 2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).
- 3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

Official Form 122A-1

Chapter 7 Statement of Your Current Monthly Income

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

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

- Not married.** Fill out Column A, lines 2-11.
- Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
- Married and your spouse is NOT filing with you. You and your spouse are:**
 - Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 2-11.
 - Living separately or are legally separated.** Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ _____	\$ _____
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. Net income from operating a business, profession, or farm	Debtor 1	Debtor 2
Gross receipts (before all deductions)	\$ _____	\$ _____
Ordinary and necessary operating expenses	- \$ _____	- \$ _____
Net monthly income from a business, profession, or farm	\$ _____	\$ _____
		Copy here →
6. Net income from rental and other real property	Debtor 1	Debtor 2
Gross receipts (before all deductions)	\$ _____	\$ _____
Ordinary and necessary operating expenses	- \$ _____	- \$ _____
Net monthly income from rental or other real property	\$ _____	\$ _____
		Copy here →
7. Interest, dividends, and royalties	\$ _____	\$ _____

8. Unemployment compensation

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: _____ ↓

For you \$ _____

For your spouse..... \$ _____

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

Column A Debtor 1	Column B Debtor 2 or non-filing spouse
\$ _____	\$ _____

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

Total amounts from separate pages, if any.

\$ _____	\$ _____
\$ _____	\$ _____
+ \$ _____	+ \$ _____

11. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ _____	+	\$ _____	=	\$ _____
				Total current monthly income

Part 2: Determine Whether the Means Test Applies to You

12. Calculate your current monthly income for the year. Follow these steps:

12a. Copy your total current monthly income from line 11. Copy line 11 here → \$ _____

Multiply by 12 (the number of months in a year).

x 12

12b. The result is your annual income for this part of the form. 12b. \$ _____

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

Fill in the state in which you live. _____

Fill in the number of people in your household. _____

Fill in the median family income for your state and size of household. 13. \$ _____

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. How do the lines compare?

14a. Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3.

14b. Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

Part 3: Sign Below

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

X _____
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Date _____
 MM / DD / YYYY

Date _____
 MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check if this is an amended filing

Official Form 122B

Chapter 11 Statement of Your Current Monthly Income

12/15

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Part 1: Calculate Your Current Monthly Income

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

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

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	<i>Column A</i> Debtor 1	<i>Column B</i> Debtor 2												
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____												
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ _____	\$ _____												
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____												
5. Net income from operating a business, profession, or farm	<table border="0" style="margin: auto;"> <tr> <td></td> <td style="text-align: center; width: 50px;">Debtor 1</td> <td style="text-align: center; width: 50px;">Debtor 2</td> </tr> <tr> <td>Gross receipts (before all deductions)</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td style="text-align: center;">- \$ _____</td> <td style="text-align: center;">- \$ _____</td> </tr> <tr> <td>Net monthly income from a business, profession, or farm</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from a business, profession, or farm	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from a business, profession, or farm	\$ _____	\$ _____												
	\$ _____	\$ _____												
6. Net income from rental and other real property	<table border="0" style="margin: auto;"> <tr> <td></td> <td style="text-align: center; width: 50px;">Debtor 1</td> <td style="text-align: center; width: 50px;">Debtor 2</td> </tr> <tr> <td>Gross receipts (before all deductions)</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td style="text-align: center;">- \$ _____</td> <td style="text-align: center;">- \$ _____</td> </tr> <tr> <td>Net monthly income from rental or other real property</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from rental or other real property	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from rental or other real property	\$ _____	\$ _____												
	\$ _____	\$ _____												

Column A Debtor 1	Column B Debtor 2
----------------------	----------------------

7. Interest, dividends, and royalties

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

8. Unemployment compensation

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

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:..... ↓

For you \$ _____

For your spouse \$ _____

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

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

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

If necessary, list other sources on a separate page and put the total below.

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

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

Total amounts from separate pages, if any.

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

11. Calculate your total current monthly income.

Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ _____	+	\$ _____	=	\$ _____
----------	---	----------	---	----------

Total current monthly income

Part 2: Sign Below

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

X _____
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Date _____
 MM / DD / YYYY

Date _____
 MM / DD / YYYY

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

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

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

Case number _____
(If known)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).

2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).

3. The commitment period is 3 years.

4. The commitment period is 5 years.

Check if this is an amended filing

Official Form 122C-1

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

12/15

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

Part 1: Calculate Your Average Monthly Income

1. **What is your marital and filing status?** Check one only.
- Not married.** Fill out Column A, lines 2-11.
- Married.** Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse												
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ _____	\$ _____												
3. Alimony and maintenance payments. Do not include payments from a spouse.	\$ _____	\$ _____												
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include payments from a spouse. Do not include payments you listed on line 3.	\$ _____	\$ _____												
5. Net income from operating a business, profession, or farm	<table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="background-color: #e0e0e0;">Debtor 1</th> <th style="background-color: #e0e0e0;">Debtor 2</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ _____</td> <td>- \$ _____</td> </tr> <tr> <td>Net monthly income from a business, profession, or farm</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from a business, profession, or farm	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from a business, profession, or farm	\$ _____	\$ _____												
	Copy here →	\$ _____												
6. Net income from rental and other real property	<table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="background-color: #e0e0e0;">Debtor 1</th> <th style="background-color: #e0e0e0;">Debtor 2</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>- \$ _____</td> <td>- \$ _____</td> </tr> <tr> <td>Net monthly income from rental or other real property</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ _____	\$ _____	Ordinary and necessary operating expenses	- \$ _____	- \$ _____	Net monthly income from rental or other real property	\$ _____	\$ _____
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ _____	\$ _____												
Ordinary and necessary operating expenses	- \$ _____	- \$ _____												
Net monthly income from rental or other real property	\$ _____	\$ _____												
	Copy here →	\$ _____												

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ _____	\$ _____
8. Unemployment compensation	\$ _____	\$ _____
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: \downarrow		
For you.....	\$ _____	
For your spouse.....	\$ _____	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ _____	\$ _____
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total below.	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Total amounts from separate pages, if any.	+ \$ _____	+ \$ _____
11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ _____	+ \$ _____ = \$ _____
		Total average monthly income

Part 2: Determine How to Measure Your Deductions from Income

12. Copy your total average monthly income from line 11. _____ \$ _____

13. Calculate the marital adjustment. Check one:

You are not married. Fill in 0 below.

You are married and your spouse is filing with you. Fill in 0 below.

You are married and your spouse is not filing with you.

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

Below, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 below.

_____ \$ _____

_____ \$ _____

_____ + \$ _____

Total..... \$ _____ **Copy here** \rightarrow _____

14. **Your current monthly income.** Subtract the total in line 13 from line 12. \$ _____

15. **Calculate your current monthly income for the year.** Follow these steps:

15a. Copy line 14 here \rightarrow _____ \$ _____

Multiply line 15a by 12 (the number of months in a year). **x 12**

15b. The result is your current monthly income for the year for this part of the form. _____ \$ _____

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

- 16a. Fill in the state in which you live.
16b. Fill in the number of people in your household.
16c. Fill in the median family income for your state and size of household.
To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

17. How do the lines compare?

- 17a. Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3. Do NOT fill out Calculation of Disposable Income (Official Form 122C-2).
17b. Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Disposable Income (Official Form 122C-2). On line 39 of that form, copy your current monthly income from line 14 above.

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

18. Copy your total average monthly income from line 11. \$

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13.

19a. If the marital adjustment does not apply, fill in 0 on line 19a. - \$

19b. Subtract line 19a from line 18. \$

20. Calculate your current monthly income for the year. Follow these steps:

20a. Copy line 19b. \$

Multiply by 12 (the number of months in a year). x 12

20b. The result is your current monthly income for the year for this part of the form. \$

20c. Copy the median family income for your state and size of household from line 16c. \$

21. How do the lines compare?

- Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, The commitment period is 3 years. Go to Part 4.
Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, The commitment period is 5 years. Go to Part 4.

Part 4: Sign Below

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

X Signature of Debtor 1

X Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

COMMITTEE NOTE

Official Forms 122A-1, 122A-1Supp, 122A-2, 122B, 122C-1, and 122C-2 are updated to comport with the form numbering style developed as part of the Forms Modernization Project. The forms are derived from Official Forms 22A-1, 22A-1Supp, 22A-2, 22B, 122C-1, and 22C-2.

Official Forms 122A-1, 122B, and 122C-1 are revised to add a workspace column for debtor 2 at questions 5 and 6 on the forms.

Official Form 122B is also revised to remove former Part 2. This portion of the form provided for the exclusion of certain income of a debtor's non-filing spouse; since that income is not required to be reported, its exclusion is unnecessary.

Other stylistic changes were made throughout the forms.

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number (if known): _____ Chapter _____

Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN)

____ - ____ - _____

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

Number Street _____

Number Street _____

P.O. Box _____

City State ZIP Code _____

City State ZIP Code _____

County _____

Location of principal assets, if different from principal place of business

Number Street _____

City State ZIP Code _____

5. Debtor's website (URL)

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: _____

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. §101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. §781(3))
- None of the above

B. Check all that apply:

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9

Chapter 11. Check all that apply:

- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

No

Yes. District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

No

Yes. Debtor _____ Relationship _____

District _____ When _____
MM / DD / YYYY

List all cases. If more than 1, attach a separate list.

Case number, if known _____

11. Why is this case filed in this district?

Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other _____

Where is the property? _____

Number Street

City

State

ZIP Code

Is the property insured?

No

Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

1-49

50-99

100-199

200-999

1,000-5,000

5,001-10,000

10,001-25,000

25,001-50,000

50,001-100,000

More than 100,000

15. Estimated assets

\$0-\$50,000

\$50,001-\$100,000

\$100,001-\$500,000

\$500,001-\$1 million

\$1,000,001-\$10 million

\$10,000,001-\$50 million

\$50,000,001-\$100 million

\$100,000,001-\$500 million

\$500,000,001-\$1 billion

\$1,000,000,001-\$10 billion

\$10,000,000,001-\$50 billion

More than \$50 billion

16. Estimated liabilities

\$0-\$50,000

\$50,001-\$100,000

\$100,001-\$500,000

\$500,001-\$1 million

\$1,000,001-\$10 million

\$10,000,001-\$50 million

\$50,000,001-\$100 million

\$100,000,001-\$500 million

\$500,000,001-\$1 billion

\$1,000,000,001-\$10 billion

\$10,000,000,001-\$50 billion

More than \$50 billion

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

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

Executed on _____
MM / DD / YYYY

X

Signature of authorized representative of debtor

Printed name

Title

18. Signature of attorney

X

Signature of attorney for debtor

Date _____
MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

Committee Note

Official Form 201, *Voluntary Petition for Non-Individuals Filing for Bankruptcy*, replaces Official Form 1, *Voluntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 201 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 201 has been substantially reformatted and reorganized. References to Exhibits B, C, and D, and the exhibits themselves, have been eliminated because the requested information is now asked in the form or is not applicable to non-individual debtors. Official Form 201A, *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11*, has replaced Exhibit A. The debtor is instructed to file Official Form 201A if the debtor is filing under chapter 11 and is required to file periodic reports with the Securities and Exchange Commission. A checkbox has been added to the form to indicate whether it is an amended filing.

In Question 2, *All other names debtor used in the last 8 years*, instructions pertaining only to individuals have been deleted, and an instruction to include *doing business as* names and assumed names has been added. In Question 3, *Debtor's federal Employee Identification Number (EIN)*, references to social security numbers and individual taxpayer I.D. numbers have been deleted. In Question 4, *Debtor's address*, the order of listing the various addresses for the debtor has been rearranged, and an address for the location of principal assets is required if different from the principal place of business. Also, the form has been revised to include a space for listing the debtor's website in Question 5.

In Question 6, *Type of Debtor*, options pertaining only to individual debtors have been deleted, and an instruction that the "partnership" option does not include LLPs has been added. Question 7, *Describe debtor's business*, is revised to include a statutory citation for each business type, to add an option for "none of the above," and to delete the option for "other." A new instruction requires the debtor to indicate if the debtor is an investment company, including a hedge fund or pooled investment vehicle; an investment advisor; or a tax exempt entity. The definition of "tax exempt entity" has been removed and replaced with a statutory citation. ~~Additionally, an instruction has been added to require the debtor to list its North American Industry Classification System 6-digit code. A hyperlink is provided for information on finding the correct code.~~

In Question 8, *Under which chapter of the Bankruptcy Code is the debtor filing*, several separate boxes have been combined, and the options for Chapter 13 and Chapter 15 have been deleted. More detailed options have been added for Chapter 11. The question regarding the nature of the debtor's debts has been removed.

Question 9, *Were prior bankruptcy cases filed by or against the debtor within the last 8 years*, has been revised

to instruct the debtor to include prior bankruptcy cases filed against the debtor and to list the district rather than location of the prior filings. In Question 10, *Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor*, the reference to spouse and the requirement to list the judge in any other cases have been removed.

Question 11, *Why is venue proper in this district*, has been revised to delete references that pertain only to individuals.

Question 12, *Does the debtor own or have possession of any real property or personal property that needs immediate attention*, replaces Exhibit C from Official Form 1. The category of “property that needs immediate attention” has been added, as well as options to indicate why the property needs immediate attention. Additionally, the form has been revised to require the debtor to list the location of the property and whether or not the property is insured and, if so, the insurance details.

Statistical and administrative information has been moved to immediately above the signature line, and the reference to exempt property has been removed. The maximum values for “Estimated Assets” and “Estimated Liabilities” have been increased from “more than \$1 billion” to “more than \$50 billion.” *Request for Relief, Declaration, and Signatures* has been reformatted and the signature lines for individual debtors and non-attorney bankruptcy petition preparers have been removed.

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

Debtor Name _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number (if known): _____

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- Schedule H: Codebtors (Official Form 206H)
- A Summary of Assets and Liabilities for Non-Individuals (Official Form 206—Summary)
- Amended Schedule _____
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- Other document that requires a declaration _____

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

Executed on _____
 MM / DD / YYYY

X

 Signature of individual signing on behalf of debtor

 Printed name

 Position or relationship to debtor

Committee Note

Official Form 202, *Declaration Under Penalty of Perjury for Non-Individual Debtors*, replaces Official Form 2, *Declaration Under Penalty of Perjury on Behalf of a Corporation or Partnership*, and the section of Official Form 6 Declaration, *Declaration Concerning Debtor's Schedules* containing a corporation's or partnership's declaration. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 202 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

Official Form 202 has been substantially reformatted and reorganized with elements from both Official Form 2 and the section of Official Form 6 for a corporation or partnership. Instructions have been added, along with warning language regarding bankruptcy fraud. Checkboxes are provided so the declaration will indicate the schedules documents included with the declaration, including the schedules and Official Form 204, Chapter 11, or, if Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders. If the declaration accompanies another document, a space is provided to include a description of the attached document. The phrase “to the best of my information and belief” has been deleted from the declaration in order to conform to the language of 28 U.S.C. § 1746. See Rule 1008. The form, however, includes a statement that the person signing the declaration has examined the information in the documents subject to the declaration and has “a reasonable belief that the information is true and correct.” Finally, the person signing the declaration must indicate his or her position or relationship to the debtor.

Formatted: Font: Italic

Fill in this information to identify the case:

Debtor name _____

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

Case number (If known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1							
2							
3							
4							
5							
6							
7							
8							

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Committee Note

Official Form 204, *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders*, replaces Official Form 4, *List of Creditors Holding 20 Largest Unsecured Claims*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 204 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Official Form 204 has been reformatted and reorganized. The instructions have been shortened and revised to include a full cite to the definition of “insider” and a revised explanation of when to include a secured creditor’s unsecured claim. The warning regarding the disclosure of a minor child’s name has been deleted as a caution has been added to the general instructions for all forms regarding listing a minor child’s name.

The heading of the second column of the form has been revised to require the “name, telephone number, and email address of creditor contact,” eliminating the need to provide a complete mailing address for the creditor contact.

Additional examples of “nature of claim” have been provided in the third column. In the fourth column, “subject to setoff” has been removed as an option.

The fifth column has been revised to include three separate potential entries to be used to list the value of the unsecured claim: the total claim, if partially secured; the deduction for value of collateral or setoff; and unsecured claim. The new instructions for the fifth column contain an explanation that if a claim is a fully unsecured claim, only the final sub-column needs to be completed, and that all of the columns must be completed if a claim is partially secured.

The signature line and the instruction to include a declaration have been deleted from the form.

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number *(if known)*: _____ Chapter _____

Check if this is an amended filing

Official Form 205

Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

- Chapter 7
 Chapter 11

Part 2: Identify the Debtor

2. Debtor's name _____

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or *doing business as* names.

4. Debtor's federal Employer Identification Number (EIN)

Unknown

____ - ____ - _____
 EIN

5. Debtor's address

Principal place of business

Number Street _____

City State ZIP Code _____

County _____

Mailing address, if different

Number Street _____

P.O. Box _____

City State ZIP Code _____

Location of principal assets, if different from principal place of business

Number Street _____

City State ZIP Code _____

6. Debtor's website (URL) _____

7. Type of debtor

- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 Partnership (excluding LLP)
 Other type of debtor. Specify: _____

8. Type of debtor's business

Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
 Railroad (as defined in 11 U.S.C. §101(44))
 Stockbroker (as defined in 11 U.S.C. § 101(53A))
 Commodity Broker (as defined in 11 U.S.C. § 101(6))
 Clearing Bank (as defined in 11 U.S.C. §781(3))
 None of the types of business listed.
 Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

- No
 Yes. Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY
Debtor _____ Relationship _____
District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Part 3: Report About the Case

10. Venue

Check one:

- Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
 A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked.

- The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
 Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- No
 Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim

Name of petitioner

Nature of petitioner's claim

Amount of the claim above the value of any lien

		\$ _____
		\$ _____
		\$ _____
Total of petitioners' claims		\$ _____

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4: Request for Relief

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

Name and mailing address of petitioner

Name

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

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

Executed on _____
MM / DD / YYYY

X _____
Signature of petitioner or representative, including representative's title

Attorneys

Printed name

Firm name, if any

Number Street

City State ZIP Code

Contact phone _____ Email _____

Bar number _____

State _____

X _____
Signature of attorney

Date signed _____
MM / DD / YYYY

Name and mailing address of petitioner

Name

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

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

Executed on _____
MM / DD / YYYY

X

Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City State ZIP Code

Contact phone _____ Email _____

Bar number _____

State _____

X

Signature of attorney

Date signed _____
MM / DD / YYYY

Name and mailing address of petitioner

Name

Number Street

City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

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

Executed on _____
MM / DD / YYYY

X

Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City State ZIP Code

Contact phone _____ Email _____

Bar number _____

State _____

X

Signature of attorney

Date signed _____
MM / DD / YYYY

Committee Note

Official Form 205, *Involuntary Petition Against a Non-Individual*, replaces Official Form 5, *Involuntary Petition*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 205 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

Part 1, *Identify the Chapter of the Bankruptcy Code Under Which Petition is Filed*, has been moved to the beginning of the form.

In Part 2, *Identify the Debtor*, instructions pertaining only to individuals have been deleted, and an instruction to include doing-business-as names and assumed names has been added. The references to social security numbers and individual taxpayer I.D. numbers have been deleted. The order of listing the various addresses for the debtor have been rearranged in Line 5, and an address for the location of principal assets is required if different from the principal place of business.

The form has been revised to include a space for listing the debtor's website in Line 6.

Also in Part 2, the options for type of debtor that pertained only to individuals have been deleted, and an instruction that the "partnership" option does not include LLPs has been added. The options regarding the type of debtor's business have been revised to include a statutory citation for each business type, to add an option for "none of the above," and to delete the option for "other." The question regarding pending bankruptcy cases has been revised to remove the reference to spouse and the requirement to list the judge in any other cases.

In Part 3, *Report About the Case*, the question regarding venue has been revised in Line 10 to read "[o]ver the past 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place or business, or principal assets in this district longer than in any other district." In the question for Allegations, "each" has been added to the first allegation, the exact citation to the Bankruptcy Code has been provided for the second allegation, and checkboxes have been provided for the last allegation. Also, in Line 12, petitioners must check "yes" or "no" to answer whether there has been any transfer of any claim against the debtor by or to a petitioner.

The information regarding the petitioner's claims has been moved to Part 3, and the portion listing the amount of the claim is amended to ask about the amount of the claim that exceeds the value of the lien, if any.

Part 4, *Request Relief*, has been amended to include a warning about making a false statement, and the declaration under penalty of perjury has been revised in order to conform to the language of 28 U.S.C. § 1746. *See* Rule 1008. A statement has been added that each petitioner, or the petitioner's representative, has reviewed the information in the petition and has "a reasonable belief that the information is true and correct." A requirement has

been added for each petitioner's mailing address. Also, petitioners' attorneys must provide their email addresses, bar number, and state of bar membership.

Fill in this information to identify the case:

Debtor name _____

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

Case number (if known): _____

Check if this is an amended filing

Official Form 206A/B

Schedule A/B: Assets — Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases with a net value. Also list them on *Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)*.

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents

1. Does the debtor have any cash or cash equivalents?

- No. Go to Part 2.
- Yes. Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

2. Cash on hand

\$ _____

3. Checking, savings, money market, or financial brokerage accounts (Identify all)

Name of institution (bank or brokerage firm) Type of account Last 4 digits of account number

3.1. _____ _____ _____ \$ _____

3.2. _____ _____ _____ \$ _____

4. Other cash equivalents (Identify all)

4.1. _____ \$ _____

4.2. _____ \$ _____

5. Total of Part 1

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$ _____

Part 2: Deposits and prepayments

6. Does the debtor have any deposits or prepayments?

- No. Go to Part 3.
- Yes. Fill in the information below.

Current value of debtor's interest

7. Deposits, including security deposits and utility deposits

Description, including name of holder of deposit

7.1. _____ \$ _____

7.2. _____ \$ _____

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

- No. Go to Part 6.
 Yes. Fill in the information below.

General description	Date of the last physical inventory	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
19. Raw materials	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
20. Work in progress	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
21. Finished goods, including goods held for resale	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
22. Other inventory or supplies	_____ MM / DD / YYYY	\$ _____	_____	\$ _____
23. Total of Part 5	Add lines 19 through 22. Copy the total to line 84.			\$ _____

24. Is any of the property listed in Part 5 perishable?

- No
 Yes

25. Has any of the property listed in Part 5 been purchased within 20 days before the bankruptcy was filed?

- No
 Yes. Book value _____ Valuation method _____ Current value _____

26. Has any of the property listed in Part 5 been appraised by a professional within the last year?

- No
 Yes

Part 6: Farming- and fishing-related assets (other than titled motor vehicles and land)

27. Does the debtor own any farming- and fishing-related assets (other than titled motor vehicles and land)?

- No. Go to Part 7.
 Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
28. Crops—either planted or harvested	\$ _____	_____	\$ _____
29. Farm animals <i>Examples:</i> Livestock, poultry, farm-raised fish	\$ _____	_____	\$ _____
30. Farm machinery and equipment (Other than titled motor vehicles)	\$ _____	_____	\$ _____
31. Farm and fishing supplies, chemicals, and feed	\$ _____	_____	\$ _____
32. Other farming- and fishing-related property not already listed in Part 5	\$ _____	_____	\$ _____

33. **Total of Part 6.**

Add lines 28 through 32. Copy the total to line 85.

\$ _____

34. **Is the debtor a member of an agricultural cooperative?**

- No
- Yes. Is any of the debtor's property stored at the cooperative?
 - No
 - Yes

35. **Has any of the property listed in Part 6 been purchased within 20 days before the bankruptcy was filed?**

- No
- Yes. Book value \$ _____ Valuation method _____ Current value \$ _____

36. **Is a depreciation schedule available for any of the property listed in Part 6?**

- No
- Yes

37. **Has any of the property listed in Part 6 been appraised by a professional within the last year?**

- No
- Yes

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. **Does the debtor own any office furniture, fixtures, equipment, or collectibles?**

- No. Go to Part 8.
- Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
39. Office furniture _____	\$ _____	_____	\$ _____
40. Office fixtures _____	\$ _____	_____	\$ _____
41. Office equipment, including all computer equipment and communication systems equipment and software _____	\$ _____	_____	\$ _____
42. Collectibles <i>Examples:</i> Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; china and crystal; stamp, coin, or baseball card collections; other collections, memorabilia, or collectibles			
42.1 _____	\$ _____	_____	\$ _____
42.2 _____	\$ _____	_____	\$ _____
42.3 _____	\$ _____	_____	\$ _____

43. **Total of Part 7.**

Add lines 39 through 42. Copy the total to line 86.

\$ _____

44. **Is a depreciation schedule available for any of the property listed in Part 7?**

- No
- Yes

45. **Has any of the property listed in Part 7 been appraised by a professional within the last year?**

- No
- Yes

Part 8: Machinery, equipment, and vehicles

46. Does the debtor own any machinery, equipment, or vehicles?

- No. Go to Part 9.
- Yes. Fill in the information below.

General description	Net book value of debtor's interest	Valuation method used for current value	Current value of debtor's interest
Include year, make, model, and identification numbers (i.e., VIN, HIN, or N-number)	(Where available)		

47. Automobiles, vans, trucks, motorcycles, trailers, and titled farm vehicles

47.1 _____	\$ _____	_____	\$ _____
47.2 _____	\$ _____	_____	\$ _____
47.3 _____	\$ _____	_____	\$ _____
47.4 _____	\$ _____	_____	\$ _____

48. Watercraft, trailers, motors, and related accessories Examples: Boats, trailers, motors, floating homes, personal watercraft, and fishing vessels

48.1 _____	\$ _____	_____	\$ _____
48.2 _____	\$ _____	_____	\$ _____

49. Aircraft and accessories

49.1 _____	\$ _____	_____	\$ _____
49.2 _____	\$ _____	_____	\$ _____

50. Other machinery, fixtures, and equipment (excluding farm machinery and equipment)

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

51. Total of Part 8.

Add lines 47 through 50. Copy the total to line 87.

\$ _____

52. Is a depreciation schedule available for any of the property listed in Part 8?

- No
- Yes

53. Has any of the property listed in Part 8 been appraised by a professional within the last year?

- No
- Yes

Part 9: Real property

54. Does the debtor own any real property?

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

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building), if available.	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1 _____	_____	\$ _____	_____	\$ _____
55.2 _____	_____	\$ _____	_____	\$ _____
55.3 _____	_____	\$ _____	_____	\$ _____
55.4 _____	_____	\$ _____	_____	\$ _____
55.5 _____	_____	\$ _____	_____	\$ _____
55.6 _____	_____	\$ _____	_____	\$ _____

56. Total of Part 9.

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets. Copy the total to line 88.

\$ _____

57. Is a depreciation schedule available for any of the property listed in Part 9?

- No
 Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

- No
 Yes

Part 10: Intangibles and Intellectual Property

59. Does the debtor have any interests in intangibles or intellectual property?

- No. Go to Part 11.
 Yes. Fill in the information below.

General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
60. Patents, copyrights, trademarks, and trade secrets _____	\$ _____	_____	\$ _____
61. Internet domain names and websites _____	\$ _____	_____	\$ _____
62. Licenses, franchises, and royalties _____	\$ _____	_____	\$ _____
63. Customer lists, mailing lists, or other compilations _____	\$ _____	_____	\$ _____
64. Other intangibles, or intellectual property _____	\$ _____	_____	\$ _____
65. Goodwill _____	\$ _____	_____	\$ _____

66. Total of Part 10.

Add lines 60 through 65. Copy the total to line 89.

\$ _____

67. Do your lists or records include personally identifiable information of customers (as defined in 11 U.S.C. §§ 101(41A) and 107)?

- No
 Yes

68. Is there an amortization or other similar schedule available for any of the property listed in Part 10?

- No
 Yes

69. Has any of the property listed in Part 10 been appraised by a professional within the last year?

- No
 Yes

Part 11: All other assets

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- No. Go to Part 12.
 Yes. Fill in the information below.

Current value of debtor's interest

71. Notes receivable

Description (include name of obligor)

_____ - _____ => \$ _____
Total face amount doubtful or uncollectible amount

72. Tax refunds and unused net operating losses (NOLs)

Description (for example, federal, state, local)

_____ Tax year _____ \$ _____
_____ Tax year _____ \$ _____
_____ Tax year _____ \$ _____

73. Interests in insurance policies or annuities

_____ \$ _____

74. Causes of action against third parties (whether or not a lawsuit has been filed)

_____ \$ _____

Nature of claim _____

Amount requested \$ _____

75. Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims

_____ \$ _____

Nature of claim _____

Amount requested \$ _____

76. Trusts, equitable or future interests in property

_____ \$ _____

77. Other property of any kind not already listed Examples: Season tickets, country club membership

_____ \$ _____

_____ \$ _____

78. Total of Part 11.

Add lines 71 through 77. Copy the total to line 90.

\$ _____

79. Has any of the property listed in Part 11 been appraised by a professional within the last year?

- No
 Yes

In Part 12 copy all of the totals from the earlier parts of the form.

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1.</i>	\$ _____	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	\$ _____	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	\$ _____	
83. Investments. <i>Copy line 17, Part 4.</i>	\$ _____	
84. Inventory. <i>Copy line 23, Part 5.</i>	\$ _____	
85. Farming- and fishing-related assets. <i>Copy line 33, Part 6.</i>	\$ _____	
86. Office furniture, fixtures, and equipment, and collectibles. <i>Copy line 43, Part 7.</i>	\$ _____	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	\$ _____	
88. Real property. <i>Copy line 56, Part 9.</i> →		\$ _____
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	\$ _____	
90. All other assets. <i>Copy line 78, Part 11.</i>	+ \$ _____	
91. Total. Add lines 80 through 90 for each column. 91a.	\$ _____	+ 91b. \$ _____
92. Total of all property on Schedule A/B. Lines 91a + 91b = 92.		\$ _____

Fill in this information to identify the case:

Debtor name _____
United States Bankruptcy Court for the: _____ District of _____
(State)
Case number (if known): _____

Check if this is an amended filing

Official Form 206D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims

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

Column A Amount of claim Do not deduct the value of collateral.
Column B Value of collateral that supports this claim

2.1 Creditor's name Describe debtor's property that is subject to a lien
Creditor's mailing address
Creditor's email address, if known
Date debt was incurred
Last 4 digits of account number
Do multiple creditors have an interest in the same property?
Is the creditor an insider or related party?
Is anyone else liable on this claim?
As of the petition filing date, the claim is:

2.2 Creditor's name Describe debtor's property that is subject to a lien
Creditor's mailing address
Creditor's email address, if known
Date debt was incurred
Last 4 digits of account number
Do multiple creditors have an interest in the same property?
Is the creditor an insider or related party?
Is anyone else liable on this claim?
As of the petition filing date, the claim is:

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

Part 1: Additional Page

Column A
Amount of claim
Do not deduct the value of collateral.

Column B
Value of collateral that supports this claim

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

2. **Creditor's name** _____ **Describe debtor's property that is subject to a lien** _____ \$ _____ \$ _____

Creditor's mailing address _____

Creditor's email address, if known _____

Date debt was incurred _____
Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?
 No
 Yes. Have you already specified the relative priority?
 No. Specify each creditor, including this creditor, and its relative priority.

Yes. The relative priority of creditors is specified on lines _____

Describe the lien _____

Is the creditor an insider or related party?
 No
 Yes

Is anyone else liable on this claim?
 No
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed

2. **Creditor's name** _____ **Describe debtor's property that is subject to a lien** _____ \$ _____ \$ _____

Creditor's mailing address _____

Creditor's email address, if known _____

Date debt was incurred _____
Last 4 digits of account number _____

Do multiple creditors have an interest in the same property?
 No
 Yes. Have you already specified the relative priority?
 No. Specify each creditor, including this creditor, and its relative priority.

Yes. The relative priority of creditors is specified on lines _____

Describe the lien _____

Is the creditor an insider or related party?
 No
 Yes

Is anyone else liable on this claim?
 No
 Yes. Fill out *Schedule H: Codebtors* (Official Form 206H).

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed

Fill in this information to identify the case:

Debtor _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number _____
 (If known)

Check if this is an amended filing

Official Form 206E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Assets - Real and Personal Property (Official Form 206A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

- No. Go to Part 2.
- Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

2.1 Priority creditor's name and mailing address

Date or dates debt was incurred

Last 4 digits of account number _____

Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

Total claim

\$ _____

Priority amount

\$ _____

2.2 Priority creditor's name and mailing address

Date or dates debt was incurred

Last 4 digits of account number _____

Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

\$ _____

\$ _____

2.3 Priority creditor's name and mailing address

Date or dates debt was incurred

Last 4 digits of account number _____

Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (____)

As of the petition filing date, the claim is:

Check all that apply.

- Contingent
- Unliquidated
- Disputed

Basis for the claim:

Is the claim subject to offset?

- No
- Yes

\$ _____

\$ _____

Part 1. Additional Page

Copy this page if more space is needed. Continue numbering the lines sequentially from the previous page. If no additional PRIORITY creditors exist, do not fill out or submit this page.

Total claim

Priority amount

2. Priority creditor's name and mailing address _____ \$ _____ \$ _____

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed
Date or dates debt was incurred _____ **Basis for the claim:** _____
Last 4 digits of account number _____ **Is the claim subject to offset?**
 No
 Yes
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (_____)

2. Priority creditor's name and mailing address _____ \$ _____ \$ _____

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed
Date or dates debt was incurred _____ **Basis for the claim:** _____
Last 4 digits of account number _____ **Is the claim subject to offset?**
 No
 Yes
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (_____)

2. Priority creditor's name and mailing address _____ \$ _____ \$ _____

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed
Date or dates debt was incurred _____ **Basis for the claim:** _____
Last 4 digits of account number _____ **Is the claim subject to offset?**
 No
 Yes
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (_____)

2. Priority creditor's name and mailing address _____ \$ _____ \$ _____

As of the petition filing date, the claim is:
Check all that apply.
 Contingent
 Unliquidated
 Disputed
Date or dates debt was incurred _____ **Basis for the claim:** _____
Last 4 digits of account number _____ **Is the claim subject to offset?**
 No
 Yes
Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (_____)

Part 2: List All Creditors with NONPRIORITY Unsecured Claims

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 4 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

Amount of claim

3.1	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

3.2	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

3.3	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

3.4	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

3.5	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

3.6	Nonpriority creditor's name and mailing address	As of the petition filing date, the claim is: <i>Check all that apply.</i>	\$ _____
	_____	<input type="checkbox"/> Contingent	
	_____	<input type="checkbox"/> Unliquidated	
	_____	<input type="checkbox"/> Disputed	
		Basis for the claim: _____	
	Date or dates debt was incurred _____	Is the claim subject to offset?	
	Last 4 digits of account number _____	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	

Part 2: Additional Page

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page. If no additional NONPRIORITY creditors exist, do not fill out or submit this page.

Amount of claim

3.____ Nonpriority creditor's name and mailing address _____

As of the petition filing date, the claim is:
Check all that apply.

Contingent
 Unliquidated
 Disputed
 Liquidated and neither contingent nor disputed

Basis for the claim: _____

Date or dates debt was incurred _____
Last 4 digits of account number _____

Is the claim subject to offset?
 No
 Yes

\$ _____

3.____ Nonpriority creditor's name and mailing address _____

As of the petition filing date, the claim is:
Check all that apply.

Contingent
 Unliquidated
 Disputed

Basis for the claim: _____

Date or dates debt was incurred _____
Last 4 digits of account number _____

Is the claim subject to offset?
 No
 Yes

\$ _____

3.____ Nonpriority creditor's name and mailing address _____

As of the petition filing date, the claim is:
Check all that apply.

Contingent
 Unliquidated
 Disputed

Basis for the claim: _____

Date or dates debt was incurred _____
Last 4 digits of account number _____

Is the claim subject to offset?
 No
 Yes

\$ _____

3.____ Nonpriority creditor's name and mailing address _____

As of the petition filing date, the claim is:
Check all that apply.

Contingent
 Unliquidated
 Disputed

Basis for the claim: _____

Date or dates debt was incurred _____
Last 4 digits of account number _____

Is the claim subject to offset?
 No
 Yes

\$ _____

3.____ Nonpriority creditor's name and mailing address _____

As of the petition filing date, the claim is:
Check all that apply.

Contingent
 Unliquidated
 Disputed

Basis for the claim: _____

Date or dates debt was incurred _____
Last 4 digits of account number _____

Is the claim subject to offset?
 No
 Yes

\$ _____

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4.1. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.2. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.3. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
41. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.5. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.6. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.7. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.8. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.9. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.10. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4.11. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _

Part 3: Additional Page for Others to Be Notified About Unsecured Claims

Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _
4. _____ _____ _____	Line _____ <input type="checkbox"/> Not listed. Explain _____ _____	____ _ _ _

Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

Total of claim amounts

5a. Total claims from Part 1 5a. \$ _____

5b. Total claims from Part 2 5b. + \$ _____

5c. Total of Parts 1 and 2 5c. \$ _____
Lines 5a + 5b = 5c.

Fill in this information to identify the case:

Debtor name _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number (if known): _____ Chapter _____

Check if this is an amended filing

Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, numbering the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

- No. Check this box and file this form with the court with the debtor's other schedules. There is nothing else to report on this form.
- Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).

2. List all contracts and unexpired leases		State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease
2.1	State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____	_____ _____ _____ _____
2.2	State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____	_____ _____ _____ _____
2.3	State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____	_____ _____ _____ _____
2.4	State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____	_____ _____ _____ _____
2.5	State what the contract or lease is for and the nature of the debtor's interest _____ _____ State the term remaining _____ List the contract number of any government contract _____	_____ _____ _____ _____

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

List all contracts and unexpired leases		State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	
2.	<p>State what the contract or lease is for and the nature of the debtor's interest</p> <p>State the term remaining</p> <p>List the contract number of any government contract</p>	

Fill in this information to identify the case:

Debtor name _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number (if known): _____

Check if this is an amended filing

Official Form 206H

Schedule H: Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Does the debtor have any codebtors?

- No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.
- Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

Column 1: Codebtor		Column 2: Creditor	
Name	Mailing address	Name	Check all schedules that apply:
2.1 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.2 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.3 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.4 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.5 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.6 _____	Street _____ _____ City _____ State _____ ZIP Code _____	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

Column 1: Codebtor		Column 2: Creditor	
Name	Mailing address	Name	Check all schedules that apply:
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G
2.____ _____	_____ Street _____ _____ City State ZIP Code	_____	<input type="checkbox"/> D <input type="checkbox"/> E/F <input type="checkbox"/> G

Fill in this information to identify the case:

Debtor name _____

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

Case number (if known): _____

Check if this is an amended filing

Official Form 206Sum

Summary of Assets and Liabilities for Non-Individuals

12/15

Part 1: Summary of Assets

1. **Schedule A/B: Assets—Real and Personal Property** (Official Form 206A/B)

1a. **Real property:**

Copy line 88 from *Schedule A/B*

\$ _____

1b. **Total personal property:**

Copy line 91A from *Schedule A/B*

\$ _____

1c. **Total of all property:**

Copy line 92 from *Schedule A/B*

\$ _____

Part 2: Summary of Liabilities

2. **Schedule D: Creditors Who Hold Claims Secured by Property** (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, at the bottom of page 1 of *Schedule D*

\$ _____

3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)

3a. **Total claim amounts of priority unsecured claims:**

Copy the total claims from Part 1 from line 6a of *Schedule E/F*

\$ _____

3b. **Total amount of claims of non-priority amount of unsecured claims:**

Copy the total of the amount of claims from Part 2 from line 6b of *Schedule E/F*

+ \$ _____

4. **Total liabilities**

Lines 2 + 3a + 3b

\$ _____

Committee Note

The schedules to be used in cases of non-individual debtors have been revised as part of the Forms Modernization Project, making them easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals eliminate questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records. The non-individual debtor schedules are also renumbered, starting with the number 206 and followed by the letter or name of the schedule to distinguish them from the versions to be used in individual cases. Each form includes a checkbox to indicate whether it is an amended filing.

Official Form 206Sum, *Summary of Assets and Liabilities for Non-Individuals*, replaces Official Form 6, *Summary of Schedules and Statistical Summary of Certain Liability and Related Data (28 U.S.C. § 159)*, in cases of non-individual debtors. The form is reformatted and updated with cross-references indicating the line numbers from specific schedules from which the summary information is to be gathered, and the Statistical Summary is deleted because it only applies to individual debtors. In addition, because most filings are now done electronically, the form no longer requires the debtor to indicate which schedules are attached or to state the number of sheets of paper used for the schedules.

Official Form 206A/B, Schedule A/B: Assets – Real and Personal Property, consolidates information about a non-individual debtor’s real and personal property into a single form and replaces Official Form 6A - *Real Property* and Official Form 6B - *Personal Property*, in cases of non-individual debtors. The layout and categories of property on Official Form 206A/B have changed. Instead of dividing property interests into two categories (real or personal property), the new form uses eleven categories of property types. For each part, the specific items are broken out and debtors are instructed to total the part and list the total on a specific line later in the form.

Part 1: *Cash and cash equivalents*, includes cash and cash equivalents and a shortened list of examples. All financial assets other than cash or cash equivalents are moved to Part 4: *Investments*. In the section to list checking, savings, money market, or financial brokerage accounts, debtors are instructed to include the name of the institution and the last 4-digits of any account number.

In Part 2: *Deposits and prepayments*, adds prepayments and examples. A requirement has been added to include the name of the holder of any deposit.

Part 3: *Accounts receivable*, has been revised to divide accounts receivable into two categories depending on age and asks for separate values for the two categories.

Part 4: *Investments*, has been expanded and includes more detail.

Part 5: *Inventory, excluding agricultural assets*, has been amended to separate non-agricultural from agricultural assets, and has been expanded to include more detail. Categories of inventory are listed, and debtors must include the last date of physical inventory, the net book value of debtor’s interest (if available), the valuation method used for current value, and the current value of debtor’s interest. The form has been further amended to

require the debtor to indicate whether the properties listed are perishable, whether any of the property was purchased within 20 days of the bankruptcy filing, and whether any of the property was appraised by a professional within the year prior to the bankruptcy filing.

In Part 6: ~~*Agricultural assets*~~ *Farming- and Fishing- Related Assets* (other than titled motor vehicles and land), the form has been amended to require more detailed responses and to require the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. A requirement to list fishing supplies has been added. The form has been further amended to require the debtor to indicate whether the properties listed are perishable, whether any of the property was purchased within 20 days of the bankruptcy filing, whether a depreciation schedule is available for any of the property listed, and whether any of the property was appraised by a professional within the year prior to the bankruptcy filing.

Part 7: *Office furniture, fixtures, and equipment; and collectibles*, has been amended to combine several categories of assets and to require more detail, including requiring the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. Examples of collectibles are provided. The form has been further amended to require the debtor to indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 8: *Machinery, equipment, and vehicles*, has been amended to combine several categories of property and to require more detail, including requiring the debtor to indicate the net book value of the debtor's interest, the valuation method used for current value, and the current value of debtor's interest. More examples are provided for each property type. The form has been further amended to

indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 9: *Real property*, includes the elements of Official Form 6A, *Real Property*, and has been amended to expand the required information to include the net book value of the debtor's interest and the valuation method used for current value. Also, an instruction has been added for the description and location of the property. The form has been further amended to indicate whether a depreciation schedule is available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 10: *Intangibles and intellectual property*, includes amendments to combine several categories of property and to include more property types. The debtor is required to list the net book value of the debtor's interest and the valuation method used for current value. The question regarding personally identifiable information has been revised, and the form has been amended to require the debtor to indicate if there is an amortization schedule or similar schedule available for any property listed and whether any of the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 11: *All other assets*, includes a new category for notes receivable, which requires a description, including the name of the obligor, the face amount, and any uncollectible amount. In addition, the form has been amended to combine tax refunds and net operating losses into a single question and to require more detail, to delete the requirement to list the insurance company name for any interests in insurance policies, to expand the question regarding contingent and unliquidated claims, and to include examples of other property. The form has been further amended to include a question regarding whether

the property listed was appraised by a professional within the year prior to the bankruptcy filing.

Part 12, *Summary*, has been amended to list relevant line numbers for each type of property.

Official Form 206D, *Schedule D: Creditors Who Hold Claims Secured by Property*, replaces Official Form 6D, *Creditors Holding Secured Claims*, for non-individual debtors and has been revised to eliminate instructions that pertain only to individuals. The form has been further amended to instruct debtors that if a creditor has more than one secured claim, to list the creditor separately for each claim; to list the creditor's email address, if known; to indicate if multiple creditors have an interest in the same collateral; to list the order of each creditor's priority interest in the collateral; and to indicate whether the creditor is an insider or related party. The debtor is also instructed to describe the lien and to fill out *Schedule H: Codebtors*, if anyone else is liable on the claim. ~~A new category for describing claims has been added – “unliquidated and neither contingent nor disputed”.~~ Finally, the form has been amended to require the debtor to list the value of the debtor's property that secures the claim.

A new Part 2: *List Others to be Notified for a Debt Already Listed in Part 1* has been added, with instructions to list any others who must be notified about the bankruptcy for a debt listed in Part 1 of the form. Examples are provided. The debtor must include the relevant line from Part 1 and the last 4 digits of the account number for the entity.

A new Part 3: *Total Amounts of Claims and the Unsecured Portion of Claims*, has been added.

Official Form 206E/F, *Schedule E/F: Creditors Who Hold Unsecured Claims*, has been amended to combine Official Form 6E, *Schedule E – Creditors Holding Unsecured Priority Claims* and Official Form 6F, *Schedule*

F – Creditors Holding Unsecured Nonpriority Claims for non-individual debtors. Priority unsecured claims are listed in Part 1, and nonpriority unsecured claims are listed in Part 2. The instructions have been revised to require the debtor to list the other party to any executory contract or unexpired lease on this schedule and on *Schedule A/B Real and Personal Property* and *Schedule G: Executory Contracts and Unexpired Leases* (Official Forms 206A/B and 206G).

Part 1, *List All Creditors with PRIORITY Unsecured Claims*, has been revised to delete the requirement to list the amount not entitled to priority and to add requirements to specify the Code section for the priority unsecured claim and whether the claim is subject to offset. A new ~~category of “liquidated and neither contingent nor disputed”~~ has been requirement was added to Part 2, ~~List All Creditors with NONPRIORITY Unsecured Claims, along with the requirement~~ to indicate if the claim is subject to offset. The instructions have also been significantly shortened. Part 3, *List Others to be Notified About Unsecured Claims*, has been added, with instructions to list any others ~~that the debtor wants to notify about~~ any others who must be notified for claims listed in Parts 1 and 2. Examples are given. The debtor must include the relevant line from Part 1 or 2 and the last 4 digits of the account number for the entity. A new Part 4: *Total Amounts of the Priority and Nonpriority Unsecured Claims* has been added.

Official Form 206G, *Schedule G: Executory Contracts and Unexpired Leases*, replaces Official Form 6G - *Executory Contracts and Unexpired Leases* for non-individual debtors. The form has been amended to delete the instruction regarding the listing of a minor child’s name from the form as a caution is included in the general instructions for all forms regarding listing a minor child’s name. A new requirement has been added to state the remaining term for any contract or lease listed.

Official Form 206H, Schedule H: Codebtors, replaces Official Form 6H – *Codebtors* for non-individual debtors. The form has been amended to delete the instruction regarding the listing of a minor child’s name from the form as a caution is included in the general instructions for all forms regarding listing a minor child’s name. A new requirement is added to indicate by checkbox what schedule applies to each co-debtor.

Schedules C, Exemptions, I, Income and J, Expenses. There are no Official Forms for Schedules C, I, and J in non-individual debtor cases. There is no need for an Official Form 206C for non-individual debtors because exemptions are inapplicable to non-individual debtors. And, although section 521(a) of the Bankruptcy Code requires all debtors, including non-individual debtors, to provide schedules of income and expenses, uncertainty about the state of the debtor’s business on the petition date – whether it is operating or not, for example – makes it difficult to create standard income and expense forms for non-individual debtors. Some bankruptcy courts have adopted local rules and forms for reporting the income and expenses of non-individual debtors, and Director’s Procedural Forms 2060I and 2060J, can be used and modified as appropriate if there are no applicable local rules and forms.

Declaration. There is no Official Form 206, Declaration. The portion of Official Form 6 Declaration for a declaration on behalf of a corporation or partnership has been replaced by Official Form 202, *Declaration Under Penalty of Perjury for Non-Individual Debtors*. Official Form 202 includes checkboxes for the schedules included in Official Form 206.

Fill in this information to identify the case:

Debtor name _____
 United States Bankruptcy Court for the: _____ District of _____
 (State)
 Case number (if known): _____

Check if this is an amended filing

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy 12/15

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

None

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year		Sources of revenue Check all that apply	Gross revenue (before deductions and exclusions)
From the beginning of the fiscal year to filing date:	From _____ to Filing date MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
For prior year:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____
For the year before that:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	<input type="checkbox"/> Operating a business <input type="checkbox"/> Other _____	\$ _____

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None

		Description of sources of revenue	Gross revenue from each source (before deductions and exclusions)
From the beginning of the fiscal year to filing date:	From _____ to Filing date MM / DD / YYYY	_____	\$ _____
For prior year:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____
For the year before that:	From _____ to _____ MM / DD / YYYY MM / DD / YYYY	_____	\$ _____

Part 2: List Certain Transfers Made Before Filing for Bankruptcy

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None

Creditor's name and address	Dates	Total amount or value	Reasons for payment or transfer <i>Check all that apply</i>
3.1. _____ Creditor's name _____ Street _____ City State ZIP Code	_____ _____ _____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____
3.2. _____ Creditor's name _____ Street _____ City State ZIP Code	_____ _____ _____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or co-signed by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,225. (This amount may be adjusted on 4/01/16 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

None

Insider's name and address	Dates	Total amount or value	Reasons for payment or transfer
4.1. _____ Insider's name _____ Street _____ City State ZIP Code	_____ _____ _____	\$ _____	_____
Relationship to debtor	_____		
4.2. _____ Insider's name _____ Street _____ City State ZIP Code	_____ _____ _____	\$ _____	_____
Relationship to debtor	_____		

5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

None

Creditor's name and address	Description of the property	Date	Value of property
5.1. _____ Creditor's name _____ Street _____ _____ City State ZIP Code	_____	_____	\$ _____
5.1. _____ Creditor's name _____ Street _____ _____ City State ZIP Code	_____	_____	\$ _____

6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
_____ Creditor's name _____ Street _____ _____ City State ZIP Code	_____	_____	\$ _____
Last 4 digits of account number: XXXX- _ _ _ _			

Part 3: Legal Actions or Assignments

7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

None

Case title	Nature of case	Court or agency's name and address	Status of case
7.1. _____ Case number _____ _____ Case title _____ Case number _____ _____	_____	_____ Name _____ Street _____ _____ City State ZIP Code	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2. _____ Case number _____ _____	_____	_____ Name _____ Street _____ _____ City State ZIP Code	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

None

Custodian's name and address			Description of the property	Value
_____			_____	\$ _____
Custodian's name				

Street				

City State ZIP Code				
		Case title	Court name and address	
		_____	_____	
			Name	

			Street	

		Date of order or assignment		
		_____	City State ZIP Code	

Part 4: Certain Gifts and Charitable Contributions

9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000

None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
9.1. _____	_____	_____	\$ _____
Recipient's name	_____		
_____	_____		
Street			

City State ZIP Code			
Recipient's relationship to debtor			

9.2. _____	_____	_____	\$ _____
Recipient's name	_____		
_____	_____		
Street			

City State ZIP Code			
Recipient's relationship to debtor			

Part 5: Certain Losses

10. All losses from fire, theft, or other casualty within 1 year before filing this case.

None

Description of the property lost and how the loss occurred	Amount of payments received for the loss	Date of loss	Value of property lost
_____	_____	_____	\$ _____
	If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.		
	List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).		

Part 6: Certain Payments or Transfers

11. Payments related to bankruptcy

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

None

Who was paid or who received the transfer?	If not money, describe any property transferred	Dates	Total amount or value
11.1. _____ Address _____ Street _____ City State ZIP Code Email or website address _____ Who made the payment, if not debtor? _____	_____ _____	_____	\$ _____

Who was paid or who received the transfer?	If not money, describe any property transferred	Dates	Total amount or value
11.2. _____ Address _____ Street _____ City State ZIP Code Email or website address _____ Who made the payment, if not debtor? _____	_____ _____	_____	\$ _____

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

None

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value
_____	_____	_____	\$ _____
Trustee _____	_____		

13. Transfers not already listed on this statement

List any transfers of money or other property—by sale, trade, or any other means—made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

None

Who received transfer?	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
13.1. _____	_____	_____	\$ _____
Address			
Street _____			

City _____ State _____ ZIP Code _____			
Relationship to debtor			

Who received transfer?			
13.2. _____	_____	_____	\$ _____
Address			
Street _____			

City _____ State _____ ZIP Code _____			
Relationship to debtor			

Part 7: Previous Locations

14. Previous addresses

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

Does not apply

Address	Dates of occupancy	
14.1. _____	From _____	To _____
Street _____		

City _____ State _____ ZIP Code _____		
14.2. _____	From _____	To _____
Street _____		

City _____ State _____ ZIP Code _____		

Part 8: Healthcare Bankruptcies

15. Healthcare bankruptcies

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

- No. Go to Part 9.
 Yes. Fill in the information below.

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
---------------------------	--	---

15.1. _____
 Facility name _____

 Street _____

 City _____ State _____ ZIP Code _____

Location where patient records are maintained (if different from facility address). If electronic, identify any service provider. _____

How are records kept?

Check all that apply:

Electronically
 Paper

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
---------------------------	--	---

15.2. _____
 Facility name _____

 Street _____

 City _____ State _____ ZIP Code _____

Location where patient records are maintained (if different from facility address). If electronic, identify any service provider. _____

How are records kept?

Check all that apply:

Electronically
 Paper

Part 9: Personally Identifiable Information

16. Does the debtor collect and retain personally identifiable information of customers?

- No.
 Yes. State the nature of the information collected and retained. _____
 Does the debtor have a privacy policy about that information?
 No
 Yes

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b) or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- No. Go to Part 10.
 Yes. Does the debtor serve as plan administrator?
 No. Go to Part 10.
 Yes. Fill in below:

Name of plan	Employer identification number of the plan
_____	EIN: _____ - _____

- Has the plan been terminated?
 No
 Yes

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units

18. Closed financial accounts

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

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

None

	Financial institution name and address	Last 4 digits of account number	Type of account	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
18.1.	_____ Name _____ Street _____ City State ZIP Code	XXXX-____-____-____	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____
18.2.	_____ Name _____ Street _____ City State ZIP Code	XXXX-____-____-____	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

None

Depository institution name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____ _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
	Address _____ _____		

20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____ _____ _____	<input type="checkbox"/> No <input type="checkbox"/> Yes
	Address _____ _____		

Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own

21. Property held for another

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

None

Owner's name and address	Location of the property	Description of the property	Value
_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____ _____ _____	\$ _____

Part 12: Details About Environmental Information

For the purpose of Part 12, the following definitions apply:

- *Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium)
- *Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.
- *Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No
 Yes. Provide details below.

Case title	Court or agency name and address	Nature of the case	Status of case
_____ Case number _____	_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

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

- No
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
_____ Name _____ Street _____ City State ZIP Code	_____ Name _____ Street _____ City State ZIP Code	_____ _____ _____	_____

24. Has the debtor notified any governmental unit of any release of hazardous material?

- No
 Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
Name _____	Name _____	_____	_____
Street _____	Street _____	_____	
_____	_____		
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____		

Part 13: Details About the Debtor's Business or Connections to Any Business

25. Other businesses in which the debtor has or has had an interest

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- None

Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
25.1. Name _____	_____	EIN: _____ - _____
Street _____	_____	Dates business existed
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		
25.2. Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
Name _____	_____	EIN: _____ - _____
Street _____	_____	Dates business existed
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		
25.3. Business name and address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
Name _____	_____	EIN: _____ - _____
Street _____	_____	Dates business existed
_____	_____	From _____ To _____
City _____ State _____ ZIP Code _____		

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

	Dates of service
Name and address 26a.1. _____ Name _____ Street _____ _____ City State ZIP Code	From _____ To _____

	Dates of service
Name and address 26a.2. _____ Name _____ Street _____ _____ City State ZIP Code	From _____ To _____

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

	Dates of service
Name and address 26b.1. _____ Name _____ Street _____ _____ City State ZIP Code	From _____ To _____

	Dates of service
Name and address 26b.2. _____ Name _____ Street _____ _____ City State ZIP Code	From _____ To _____

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

Name and address	If any books of account and records are unavailable, explain why
26c.1. _____ Name _____ Street _____ _____ City State ZIP Code	_____ _____ _____

Name and address**If any books of account and records are unavailable, explain why**

26c.2.

 Name

 Street

 City State ZIP Code

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

None

Name and address

26d.2.

 Name

 Street

 City State ZIP Code

Name and address

26d.2.

 Name

 Street

 City State ZIP Code

27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

No

Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory**Date of inventory****The dollar amount and basis (cost, market, or other basis) of each inventory**

_____ \$ _____

Name and address of the person who has possession of inventory records

27.1.

 Name

 Street

 City State ZIP Code

Name and address of recipient

Name _____

Street _____

City _____

State _____

ZIP Code _____

Relationship to debtor

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- No
- Yes. Identify below.

Name of the parent corporation

Employer Identification number of the parent corporation

EIN: ____ - ____ - ____

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- No
- Yes. Identify below.

Name of the pension fund

Employer Identification number of the pension fund

EIN: ____ - ____ - ____

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

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

Executed on _____
MM / DD / YYYY

X

Signature of individual signing on behalf of the debtor

Printed name _____

Position or relationship to debtor _____

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- No
- Yes

Committee Note

Official Form 207, *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy*, replaces Official Form 7, *Statement of Financial Affairs*, for non-individual debtors. It is renumbered to distinguish it from the forms used by individual debtors and includes formatting and stylistic changes throughout the form.

Official Form 207 is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. The goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reducing the need to produce the same information in multiple formats.

The Forms Modernization Project made a preliminary decision that separate forms should be created for individual debtors and for non-individual debtors because separate areas of inquiry apply to each group. The forms for non-individuals do not include questions that pertain only to individuals and use a more open-ended response format. Also, where possible, the forms for non-individuals parallel how businesses commonly keep their financial records.

The form is derived from Official Form 7, *Statement of Financial Affairs*, and has been substantially reorganized. The form is divided into 14 sections grouping similar questions together. Many of the instructions have been shortened, and questions and instructions pertaining to individual debtors have been deleted. The instructions at the beginning of the form have been shortened, and the definitions deleted or moved to other parts of the form.

In Part 1, *Income*, the questions regarding gross revenue from business and non-business revenue have been consolidated, and checkboxes have been added to indicate the source of revenue. A definition of gross revenue has

been added. Also, the debtor is instructed to include revenue only once.

In Part 2, *List Certain Transfers Made Before Filing for Bankruptcy*, information that pertains only to individuals has been eliminated, and the questions related to payments made in the 90 days prior to bankruptcy, payments made to insiders within one year prior to bankruptcy, repossessions, and setoffs have been consolidated. Instructions have been added to include expense reimbursements in answer to the questions regarding payments and to exclude regular employee compensation from the question regarding payments within 90 days. A dollar limitation has been added to the instructions for the question regarding payments to insiders. Checkboxes have been added to both questions to provide a reason for the payment, and the explanation that the dollar limitation changes every three years has been moved to the instructions from the footnotes. “Amount still owing” has been removed, and a definition of “insider” has been added along with a statutory citation to the question regarding insiders. Partnerships have been added to examples of “insiders.” The question regarding setoffs includes a revised definition and has been revised to require that the debtor provide a description of the creditor’s actions and the last four digits of any account number.

In Part 3, *Legal Actions or Assignments*, several questions have been consolidated, instructions pertaining only to individuals have been removed, and additional examples have been added. Checkboxes have been added to indicate the status of the legal action. The requirement to list the terms of any assignment or settlement has been removed.

In Part 4, *Certain Gifts and Charitable Contributions*, instructions pertaining only to individuals have been removed, and the reporting threshold has been changed to \$1,000 per recipient. The look-back period has been increased from one to two years.

Part 5, *Certain Losses*, has been revised to expand the types of payments for losses, and an instruction has been added to list unpaid claims on Official Form 206A/B (*Schedule A/B: Assets – Real and Personal Property*). Portions of the instructions that pertain only to individuals have been removed. Losses due to gambling have been excluded from this part.

In Part 6, *Certain Payments or Transfers*, the questions regarding payments related to bankruptcy, payments to self-settled trusts, and other payments or transfers have been consolidated. Instructions and questions that relate only to individuals have been eliminated. An instruction has been added to include payments related to restructuring, and the email or website of the person who received the money or transfer is added as a requirement. In response to the question regarding self-settled trusts and other transfers not already listed, debtors are instructed to include payments or transfers of property made by a person acting on behalf of the debtor. A requirement has been added to the question regarding self-settled trusts to list the name of the trustee. The relationship to the debtor must be included for all transfers not already listed, as well as any debts paid in exchange. There is a reminder added not to include transfers already listed.

Part 7, *Previous Locations*, has been revised in the instructions, and information pertaining only to individuals has been deleted.

Part 8, *Healthcare Bankruptcies*, is new. Part 8 requires additional information if the debtor is primarily engaged in offering services and facilities for diagnosing or treating injury, deformity, or disease or providing any surgical, psychiatric, drug treatment or obstetric care. This part has been added to comply with the special requirements imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Part 9, *Personally Identifiable Information*, is also new and includes questions about pension and profit sharing plans and adds a question about whether the debtor collects and retains personally identifiable information of customers. Questions are added about whether the debtor is the plan administrator of any pension or profit sharing plan and if any such plan is terminated. Similar to Part 8, this part has been added to comply with the special requirements imposed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

In Part 10, *Certain Financial Accounts, Safe Deposit Boxes, and Storage Units*, money market accounts have been added to the examples provided for the question regarding financial accounts, and checkboxes have been added to indicate the type of account. The requirement of the date of surrender of any safe deposit box has been removed. A question has been added about whether the debtor has property kept in storage units or warehouses within one year of filing, and the debtor must provide the facility name and address, the name and address of anyone with access to the facility, the description of the contents, and whether the debtor still has the storage unit or warehouse. Facilities that are in a part of a building in which the debtor does business are excluded.

In Part 11, *Property the Debtor Holds or Controls That the Debtor Does Not Own*, an instruction has been added to include any property borrowed from, being stored for, or held in trust, and to exclude leased or rented property.

Part 12, *Details About Environmental Information*, has been revised to include new definitions of “Environmental law,” “Site,” and “Hazardous materials.” An instruction to report all notices, releases, and proceedings known, regardless of when they occurred, has been added.

In Part 13, *Details About the Debtor's Business or Connections to Any Business*, questions regarding various business issues have been consolidated, and instructions that pertain only to individuals have been eliminated. The five-percent ownership limitation has been eliminated. The phrase "kept or supervised the keeping of books or account and records" has been replaced with "maintained the debtor's books and records." The instructions for the question regarding auditing or preparation of financial records have been revised to add compiling and reviewing the debtor's books of account and records. A requirement has been added to explain if the debtor's books of account and records are unavailable. The questions regarding current and former officers, directors, managing members, general partners, members in control, or controlling shareholders have combined the formerly separate corporate and partnership questions. The question regarding former officers and partners has been changed to add the requirement of indicating the start and end dates for each listing. The instruction for withdrawals from a partnership or distribution by a corporation has been changed to add salary, other compensation, and draws to the list of examples.

In Part 14, *Signature and Declaration*, the declaration under penalty of perjury has been revised in order to conform to the language of 28 U.S.C. § 1746. See Rule 1008. A statement has been added that the individual signing on behalf of the debtor has reviewed the information in the Statement of Financial Affairs and any attachments and has "a reasonable belief that the information is true and correct." The signature boxes for bankruptcy petition preparers have been eliminated, and checkboxes for the debtor to indicate whether additional pages are attached to the form have been added.

Information to identify the case:	
Debtor 1 _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____ - _____
Debtor 2 (Spouse, if filing) _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____ MM / DD / YYYY] OR [Date case filed in chapter _____ MM / DD / YYYY] Date case converted to chapter 7 _____ MM / DD / YYYY]
Case number: _____	

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1:	About Debtor 2:
1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____

For more information, see page 2 ►

<p>6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com.</p>	<p>Hours open _____ Contact phone _____</p>
<p>7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p>_____ at _____ Date Time Location: _____ The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>
<p>8. Presumption of abuse If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p>	<p>[The presumption of abuse does not arise.] [The presumption of abuse arises.] [Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]</p>
<p>9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: Filing deadline: _____</p> <p>You must file a complaint:</p> <ul style="list-style-type: none"> <input type="checkbox"/> if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or <input type="checkbox"/> if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6). <p>You must file a motion if you assert that</p> <ul style="list-style-type: none"> <input type="checkbox"/> the discharge should be denied under § 727(a)(8) or (9). <hr/> <p>Deadline to object to exemptions: _____ Filing deadline: 30 days after the <i>conclusion</i> of the meeting of creditors</p> <p>The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p>
<p>10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.</p>	<p>No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.</p>
<p>11. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>12. Exempt property</p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.</p>

Information to identify the case:	
Debtor 1 First Name _____ Middle Name _____ Last Name _____	Last 4 digits of Social Security number or ITIN _____ EIN _____ - _____
Debtor 2 (Spouse, if filing) First Name _____ Middle Name _____ Last Name _____	Last 4 digits of Social Security number or ITIN _____ EIN _____ - _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____] OR [Date case filed in chapter _____] MM / DD / YYYY Date case converted to chapter 7 _____] MM / DD / YYYY
Case number: _____	

Official Form 309B (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____

For more information, see page 2 ►

6. Bankruptcy clerk's office

Documents in this case may be filed at this address.
You may inspect all records filed in this case at this office or online at www.pacer.com.

Hours open _____

Contact phone _____

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.
Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Presumption of abuse

If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.

[The presumption of abuse does not arise.]

[The presumption of abuse arises.]

[Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]

9. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:

Filing deadline: _____

You must file a complaint:

- if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or
- if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).

You must file a motion if you assert that

- the discharge should be denied under § 727(a)(8) or (9).

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions:

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

Filing deadline: 30 days after the *conclusion* of the meeting of creditors

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Liquidation of the debtor's property and payment of creditors' claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim as described above.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.com. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.

Information to identify the case:		
Debtor _____ Name	EIN _____ - _____ - _____	
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____	MM / DD / YYYY OR
Case number: _____	[Date case filed in chapter _____	MM / DD / YYYY
	Date case converted to chapter 7 _____	MM / DD / YYYY

Official Form 309C (For Corporations or Partnerships)

Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .	Hours open _____ Contact phone _____
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	_____ at _____ Date Time Location: The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.
8. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.
9. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

Information to identify the case:		
Debtor Name _____	EIN _____	
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 7 _____]	MM / DD / YYYY OR
Case number: _____	[Date case filed in chapter _____]	MM / DD / YYYY
	Date case converted to chapter 7 _____]	MM / DD / YYYY

Official Form 309D (For Corporations or Partnerships)

Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set 12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	
4. Debtor's attorney Name and address _____	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address _____	Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .	Hours open _____ Contact phone _____
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	_____ at _____ Date Time Location: The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

For more information, see page 2 ►

8. Deadlines

The bankruptcy clerk's office must receive proofs of claim by the following deadlines.

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

9. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Liquidation of the debtor's property and payment of creditors' claims

The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim, as described above.

Information to identify the case:		
Debtor 1	_____	Last 4 digits of Social Security number or ITIN _____
	First Name Middle Name Last Name	EIN _____
Debtor 2 (Spouse, if filing)	_____	Last 4 digits of Social Security number or ITIN _____
	First Name Middle Name Last Name	EIN _____
United States Bankruptcy Court for the: _____	District of _____	[Date case filed in chapter 11 _____] OR
	(State)	MM / DD / YYYY
Case number: _____		[Date case filed in chapter _____] OR
		MM / DD / YYYY
		Date case converted to chapter 11 _____] OR
		MM / DD / YYYY

Official Form 309E (For Individuals or Joint Debtors)

Notice of Chapter 11 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 11 plan may result in a discharge of debt. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 10 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .		Hours open _____ Contact phone _____

For more information, see page 2 ►

<p>6. Meeting of creditors</p> <p>Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.</p> <p>Creditors may attend, but are not required to do so.</p>	<p>_____ at _____ Date Time</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>	<p>Location: _____</p>
<p>7. Deadlines</p> <p>The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</p> <p>You must file a complaint:</p> <ul style="list-style-type: none"> <input type="checkbox"/> if you assert that the debtor is not entitled to receive a discharge of any debts under 11 U.S.C. § 1141(d)(3) or <input type="checkbox"/> if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6). 	<p>First date set for hearing on confirmation of plan. The court will send you a notice of that date later.</p> <p>Filing deadline for dischargeability complaints: _____</p>
<p>Deadline for filing proof of claim:</p> <p>[Not yet set. If a deadline is set, the court will send you another notice.] or</p> <p>[date, if set by the court]</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> <input type="checkbox"/> your claim is designated as <i>disputed, contingent, or unliquidated</i>; <input type="checkbox"/> you file a proof of claim in a different amount; or <input type="checkbox"/> you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed, contingent, or unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>		
<p>Deadline to object to exemptions:</p> <p>The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p>		<p>Filing deadline: 30 days after the <i>conclusion</i> of the meeting of creditors</p>
<p>8. Creditors with a foreign address</p>	<p>If you are a creditor receiving mailed notice at a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>	
<p>9. Filing a Chapter 11 bankruptcy case</p>	<p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate the debtor's business.</p>	
<p>10. Discharge of debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of a debt. See 11 U.S.C. § 1141(d). However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you believe that a particular debt owed to you should be excepted from the discharge under 11 U.S.C. § 523 (a)(2), (4), or (6), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1141 (d)(3), you must file a complaint and pay the filing fee in the clerk's office by the first date set for the hearing on confirmation of the plan. The court will send you another notice telling you of that date.</p>	
<p>11. Exempt property</p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 7.</p>	

Information to identify the case:			
Debtor _____ Name	EIN _____		
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed in chapter 11 _____]		MM / DD / YYYY OR
Case number: _____	[Date case filed in chapter _____]		MM / DD / YYYY
	Date case converted to chapter 11 _____		MM / DD / YYYY

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

12/15

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .	Hours open _____ Contact phone _____
6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	_____ at _____ Date Time Location: The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

For more information, see page 2 ►

7. Proof of claim deadline	Deadline for filing proof of claim:	[Not yet set. If a deadline is set, the court will send you another notice.] or
		[date, if set by the court]]
A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office.		
Your claim will be allowed in the amount scheduled unless:		
<ul style="list-style-type: none"> ■ your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; ■ you file a proof of claim in a different amount; or ■ you receive another notice. 		
If your claim is not scheduled or if your claim is designated as <i>disputed</i> , <i>contingent</i> , or <i>unliquidated</i> , you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.		
You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov .		
Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.		
8. Exception to discharge deadline	You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 1141(d)(6)(A).	
The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.	Deadline for filing the complaint:	_____
9. Creditors with a foreign address	If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
10. Filing a Chapter 11 bankruptcy case	Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.	
11. Discharge of debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge under 11 U.S.C. § 1141(d)(6)(A), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.	

Information to identify the case:			
Debtor 1	_____	Last 4 digits of Social Security number or ITIN	_____
	First Name Middle Name Last Name	EIN	____ - _____
Debtor 2 (Spouse, if filing)	_____	Last 4 digits of Social Security number or ITIN	_____
	First Name Middle Name Last Name	EIN	____ - _____
United States Bankruptcy Court for the: _____	District of _____	[Date case filed for chapter 12	____ / ____ / ____ OR
	(State)	[Date case filed in chapter _____	____ / ____ / ____
Case number: _____		Date case converted to chapter 12	____ / ____ / ____

Official Form 309G (For Individuals or Joint Debtors)

Notice of Chapter 12 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 12 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, from the debtors' property, or from certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 12 plan may result in a discharge of debt. Creditors who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name		
2. All other names used in the last 8 years		
3. Address		If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address		Contact phone _____ Email _____
5. Bankruptcy trustee Name and address		Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .		Hours open _____ Contact phone _____

For more information, see page 2 ►

<p>7. Meeting of creditors</p> <p>Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p>_____ at _____ Date Time</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>	<p>Location: _____</p>
<p>8. Deadlines</p> <p>The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p>Deadline to file a complaint to challenge dischargeability of certain debts:</p> <p>You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).</p> <hr/> <p>Deadline for all creditors to file a proof of claim (except governmental units):</p> <hr/> <p>Deadline for governmental units to file a proof of claim:</p> <hr/> <p>Deadlines for filing proof of claim:</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>	<p>Filing deadline: _____</p> <hr/> <p>Filing deadline: _____</p> <hr/> <p>Filing deadline: _____</p> <hr/> <p>Filing deadline: 30 days after the conclusion of the meeting of creditors</p>
<p>9. Filing of plan</p>	<p>[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Date Time]</p> <p>Location: _____</p> <p>Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]</p> <p>Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]</p>	
<p>10. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>	
<p>11. Filing a Chapter 12 bankruptcy case</p>	<p>Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business unless the court orders otherwise.</p>	
<p>12. Discharge of debts</p>	<p>Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt excepted under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the clerk's office by the deadline.</p>	
<p>13. Exempt property</p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.</p>	

Information to identify the case:			
Debtor _____ Name	EIN _____ - _____ - _____		
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 12 _____	_____	MM / DD / YYYY OR
Case number: _____	[Date case filed in chapter _____	_____	MM / DD / YYYY
	Date case converted to chapter 12 _____	_____	MM / DD / YYYY

Official Form 309H (For Corporations or Partnerships)

Notice of Chapter 12 Bankruptcy Case

12/15

For the debtor listed above, a case has been filed under chapter 12 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor, the debtor's property, or certain codebtors. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 12 plan may result in the discharge of debt. Creditors who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .	Hours open _____ Contact phone _____
6. Bankruptcy trustee Name and address	Contact phone _____ Email _____

For more information, see page 2 ►

<p>7. Meeting of creditors</p> <p>The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.</p>	<p>_____ at _____ Date Time</p> <p style="text-align: right;">Location: _____</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>
<p>8. Exception to discharge deadline</p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p>	<p>You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).</p> <p style="text-align: right;">Deadline for filing the complaint: _____</p>
<p>9. Filing of plan</p>	<p>[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Location: _____ Date Time]</p> <p>Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]</p> <p>Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]</p>
<p>10. Deadlines</p>	<p>Deadline for all creditors to file a proof of claim (except governmental units): Filing deadline: _____</p> <p>Deadline for governmental units to file a proof of claim: Filing deadline: _____</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
<p>11. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>12. Filing a chapter 12 bankruptcy case</p>	<p>Chapter 12 allows family farmers and family fishermen to reorganize according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan. You may object to confirmation of the plan and attend the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business.</p>
<p>13. Discharge of debts</p>	<p>Confirmation of a chapter 12 plan may result in a discharge of debts, which may include all or part of your debt. Unless the court orders otherwise, the discharge will not be effective until all payments under the plan are made. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan.</p> <p>If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p>

Information to identify the case:	
Debtor 1 _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____
Debtor 2 (Spouse, if filing) _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____
United States Bankruptcy Court for the: _____ District of _____ (State)	[Date case filed for chapter 13 _____] MM / DD / YYYY OR [Date case filed in chapter _____] MM / DD / YYYY Date case converted to chapter 13 _____] MM / DD / YYYY
Case number: _____	

Official Form 309I

Notice of Chapter 13 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 14 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1:	About Debtor 2:
1. Debtor's full name	
2. All other names used in the last 8 years	
3. Address	If Debtor 2 lives at a different address:
4. Debtor's attorney Name and address	Contact phone _____ Email _____
5. Bankruptcy trustee Name and address	Contact phone _____ Email _____
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .	Hours open _____ Contact phone _____

For more information, see page 2 ►

7. Meeting of creditors

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

_____ at _____
Date Time

Location: _____

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

8. Deadlines

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

Deadline to file a complaint to challenge dischargeability of certain debts:

You must file:

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

Filing deadline: _____

Deadline for all creditors to file a proof of claim (except governmental units):

Filing deadline: _____

Deadline for governmental units to file a proof of claim:

Filing deadline: _____

Deadlines for filing proof of claim:

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be found at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim.

Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

Deadline to object to exemptions:

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

Filing deadline: 30 days after the *conclusion* of the meeting of creditors

9. Filing of plan

[The debtor has filed a plan. The plan or a summary of the plan is enclosed. The hearing on confirmation will be held on: _____ at _____ Location: _____
Date Time]

Or [The debtor has filed a plan. The plan or a summary of the plan and notice of confirmation hearing will be sent separately.]

Or [The debtor has not filed a plan as of this date. A copy of the plan or summary and a notice of the hearing on confirmation will be sent separately.]

10. Creditors with a foreign address

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

11. Filing a chapter 13 bankruptcy case

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan [is included with this notice] or [will be sent to you later], and [the confirmation hearing will be held on the date shown in line 9 of this notice] or [the court will send you a notice of the confirmation hearing]. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

12. Exempt property

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

13. Discharge of debts

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.

Committee Note

Official Forms 309A-I, collectively the Bankruptcy Case Commencement Notices, have been revised as part of the Forms Modernization Project to make them easier to read and understand. The notices, derived from Official Forms 9A-I are renumbered and stylistic changes have been made.

References to the limitations on the automatic stay imposed by 11 U.S.C. § 362(c)(3) and (4) in some repeat bankruptcy filings by individuals have been deleted from the three versions of the notice for cases filed by corporations and partnerships. Email addresses for the debtor's attorney and the trustee have been added to the form.

The parties are informed that they may review papers filed in the case through the judiciary's PACER system (Public Access to Court Electronic Records) as well as at the bankruptcy clerk's office.

The lettering scheme for the versions of Official Form 309 track the versions of Official Form 9 used in different types of bankruptcy cases with following exceptions. Official Forms 9E(Alt.) and 9F(Alt.) have been eliminated by including alternative language in Official Forms 309E and 309F to be used if the court sets a deadline for filing claims at the start of the chapter 11 case. In addition, the B and C versions have been reversed in order. That is, Official Form 9C has been designated 309B and Official Form 9B as 309C. This groups together the notices for chapter 7 individual debtors and for non-individual debtors. Finally, as a result of the reformatting, Official Form 309C has been reduced to a single page.

The four versions of the form for chapter 7 cases have been renamed to state whether the notice specifies a deadline for filing proofs of claim, rather than whether the case is an "asset" or "no-asset" case.

[Caption as in 416A]

Order and Notice for Hearing on Disclosure Statement

To the debtor, its creditors, and other parties in interest:

A disclosure statement and a plan under chapter 11 [or chapter 9] of the Bankruptcy Code having been filed by _____ on _____,

IT IS ORDERED and notice is hereby given, that:

1. The hearing to consider the approval of the disclosure statement shall be held at:

_____,
on _____, at _____ o'clock __.m.

2. _____ is fixed as the last day for filing and serving in accordance with Fed. R. Bankr. P. 3017(a) written objections to the disclosure statement.
3. Within _____ days after entry of this order, the disclosure statement and plan shall be distributed in accordance with Fed. R. Bankr. P. 3017(a).
4. Requests for copies of the disclosure statement and plan shall be mailed to the debtor in possession [or trustee or debtor or _____] at the following mailing address:

[_____].

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

COMMITTEE NOTE

Official Form 312, *Order and Notice for Hearing on Disclosure Statement* replaces Official Form 12, *Order and Notice for Hearing on Disclosure Statement*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

[Caption as in 416A]

Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof

A disclosure statement under chapter 11 of the Bankruptcy Code having been filed by _____ on _____ [if appropriate, and by _____, on _____], referring to a plan under chapter 11 of the Code filed by _____, on _____ [if appropriate, and by _____, on _____ respectively] [if appropriate, as modified by a modification filed on _____]; and

It having been determined after hearing on notice that the disclosure statement [or statements] contain[s] adequate information:

IT IS ORDERED, and notice is hereby given, that:

- A. The disclosure statement filed by _____ dated _____ [if appropriate, and by _____, dated _____] is [are] approved.
- B. _____ is fixed as the last day for filing written acceptances or rejections of the plan [or plans] referred to above.
- C. Within _____ days after the entry of this order, the plan [or plans] or a summary or summaries thereof approved by the court, [and [if appropriate] a summary approved by the court of its opinion, if any, dated _____, approving the disclosure statement [or statements]], the disclosure statement [or statements], and a ballot conforming to *Ballot for Accepting or Rejecting Plan of Reorganization* (Official Form 314) shall be mailed to creditors, equity security holders, and other parties in interest, and shall be transmitted to the United States trustee, as provided in Fed. R. Bankr. P. 3017(d).
- D. If acceptances are filed for more than one plan, preferences among the plans so accepted may be indicated.
- E. [If appropriate] _____ is fixed for the hearing on confirmation of the plan [or plans].
- F. [If appropriate] _____ is fixed as the last day for filing and serving pursuant to Fed. R. Bankr. P. 3020(b)(1) written objections to confirmation of the plan.

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

Committee Note

Official Form 313, *Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof* replaces Official Form 13, *Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

Official Form 314
(12/15)

[Caption as in 416A]

Class [] Ballot for Accepting or Rejecting Plan of Reorganization

[Proponent] filed a plan of reorganization dated [Date] (the *Plan*) for the Debtor in this case. The Court has [conditionally] approved a disclosure statement with respect to the Plan (the *Disclosure Statement*). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]

Court approval of the disclosure statement does not indicate approval of the Plan by the Court.

You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

[At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives:]

[If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

The undersigned, the holder of a Class [] claim against the Debtor in the unpaid amount of Dollars (\$)

[or, if the voter is the holder of a bond, debenture, or other debt security:]

The undersigned, the holder of a Class [] claim against the Debtor, consisting of Dollars (\$) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [] equity interest in the Debtor, consisting of _____ shares or other interests of [describe equity interest] in the Debtor Official Form 14 continued (12/03)

[In each case, the following language should be included:]

Check one box only

Accepts the plan

Rejects the plan

Dated: _____

Print or type name: _____

Signature: _____ Title (if corporation or partnership) _____

Address: _____

Return this ballot to:

[Name and address of proponent's attorney or other appropriate address]

Committee Note

Official Form 314, *Ballot for Accepting or Rejecting Plan* replaces Official Form 14, *Ballot for Accepting or Rejecting Plan*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

Official Form 315
(12/15)

[Caption as in 416A]

Order Confirming Plan

The plan under chapter 11 of the Bankruptcy Code filed by _____, on _____ [if applicable, as modified by a modification filed on _____], or a summary thereof, having been transmitted to creditors and equity security holders; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1129(a) [or, if appropriate, 11 U.S.C. § 1129(b)] have been satisfied;

IT IS ORDERED that:

The plan filed by _____, on _____, [If appropriate, include dates and any other pertinent details of modifications to the plan] is confirmed. [If the plan provides for an injunction against conduct not otherwise enjoined under the Code, include the information required by Rule 3020.]

A copy of the confirmed plan is attached.

MM / DD / YYYY

By the court: _____
United States Bankruptcy Judge

COMMITTEE NOTE

Official Form 315, *Order Confirming Plan* replaces Official Form 15, *Order Confirming Plan*. It is renumbered as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number (if known): _____ Chapter 15

Check if this is an amended filing

Official Form 401

Chapter 15 Petition for Recognition of a Foreign Proceeding

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write debtor's name and case number (if known).

1. Debtor's name _____

2. Debtor's unique identifier

For non-individual debtors:

Federal Employer Identification Number (EIN) ____ - ____ - ____

Other _____. Describe identifier _____.

For individual debtors:

Social Security number: xxx - xx- ____ - ____

Individual Taxpayer Identification number (ITIN): 9 xx - xx - ____ - ____

Other _____. Describe identifier _____.

3. Name of foreign representative(s) _____

4. Foreign proceeding in which appointment of the foreign representative(s) occurred _____

5. Nature of the foreign proceeding

Check one:

Foreign main proceeding

Foreign nonmain proceeding

Foreign main proceeding, or in the alternative foreign nonmain proceeding

6. Evidence of the foreign proceeding

A certified copy, translated into English, of the decision commencing the foreign proceeding and appointing the foreign representative is attached.

A certificate, translated into English, from the foreign court, affirming the existence of the foreign proceeding and of the appointment of the foreign representative, is attached.

Other evidence of the existence of the foreign proceeding and of the appointment of the foreign representative is described below, and relevant documentation, translated into English, is attached.

7. Is this the only foreign proceeding with respect to the debtor known to the foreign representative(s)?

No. (Attach a statement identifying each country in which a foreign proceeding by, regarding, or against the debtor is pending.)

Yes

8. Others entitled to notice

Attach a list containing the names and addresses of:

- (i) all persons or bodies authorized to administer foreign proceedings of the debtor,
 - (ii) all parties to litigation pending in the United States in which the debtor is a party at the time of filing of this petition, and
 - (iii) all entities against whom provisional relief is being sought under § 1519 of the Bankruptcy Code.
-

9. Addresses

Country where the debtor has the center of its main interests:

Debtor's registered office:

Number Street _____

P.O. Box _____

City State/Province/Region ZIP/Postal Code _____

Country _____

Individual debtor's habitual residence:

Number Street _____

P.O. Box _____

City State/Province/Region ZIP/Postal Code _____

Country _____

Address of foreign representative(s):

Number Street _____

P.O. Box _____

City State/Province/Region ZIP/Postal Code _____

Country _____

10. Debtor's website (URL)

11. Type of debtor

Check one:

- Non-individual (*check one*):
 - Corporation. Attach a corporate ownership statement containing the information described in Fed. R. Bankr. P. 7007.1.
 - Partnership
 - Other. Specify: _____
 - Individual
-

12. Why is venue proper in this district?

Check one:

- Debtor's principal place of business or principal assets in the United States are in this district.
- Debtor does not have a place of business or assets in the United States, but the following action or proceeding in a federal or state court is pending against the debtor in this district:

- If neither box is checked, venue is consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative, because:

13. Signature of foreign representative(s)

I request relief in accordance with chapter 15 of title 11, United States Code.

I am the foreign representative of a debtor in a foreign proceeding, the debtor is eligible for the relief sought in this petition, and I am authorized to file this petition.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

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

X

Signature of foreign representative

Printed name

Executed on

MM / DD / YYYY

X

Signature of foreign representative

Printed name

Executed on

MM / DD / YYYY

14. Signature of attorney

X

Signature of Attorney for foreign representative

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

Committee Note

Official Form 401 is required for any petition seeking recognition of a foreign proceeding under chapter 15 of the Bankruptcy Code. The form, which applies to foreign proceedings involving individual and non-individual debtors, consolidates information formerly included on Official Form 1 (Voluntary Petition). The petition must be signed by the foreign representative, under penalty of perjury, and by the foreign representative's attorney.

The petition requires disclosure of the foreign proceeding in which the foreign representative has been appointed (Line 4) and whether it is a foreign main proceeding or foreign nonmain proceeding (Line 5). If the foreign representative seeks recognition of the foreign proceeding as a foreign main proceeding or, in the alternative, a foreign nonmain proceeding, that request should be indicated in Line 5. Each country where any additional foreign proceeding known to the foreign representative is pending must be disclosed on Line 7. See Bankruptcy Rule 1004.2. Evidence of the foreign proceeding and of the foreign representative's appointment must accompany the petition. See 11 U.S.C. § 1515(b). These documents must be translated into English in accordance with 11 U.S.C. § 1515(d). The foreign representative must also attach a list of persons or bodies entitled to notice. See Bankruptcy Rule 2002(q).

The petition calls for information about the debtor, including the debtor's name (Line 1), other unique identifying information, if available (Line 2), and center of main interest (Line 9). The type of debtor is also requested (Line 11).

The foreign representative must indicate the basis for venue in the district by selecting an appropriate checkbox and, if necessary, providing additional information, such as a statement explaining why venue in the district is appropriate (Line 12). See 28 U.S.C. § 1410.

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court’s PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to privacy on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instructions with your form.

Fill in this information to identify the case:

Draft March 16, 2015

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

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

Case number _____

Official Form 410
Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor? _____
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else? No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Name _____	Name _____
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Contact phone _____	Contact phone _____
	Contact email _____	Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----	

4. Does this claim amend one already filed? No
 Yes. Claim number on court claims registry (if known) _____ Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim? No
 Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$_____ Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: _____

Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$_____

Amount of the claim that is secured: \$_____

Amount of the claim that is unsecured: \$_____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$_____

Annual Interest Rate (when case was filed) _____ %

Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$_____

11. Does this claim include a right to setoff against property? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

- No
 Yes. *Check all that apply:*

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____
- Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____
- Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____
- Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies. \$ _____

* Amounts are subject to adjustment on 4/1/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

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

Executed on date _____
 MM / DD / YYYY

 Signature

Print the name of the person who is completing and signing this claim:

Name _____
 First name Middle name Last name

Title _____

Company _____
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
 Number Street

City State ZIP Code

Contact phone _____ Email _____

Official Form 410A

Instructions for Mortgage Proof of Claim Attachment

United States Bankruptcy Court

12/15

Introduction

This form is used only in individual debtor cases. When required to be filed, it must be attached to *Proof of Claim* (Official Form B410) with other documentation required under the Federal Rules of Bankruptcy Procedure.

Applicable Law and Rules

Rule 3001(c)(2)(A) of the Federal Rules of Bankruptcy Procedure requires for the bankruptcy case of an individual that any proof of claim be accompanied by a statement itemizing any interest, fees, expenses, and charges that are included in the claim.

Rule 3001(c)(2)(B) requires that a statement of the amount necessary to cure any default be filed with the claim if a security interest is claimed in the debtor's property.

If a security interest is claimed in property that is the debtor's principal residence, Rule 3001(c)(2)(C) requires this form to be filed with the proof of claim. The form implements the requirements of Rule 3001(c)(2)(A) and (B).

If an escrow account has been established in connection with the claim, Rule 3001(c)(2)(C) also requires an escrow statement to be filed with the proof of claim. The statement must be prepared as of the date of the petition and in a form consistent with applicable nonbankruptcy law.

Directions

Definition

This form must list all transactions on the claim from the *first date of default* to the petition date. The *first date of default* is the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently brought current with no principal, interest, fees, escrow payments, or other charges immediately payable.

Information required in Part 1: Mortgage and Case Information

Insert on the appropriate lines:

- the case number;
- the names of Debtor 1 and Debtor 2;
- the last 4 digits of the loan account number or any other number used to identify the account;
- the creditor's name;
- the servicer's name, if applicable; and
- the method used to calculate interest on the debt (i.e., fixed accrual, daily simple interest, or other method).

Information required in Part 2: Total Debt Calculation

Insert:

- the principal balance on the debt;
- the interest due and owing;
- any fees or costs owed under the note or mortgage and outstanding as of the date of the bankruptcy filing; and
- any *Escrow deficiency for funds advanced*—that is, the amount of any prepetition payments for taxes and insurance that the servicer or mortgagee made out of its own funds and for which it has not been reimbursed.

Also disclose the *Total amount of funds on hand*. This amount is the total of the following, if applicable:

- a positive escrow balance,
- unapplied funds, and
- amounts held in suspense accounts.

Total the amounts owed—subtracting total funds on hand—to determine the total debt due.

Insert this amount under *Total debt*. The amount should be the same as the claim amount that you report on line 7 of Official Form 410.

Information required in the Part 3: Arrearage as of the Date of Petition

Insert the amount of the principal and interest portion of all prepetition monthly installments that remain outstanding as of the petition date. The escrow portion of prepetition monthly installment payments should not be included in this figure.

Insert the amount of fees and costs outstanding as of the petition date. This amount should equal the *Fees/Charges balance* as shown in the last entry in Part 5, Column P.

Insert any *escrow deficiency for funds advanced*. This amount should be the same as the amount of *escrow deficiency* stated in Part 2.

Insert the *Projected escrow shortage* as of the date the bankruptcy petition was filed. The *projected escrow shortage* is the amount the claimant asserts should exist in the escrow account as of the petition date, less the amount actually held. The amount actually held should equal the amount of a positive escrow account balance as shown in the last entry in Part 5, Column O.

This calculation should result in the amount necessary to cure any prepetition default on the note or mortgage that arises from the failure of the borrower to satisfy the amounts required under the Real Estate Settlement Practices Act (RESPA). The amount necessary to cure should include 1/6 of the anticipated annual charges against the escrow account or 2 months of the monthly pro rata installments due by the borrower as calculated under RESPA guidelines. The amount of the projected escrow shortage should be consistent with the escrow account statement attached to the *Proof of Claim*, as required by Rule 3001(c)(2)(C).

Insert the amount of funds on hand that are unapplied or held in a suspense account as of the petition date.

Total the amounts due listed in Part 3, subtracting the funds on hand, and insert the calculated amount in *Total prepetition arrearage*. This should be the same amount as “Amount necessary to cure any default as of the date of the petition” that your report on line 9 of Official Form 410.

Information required in Part 4: Monthly Mortgage Payment

Insert the principal and interest payment amount of the monthly payment as of the petition date.

Insert the monthly escrow portion of the monthly payment. This amount should take into account the receipt of any amounts claimed in Part 3 as escrow deficiency and projected escrow shortage. Therefore, a claimant should assume that the escrow deficiency and shortage will be paid through a plan of reorganization and provide for a credit of a like amount when calculating postpetition escrow installment payments.

Claimants should also add any monthly private mortgage insurance amount.

Insert the sum of these amounts in *Total monthly payment*.

Information required in Part 5: Loan Payment History from the First Date of Default

Beginning with the First Date of Default, enter:

- the date of the default in Column A;
- amount incurred in Column D;
- description of the charge in Column E;
- principal balance, escrow balance, and unapplied or suspense funds balance as of that date in Columns M, O, and Q, respectively.

For (1) all subsequently accruing installment payments; (2) any subsequent payment received; (3) any fee, charge, or amount incurred; and (4) any escrow charge satisfied since the date of first default, enter the information in date order, showing:

- the amount paid, accrued, or incurred;
- a description of the transaction;
- the contractual due date, if applicable;
- how the amount was applied or assessed; and
- the resulting principal balance, accrued interest balance, escrow balance, outstanding fees or charges balance, and the total unapplied funds held or in suspense.

If more space is needed, fill out and attach as many copies of *Mortgage Proof of Claim Attachment: Additional Page* as necessary.

Fill in this information to identify the case:

Draft March 9, 2015

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

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

Case number _____

Official Form 410S1

Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of post-petition contractual installments on your claims secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to 11. U.S.C. § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: _____

Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Date of payment change: _____
Must be at least 21 days after date of this notice

New total payment: \$ _____
Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

1. Will there be a change in the debtor's escrow account payment?

- No
- Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: _____

Current escrow payment: \$ _____ New escrow payment: \$ _____

Part 2: Mortgage Payment Adjustment

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

- No
- Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: _____

Current interest rate: _____ % New interest rate: _____ %

Current principal and interest payment: \$ _____ New principal and interest payment: \$ _____

Part 3: Other Payment Change

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

- No
- Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: _____

Current mortgage payment: \$ _____ New mortgage payment: \$ _____

Debtor 1 _____
First Name Middle Name Last Name

Case number (if known) _____

Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.

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

X _____ Date ____/____/____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____-____ Email _____

Fill in this information to identify the case:

Draft March 9, 2015

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

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

Case number _____

Official Form 410S2

Notice of Postpetition Mortgage Fees, Expenses, and Charges 12/15

If the debtor's plan provides for payment of post-petition contractual installments on your claims secured by a security interest in the debtor's principal residence, you must use this form to give notice of any fees, expenses, and charges incurred after the bankruptcy filing that you assert are recoverable against the debtor or against the debtor's principal residence.

File this form as a supplement to your proof of claim. See Bankruptcy Rule 3002. 1.

Name of creditor: _____

Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Does this notice supplement a prior notice of postpetition fees, expenses, and charges?

- No
- Yes. Date of the last notice: ____/____/____

Part 1: Itemize Postpetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case or ruled on by the bankruptcy court.

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Bankruptcy/Proof of claim fees	_____	(5) \$ _____
6. Appraisal/Broker's price opinion fees	_____	(6) \$ _____
7. Property inspection fees	_____	(7) \$ _____
8. Tax advances (non-escrow)	_____	(8) \$ _____
9. Insurance advances (non-escrow)	_____	(9) \$ _____
10. Property preservation expenses. Specify: _____	_____	(10) \$ _____
11. Other. Specify: _____	_____	(11) \$ _____
12. Other. Specify: _____	_____	(12) \$ _____
13. Other. Specify: _____	_____	(13) \$ _____
14. Other. Specify: _____	_____	(14) \$ _____

The debtor or trustee may challenge whether the fees, expenses, and charges you listed are required to be paid. See 11 U.S.C. § 1322(b)(5) and Bankruptcy Rule 3002. 1.

Debtor 1 _____
First Name Middle Name Last Name

Case number (if known) _____

Part 2: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.

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

X _____
Signature

Date ____/____/____

Print: _____
First Name Middle Name Last Name

Title _____

Company _____

Address _____
Number Street

City State ZIP Code

Contact phone (____) ____-____

Email _____

Committee Note

Official Form 410, *Proof of Claim*, applies in all cases. Form 410 replaces Official Form 10, Proof of Claim. It is renumbered to distinguish it from the forms used by debtors for case opening, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 410 has been substantially reorganized. A new question has been added at line 10 that solicits information about claims based on leases.

Official Form 410A, *Mortgage Proof of Claim Attachment*, is revised in its content and format. Rather than requiring a home mortgage claimant to fill in blanks with itemized information about the principal, interest, and fees due as of the petition date and the amount necessary to cure a prepetition default, the form now requires the claimant to provide a loan history that reveals when payments were received, how they were applied, when fees and charges were incurred, and when escrow charges were satisfied. Because completion of the revised form can be automated, it will permit claimants to comply with Rule 3001(c)(2)(C) with efficiency and accuracy. Attachment of a loan history with a home mortgage proof of claim will also provide transparency about the basis for the claimant's calculation of the claim and arrearage amount.

The loan history should begin with the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently brought current with no principal,

interest, fees, escrow payments, or other charges immediately payable.

Official Forms 410S1 and 410S2, *Notice of Mortgage Payment Change* and *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, are revised as part of the Forms Modernization Project. There are formatting changes throughout the forms.

Form 416A. CAPTION (FULL)

United States Bankruptcy Court

_____ District Of _____

In re _____,)
[Set forth here all names including married,)
maiden, and trade names used by debtor within)
last 8 years.])
Debtor) Case No. _____)
Address _____)
_____) Chapter _____)
Last four digits of Social-Security or Individual Tax-)
Payer-Identification (ITIN) No(s).(if any): _____)
_____)
Employer Tax-Identification (EIN) No(s).(if any): _____)
_____)

[Designation of Character of Paper]

Committee Note

Official Form 416A, *Caption*, applies on all forms where prescribed. Form 416A replaces Official Form 16A, *Caption*. It is renumbered as part of the Forms Modernization Project

Form 416B CAPTION (Short Title)

(May be used if 11 U.S.C. § 342(c) is not applicable)

United States Bankruptcy Court

_____ District Of _____

In re _____,

Debtor

Case No. _____

Chapter _____

[Designation of Character of Paper]

Committee Note

Official Form 416B, *Caption*, applies on all forms where prescribed. Form 416B replaces Official Form 16B, *Caption*. It is renumbered as part of the Forms Modernization Project.

Form 416D Caption for Use in Adversary Proceeding

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor
_____,
Plaintiff
_____,
Defendant

Case No. _____

Chapter _____

Adv. Proc. No. _____

COMPLAINT [*or* other designation]

[If in a Notice of Appeal and Statement of Election (see Form 417A) or other notice filed and served by the debtor, the caption must be altered to include the debtor's address and Employer's Tax Identification Numbers(s) or last four digits of Social Security Number(s) as in Form 416A]

Committee Note

Official Form 416D, *Caption for Use in Adversary Proceeding Other Than for a Complaint Filed by a Debtor*, applies on all forms where prescribed. Form 416D replaces Official Form 16D, *Caption for Use in Adversary Proceeding Other Than for a Complaint Filed by a Debtor*. It is renumbered as part of the Forms Modernization Project.

Official Form 424
(12/15)

[Caption as described in Fed. R. Bankr. P. 7010 or 9004(b), as applicable]

Certification to Court of Appeals by All Parties

A notice of appeal having been filed in the above-styled matter on _____ [Date], _____, _____, and _____, [names of all the appellants and all the appellees, if any], who are all the appellants [and all the appellees] hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- is required under 28 U.S.C. § 158(a)
- is not required under 28 U.S.C. § 158(a).

[If from a final judgment, order, or decree] This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the _____ District of _____ entered on _____ [Date].

[If from an interlocutory order or decree] This certification arises in an appeal from an interlocutory order or decree, and the parties hereby request leave to appeal as required by 28 U.S.C. § 158(a).

[The certification shall contain one or more of the following statements, as is appropriate to the circumstances.]

The judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States, or involves a matter of public importance.

Or

The judgment, order, or decree involves a question of law requiring resolution of conflicting decisions.

Or

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken.

[The parties may include or attach the information specified in Rule 8001.]

Signed: [If there are more than two signatories, all must sign and provide the information requested below. Attach additional signed sheets if needed.]

Attorney for Appellant (or
Appellant, if not represented
by an attorney):

Printed name of signer:

Address:

Telephone number:

(____) _____ - _____

Date:

____/____/____
MM / DD / YYYY

____/____/____
MM / DD / YYYY

Committee Note

Official Form 424, *Certification to Court of Appeal by All Parties* replaces Official Form 24, *Certification to Court of Appeal by All Parties*. It is revised as part of the Forms Modernization Project, and includes stylistic changes throughout the form.

Instructions

For Bankruptcy Forms for Non-Individuals

U.S. Bankruptcy Court

|

December 2015

General Instructions 2

Overview of the bankruptcy forms and filing bankruptcy 3

Follow these privacy restrictions..... 3

Understand the terms used in the forms..... 3

Things to remember when filling out and filing these forms..... 3

Filing amended forms 3

On what date was a debt incurred? 3

About the Process for Filing a Bankruptcy Case for Non-Individuals 4

Instructions for Selected Forms 6

Schedule A/B: Real and Personal Property (Official Form 206A/B) 7

Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D) 9

Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F) 11

Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G) 13

Glossary 14

Definitions Used in the Forms for Non-Individuals Filing for Bankruptcy 15

General Instructions

This document provides instructions for completing selected forms that entities other than individuals and municipalities filing for bankruptcy must submit to the U.S. Bankruptcy Court. All of the required forms can be downloaded without charge from:

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

The instructions are designed to accompany the forms and are intended to help in understanding what information is required to properly file. The representatives of the debtor working on the forms should review each form and any pertinent instructions before supplying the information for each form.

Although the forms often parallel how businesses commonly keep their financial records, it is not always possible to do so

because information needed in a bankruptcy case is often different from that prescribed under generally accepted accounting principles. These instructions highlight some of the differences between the bankruptcy documents and accounting records. Debtors should complete all of the information required to the best of their ability.

These instructions are not a substitute for legal advice about bankruptcy and the required forms. Completing the forms is only a part of the bankruptcy process.

Non-individual debtors must have an attorney to file for bankruptcy. Although the attorney may prepare the forms using information supplied by the debtor, representatives of the debtor must ensure that the forms are accurate and complete and must sign the forms under penalty of perjury.

Read This Important Warning

Non-individual debtors must be represented by an attorney.

Bankruptcy can have serious long-term financial and legal consequences, including loss of property. Only an attorney can give legal advice regarding the possible consequences of filing for bankruptcy and the various options that are available.

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

Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Overview of the bankruptcy forms and filing bankruptcy

Use the forms in the 200 series if the debtor is a non-individual, such as a corporation, partnership, or limited liability company (LLC). Forms in the 100 series are used by individuals or married couples. Sole proprietors must use the forms in the 100 series.

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

Filing a bankruptcy case is not private. Anyone has a right to see a debtor's bankruptcy forms after the debtor files them. In some circumstances, the bankruptcy court may issue a protective order to keep trade secrets or other confidential proprietary information from being disclosed to the public. 11 U.S.C. § 107 and Bankruptcy Rule 9037.

Follow these privacy restrictions

- Do not list a minor child's full name on any form. Instead, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write A.B., a minor child (*John Doe, parent, 123 Main St., City, State*). 11 U.S.C. § 112; Bankruptcy Rules 1007(m) and 9037.
- Do not list a person's date of birth.
- Do not list anyone's full Social Security number on any form.

Understand the terms used in the forms

To understand terms used in the forms and the instructions, see the *Glossary* at the end of this document.

Things to remember when filling out and filing these forms

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to the form. On the top of any pages added, write the debtor's name and case number, if known. Also identify the form and line number to which the additional information applies.
- Do not file these instructions with the bankruptcy forms that the debtor files with the court.
- For the debtor's records, be sure to keep a copy of the debtor's bankruptcy documents and all attachments that the debtor files.

Filing amended forms

Check the box on the top of the form to show that the debtor is submitting an amendment.

On what date was a debt incurred?

When a debt was incurred on a single date, fill in the actual date that the debt was incurred.

When a debt was incurred on multiple dates, fill in the range of dates. For example, if the debt is from a credit card, fill in the month and year of the first and last transactions, if known.

About the Process for Filing a Bankruptcy Case for Non-Individuals

To file for bankruptcy, the debtor must give the court several forms and documents. Some must be filed at the time the debtor files the case. Others may be filed up to 14 days later.

When the debtor files its bankruptcy case

The debtor must file the forms listed below on the date the debtor files its bankruptcy case. For copies of the forms listed here, go to <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

- ❑ *Voluntary Petition for Non-Individuals Filing for Bankruptcy* (Official Form 201). This form opens the case. Directions for completing it are included in the form itself.
- ❑ *A list of names and addresses of all of the debtor's creditors*, formatted as a mailing list according to instructions from the bankruptcy court in which the debtor files. (The bankruptcy court may call this a *creditor matrix* or *mailing matrix*.)
- ❑ *Chapter 11 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Against Debtor and Are Not Insiders* (Official Form 204). Fill out this form only if the debtor files under chapter 11.
- ❑ *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11* (Official Form 201A). This form is filed only by non-individual debtors who file under chapter 11 and who are required to file periodic reports (for example, Forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934.

When the debtor files its bankruptcy case or within 14 days after filing

The debtor must file the forms listed below with its *Voluntary Petition for Non-Individuals Filing for Bankruptcy* (Official Form 201) or within 14 days, or such additional time as the court may order, after filing. If the debtor does not do so, the case may be dismissed. Although it is possible to open a case by submitting only the documents listed under *When the debtor files its bankruptcy case*, the debtor should file the entire set of forms at one time to help its case proceed smoothly.

The debtor must fill out all of the forms completely even though some forms may ask similar questions.

The list below identifies the documents that all non-individuals must file as well as those that are specific to each chapter. For copies of the official forms, go to <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

All non-individuals who file for bankruptcy must file these forms and the forms for the specific chapter:

- ❑ *Schedules of Assets and Liabilities* (Official Form 206) which includes these forms:
 - ❑ *Schedule A/B: Real and Personal Property* (Official Form 206A/B)
 - ❑ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
 - ❑ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
 - ❑ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
 - ❑ *Schedule H: Codebtors* (Official Form 206H)
 - ❑ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum). This form gives an overview of the totals on the schedules.
- ❑ *Declaration Under Penalty of Perjury for Non-Individual Debtors* (Official Form 202–Declaration)
- ❑ *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207)
- ❑ *Disclosure of Compensation to Debtor’s Attorney* — Unless local rules provide otherwise, Director’s Form 2030 may be used.
- ❑ Statement of current income and current expenditures — Unless local rules provide otherwise, debtors may use *Schedule I/J: Monthly Receipts and Disbursements of Non-Individual Debtors Where Current Accounting Statements Are Unavailable* (Form 2060 I/J)

If a small business debtor files under chapter 11, the debtor must also file:

If the debtor files under chapter 11 and meets the criteria and debt limits outlined in 11 U.S.C. § 101(51D), the debtor qualifies as a small business debtor and must file with the petition its most recent

- ❑ balance sheet,
- ❑ statement of operations,
- ❑ cash-flow statement, and
- ❑ federal income tax return.

If the debtor does not have these documents, the debtor must file a statement made under penalty of perjury that the debtor has not prepared either a balance sheet, statement of operations, or cash-flow statement or the debtor has not filed a federal tax return.

Instructions for Selected Forms

Schedule A/B: Real and Personal Property

(Official Form 206A/B)

Schedule A/B: Assets – Real and Personal Property (Official Form 206A/B) requires debtors to list most of the property interests that are involved in a bankruptcy case. All debtors filing for bankruptcy must honestly list everything they own or in which they have a legal, equitable, or future interest. *Legal, equitable, or future interest* are broad terms and include all kinds of property interests in both tangible and intangible property, whether or not anyone else has an interest in that property.

The information in this form is grouped by asset category and, in general, follows the layout and order of liquidity found in a balance sheet. Examples are included for some items and are meant to give debtors an idea of what to include in the categories. The examples are not intended to be complete lists of everything within that category.

An authorized representative of the debtor must verify under penalty of perjury that the information provided is true and correct. Bankruptcy Rule 1008.

If the debtor makes a false statement or conceals property, the debtor may be fined up to \$500,000 or be imprisoned for up to 20 years or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Understand the terms used in this form

Current value

In this form, the debtor must report the *current value of the debtor's interest* in any property that it owns in each category. *Current value* is sometimes called *fair market value* and, for this form, it is the fair market value as of the date of filing the bankruptcy petition. *Current value* is how much the property is currently worth, which may be more or less than the amount the debtor paid for the property or the book value of the property.

Valuation method used for current value

In certain asset categories, the debtor must also provide the valuation method used to calculate the current value. Select a reasonable method that provides an accurate estimation of current value.

Examples of valuation methods may include:

- **Appraisal** (provide the date the appraisal was conducted);
- **Comparable sales** (for example, blue-book values or comparable sales provided by a broker);
- **Revenue-based** (for example, present value of revenue streams calculated for a hotel or apartment complex based on rents and available rooms);

- **Liquidation value** (for example, the price of the property when it is not allowed sufficient time to sell in the open market—this figure is typically provided by a professional);
- **Expert** (for example, an accountant or advisor who has special expertise with regard to the property);
- **Replacement value** (the cost of replacing the property);
- **Tax records** (for example, the value assessed on the property by the county appraisal);
- **Recent cost-based valuations** (for example, first-in first-out inventory valuation method).

Net book value of debtor’s interest (where available)

If the debtor does not prepare a balance sheet for its financial records or for its tax returns, then it does not need to provide information in this column.

If the debtor prepares a balance sheet for its financial records or for its tax returns, then it must also provide the *net book value of debtor’s interest* for certain types of property. For purposes of this form, use the book value reported on the most recent balance sheet prepared before filing this case.

Net book value is the carrying value of an asset on the debtor’s books or financial records and is generally calculated by taking the original cost of the property and subtracting depreciation or amortization expenses (if any).

Depreciation and amortization expenses are calculated using accounting procedures that allocate the cost of certain property over its useful life. It represents the decline in value over time due to wear and tear, obsolescence, or other factors.

How to list items on this form

- List items only once on this form; do not list an item in more than one category. If an item could fit into more than one category, select the category the debtor thinks is the most suitable and list the item there. For example, a car dealership may report vehicles under *Part 4: Inventory* instead of under *Part 8: Machinery, equipment, and vehicles*.
- List property held for resale in *Part 4: Inventory*. If the debtor separates manufactured items into raw materials, work in progress, and finished goods, report those items in the categories provided as appropriate. If the debtor only purchases items and holds them for resale and does not do any manufacturing, then report the items under finished goods, not as raw materials or work in progress.
- The values reported on this form must match the values reported on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D).
- In Schedule A/B, list any executory contracts or unexpired lease contracts that have a net value (for example, an unexpired lease for a building, a real estate listing agreement, or leases for machinery or equipment). Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)

The people or organizations to whom the debtor owes money are called its *creditors*. A *claim* is a creditor's right to payment.

Creditors may have different types of claims:

- **Secured claims.** Report these on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D).
- **Unsecured claims.** Report these on *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F).

Creditors with secured claims may be able to get paid from specific property in which that creditor has a security interest, such as a mortgage or a lien. That property is sometimes called *collateral* for the debt. Creditors with unsecured claims do not have rights against specific property, or the specific property in which the creditor has rights is not worth enough to pay the creditor in full.

Claims may be contingent, unliquidated, or disputed

Many claims have a specific amount which the debtor clearly owes. But some claims are uncertain or become due only after the bankruptcy petition is filed. All claims must be listed in the schedules, even if they are contingent, unliquidated, or disputed.

A claim is *contingent* if the debtor is not obligated to pay it unless a particular event occurs after the bankruptcy petition is filed.

A claim is *unliquidated* if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the amount of the claim has not been determined.

A claim is *disputed* if the debtor disagrees that it owes all or a portion of the debt.

A single claim can have one, more than one, or none of these characteristics.

Do not omit any secured creditors

In alphabetical order, list all creditors that have judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and purchase money security interests or other consensual liens against property of the debtor. These categories can be used to describe the lien.

The form is divided into parts. List a debt in Part 1 only once and list any other entities that should be notified about that debt in Part 2. For example, if an attorney is trying to collect a debt that the debtor owes to someone else, list the person to whom the debtor owes the debt in Part 1 and list the attorney in Part 2.

Determine the amount of each secured creditor's claim or claims

To determine the amount of a secured claim, compare the amount of the claim to the value of the debtor's interest in the property that is collateral for the claim. If that value is greater than the amount of the claim, then the entire amount of the claim is *secured*.

If the value of the property that is collateral for the claim is less than the amount of the claim, the difference is *unsecured*.

For example, if the outstanding balance due on an equipment loan is \$100,000 and the equipment is worth \$80,000, the lender has a secured claim of \$80,000 and an unsecured claim of \$20,000. In that situation, list the creditor only once on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D). Do not list the creditor again on *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F). In addition, if the case is a chapter 11 case and the creditor's unsecured claim makes it one of the 20 largest unsecured creditors, the creditor must also be included on *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims Who Are Not Insiders* (Official Form 204).

List a creditor in Schedule D even if it appears that no value exists to support that creditor's secured claim, as long as the creditor has a security interest in some property owned by the debtor. If the claim is secured only by property owned by a non-debtor, list the claim in Schedule E/F.

If there is more than one secured claim against the same property, the amount of the claim that is entitled to be paid first must be subtracted from the property value to determine how much value remains for the next claim.

For example, if a building worth \$300,000 has a first mortgage of \$200,000 and a second mortgage of \$150,000, the first mortgage would be fully secured, and there would be \$100,000 of property value for the second mortgage, and the claim secured by the second mortgage would have an unsecured portion of \$50,000.

\$300,000	value of a building
- \$200,000	first mortgage
\$100,000	remaining property value
\$150,000	second mortgage
- \$100,000	remaining property value
\$ 50,000	unsecured portion of second mortgage claim

Show the amount of any unsecured portion of a secured claim on Schedule D in Column C.

Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)

The people or organizations to whom the debtor owes money are called its *creditors*. A claim is a creditor's right to payment.

Creditors may have different types of claims:

- **Secured claims.** Report these on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D).
- **Unsecured claims.** Report these on *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F).

Creditors with unsecured claims do not have rights against specific property, or the specific property in which the creditor has rights is not worth enough to pay the creditor in full.

Use *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F) to identify everyone who holds an unsecured claim against the debtor as of the date the bankruptcy petition is filed unless that creditor is already listed on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D).

Creditors with secured claims have a right to take property from the debtor if the debtor does not pay them. They should be listed on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D).

If a secured creditor's full claim exceeds the value of the property securing that claim, the creditor may have a secured claim for the value of the property and an unsecured claim for the deficiency. In that situation, list the creditor only once on *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form

206D). Do not list the creditor again on *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F).

List a creditor in Schedule D even if it appears that no value exists to support that creditor's secured claim.

Claims may be contingent, unliquidated, or disputed

Many claims have a specific amount which the debtor clearly owes. But some claims are uncertain or become due only after the date the bankruptcy petition is filed. All claims, whether they are certain or uncertain as of the date of the filing, must be listed in the schedules, even if the claims are contingent, unliquidated, or disputed.

A claim is *contingent* if the debtor is not obligated to pay it unless a particular event occurs after the petition is filed.

A claim is *unliquidated* if the amount of the debt cannot be readily determined, such as by referring to an agreement or by a simple computation. An unliquidated claim is one for which there may be a definite liability but where the amount of the claim has not been set.

A claim is *disputed* if the debtor disagrees that it owes all or a portion of the debt.

A single claim can have one, more than one, or none of these characteristics.

Unsecured claims may be either priority or nonpriority claims

What are priority unsecured claims?

In bankruptcy cases, *priority unsecured claims* are those debts that the Bankruptcy Code requires to be paid before most other unsecured claims are paid. The most common priority unsecured claims are certain tax debts. Priority unsecured claims include those the debtor owes for:

- **Taxes and certain other debts owed to the government**—If the debtor owes certain federal, state, or local government taxes, customs duties, or penalties.
11 U.S.C. § 507(a)(8).
- **Wages, salaries, and commissions**—If the debtor owes wages, salaries, and commissions, including vacation, severance, and sick leave pay and those amounts were earned within 180 days before the bankruptcy petition was filed or the debtor ceased business. In either instance, only the first \$12,475 per claim is a priority claim.*
11 U.S.C. § 507(a)(4).
- **Contributions to employee benefit plans**—If the debtor owes contributions to an employee benefit plan for services an employee rendered within 180 days before the bankruptcy petition was filed, or within 180 days before the debtor ceased business. Only the first \$12,475 per employee, less any amounts owed for wages, salaries, and commissions, is a priority claim.*
11 U.S.C. § 507(a)(5).
- **Certain claims of farmers and fishermen**—Only the first \$6,150 per farmer or fisherman is a priority claim.* 11 U.S.C. § 507(a)(6).

* Subject to adjustment on 4/1/16, and every 3 years after that for cases begun on or after the date of adjustment.

- **Deposits by individuals** — If the debtor obtained from an individual a deposit for the purchase, lease, or rental of property or services for the individual or the individual's family, the deposit may be a priority claim. Unredeemed gift certificates are deposits. The priority is limited to \$2,775.*
11 U.S.C. § 507(a)(7).

Other categories exist.

What are nonpriority unsecured claims?

Nonpriority unsecured claims are those debts that generally will be paid after priority unsecured claims are paid. The most common examples of nonpriority unsecured claims are trade debts, bank loans, contract obligations, and fees for professional services.

In Part 2, list every creditor owed money by the debtor not listed before, regardless of the amount and even if the debtor plans to pay a particular debt.

What if a claim has both priority and nonpriority amounts?

If a claim has both priority and nonpriority amounts, list that claim in Part 1 and show both priority and nonpriority amounts. Do not list it again in Part 2.

On what date was a debt incurred?

When a debt was incurred on a single date, fill in the actual date that the debt was incurred.

When a debt was incurred on multiple dates, fill in the range of dates. For example, if the debtor has a line of credit with multiple draws, fill in the month and year of the first and last transactions, if known.

Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)

Use *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G) to identify the debtor's ongoing leases and certain contracts. List all of the debtor's executory contracts and unexpired leases.

Executory contracts are often described as contracts between the debtor and another party in which neither party has performed all of the requirements by the time the debtor files for bankruptcy. *Unexpired leases* are leases that are still in effect.

The debtor must list all agreements that may be executory contracts or unexpired leases, even if they are listed on *Schedule A/B: Property* (Official Form 206A/B) or *Schedule E/F: Creditors Who Have Unsecured Claims*, (Official Form 206 E/F) including the following:

- Equipment leases;
- Vehicle leases;
- Leases for business or investment property (for example, office or warehouse space);
- Contracts to sell a building, land, or other

real property;

- Service provider agreements (for example, maintenance contracts for office equipment, and contracts for cell phones, personal electronic devices, internet, and cable);
- Sales contracts;
- Supplier or service contracts;
- Leases or timeshare contracts;
- Employment contracts;
- Real estate listing agreements;
- Intellectual property license agreements (such as copyright, patent, trademark, and industrial rights);
- Development contracts; and
- Insurance contracts.

State the contract number of any government contract.

Glossary

Definitions Used in the Forms for Non-Individuals Filing for Bankruptcy

Here are definitions for some of the important terms used in the forms for non-individuals who are filing for bankruptcy. See *Bankruptcy Basics* (<http://www.uscourts.gov/FederalCourts>) for more information about filing for bankruptcy and other important terms.

Affiliate — As used in the Bankruptcy Code and Rules, an affiliate of the debtor is:

- (a) an entity that directly or indirectly owns, controls, or holds with power to vote at least 20% of the outstanding voting securities of the debtor (excluding entities that hold such securities in a fiduciary or agency capacity without sole discretionary power to vote such securities or solely to secure a debt, if the entity has not in fact exercised such power to vote);
- (b) a corporation 20% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor, or by an entity that directly or indirectly owns, controls, or holds with power to vote, 20% or more of the outstanding voting securities of the debtor (again excluding entities that hold such securities in a fiduciary or agency capacity without sole discretionary power to vote such securities or solely to secure a debt, if the entity has not in fact exercised such power to vote);
- (c) a person whose business is operated under a lease or operating agreement by a debtor, or person substantially all of whose property is operated under an operating agreement with the debtor; or
- (d) an entity that operates the business or substantially all of the property of the debtor under a lease or operating agreement.

Amortization — 1. A non-cash accounting method that allocates the cost of an intangible asset over its useful life. 2. Paying off a liability in regular installments over a period of time.

Amortization schedule — A report that contains a listing of intangible assets and the amount of amortization and accumulated amortization that has been allocated over the life of those assets. These reports are typically maintained for purposes of calculating tax deductions and preparing tax returns.

Annuity — A contract for the periodic payment of money, either for the life of the recipient or for a fixed number of years.

Book value or net book value — The carrying value of an asset on the debtor's books or financial records. This amount is generally calculated by taking the original cost of the property and subtracting depreciation or amortization expenses (if any).

Causes of action — Claims where the debtor asserts money or other relief from a third party or where a third party is entitled to money or other relief from the debtor.

Claim — A creditor’s right to payment, even if contingent, disputed, unliquidated, or unmatured.

Codebtor — A person or entity that may also be responsible for paying a claim against the debtor.

Collateral — Property that secures a debt.

Contingent claim — Debt that is only payable if certain events occur.

Creditor matrix or mailing matrix — A list of names and addresses of all of the debtor’s creditors, formatted as a mailing list according to instructions from the bankruptcy court in which the debtor files the case.

Creditor — The person or organization to whom the debtor owes money.

Current value or fair market value — how much the property is worth, which may be more or less than the purchase price or the book value. See the instructions for specific forms regarding whether the value requested is as of the date of the filing of the petition, the date the debtor completes the form, or some other date.

Debt — Liability on a claim.

Depreciation — A non-cash accounting method that allocates the cost of a tangible asset over its useful life.

Depreciation schedule — A report that contains a listing of tangible assets and the amount of depreciation and accumulated depreciation that has been allocated over the life of those assets. These reports are typically maintained for purposes of calculating tax deductions and preparing tax returns.

Discharge — A discharge in bankruptcy relieves a debtor from having to pay certain debts. For non-individuals, it applies only in certain chapter 11 and chapter 12 cases.

Disputed claim — A claim about which there is a disagreement. A claim is disputed if the debtor disagrees that he or she owes all or a portion of the debt.

Doubtful or uncollectible accounts — Receivables that the debtor has little or no expectation of collecting. This amount is deducted from total receivables to calculate the amount that the debtor reasonably expects will be collected on its receivables.

Executory contract — Often described as a contract between the debtor and another party as to which neither the debtor nor the other party has performed all of the requirements by the time the bankruptcy case is filed.

Goodwill — Amount of a purchase price that exceeds the net tangible assets. It can also be the value of an intangible asset that has a quantifiable value in business. Examples include a strong brand or reputation or, in an acquisition, goodwill.

Gross income — A company's gross revenue minus cost of goods sold.

Gross revenue — Amount generated by all of a company's operations before deductions for expenses.

Insider — Insiders include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of a debtor and insiders of such affiliates, and any managing agent of a debtor.
11 U.S.C. § 101.

Intangible assets — Types of property that are not physical in nature and cannot be touched, seen, or held. Examples include intellectual property and name recognition.

Intellectual property — An intangible asset that consists of human knowledge and ideas. Examples include patents, copyrights, trademarks, and software.

Legal or equitable interest — Any interest of the debtor in property, whether tangible or intangible, and whether or not anyone other than the debtor also has an interest in that property.

Lien — A charge against or interest in property to secure a debt.

Nature of claim — The legal type of a claim, not the factual basis for it. Examples include breach of contract, personal injury, malpractice, and fraud.

Negotiable instrument — A written and signed unconditional promise or order to pay a specified sum of money on demand or at a definite time payable to order or bearer. Negotiable instruments include government bonds, corporate bonds, personal checks, cashiers' checks, promissory notes, and money orders.

Net operating loss (NOL) — Occurs when allowable tax deductions exceed taxable income, resulting in negative taxable income. NOLs can generally be used to recover past tax payments (*carry-back*) or reduce future tax payments (*carry-forward*).

Non-individual debtor — A non-individual entity such as a corporation, partnership, or limited liability company (LLC), on whose behalf or against whom a bankruptcy case is filed.

Non-negotiable instrument — Financial instrument that cannot be transferred to another party by signing or delivering it.

Nonpriority unsecured claim — Debt that generally will be paid after priority unsecured claims are paid. Examples include amounts due for products purchased, professional services, and utilities.

Priority unsecured claim — Debt that the Bankruptcy Code requires to be paid before most other unsecured claims are paid. Examples include certain income tax debts and certain employee wage claims.

Secured claim — A claim that may be satisfied in whole or in part either

- through collateral,
- through a charge against or an interest in the debtor's property, or
- through a right of setoff.

Setoff — Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Sole proprietorship — A business that a debtor owns as an individual, rather than a separate legal entity such as a corporation, partnership, or LLC. Sole proprietors must use the bankruptcy forms in the 100 series.

Tangible asset — Types of property that have physical form and can be seen, touched, or held. Examples include cash, machinery, buildings, and land.

Unexpired lease — Lease that is in effect at the time the bankruptcy petition is filed.

Unliquidated claim — A debt for which the amount cannot be readily determined, such as by referring to an agreement or by a simple computation.

